

MINUTES

CITY COUNCIL – REGULAR MEETING TUESDAY, OCTOBER 2, 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 were Planning & Building Manager Ken MacNab, Senior Planner Erik Lundquist, Public Works Director Dan Takasugi, City Manager Richard Spitler, Fire Chief Steve Campbell, and Deputy City Clerk Amanda Davis.

B) SALUTE TO THE FLAG

C) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS (7:05 p.m.)

Wynn Wilson, 55 Magnolia, spoke on behalf of the residents at Calistoga Springs. She stated that residents are receiving a letter from the State of California stating that Cal Fire will soon be charging \$150 per habitable structure for a new California Fire Prevention Fee. She stated her concerns with this new fee and feels these notices were sent in error.

Chief Campbell responded to Ms. Wilson's concerns and stated that the State of California did make an error, and the mobile home parks should not have received these notices. He said that he will provide the mobile home parks with a point of contact and people will be walked through the process.

D) ADOPTION OF MEETING AGENDA (7:14 p.m.)

It was **MOVED** by Councilmember **Kraus** and **SECONDED** by Councilmember **Slusser** to approve the Council Meeting Agenda. The Motion was carried unanimously.

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

Councilmember Slusser reminded the community that a hazardous waste event is going to be taking place October 20th, 9:00 a.m.-3:00 p.m. at the Napa County Fairgrounds. She stated that flyers will be going out soon and listed the different types of hazardous waste that are allowed at this event. She spoke about a problem that is occurring with needles being disposed of incorrectly. She

urged people to dispose of them correctly and also discussed the annual prescription/needle waste event Soroptomist hosts.

Vice Mayor Dunsford spoke regarding campaign signs being stolen around town. He encouraged the community to report any information they may have on this to the local Police Department.

Mayor Gingles spoke regarding a medical emergency that has been taking place in his family. He said that he and his wife lost their daughter. He stated that this meeting will be adjourned in honor of parents that have lost children before their time.

F) PROCLAMATIONS/ PRESENTATIONS/ AWARDS (7:20 p.m.)

- 1) **Presentation by Susan Korcz from the American Cancer Society.**

Mayor Gingles stated that Ms. Korcz asked to postpone this presentation to a later date to be determined.

G) CONSENT CALENDAR

- 2) **Minutes of the April 17, 2012 regular City Council Meeting.**
- 3) **Adoption of Resolution No. 2012-066 accepting a donation of two new pick-up trucks from the Calistoga Firefighter's Association for use by the City of Calistoga Fire Department.**
- 4) **Adoption of Resolution No. 2012-067 authorizing the City Manager to enter into a funding agreement with the NCTPA in the amount of \$1,500 to allow purchase of three bicycle racks using TFCA funds; and, to approve a budget adjustment to the General Fund Capital Improvement Program in the amount of \$1,500, for this project.**
- 5) **Adoption of Resolution No. 2012-068 authorizing the acceptance of financial donations from the Calistoga Community Pool Project (CCPP) on behalf of Bald Mountain LLC and other individuals to support and subsidize the extended fall Community Pool season.**

Councilmember Kraus requested that Item Nos. 3 and 5 be pulled.

It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember **Canning** to approve Item Nos. 2 and 4 on the Consent Calendar. The Motion was carried unanimously.

Councilmember Kraus stated the reason why he pulled Item Nos. 3 and 5 is because these are significant donations to the City that helps us out

tremendously with our budget and also with operations in the Fire Department and public safety. He expressed his appreciation to the Firefighter's Association.

It was **MOVED** by Councilmember **Kraus** and **SECONDED** by Councilmember **Slusser** to approve Item No. 3 on the Consent Calendar. The Motion was carried unanimously.

Councilmember Kraus asked that Item No. 5 be pulled as well to recognize the donations received. He stated that Kerri Eddy who sits on the Calistoga Community Pool Project organization as President is present at the meeting and would like to say a few words.

Kerri Eddy, 3870 Highway 128, President of the Calistoga Community Pool Project (CCPP), spoke to Item No. 5. She discussed the extended pool season at the community pool and expressed her appreciation and acknowledged the generous donations received.

It was **MOVED** by Councilmember **Kraus** and **SECONDED** by Vice Mayor **Dunsford** to approve Item No. 5 on the Consent Calendar. The Motion was carried unanimously.

H) PUBLIC HEARING (7:29 p.m.)

6) Consideration of a request for a Determination of Public Convenience and Necessity authorizing a permanent vehicle for rent service (taxi) in the City of Calistoga.

Lieutenant Mills presented the item. He stated that the request before Council this evening is a request to make a determination of Public Convenience and Necessity (PCN) authorizing a taxi cab business. He stated that the Municipal Code requires that such a determination be made by Council prior to any business operating as a taxi cab. He stated the Council may deny, approve or conditionally approve the application. He stated that Holly LaBarber and Leslie Lodestro submitted an application for a PCN determination and it is their intention to start a taxi cab service that can provide and assist Calistoga residents and tourists with transportation needs. He discussed the need and demand that exists for an additional taxi cab service in town. He stated that at this time, there is one taxi cab service operating in Calistoga, Valley Valet, which has been owned and operated by Marjorie Fatheree since 2006. He stated that she is permitted to operate three cars through her PCN.

