

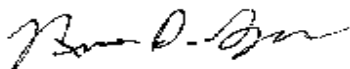
# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Amanda Davis, Deputy City Clerk  
**DATE:** December 18, 2012  
**SUBJECT:** City Council Minutes

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APPROVAL FOR FORWARDING:



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Richard Spitler, City Manager

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- 1  
2 **DISCUSSION:** Minutes of the July 17, 2012 regular City Council Meeting, July 17, 2012  
3 Calistoga Public Facilities Corporation Meeting, and the August 7, 2012 Regular City  
4 Council Meeting.  
5  
6 **RECOMMENDATION:** Approve Minutes.  
7  
8 **ATTACHMENTS:** Aforementioned Minutes.

1 **MINUTES**

2 **CITY COUNCIL – REGULAR MEETING**  
3 **TUESDAY, JULY 17, 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 7:00 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, Public Works Director/City Engineer Dan Takasugi, City Attorney  
15 Karen Murphy, Executive Secretary Claudia Salada, and Deputy City Clerk  
16 Amanda Davis.

17  
18 **B) SALUTE TO THE FLAG**

19  
20 **C) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS**

21 (7:01 p.m.)

22  
23 **Don Scott, 4281 Scott Way**, spoke regarding loud noise along Highway 29  
24 coming from motorcycles. He will be contacting the Sheriff's Department and  
25 feels the City has the manpower to enforce the problem.

26  
27 **Norma Tofanelli, 1001 Dunaweal Lane**, said the community is becoming  
28 divided and cited evidence of failed leadership. She spoke regarding the  
29 General Plan.

30  
31 **D) ADOPTION OF MEETING AGENDA**

32  
33 It was **MOVED** by Councilmember **Slusser** and **SECONDED** by  
34 Councilmember **Canning** to approve the Council Meeting Agenda. The Motion  
35 was carried unanimously.

36  
37 **E) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION (7:10 p.m.)**

38  
39 Councilmember **Canning** reminded everyone that the Concerts in the Park  
40 continue to be held Thursday evenings from 6:30 to 8:30 p.m. He gave a  
41 shuttle program update, stating that ridership for June 2012 increased to 1,261  
42 as compared to 447 in June of 2011. He also welcomed his cousin Kieron  
43 Canning who is visiting from Scotland.  
44

45 Mayor **Gingles** recognized the enhanced use and benefits of the shuttle for  
46 transportation which also helps towards the downtown's TOT and business  
47 vibrancy. He reported receiving a flyer from ABAG regarding a meeting on  
48 Thursday. He stated that the allocation of RHNA numbers will remain at 27  
49 new homes for the period 2014-2022. Lastly, he cited a nice article in the Press  
50 Democrat entitled, "Toxic Algae Hits Spring Lake" which highlights Clayton  
51 Creager, a former Planning Commissioner and now a Senior Scientist with the  
52 North Coast Regional Water Quality Control Board. He also welcomed Karen  
53 Murphy, Partner of Burke, Williams & Sorensen, LLP to the meeting.

54  
55 **City Manager Spitler** introduced Claudia Salada who is the new Executive  
56 Secretary to the City Manager.

57  
58 **F) PRESENTATIONS/ PROCLAMATIONS/ AWARDS - None**

59  
60 **G) CONSENT CALENDAR (7:14 p.m.)**

- 61  
62 1) Adoption of Resolution No. 2012-046 confirming the Mayor's  
63 appointments of a Voting Delegate and Alternate Delegate for the 2012  
64 League of California Cities Conference.  
65  
66 2) Adoption of Resolution No. 2012047 authorizing a two-year agreement in  
67 the amount of \$30,000 per year with the Housing Authority of the City of  
68 Napa to provide affordable housing services.  
69  
70 3) Adoption of Resolution No. 2012-048 approving a Joint Powers  
71 Agreement to Fund and Administer the Napa County Stormwater  
72 Management Program

73  
74 It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember  
75 **Kraus** to approve the Consent Calendar. The Motion was carried unanimously.

76  
77 **H) PUBLIC HEARINGS**

- 78  
79 4) Adoption of Resolution No. 2012-049 authorizing the Levying and  
80 Collection of Assessments for the Silverado Place Landscape  
81 Maintenance District for Fiscal Year 2012-13.

82  
83 Councilmember **Kraus** recused himself from participating on Items 4 and 5 and  
84 left the Council Chambers.

85  
86 **Public Works Director/City Engineer Dan Takasugi** gave the staff report and  
87 overview of the request to authorize the levying and collection of assessments  
88 for the Silverado Place Landscape Maintenance District.  
89

90 **Mayor Gingles** opened the public hearing at 7:17 p.m.. He confirmed there  
91 were no public speakers and closed the public hearing at 7:18 p.m.

