

MINUTES

CITY COUNCIL – REGULAR MEETING TUESDAY, FEBRUARY 19, 2013 - 7:00 P.M. CALISTOGA COMMUNITY CENTER

A) CALL TO ORDER

Mayor Canning called the Regular Session to order at 7:01 p.m.

In attendance were the following: Councilmember Barnes, Councilmember Irais Lopez-Ortega, Councilmember Gary Kraus, Vice Mayor Michael Dunsford, and Mayor Chris Canning.

Also present were Senior Civil Engineer Derek Rayner, Senior Planner Erik Lundquist, Administrative Services Director Gloria Leon, Planning & Building Director Lynn Goldberg, City Manager Richard Spitler, and Deputy City Clerk Amanda Davis.

B) SALUTE TO THE FLAG

Councilmember Lopez-Ortega, asked for the opportunity to clarify a few things with the City Council, staff and the community members. She stated that when she submitted her application for City Council her statements clearly said that she was in the process of obtaining a license for a residential care facility for the elderly, which will serve the senior population in Calistoga. She stated that she did not submit or falsify any information. She also said that she does not need to disclose the reason for her having a couple of people living at her residence. She said that the State has received her final application packet and she complied with all the requirements and the process will continue to obtain the final license.

C) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS (7:05 pm)

Don Scott, spoke regarding the appointment of the new City Councilmember and stated that he would like to know what Councilmember Lopez-Ortega's views and thoughts are on development in Calistoga. He requested that the Separation Agreement between the City and Dan Takasugi be moved off the Consent Calendar so that it could be discussed.

Matt Hickerson, 3225 Lake County Highway, spoke regarding the Separation Agreement between the City and Dan Takasugi. He discussed the proposed amendment to the Municipal Code in regards to the Public Works Director requirements.

Supervisor Brad Wagenknecht spoke regarding Veterans. He discussed the changes and issues that arise when our veteran's return home. He stated that the

Veteran's Advocacy Coalition was founded to assist with the needs of the Veterans. This Coalition meets monthly on the last Wednesday of the month at 12:00 p.m. at the Red Cross in Napa, CA. He discussed the need to raise awareness of what Veterans have done for our Country, and encouraged the Council and the community to get involved.

Frank Lucier, Chairman of the Napa County Veterans Advocacy Coalition spoke regarding the positive effects of the Coalition. He encouraged people to visit their website at www.napa-vet.info which has a list of resources for Veterans. He stated that they are in the process of developing a wallet card that has local State and Federal resources.

Marvin Braun, stated his concerns with Councilmember Lopez-Ortega being appointed.

Norma Tofanelli, 1001 Dunaweel Lane, addressed Councilmember Lopez-Ortega's violation issued by the State and voiced her concerns.

Herb Sallinger, P.O. Box 341, stated his support of the appointment of Councilmember Lopez-Ortega.

Terry Ponsford, congratulated and gave his support to Councilmember Lopez-Ortega for her appointment to the City Council.

Clarence Luvisi, Rosedale Road, said that he supports the Council becoming involved with the Napa County Veteran's Coalition. He feels that the Council should be more open and transparent with the community and that more discussion should take place at the Council meetings between the Council and the public.

Mayor Canning responded, explaining that Council has to abide by the Brown Act, which limits what discussions and actions can take place. He also stated that the monthly Community Forums will begin on Wednesday, February 19, 2013, at 6:00 p.m. at the Community Center and this will provide the public the opportunity to discuss items that they are concerned with.

Dennis McNay, stated that it is his understanding that during the public hearings it is the public's opportunity to voice their concerns and opinions.

Victoria Li, stated that in her previous career she was a government attorney and she provided legal advice on the Brown Act for eight years. She offered to arrange a training course on the Brown Act in Calistoga to educate those who are interested in learning about the guidelines and procedures.

D) ADOPTION OF MEETING AGENDA

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

E) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

None.

F) PROCLAMATIONS/ PRESENTATIONS/ AWARDS (7:41 pm)

- 1) **Presentation by Committee Member Michael Costanzo regarding the Calistoga Bicycle Advisory Committee**

Michael Costanzo, Chairman of the Calistoga Bicycle Advisory Committee, gave a PowerPoint presentation discussing why bicycling is important to Calistoga. He discussed bicycling and health, traffic congestion reduction, greenhouse gas reduction, and how bicycling benefits the community by increasing business.

