

1 **MINUTES**

2 **CITY COUNCIL-CLOSED SESSION**  
3 **TUESDAY, SEPTEMBER 3, 2013– 6:00 P.M.**  
4 **CALISTOGA COMMUNITY CENTER**  
5 **1307 WASHINGTON STREET**

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8 **A) CALL TO ORDER**  
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10 **Mayor Canning called the Closed Session to order at 6:00 p.m.**

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

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16 Also present were the following: City Attorney Matt Visick, Public Works Director  
17 Michael Kirn, Senior Planner Erick Lundquist and City Manager Richard Spitler.

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19 **B) ORAL COMMUNICATIONS**  
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21 No public comment.  
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23 **C) ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:**

24 1) Pending Litigation (Gov. Code § 54956.9)

25 It is the intention of the City Council to meet in Closed Session  
26 concerning:

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28 i. Conference with Legal Counsel – Existing Litigation

29 Gov. Code § 54956.9(d)(1)

30 Name of Case: Reynolds v. City of Calistoga

31 Case Nos.: A134190, A135501  
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33 ii. Conference with Legal Counsel – Existing Litigation

34 Gov. Code § 54956.9(d)(1)

35 Name of Case: Chateau Calistoga, LLC dba Chateau Calistoga v.

36 City of Calistoga, et al.

37 Case No.: 26-60772  
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39 **D) CONVENE TO OPEN SESSION TO REPORT FROM CLOSED SESSION**  
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41 **Mayor Canning** announced that there was no reportable action out of  
42 tonight's Closed Session.  
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44 **E) ADJOURNMENT**

45 **Mayor Canning adjourned the Closed Session at 7:00 p.m.** to the regular  
46 meeting of the Calistoga City Council, on Tuesday, September 3, 2013 Calistoga  
47 Community Center, 1307 Washington Street, 7:00 p.m.

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50 **Respectfully submitted:**

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53 **Prepared by: Kathy Flamson, Deputy City Clerk**

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56 **Approved by: Chris Canning, Mayor**

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**MINUTES**

**CITY COUNCIL – REGULAR MEETING  
TUESDAY, SEPTEMBER 3, 2013– 7:00 P.M.  
CALISTOGA COMMUNITY CENTER  
1307 WASHINGTON STREET**

**A) CALL TO ORDER**

**Mayor Canning called the Regular Session to order at 7:02 p.m.**

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

Also present were the following: Public Works Director/City Engineer Michael Kirn, Administrative Services Director Gloria Leon, City Manager Richard Spitler Consultant David Spilman and Executive Secretary Kathy Flamson.

**B) ACTION OUT OF CLOSED SESSION**

**Mayor Canning** announced that there was no reportable action out of tonight's Closed Session

**C) SALUTE TO THE FLAG**

**D) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS**

**Dennis McNay, 2653 Foothill Blvd.** suggested that the revenue from the new development be put to the enterprise water system.

**Don Scott, 4281 Scott Way,** spoke about motorcycle noise. He read a letter written by Gia Ness, who lives on Foothill Blvd., regarding her concerns about motorcycle noise issues.

**Mary O'Leary, 945 Hunt Ave. and Colleen Winters, Clinical Navigator** at Martin O'Neill Cancer Center, St. Helena Hospital, introduced Honoring Choices Napa Valley, a coalition of community leaders committed to improving advance healthcare planning in Napa County. On September 13 from 9 AM-Noon, the coalition will present 3 speakers, Lisa Creager, Kate O'Maley, RN, MS and Dr. Robert Moore, at the Yountville Community Center. For more information, visit their website is [www.hcnv.org](http://www.hcnv.org).

**Joe Bob Hitchcock, 1322 Berry St.,** discussed concerns regarding Reynolds vs. City of Calistoga litigation.

100 **Matthew Hickerson, 3225 Lake County Highway,** spoke regarding an  
101 amendment to a development agreement stating how litigation should be paid. He  
102 also spoke regarding the water shortage issue.

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104 **ADOPTION OF MEETING AGENDA**

105 It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember**  
106 **Kraus** by to approve the Council Meeting Agenda. The Motion was carried  
107 unanimously.  
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109 E) **COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

110 **Councilmember Lopez-Ortega** announced that on September 14, 2013, the  
111 Mexican community will have a Mexican Independence Day celebration from 2  
112 PM – 8 PM at Pioneer Park. The community is invited to attend.