92  
93 It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember  
94 **Slusser** to adopt Resolution No. 2012-049 authorizing the Levying and  
95 Collection of Assessments for the Silverado Place Landscape Maintenance  
96 District for Fiscal Year 2012-13. The Motion was carried unanimously (Kraus  
97 recused).

98  
99 **5) Adoption of Resolution No. 2012-050 Authorizing the Levying and**  
100 **Collection of Assessments for the Palisades Landscape Maintenance**  
101 **District for Fiscal Year 2012-13.**

102  
103 **Public Works Director/City Engineer Dan Takasugi** gave the staff report and  
104 overview of the request to authorize the levying and collection of assessments  
105 for the Palisades Landscape Maintenance District.

106  
107 **Mayor Gingles** opened the public hearing at 7:18 p.m. He confirmed there  
108 were no public speakers and closed the public hearing at 7:19 p.m.

109  
110 It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember  
111 **Slusser** to adopt Resolution No. 2012-050 Authorizing the Levying and  
112 Collection of Assessments for the Palisades Landscape Maintenance District  
113 for Fiscal Year 2012-13. The Motion was carried unanimously (Kraus  
114 recused).

115  
116 Councilmember **Kraus** returned and was noted present to participate in the  
117 remainder of the meeting.

118  
119 **6) Consideration of an Ordinance amending the approved Development**  
120 **Agreement for the Vineyard Oaks Subdivision project to extend the term**  
121 **of the agreement to July 18, 2014 and to change the timeframe for**  
122 **payment of required development impact fees. (7:19 p.m.)**

123  
124 Mayor **Gingles** and Councilmember **Slusser** recused themselves from  
125 participating in the matter and left the Council Chambers.

126  
127 **Planning & Building Manager Ken MacNab** gave the staff report and  
128 overview of the request for the Council to consider an Ordinance amending the  
129 approved development agreement for Vineyard Oaks Subdivision and  
130 modifying a timeframe for payment of required development impact fees  
131 totaling \$1.5 million. He indicated that there are no other changes to the project  
132 being requested.

133  
134 Vice Mayor **Dunsford** opened the public hearing at 7:22 p.m.  
135

136 **Steve Carter, 1090 Wellsona Road, Paso Robles**, representing his parents  
137 and said he appreciates the Council's consideration of their request. He thinks  
138 the subdivision plan is well thought out and they are in negotiations with a new  
139 developer.

140  
141 Vice Mayor **Dunsford** closed the public hearing at 7:25 p.m.

142  
143 Councilmember **Canning** asked what consequences would occur if the Council  
144 did not approve the request. **Mr. MacNab** replied that the Carter's would be in  
145 default of the agreement, the City Manager would make a determination of the  
146 status of the agreement which would no longer be valid, and the Carter's would  
147 most likely lose their entitlements.

148  
149 Councilmember **Canning** asked and confirmed with the City Manager that if  
150 after the one year extension, the Carter's could apply for another amendment.

151  
152 Councilmember **Kraus** said when the matter first came to the Council there  
153 was concern about drainage along Centennial and the possibility of damaging  
154 the bridge on Grant Street. Certain language was adopted into the  
155 development agreement and he confirmed with **Mr. MacNab** that these  
156 provisions are still in place and included in the agreement.

157  
158 It was **MOVED** by Councilmember **Canning** and **SECONDED** by  
159 Councilmember **Kraus** to introduce and waive first reading of an Ordinance  
160 amending the approved Development Agreement for the Vineyard Oaks  
161 Subdivision project to extend the term of the agreement to July 18, 2014 and to  
162 change the timeframe for payment of required development impact fees. The  
163 Motion was carried by the following roll call vote (3-0-2): Ayes: Canning,  
164 Kraus, Dunsford. Noes: None. Recused: Slusser and Gingles.

165  
166 Mayor **Gingles** and Councilmember **Slusser** returned to the dais and were  
167 noted present for the remainder of the meeting.

168  
169 **7) Accept the County Elections Division Certification that the Referendum**  
170 **Petition Against Ordinance 681 Approving the Silver Rose Planned**  
171 **Development District Has the Requisite Number of Signatures; and**  
172 **Reconsider Ordinance 681 and either (a) Introduce an Ordinance to**  
173 **Repeal Ordinance 681, or (b) Adopt a Resolution Submitting the**  
174 **Ordinance to the Voters at the Next General Election and Requesting the**  
175 **Board of Supervisors of Napa County to Consolidate said Election with**  
176 **the November 6, 2012 Consolidated General Election, and to Consider a**  
177 **Resolution Providing for the Submittal of Rebuttal Arguments and the**  
178 **Appointment of a Subcommittee to Prepare Arguments in Favor of the**  
179 **Ordinance.**

180

181 **City Manager Spitler** gave an overview of the matter, stating Ordinance 681  
182 was adopted that established a Planned Development Zone for the Silver Rose  
183 project. The Council approved the project and under state law, residents have  
184 the right to circulate a petition for a referendum to challenge the Council's  
185 decision, which did occur. He and the City Attorney reviewed it and found it  
186 acceptable, as well as the County Elections Officer.