- 2) **Presentation by Victoria Li, regarding the Calistoga Family Center Annual Report**

Victoria Li, Calistoga Family Center, presented the item. She gave a PowerPoint presentation discussing who the Calistoga Family Center serves and how many services are provided to individuals. She stated that the services provided include community outreach, resource and referral, family case management, safety net services, parent education youth programs and tax assistance. She discussed each of these services in detail. Their goal is to create healthier families and individuals.

- 3) **Presentation by Derek Rayner, Senior Civil Engineer, regarding the condition of Feige Water Tank**

Senior Civil Engineer Derek Rayner presented the item. He gave a PowerPoint presentation on the status and condition of Feige Water Tank. He stated that the purpose of the study was to determine the structural and seismic condition of the Feige water tank. He stated that Kennedy/Jenks Consultants were contracted to perform the seismic evaluation of the Feige tank and he discussed the results.

G) CONSENT CALENDAR (8:26 pm)

- 4) **Minutes of the September 18, 2012 and October 2, 2012 regular City Council meetings.**

Councilmember Kraus asked that Item No. 5 be removed from the Consent calendar.

It was **MOVED** by Vice Mayor **Dunsford** and **SECONDED** by Councilmember **Kraus** to approve Item No. 4 on the Consent Calendar. The Motion was carried unanimously.

- 5) **Adoption of Resolution No. 2013-014 authorizing the City Manager to execute a Separation and Release Agreement between the City of Calistoga and Dan Takasugi. (8:35 p.m.)**

City Manager Spitler presented the item. He stated that what is before Council is the recommendation to enter into a separation and release agreement between the City of Calistoga and Dan Takasugi, the Public Works Director. He stated that Mr. Takasugi is retiring upon separation with the City. He stated that this is a personnel matter that is under the City Manager's control and authority. He stated that the agreement only addresses the terms of separation of employment with the City. He stated that the agreement also eliminates liability on a part of the City related to this separation in return for a three month severance pay to Mr. Takasugi. He noted that the agreement does not grant immunity to Mr. Takasugi on any other matter related to his employment with the City. He stated that this agreement has to be approved by the City Council in order to be effective.

Council discussion ensued. **Mayor Canning** stated that he received two emails regarding this matter and feels that there is a misunderstanding. He clarified what the Separation and Release Agreement does.

Opened for public comment at 8:30 pm:

Norma Tofanelli, asked Mayor Canning to read Clause No. 18 aloud, because she did not have a copy of the Agreement. **Mayor Canning** read Clause No. 18 aloud. Ms. Tofanelli expressed her concerns with the Separation Agreement and asked for further clarification.

Matt Hickerson, commented on Clause No. 18 in the Separation Agreement and expressed his concerns. Mr. Hickerson requested further clarification regarding the Agreement.

Mayor Canning stated for the record that anyone who has operated a business, or anyone who has been employed in the State of California will find a separation agreement of this type to be common practice for the protection of the individual leaving or for the protection of the organization whether it be a private sector or a municipal sector that they are departing from.

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

H) PUBLIC HEARING (8:42)

- 6) **Consideration of a Planned Development application requested by the property owners, Robert and Valerie Beck and Thomas Crowley to include; 1) the rezoning of the property from an "R3", Residential/Professional Office to a "PD", Planned Development Zoning District, 2) a Parcel Map, 3) a**

Preliminary/Final Development Plan, and 4) a waiver from the undergrounding of utilities allowing the creation of 3 parcels from an already developed property located at 1110, 1112 and 1116 Berry Street (APN 011-242-001).

Planning & Building Director Goldberg introduced the item and **Senior Planner Lundquist** presented the item. He gave a brief history of the item and stated that what is before the Council this evening is a Planned Development application requested by property owners Robert and Valerie Beck and Thomas Crowley. He stated that this item was discussed at the Planning Commission meeting on January 9, 2013, and two issues were identified by the Commission; the Quality of Life Development Impact Fee and the imposition of affordable housing restrictions. He stated that the Planning Commission consensus was that the Quality of Life Development Impact Fee was applicable but affordable housing restrictions should not be required for the project. Mr. Lundquist discussed the Planning Commission's recommendations. He stated that the Planning Commission is recommending that Council adopt an ordinance that would create the Berry Street Cottages Planned Development District, adopt a resolution approving the Preliminary & Final Development Plan, adopt a resolution approving a Tentative Parcel Map and adopt a Resolution granting a waiver from utility undergrounding requirements.