113 **Councilmember Barnes** spoke regarding disposing of used US flags. He stated  
114 the American Legion Post 231 will properly dispose of any American flags that  
115 need to be properly destroyed. He also spoke of the recent vandalism at Calistoga  
116 Veteran’s Memorial. He congratulated the Calistoga Police Department for finding  
117 one of the suspected vandals. Councilmember Barnes has met with the minor and  
118 his parents and has gotten an oral and written apology.

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120 **Mayor Canning** announced the upcoming Community Forum being held on  
121 September 18 at 6 PM at the Community Center. One of the topics will be pending  
122 Berry Street Bridge project.

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124 F) **PROCLAMATIONS/ PRESENTATIONS/ AWARDS**

125 **None**  
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127 G) **CONSENT CALENDAR**

128 1) **Minutes of the August 13, 2013 special City Council meeting and the**  
129 **August 20 regular City Council meeting.**

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131 It was **MOVED** by **Councilmember Barnes** and **SECONDED** by  
132 **Councilmember Kraus** to approve Item No. 1 on the Consent Calendar.  
133 The Motion was carried by the following vote:

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135 **AYES:** **Councilmember Barnes, Kraus, Lopez-Ortega, Vice**  
136 **Mayor Dunsford and Mayor Canning**  
137 **NOES:** **None**  
138 **ABSTAIN:** **None**  
139 **ABSENT:** **None**  
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143 H) **PUBLIC HEARING**

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- 2) **To Receive Comment on Draft Water and Wastewater Rate Studies and adoption of a Resolution to set a public hearing for November 5, 2013 on possible rate increases.**

**City Manager Spitler** explained that the public hearing is an opportunity for the City Council and the public to hear a presentation regarding the proposed rate increases. It was noted that any increase in water/wastewater rates is subject to Prop. 218 regulations. There will be a protest hearing on November 5, 2013, for public input. Mr. Spitler introduced **Consultant David Spilman**, to give a presentation regarding the results of the Draft 2013 Water and Wastewater Rate Studies. Mr. Spilman explained the findings from these studies. At the conclusion of Mr. Spilman's presentation, the public hearing was opened for public comment.

Public speaking to this item:

**Karen Chang, Myrtdale Avenue**, spoke of her concern that water and wastewater users outside city boundaries pay a surcharge for both. She requested that this surcharge be waived. **City Manger Spitler** stated that it costs more to deliver service those outside the city limits. Discussion ensued regarding the number of external water/wastewater users there are.

**Joe Bob Hitchcock, 1322 Berry**, requested that this issue be explained in simpler terms to make it clearer to the general public. Discussion on this issued ensued.

**Charlotte Williams, 59 View Road**, inquired about the contract between North Bay Aqueduct, Napa and Calistoga.

**Kristin Barberis, 3033 Myrtdale Road**, asked what the amount for the average single family residence cost reflects. Mr. Spilman explained Table 5 in the Draft Water Rate Study explains how the rates are generated.

**Dawnine Dyer, 1501 Diamond Mountain Road**, inquired about some of the details of the studies.

**Joe Bob Hitchcock, 1322 Berry**, discussed low income residents and the effect regarding the proposed rate. Mr. Spilman stated there is a separate price schedule for low income households, including the residents of the mobile home parks, which gives a 20% reduction in the water water rate. If the household qualifies for the Lifeline rate, it will qualify for the reduced rate.

**Christina Aranguren**, inquired if the NBA and Kimball Reservoir water are comingled and does the same water go to all water users. **Public Works Director Kirn** verified the same water is given to all of the users. He also explained that the water is drawn from both sources and can be purely from one source or a combination of the two.

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**Bob Aranguren**, inquired as to why the water in his bathtub was brown a few weeks ago. Public Works Director Kirn explained it was probably from a combination of flushing of hydrants and/or agitation in the line may have caused the water to be colored.

Closed was closed at public hearing 8:52.

**Councilmembers Kraus and Barnes and Vice Mayor Dunsford** spoke in favor of accepting the Water and Wastewater Rate Studies due to the current financial issues of the City of Calistoga.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Barnes to adopt Resolution No. 2013-078 to set a public hearing for November 5, 2013 on possible Water and Wastewater Rate Increases. The Motion was carried by the following vote:

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

I) **GENERAL GOVERNMENT**

3) **Consideration of a Resolution Adopting Procedures for Establishing and Increasing Fees and Charges under Proposition 218.**

**City Manager Spitler** explained this is a procedural policy regarding how to implement the Public Hearing and notification process for any rate increase or anything else relating to Proposition 218 action.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2013-079 to adopt procedures for establishing and increasing Fees and Charges under Proposition 218. The 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

4) **Consideration of a Resolution authorizing the acceptance of a donation from the Calistoga Rotary Foundation made to the Calistoga Recreation Services Program in the amount of \$1000.**

**City Manager Spitler** explained the Calistoga Rotary Foundation is donating \$1000 to the newly formed Scholarship Program for children who can't afford to participate in Calistoga Recreation Services Programs.