187  
188 He presented options for Council consideration to introduce an ordinance to  
189 rescind Ordinance 681 wherein the project would no longer be in existence. If  
190 the developer wanted to return and undergo a similar project, they would have  
191 to wait one year. The second option is for the Council to send the referendum  
192 onto the November 6, 2012 election which would become subject to voters.  
193 The first action would be to adopt a resolution for the filing of rebuttal  
194 arguments and then to adopt a resolution submitting the ordinance to the  
195 voters at the next General Election which would be November 6, 2012.

196  
197 The **City Manager** then presented the Measure's wording as it would appear  
198 on the ballot which reads: *"Shall Ordinance No. 681 approved by the City*  
199 *Council be adopted to establish certain planned development regulations for*  
200 *the property located on and near 400 Silverado Trail, Calistoga, which will*  
201 *allow the development of the Silver Rose resort and residential project?"* A  
202 resolution allows for arguments for and against adoption of the resolution, as  
203 well as a resolution allowing for rebuttal to each argument. Staff recommends  
204 the Council prepare the argument for adoption of this ordinance and appointing  
205 a subcommittee of Councilmembers **Kraus** and **Slusser**. Proponents can also  
206 write their argument against the ordinance as well as additional arguments  
207 back and forth. Staff recommends the second option to send the Measure to a  
208 vote of the people which is a simple majority vote.

209  
210 **John Tuteur, Napa County Assessor/Recorder**, presented the petition that  
211 County staff reviewed which has been found to be sufficient numbers of  
212 signatures based on signature verification on their picture affidavits of  
213 registration and registered address checks. He provided it back to the City  
214 Clerk. He clarified revisions made to the resolution which state that the  
215 ordinance will be published and date changes for the arguments by 4:30 p.m.  
216 on Friday, August 17<sup>th</sup> and rebuttals by 5:00 p.m. on August 24<sup>th</sup>. He explained  
217 that the City Attorney writes an impartial analysis and the County has asked  
218 that this be filed by August 10, 2012.

219  
220 Councilmember **Canning** asked if those who write rebuttals are identified  
221 ahead of time. Mr. Tuteur said each rebuttal is submitted to the City Clerk who  
222 makes sure there is the correct 300 word count (arguments); 250 word count  
223 (rebuttals) and they are done by August 24<sup>th</sup> so County staff can submit them  
224 to the vendor to print them in the ballot materials. He said there is a statement  
225 of the truth of the argument that must be submitted with the argument which  
226 identifies the person and any group, and there can be up to five signatures. If

227 the Council writes the arguments others can sign as well, or up to five  
228 signatures. For rebuttals, they can be signed by up to five additional or different  
229 authors.

230  
231 **City Attorney Murphy** stated anyone can submit an argument, and if the  
232 Council desires to submit an argument/rebuttal, that decision should be made  
233 tonight.

234  
235 **Mr. Tuteur** said if the Council submits an argument it takes precedence over  
236 any other argument, as well as a rebuttal. He said only one argument for and  
237 against and one rebuttal for and against can be submitted. If the City writes it,  
238 the City gets precedence.

239  
240 **Ms. Murphy** added that State law sets the precedence and the Council has  
241 first priority, then any proponents would have precedence, then city groups  
242 would have third priority, and then residents.

243  
244 **Mayor Gingles** opened the public hearing at 7:48 p.m.

245  
246 **Larry Kromann, 19 Rockrose Lane**, spoke of decreasing census numbers  
247 which means decreased City funding. He spoke of Yountville and Calistoga  
248 demographics which have many retirees and ones that thrive on TOT. He  
249 asked for adequate housing, flourishing businesses, excellent schools, and a  
250 caring and responsive program for the aging senior population.

251  
252 **Dawnine Dyer, 1501 Diamond Mountain Road**, urged the Council to rescind  
253 the zoning change, given the opposition to the zoning change at the Silver  
254 Rose property.

255  
256 **Ron Golden, 3750 Silverado Trail**, read comments from Robert Kukota who  
257 thinks that the developers and the Silver Rose project will benefit citizens,  
258 improve the town's ability to market the town and its vineyards, as well as  
259 business. He urged Council to uphold its decision.

260  
261 **Carlene Moore, 2271 Grant Street, Calistoga Chamber of Commerce**,  
262 urged the Council to consider the Chamber's mission which is to maintain and  
263 enhance economic viability. The Chamber has considered the project and she  
264 cited the many benefits the Chamber believes the project will bring.