Leslie Lodestro, 710 Washington St., applicant for the PCN, stated that her primary residence is in Mountain View, but she has a live/work space here in Calistoga. She discussed the need for an additional taxi cab service in Calistoga, and explained why this application for the PCN was submitted.

Councilmember discussion ensued regarding the area covered for service and how the rates will be established.

Applicant Leslie Lodestro stated that right now they are looking at a 12-mile radius.

Lieutenant Mills stated that the rates are established by Council through the approval of the license per the Municipal Code.

Senior Planner Lundquist clarified the difference between rent vehicles and a taxi cab service. He stated that in the past the Planning Department processed the vehicles for hire, which is how Ms. Fatheree (Valley Valet) operates. When they processed Ms. Fatheree's application, she applied as a rent vehicle which does not have to have established rates. He stated that taxi cabs do, however, have to have established rates.

Councilmember Canning stated that he had a lengthy conversation with the applicant and he expressed his concern and caution as to the viability of such a business in the community. He also stated that it is necessary to provide a quality service, a safe and very reasonable service and expressed his concerns with the age of one of the vehicles that will be used. He suggested researching the surrounding cities who have existing regulations and conditions and apply them to Calistoga as necessary.

Vice Mayor Dunsford stated that he owns a hotel, and said there is a definite need for a taxi service. He feels the 12-mile radius is great.

Mayor Gingles opened the public hearing at 7:42 p.m.

Marjorie Fatheree, owner of Valley Valet since 2006, spoke regarding the item. She stated her concerns with bringing in another PCN. She stated that the need for her 3 vehicles is very low, and does not understand why Calistoga would need another service.

Council discussion ensued. Mayor Gingles stated that Mrs. Fatheree's permit to operate has lapsed. **Mrs. Fatheree** stated that she is in the process of getting in renewed.

Dennis McNay, asked the applicant about the hours of operation and whether vehicles that transport individuals have to be Department of Transportation (DOT) certified. **Michael Glenn** responded, stating that the hours of operation are scheduled to be 7 days per week, 24 hours per day.

Kerri Abreu, 1720 Reynard Lane, stated that she encounters many people on a daily basis who need rides in town. She stated that the Calistoga Shuttle is not always available for their use. She supports the new taxi service and urged

Council to set parameters and guidelines, and stated that public safety should be put first.

Mayor Gingles closed the public hearing at 7:54 p.m.

Councilmember Canning stated that the Valley Valet service should be addressed immediately as it is presenting a liability to the City. He stated that Valley Valet needs to meet the guidelines and requirements. He stated that he is not in favor of granting this PCN tonight. He would like the vehicles to be tested for safety, the drivers be required to meet a standard well-above what the average driver has and would like the Council to establish a meter rate. He would also like staff to research what other cities do to license their taxi cab service.

Mayor Gingles asked that establishment of a meter rate be placed on the next meeting agenda.

Councilmember Kraus stated that one of his concerns is the licensing of drivers and the requirement to have a criminal/background check completed.

Council asked the applicants to come back to the next meeting with information on the following: Insurance company that is going to insure them; background check be required for each of the drivers; meter rate establishment and the purchase and use of a newer vehicle.

City Manager Spitler stated that staff needs to look at the Ordinance in place and follow the guidelines and requirements.

Consensus of City Council is to table the item until the next regularly scheduled Council meeting on October 16, 2012.

I) GENERAL GOVERNMENT (8:06 p.m.)

7) Discussion of an offer of land dedication from AT&T Services, Inc. regarding the property located at 1310 Lincoln Avenue.

Vice Mayor Dunsford recused himself from this item, as he owns the property adjacent to the subject property

Senior Planner Lundquist presented the item stating that this item was originally heard at the September 18, 2012 City Council meeting, at which point it was realized that there was a lack of quorum due to the conflict from Vice Mayor Dunsford. He stated that they are requesting that City Council provide direction to the City Manager to continue negotiating an offer of land dedication on the property that is currently built with an AT&T network center.

Mr. Lundquist discussed the background of the project. He stated that AT&T Services Inc. submitted a Use Permit Application dating back to 2009. During the duration up until now staff has been in discussions with AT&T about providing a pathway along the Napa River. AT&T expressed some concern about liability in developing that pathway. As a result AT&T suggested deeding over the land necessary to construct that pathway to the City of Calistoga and in exchange the City would deed back an easement for maintenance and use of the foundation system. Staff is suggesting that the Council direct the City Manager's office to continue negotiations with AT&T for the land dedication which would allow the City to move forward with the environmental review and the use permit application.

Council discussion ensued.