Council discussion ensued.

Councilmember Barnes asked for further detail on the subdivision of the parcel. **Senior Planner Lundquist** responded.

Councilmember Kraus asked how affordable housing applies to this project. **Senior Planner Lundquist** responded stating that the Planning Commission recommended that there be no deed restriction.

Robert Beck, 1018 Cedar St., property owner/applicant, spoke to the item. He stated that they feel that this is a good time to begin the application process and invited questions from the Council and public.

Mayor Canning opened the public hearing.

Don Scott, spoke regarding the subdivision of the subject property and the benefits this will bring. He asked whether mobile home parks could do similar subdivisions.

Clarence Luvisi, spoke in support of the item and stated the benefits.

Mayor Canning closed the public hearing.

Vice Mayor Dunsford and **Councilmember Barnes** discussed the Quality of Life Impact Fee being charged per parcel. **Councilmember Barnes** does not support charging this fee and feels it should be waived. He stated his reasoning.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to introduce the Ordinance and waive the first reading approving a Zoning Ordinance Text and Map Amendment establishing the "PD 2012-01 Berry Cottages Planned Development District." Motion was carried by the following roll-call vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Barnes, Lopez-Ortega and Mayor Canning.
NOES: None.
ABSTAIN: None.
ABSENT: None.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2013-015 approving the Preliminary & Final Development Plan (PD 2012-01) for the Berry Cottages Project located at 1110, 1112 & 1116 Berry Street (APN 011-242-001) within the "PD Berry Cottages Planned Development District". Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Barnes, Lopez-Ortega and Mayor Canning.
NOES: None.
ABSTAIN: None.
ABSENT: None.

It was **MOVED** by Councilmember Barnes and **SECONDED** by Mayor Canning to adopt a Resolution approving a Tentative Parcel Map as amended with the removal of Condition No. 5 relative to the charge of \$3,000 per unit for Quality of Life Impact Fees. (*Motion failed*)

There was Council discussion on the motion.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2013-016 approving the Tentative Parcel Map as presented by the Planning Commission. Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Lopez-Ortega and Mayor Canning.
NOES: Councilmember Barnes
ABSTAIN: None.
ABSENT: None.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes to adopt **Resolution No. 2013-017** granting a waiver from utility undergrounding requirements. Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Barnes, Lopez-Ortega and Mayor Canning.

NOES: None.

ABSTAIN: None.

ABSENT: None.

- 7) **Consideration of text amendments to the Calistoga Municipal Code, initiated by the City of Calistoga, amending Title 2 (Council, Administration and Personnel) Section 2.10.040 (Director of Public Works) to eliminate the requirements that the Director of Public Works must hold a California certification of registration as a Civil Engineer. The proposed amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines. (9:07pm)**

City Manager Spitler presented the item. He stated that he is initiating this amendment in response to a vacancy with the resignation of Dan Takasugi, Public Works Director/City Engineer. He stated that the Municipal Code says that anyone filling this position as Public Works Director must also be a registered Civil Engineer in the State of California. He stated that he would like to drop the requirement to be a registered Civil Engineer in order to qualify for this position. He said that this does not exclude registered Civil Engineers from being able to apply for the position, it just would not be a requirement. He feels that by amending the code to change the requirement, it would broaden the pool of candidates who wish to apply for the position. He stated that the City currently has a Civil Engineer position which is filled by Senior Civil Engineer Derek Rayner.

Council discussion ensued.

Councilmember Kraus stated his concerns with removing the requirement that the Director of Public Works also be a registered Civil Engineer. He feels that the requirement for the Director position to also be a registered Civil Engineer should remain.

Mayor Canning opened the Public Hearing at 9:15 pm.

Don Scott, stated his concerns with this proposed amendment and his reasoning.

Norma Tofanelli, said she supports Councilmember Kraus's concerns in regards to this amendment and expressed her concerns.

Clarence Luvisi, stated that it would have been helpful to have the job description attached to the staff report this evening and suggested that Council continue this item to the next meeting so more information could be provided.

Mayor Canning closed the Public Hearing at 9:22 p.m.

Council discussion ensued.

There was Council consensus to support the City Manager's decision to amend the Municipal Code changing the requirements of the Director of Public Works position, however, during recruitment it should be stated that being a registered civil engineer is "highly desirable".