265  
266 **James Anzalone, 1900 Cedar Street**, business owner, said he recently hired  
267 a second employee and the project will help his business succeed.

268  
269 **Charlotte Williams, 59 View Road**, asked the Council that in the case that the  
270 Council rescinds the ordinance, if the developer were to return with a  
271 significant change such as removal of the 21 two story houses, would it still  
272 require an entire year.

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**City Attorney Murphy** said the year-long restriction is only for the same or similar ordinance. The City would have to make a determination as to whether it is substantially similar. Councilmember **Kraus** asked if this means one year until the applicant can submit. **Ms. Murphy** said it is one year to its adoption of an ordinance. During that one year timeframe the City could work with a developer on alternatives, but the same or similar ordinance could not be brought forward for adoption.

**Ms. Williams** asked whether the developer could immediately re-submit their project if the measure goes to the ballot and they return with something within the zoning regulations. Mayor **Gingles** said he believes that if defeated, the developer cannot re-apply for at least one year if it is substantially the same as presented. **City Manager Spitler** noted that if the application is substantially different or similar, staff would have to make such a determination.

Councilmember **Canning** confirmed that the project includes 3, two-story homes and not 21 two-story homes.

**Norma Tofanelli, 1001 Dunaweal Lane**, voiced concern that the resolution that was presented this evening was revised and it has not been reviewed by the proponents of the referendum.

**Clarence Luvisi, 285 Rosedale Road**, spoke regarding long-term expenses and obligations of the City, as there is still no information or facts about development impact fees, reimbursement and future infrastructure replacement fees.

**Don Scott, 4281 Scott Way**, said he went door to door and 80% of the people who answered their door wanted to sign the petition and were not in favor of the project.

Mayor **Gingles** closed the public hearing at 8:17 p.m..

Vice Mayor **Dunsford** supported staff's recommendation to place the measure on the ballot and voiced support for the Council writing the rebuttal.

Councilmember **Kraus** said he would serve on the subcommittee if the Council votes in this way. He recognizes there are 500 people who signed the petition, but he was not sure they heard both sides of the argument and supported placing the measure on the ballot.

Councilmember **Canning** said he makes his decisions based upon all input and has not seen a compelling argument presented to alter his decision in support of the project. He sees no reason to rescind his previous decision, recognized some people feel the Council is not listening to residents, and



319 placing it on the ballot allows people to vote. He also believes that clear  
320 information should be presented on both sides. Regarding who writes the  
321 argument in support of (Measure B), he understands the City has the ability to  
322 write the argument, but in other situations the applicant can write it as well and  
323 it is up to the Council.  
324

325 **City Attorney Murphy** said if the Council does not desire to draft an argument,  
326 she recommended that Section 5 be deleted in the resolution and arguments  
327 would be set in accordance with the Elections Code which sets the order of  
328 precedence. She clarified that the developer could fall under this and submit  
329 their argument.  
330

331 Councilmember **Canning** suggested the City do a pro forma going out 5-10  
332 years and address impacts the project would cause to expenses and services  
333 of the City, as well as what the proposed income to the City would be.  
334

335 Councilmember **Slusser** questioned and confirmed with **City Attorney**  
336 **Murphy** that if there is a subcommittee of the Council, it would need to consist  
337 of two members to work with the developer to draft language. The  
338 subcommittee would draft the argument which would come back to the Council  
339 depending on the timing. She recommended delegating authority for the  
340 subcommittee to draft the argument or to bring it back to the Council. **The City**  
341 **Manager** noted that the August 6<sup>th</sup> meeting would meet the timelines of the  
342 County.  
343

344 Councilmember **Canning** commented that he believes that placing it on the  
345 August 6<sup>th</sup> Council meeting would provide fairness and time.  
346

347 Mayor **Gingles** reported that the Council received a letter in opposition from  
348 Dawnine Dyer and three letters in favor from Ken Peterson, Ron Kukotas and  
349 Karen Cakebread.  
350

351 Councilmember **Slusser** said she believes that a decision needs to be made  
352 for the good of all and it is unfortunate people are not pleased with some  
353 Council actions. She believes that if the Council goes forward with the  
354 referendum, some people have suggested holding workshops which she  
355 supported, but the decision will be up to voters.  
356

357 Councilmembers **Canning** and Vice Mayor **Dunsford** voiced their support for  
358 the Council to write the argument. Mayor **Gingles** said he has supported the  
359 project, the referendum, and said he is not going to rescind his vote and asked  
360 that it be placed on the ballot. He would also support the resolution for the  
361 Council to submit the initial arguments.  
362

363 It was **MOVED** by Councilmember **Kraus** and **SECONDED** by Councilmember  
364 **Canning** to adopt Resolution No. 2012-051 accepting the County's  
365 certification. The Motion was carried unanimously.  
366