Richard Johnson, AT&T Building Engineering, Senior Project Manager, spoke regarding the use and function of the switching office.

Mayor Canning asked that work be done on the façade of the building.

Consensus of the Council is to direct City Manager Spittler to continue negotiations with AT&T.

- 8) **Adoption of Resolution 2012-069 authorizing the City Manager to execute an amendment and extension of the existing Memorandum of Understanding (MOU) for the Bounsall development proposal on the property located at 414 Foothill Boulevard (APNs 011-260-045 through 011-260-076) within the "I" Light Industrial Zoning District.**

Senior Planner Lundquist presented the item. He discussed the background of the item noting that back in December of 2009 the City Council originally authorized the City Manager to enter into a Memorandum of Understanding (MOU) that indicates the City's support for development of the Bounsall properties located at 414 Foothill Boulevard. The Council adopted a Resolution amending and extending the MOU to December 31, 2012. The Bounsall's are now requesting an amendment and extension of the existing MOU for the property located at 414 Foothill Boulevard.

Kerri Abreu, 1721 Reynard Lane, spoke regarding her requests for copies of permits for this property located at 414 Foothill Blvd. and stated that the City could not produce any permits for heavy equipment operation and/or the buildings that had been built on the property. She stated her concerns with this and with the proposed project.

Kerri Abreu read a letter into the record from her mother **Elizabeth Hammond, 304 Foothill Blvd.**, which stated that the Bounsall's should not be given another extension on their MOU and explained why she feels that way.

Council and staff discussion ensued regarding the necessity and reasoning for the MOU.

Jeff Bounsall 414 Foothill Blvd., spoke to the item stating that the MOU is very important to him and explained his reasoning. He discussed the availability of wastewater and the hardship that will be caused should Council not approve the extension the MOU.

Bill Bounsall, 1624 North Oak, spoke regarding the project and said he is concerned with the Council feeling that the project is not well-defined. He feels that the project is very well-defined. He stated his reasoning for requesting an extension of the MOU.

Council discussion ensued.

Consensus of the Council is to extend the MOU for no more than 12 months with caution given to the applicants that they are acknowledging and acting upon the comments and direction given by the Planning Commission and City Council, and with the understanding that they need to take the revised project back to the Planning Commission.

It was **MOVED** by Councilmember Canning and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2012-069 authorizing the City Manager to execute an amendment and one-year extension to the previously executed Memorandum of Understanding (Authorizing Agreement No. 0392-01) to guide the development of the Bounsall proposal located at 414 Foothill Boulevard. Motion was carried by the following vote:

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

- 9) **Consideration of a Resolution authorizing the City Manager to exercise the City of Calistoga's option to purchase 1418 N. Oak Street, Calistoga, an affordable housing unit.**

City Manager Spitler presented the item. He stated that the Housing Authority of the City of Napa informed City staff that the property located at 1418 N. Oak St., an affordable housing unit, is in foreclosure and scheduled for Court Sale on October 11, 2012. This particular residence was a part of the Saratoga Manor II project developed by Calistoga Affordable Housing and Burbank Housing. He stated that he does not recommend the purchase this home.

Councilmember Kraus asked whether Calistoga Affordable Housing has the option to purchase. **City Manager Spitler** said that he will find out whether they have the option to purchase.

Council consensus was to not take any action on this item.

10) Appointment of two Council Members to sit on the interview panel for potential auditors to undertake the Auditing Services for the June 30, 2013 Comprehensive Annual Financial Report (CAFR).

Administrative Services Director Leon presented the item, stating that two Councilmembers need to be appointed to sit on the interview panel for potential auditors to undertake the auditing services for the June 30, 2013 Comprehensive Annual Financial Report (CAFR). She said that Terry Krieg is currently our Auditor and has been doing it for twenty years. She said that it is good to switch auditors every three to five years to have fresh eyes on the financials. She stated that all proposals received by the January 7, 2013 deadline will be reviewed by the City staff and the two appointed Councilmembers.

Consensus of the Council is to appoint Councilmember Kraus and Councilmember Canning to sit on the interview panel.

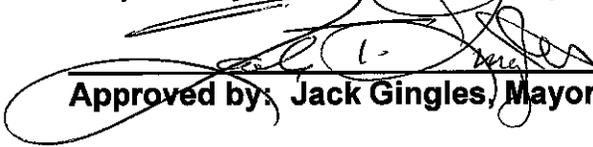
It was **MOVED** by Mayor **Gingles** and **SECONDED** by Vice Mayor **Dunsford** to appoint Councilmember Kraus and Councilmember Canning to sit on the interview panel for potential auditors to undertake the auditing services for the June 30, 2013 Comprehensive Annual Financial Report (CAFR). The Motion was carried unanimously.

J) ADJOURNMENT

Mayor Gingles adjourned the meeting in the memory of children who have passed before their parents at 9:06 p.m. to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, October 16, 2012, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:


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


Approved by: **Jack Gingles, Mayor**