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Kraus to introduce the Ordinance and waive the first reading approving an amendment to Title 2 (Council, Administration and Personnel) Section 2.10.040 (Director of Public Works) to eliminate the requirements that the Director of Public Works must hold a California certification of registration as a Civil Engineer. Motion was carried by the following roll-call vote:

AYES: Vice Mayor Dunsford, Councilmembers Barnes, Kraus, Lopez-Ortega and Mayor Canning.
NOES: None.
ABSTAIN: None.
ABSENT: None.

I) GENERAL GOVERNMENT (9:26)

8) Consideration of a Resolution authorizing the submittal of a grant application to the Bay Area Ridge Trail Council.

Planning & Building Director Goldberg presented the item. She stated that the City has an opportunity to apply for a grant from the Bay Area Ridge Trail Council. She said the grant would be used to lay the ground work for the extension of an important multi-use path. She stated that the funding would be used specifically to prepare the necessary engineering and environmental documentation for the Fairway Extension which would pick up the Class I path that currently extends from Dunaweel and stops at the Little League fields. She stated that this path is identified as a high priority project in the Calistoga Bicycle Plan, and it is a section of the Napa Valley Vine Trail, as well as a section of the Bay Area Ridge Trail. She said staff is recommending approval of the resolution authorizing the submittal of the grant application and authorizing the City Manager to execute all of the grant documents.

Mayor Canning opened the public comment portion at 9:29 p.m.

Norma Tofanelli, spoke regarding her concerns with the cyclists and feels that safety needs to be enforced more so than it currently is. She said that the cyclists need to be educated on proper bicycle safety.

Clarence Luvisi, stated that he supports the project, and supports Ms. Tofanelli's comments and concerns in regards to bicycle safety. He suggested creating a one-page rule sheet to distribute to the cyclists.

Michael Costanzo, Chairman of the Calistoga Bicycle Advisory Committee, spoke regarding the concerns raised about bicycle safety in Calistoga and the need for enforcement and the need to raise awareness.

Mary Connaway, Franz Valley School Road, spoke regarding bicycle safety and the need for enforcement of lights on bicycles.

Mary Kay Macy, Calistoga, discussed the rules that are applied to motor vehicle operators versus cyclists and the dangers that are presented.

Dieter Deiss, stated that he is delighted that biking is finally getting the attention, discussion and encouragement it deserves and thanked the Council for putting this on the agenda this evening.

Mayor Canning closed the public comment portion at 9:42 p.m.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to adopt **Resolution No. 2013-018** authorizing the submittal of a grant application to the Bay Area Ridge Trail Council. Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Lopez-Ortega, Barnes and Mayor Canning.

NOES: None.

ABSTAIN: None.

ABSENT: None.

9) Consideration of a Resolution authorizing 2012/2013 Community Enrichment Grant Awards. (9:42 pm)

City Manager Spitler presented the item. He stated that for Fiscal Year 2012/2013 the City Council budgeted \$5,000 for its Community Enrichment Grants. He said that the sub-committee consisting of Councilmembers Barnes and Kraus met and reviewed the applications. He stated that their recommendation for funding is as follows: \$1,500 to the Calistoga Art Center; \$1,550 to the Calistoga Boys & Girls Club; \$750 to Calistoga Cares; \$1,200 to the Calistoga Family Center for the after

school program and \$0 to the Christmas Bazaar because this event has already occurred. He said that this totals \$5,000.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes to adopt **Resolution No. 2013-019** authorizing 2012/2013 Community Enrichment Grant Awards. Motion was carried by the following vote:

AYES: Vice Mayor Dunsford, Councilmembers Barnes, Kraus, Lopez-Ortega, Kraus and Mayor Canning.
NOES: None.
ABSTAIN: None.
ABSENT: None.

- 10) Consideration of holding City Council Study Sessions on March 18th and 21st to prepare the City Council goals and objectives for FY 2013/2014 and consideration of holding Budget Review Sessions on May 16th and 28th at the Community Center. (9:44 pm)

It was **MOVED** by Councilmember Barnes and **SECONDED** by Councilmember Kraus to approve the City Council Study Sessions on March 18th and 21st and the Budget Review Sessions on May 16th and 28th at the Community Center. The Motion was carried unanimously.

J) ADJOURNMENT (9:45)

Mayor Canning adjourned the meeting at 9:45 p.m. to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, March 5, 2013, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:



Prepared by: Amanda Davis, Deputy City Clerk



Approved by: Chris Canning, Mayor