367 It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember  
368 **Canning** to adopt Resolution 2012-052 providing for the filing of rebuttal  
369 arguments for City Ballot Measures submitted at municipal elections. The  
370 Motion was carried unanimously.  
371

372 It was **MOVED** by Mayor **Gingles** and **SECONDED** by Vice Mayor **Dunsford**  
373 to adopt Resolution 2012-051, as revised, submitting the Ordinance to the  
374 voters at the next General Election and requesting the Board of Supervisors of  
375 Napa County to consolidate said election with the November 6, 2012  
376 Consolidated General Election, and to consider a Resolution providing for the  
377 Council authoring and signing/submittal of Rebuttal Arguments, but that it  
378 makes no designation to do this. The Motion was carried unanimously.  
379

380 It was **MOVED** by Mayor **Gingles** and **SECONDED** by Councilmember  
381 **Canning** to nominate and appoint Vice Mayor **Dunsford** and Councilmember  
382 **Kraus** to serve on a subcommittee to prepare the arguments and submit them  
383 to the Election Official. The Motion was carried unanimously.  
384

385 **I) GENERAL GOVERNMENT (8:37 p.m.)**  
386

387 **8) Adoption of a Resolution awarding a one-year contract with either the**  
388 **Calistoga Tribune or the Napa Valley Register in an amount not to exceed**  
389 **\$10,000 for publication of City of Calistoga legal advertisements for the**  
390 **period ending June 30, 2013, and authorizing the City Manager to execute**  
391 **the contract.**  
392

393 **City Manager Spitler** gave the staff report and explained the requirement for  
394 the City to submit bids of adjudicated newspapers for publication of legal  
395 advertisements. He discussed RFP criteria, consideration of the submittals  
396 from both newspapers and options for the Council to consider, stating staff has  
397 no recommendation.  
398

399 Mayor **Gingles** called for public comments.  
400

401 **Pat Hampton, Calistoga Tribune, 2005 Highwalks Road**, spoke about their  
402 becoming adjudicated 6 years ago and challenged other newspapers on their  
403 low bids.  
404

405 Councilmember comments ensued.  
406

407 It was **MOVED** by Mayor **Gingles** and **SECONDED** by Councilmember  
408 **Canning** to adopt a **Resolution 2012-053** awarding a one-year contract with

409 the Calistoga Tribune in an amount not to exceed \$10,000 for publication of  
410 City of Calistoga legal advertisements for the period ending June 30, 2013, and  
411 authorizing the City Manager to execute the contract. The Motion was carried  
412 unanimously.

413  
414 **9) Receipt of 2011/2012 Grand Jury Final Report on Measure A and**  
415 **Authorization of the City of Calistoga's Response. (8:53 p.m.)**

416  
417 **City Manager Spitler** gave a background of the Grand Jury Final Report on  
418 Measure A, noted the City needs to provide a response and asked for  
419 authorization of the draft letter.

420  
421 **Public Works Director/City Engineer Dan Takasugi** said staff prepared a  
422 draft letter which disagrees with Finding 3 and Recommendation No. 11. In  
423 addition, the letter elaborates on the history of Measure A expenditures, on the  
424 Mt. Washington Water Tank, and on expenditure of legal fees and expenses.  
425 Mayor Gingles referred to page 7, he asked that the word "even" be deleted  
426 where it states "...even with zero growth..."

427  
428 Councilmembers indicated that the Grand Jury report states that all  
429 Councilmembers were interviewed which did not occur.

430  
431 Mayor **Gingles** called for public comment.

432  
433 **Norma Tofanelli, 1001 Dunaweal Lane**, said the proposed response repeats  
434 what the Council has already told the Grand Jury and feels the response will be  
435 rejected at election time.

436  
437 Council discussion ensued and Councilmembers voiced support for the  
438 revision made by Mayor **Gingles**.

439  
440 It was **MOVED** by Mayor **Gingles** and **SECONDED** by Councilmember  
441 **Canning** to receive the report and authorize the response letter, as revised.  
442 The Motion was carried unanimously.

443  
444 **J) ADJOURNMENT/CONVENE CALISTOGA PUBLIC FACILITIES CORPORATION**

445 **Mayor Gingles** adjourned the meeting at 9:20 p.m. to the annual meeting of the  
446 Calistoga Public Facilities Corporation on Tuesday, July 17, 2012, Calistoga  
447 Community Center, 1307 Washington Street, 7:00 p.m.