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It was **MOVED** by Councilmember Barnes and **SECONDED** by Councilmember Lopez-Ortega to adopt **Resolution No. 2013-080** to accept a donation from the Calistoga Rotary Foundation made to the Calistoga Recreation Services Program in the amount of \$1000. The Motion was carried by the following vote:

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

- 5) **Consideration of a Resolution confirming the Mayor’s appointments to the Calistoga Pool Advisory Committee.**

**City Manager Spitler** explained there are two openings on the Calistoga Pool Advisory Committee and there are 2 incumbents who applied for these positions.

It was **MOVED** by Mayor Canning and **SECONDED** by Councilmember Barnes to adopt **Resolution No. 2013-081** confirming the Mayor’s appointments to the Calistoga Pool Advisory Committee. The Motion was carried by the following vote:

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

- 6) **Kimball Reservoir Storage Status and Consideration of a Resolution to Declare a Stage I Water Emergency Calling for Voluntary Reduction in Water Use.**

**Public Works Director Kirn** explained due to the lack of rainfall this year caused a reduction in the water in Kimball Reservoir. He requested a goal of each person voluntarily using a reduction of 20 gallons per day per person, which will be about 10-11% reduction. This would be a short-term proclamation.

**Joe Bob Hitchcock, 1322 Berry** spoke on the matter.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Barnes to adopt **Resolution No. 2013-082** Declaring a Stage I Water Emergency. The Motion was carried by the following vote:

289                   **AYES:**           **Councilmembers Kraus, Barnes, Lopez-Ortega, Vice**  
290   **Mayor Dunsford and Mayor Canning**  
291                   **NOES:**           **None**  
292                   **ABSTAIN:**   **None**  
293                   **ABSENT:**    **None**  
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295                   **7) First Annual Napa River and Calistoga Community Clean-up Event.**  
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297                   **Public Works Director Kirn** explained this event is part of the California  
298 Coastal Clean Up Day, being held on September 21, 2013, starting at 9 A.M.  
299 Check in will be at the Community Center. For more information, contact  
300 Louise 942-2780 at Public Works.  
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302                   **8) Consideration of Security for Logvy Community Park/Veterans**  
303                   **Memorial.**  
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305                   **City Manager Spitler** explained that there have been a few incidents of  
306 vandalism to the Logvy Park area and suggested putting in a security system.  
307 **Councilmember Kraus** discussed the proposals from alarm systems.  
308 Discussion ensued. **The Council directed staff to request a discount from**  
309 **Bay Alarm for a security system for Logvy Community Park and**  
310 **Veterans Memorial.**  
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312                   **9) Consideration of a Resolution to initiate an amendment to Calistoga**  
313                   **Municipal Code Chapter 6.04 Animal Control to change the designated**  
314                   **enforcement agency of animal control from the Napa County**  
315                   **Department of Environmental Health to one or more entities with animal**  
316                   **control experience as the enforcement agency by City Council**  
317                   **resolution and to authorize the City Manager to prepare Requests for**  
318                   **Proposals for Animal Control Services.**  
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320                   **City Manager Spitler** explained the Calistoga Municipal code 6.04 requires  
321 city of Calistoga provide animal control. In the past, the City of Calistoga has  
322 had an informal arrangement with Dr. Franquelin and the City Police to assist  
323 with animals in need. The Wine Country Animal Lovers have expressed an  
324 interest in implementing this service. Discussion ensued.  
325

326                   **Pam Ingalls** spoke in favor of this item.  
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328                   **It was MOVED by Councilmember Kraus and SECONDED by**  
329                   **Councilmember Barnes to adopt Resolution No. 2013-083 considering**  
330                   **an amendment to Calistoga Municipal Code Chapter 6.04 Animal**  
331                   **Control. The Motion was carried by the following vote:**  
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333                   **AYES:**           **Councilmembers Kraus, Barnes, Lopez-Ortega, Vice**  
334   **Mayor Dunsford and Mayor Canning**  
335                   **NOES:**           **None**  
336                   **ABSTAIN:**   **None**  
337                   **ABSENT:**    **None**



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J) **ADJOURNMENT**

**Mayor Canning** adjourned the meeting at 9:35 p.m. to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, September 17, 2013, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

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Kathy Flamson, Deputy City Clerk