448  
449 **Respectfully submitted:**

450  
451 \_\_\_\_\_  
452 **Prepared by: Amanda Davis, Deputy City Clerk**

453  
454 \_\_\_\_\_  
**Approved by: Jack Gingles, Mayor**

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**MINUTES**  
**ANNUAL MEETING OF THE**  
**CALISTOGA PUBLIC FACILITIES CORPORATION**  
**TUESDAY, JULY 17, 2012**  
**AFTER THE ADJOURNMENT OF THE CITY COUNCIL MEETING**  
**CALISTOGA COMMUNITY CENTER**

9 **A) CALL TO ORDER**

10 **Chairman Jack Gingles** called the regular meeting of the Calistoga Public Facilities  
11 Corporation to order at 9:06 p.m. In addition to Chairman Jack Gingles the following Board  
12 Members were present: Vice Chairman Michael Dunsford, Chris Canning, Gary Kraus, and  
13 Karen Slusser. Also present were President Richard Spitler, Treasurer Gloria Leon and  
14 Secretary Amanda Davis.

15  
16 **B) ORAL COMMUNICATIONS**

17 Clarence Luvisi, 285 Rosedale Rd., asked for clarification on what the Calistoga  
18 Public Facilities Corporation is and its function.

19  
20 **C) ADOPTION OF MEETING AGENDA**

21 It was **MOVED** by Board Member **Canning** and **SECONDED** by Board Member  
22 **Kraus** to accept the agenda as written. The Motion was carried unanimously.

23  
24 **D) GENERAL ACTIVITIES**

- 25  
26 1) **Minutes of the July 19, 2011 Special Meeting of the Calistoga Public Facilities**  
27 **Corporation.**

28  
29 It was **MOVED** by **Board Member Kraus** and **SECONDED** by **Board Member**  
30 **Canning** to adopt the Minutes of the July 19, 2011 Special Meeting of the Calistoga  
31 Public Facilities Corporation. The Motion was carried unanimously.

- 32  
33 2) **Annual report of Calistoga Public Facilities Corporation.**

34  
35 President **Spitler** explained what the role of the Calistoga Public Facilities  
36 Corporation (CPFC) is. He then provided the report for the CPFC for Fiscal Year  
37 2011/2012. He stated that no new loans are anticipated for next year. The  
38 Corporation will continue paying off debt. There is one year remaining on the USDA  
39 loan that was used for the Mt. Washington Water Tank Project, which is a USDA  
40 administered project.

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44 **E) ADJOURNMENT**

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**Chairman Gingles** adjourned the meeting at 9:54 p.m. to the next scheduled annual meeting of the Calistoga Public Facilities Corporation, on Tuesday, July 16, 2013, after the adjournment of the regular City Council Meeting held on the same day, Calistoga Community Center, 1307 Washington Street.

**Respectfully submitted:**

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**Prepared by: Amanda Davis, Secretary**

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**Approved by: Jack Gingles, Chairman**

1 MINUTES

2 CITY COUNCIL-REGULAR MEETING  
3 TUESDAY, AUGUST 7, 2012- 7:00 P.M.  
4 CALISTOGA COMMUNITY CENTER  
5

6  
7 **A) CALL TO ORDER**  
8

9 **Mayor Gingles called the Regular Session to order at 7:01 p.m.**

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

14 Also present was City Manager Richard Spitler, Planning & Building Manager  
15 Ken MacNab, Senior Planner Erik Lundquist, Public Works Director/City  
16 Engineer Dan Takasugi, Senior Civil Engineer Derek Rayner; Administrative  
17 Services Director Gloria Leon and Deputy City Clerk Amanda Davis.  
18

19 **B) SALUTE TO THE FLAG**  
20

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

22 (7:02 p.m.)  
23

24 **Dennis McNay, 2653 Foothill Blvd.,** asked for a report on the Tourism  
25 Business Improvement District (TBID) action.  
26

27 **Councilmember Canning** said the year-end report will be given in September  
28 and TBID funding will be called for in September.  
29

30 **Marvin Braun, 2412 Foothill Boulevard,** spoke in support of the Fair Housing  
31 Napa Valley item, stating the organization has been responsive and proactive  
32 at the Rancho mobile home park on issues affecting residents.  
33

34 **Ronald Lynch, 2412 Foothill Boulevard,** President of the Homeowner's  
35 Association at this location spoke in support of Fair Housing Napa Valley.  
36

37 **D) ADOPTION OF MEETING AGENDA**  
38

39 It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember  
40 **Kraus** to approve the Council Meeting Agenda. The Motion was carried  
41 unanimously.  
42  
43  
44

45 **E) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

46  
47 Councilmember **Canning** reported receiving concerns from business owners  
48 and visitors regarding deceptively faded paint and issuance of parking tickets in  
49 front of Bank of America. He noted that new striping will be done this weekend.

50  
51 Councilmember **Kraus** congratulated Caltrans on a high quality repaving job.

52  
53 Mayor **Gingles** gave the following report:

- 54
- 55 • A memo was received from the Public Works Department that on  
56 August 8<sup>th</sup> and 9<sup>th</sup>, the Lincoln Avenue center line and parking stall  
57 markings will be done. He thinks that those who received parking tickets  
58 might be able to get them retracted at the courthouse;
  - 59 • This past week there was a structure fire on View Rd. and the house  
60 burnt down. He complimented the Fire Department and Chief. He stated  
61 that a couple of individuals asked for a Town Hall meeting which will be  
62 held August 8<sup>th</sup> at 10 View Road at 7:00 p.m.;
  - 63 • Clive Richardson has tried very hard to get a Town Hall meeting set up  
64 regarding the Silver Rose Resort, but the proponents of the referendum  
65 do not want the applicant to be in attendance and the meeting has been  
66 canceled;
  - 67 • Five veterans were honored today in Yountville and they received  
68 Congressional Medals of Honor;
  - 69 • Over the last couple of months, there have been a few individuals who  
70 have chastised Council and staff primarily having to do with the Grand  
71 Jury Report. He announced that the City submitted its response on July  
72 17<sup>th</sup> and the County approved their letter, both of which indicate that the  
73 findings are poppycock and completely deny any wrongdoing by the City  
74 of Calistoga and by the Board of Supervisors.
- 75

76 **F) PROCLAMATIONS/PRESENTATIONS/AWARDS**

77  
78 **1) Appreciation award to Fire Fighter Kris Breiner (5 years of service)**

79  
80 Mayor Gingles, on behalf of the Council and staff, presented and read into the  
81 record an appreciation award to Firefighter Kris Breiner for 5 years of dedicated  
82 service to the City of Calistoga.

83  
84 **G) CONSENT CALENDAR (7:16 p.m.)**

- 85
- 86 **2) Adoption of Resolution No. 2012-054 authorizing the City Manager to**  
87 **execute a funding agreement with Napa County Housing Authority in the**  
88 **amount of \$10,000 to support the Napa Valley Farmworker Housing**  
89 **Centers' Fiscal Year 2012-2013 operating budget.**

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3) Adoption of **Resolution No. 2012-055** authorizing a Professional Services Agreement in the amount of \$3,875 with Community Action of Napa Valley (CAN-V) to provide homeless and emergency support services to residents of Calistoga.

4) Adoption of **Ordinance No. 684** amending the approved Development Agreement for the Vineyard Oaks Subdivision project to extend the term of the agreement to July 18, 2014 and to change the timeframe for payment of required development impact fees.

Mayor **Gingles** announced that Councilmember **Slusser** and he would be abstaining from voting on Item 4 due to a conflict of interest regarding proximity of residence.

It was **MOVED** by Councilmember **Kraus** and **SECONDED** by Vice Mayor **Dunsford** to adopt Consent Calendar Items 2, 3 and 4. The Motion was carried unanimously (Mayor **Gingles** and Councilmember **Slusser** abstained on Item 4).

**H) PUBLIC HEARING**

5) Consideration of text amendments to the Calistoga Municipal Code, initiated by the City of Calistoga, amending Title17 (Zoning) and Title 19 (Environmental Protection) to implement Housing Element program actions related to transitional and supportive housing, emergency shelters, agricultural employee housing, and streamlining of the City's Growth Management System program. (7:19 p.m.)

**Planning & Building Manager Ken MacNab** gave the staff report and an overview of requirements for the City to identify transitional and supportive housing, emergency shelters, agricultural employee housing, and streamlining of the City's Growth Management System program. He said the Planning Commission has considered changes and recommends the City Council adopt the Ordinance.

Mayor **Gingles** questioned and confirmed that the Planning Commission had commented on the need for reducing density, common space for children, and other site design amenities for the Calistoga Affordable Housing to consider. Mr. **MacNab** responded that staff will work on these cited items.

Councilmember **Kraus** confirmed with Mr. **MacNab** that 3 of 4 actions are required by State law and while a planning process must be done, the Council has little say in how the wording is incorporated into the City's zoning. He added that many cities are similarly adopting changes to their Municipal Codes.



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Mayor **Gingles** opened the public hearing at 7:29 p.m. He confirmed there were no public speakers and closed the public hearing at 7:30 p.m.

**It was MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember **Canning** to introduce the Ordinance and waive the first reading of the text amendments to the Calistoga Municipal Code, initiated by the City of Calistoga, amending Title17 (Zoning) and Title 19 (Environmental Protection) to implement Housing Element program actions related to transitional and supportive housing, emergency shelters, agricultural employee housing, and streamlining of the City’s Growth Management System program. The Motion was carried by the following roll call vote: (4-1) Ayes: Councilmember Canning, Kraus, Vice Mayor Dunsford and Mayor Gingles. Noes: Slusser. Absent: None.

**I) GENERAL GOVERNMENT**

- 6) Adoption of Resolution No. 2012-056 confirming the Mayor’s appointments to the Bicycle Advisory Committee, City/County Library Commission and the Building Standards Advisory & Appeals Board. (7:30 p.m.)**

**City Manager Spitler** gave the staff report and overview of the Council’s consideration to appoint candidates. He commented that no applications were received for the one opening on the Measure A Committee.

**It was MOVED** by Councilmember **Slusser** and **SECONDED** by Vice Mayor **Dunsford** to appoint Brad Suhr and Jamie Anzalone to the Bicycle Advisory Committee; Ann Shelby Valentine to the City/County Library Commission; and Kate Coates to the Building Standards Advisory & Appeals Board. The Motion was carried unanimously.

- 7) Adoption of Resolution No. 2012-057 authorizing the City Manager to execute a professional services agreement with Fair Housing Napa Valley in the amount of \$8,000 and a \$4,000 operating budget adjustment for Fiscal Year 2012-13. (7:33 p.m.)**

**Planning & Building Manager Ken MacNab** gave the staff report and overview of the request for authorization for the City Manager to execute the Fair Housing Napa Valley professional services agreement in the amount of \$8,000 for FY 2012-13 to provide housing support services to residents of Calistoga and a \$4,000 operating budget adjustment for FY 2012-13.

**City Manager Spitler** added that Fair Housing Napa Valley has provided much assistance to the mobile home parks and asked for the Council’s support and approval of the agreement.

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Council discussion ensued regarding their support of the work of Fair Housing Napa Valley and the recognized inter-governmental funding and cooperation.

**Nicole Collier, Executive Director, Fair Housing Napa Valley**, spoke about the organization's involvement with Calistoga seniors. She added that the agency now has a hoarding task force and are now a member of the County Affordable Housing Task Force, and offered their resources with HUD and Housing Element assistance. She announced that they are also applying for an AARP grant to assist seniors with home improvements.

It was **MOVED** by Councilmember **Canning** and **SECONDED** by Vice Mayor **Dunsford** to adopt **Resolution No. 2012-057** authorizing the City Manager to execute a professional services agreement with Fair Housing Napa Valley in the amount of \$8,000 and a \$4,000 operating budget adjustment for Fiscal Year 2012-13. The Motion was carried unanimously.

**8) Construction Status Report for the Mount Washington Water Storage Tank Project (7:43 p.m.)**

**Senior Civil Engineer Derek Rayner** gave a PowerPoint presentation and report on the construction status for the Mount Washington Water Storage Tank Project. He discussed project team roles, displayed and explained road and tank excavation work, trenching and trench shoring work, laying, retaining wall installation, and phasing of the project. They are approximately 65% complete or two years from completion due to weather delays. He gave a financial summary and lastly discussed benefits to the City which will double water storage and enhance fire protection efforts.

Mayor **Gingles** reported that a fire hydrant had been hit at Indian Springs which triggered water being cut off for 12 hours, affecting many residents. He felt the project will be crucial for the City to resolve future issues.

Councilmember **Kraus** said he had previously made a recommendation to a prior Public Works Director to put knock-off valves on fire hydrants that may be subject to collision damage, such as those along Lincoln Avenue and hoped that this could be addressed.

Councilmember **Canning** questioned excavation at the former Glider Port and said complaints were received regarding view impacts. He confirmed with Mr. **Rayner** that about half the volume will be used in a future development and some excavated material will be brought back and used on the site.

225 **9) Consideration of setting City Council meeting dates to review the**  
226 **Enchanted Resorts Planned Development Project. (8:03 p.m.)**  
227

228 **City Manager Spitler** stated the project has produced controversy and staff  
229 seeks to set meeting dates on the Enchanted Resorts project so people can  
230 prepare and calendar meeting dates.  
231

232 Mayor **Gingles** announced all meeting dates and said meeting information will  
233 be included on the City's website.  
234

235 **10) Discuss and provide direction to the Mayor regarding the voting direction**  
236 **on the 2012 League of California Cities Conference Resolutions.**  
237 **(8:06 p.m.)**  
238

239 Mayor Gingles requested Council comments/voting direction on the League's  
240 resolutions.

241 After brief discussion, Councilmembers Canning, Kraus, Slusser and Vice  
242 Mayor Dunsford voiced their support for the first resolution; the Desert  
243 Protection Act. Mayor Gingles voiced his opposition and confirmed there was  
244 no other Council comment or direction on remaining items.

245 **J) ADJOURNMENT**

246 **Mayor Gingles** adjourned the meeting at 8:14 p.m. to the next scheduled  
247 special meeting of the Calistoga City Council, on Tuesday, August 14, 2012,  
248 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

249 **Respectfully submitted:**  
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251 \_\_\_\_\_  
252 **Prepared by: Amanda Davis, Deputy City Clerk**  
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255 **Approved by: Jack Gingles, Mayor**