

# City of Calistoga

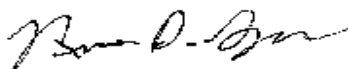
## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Kathy Flamson, Deputy City Clerk  
**DATE:** October 15, 2013  
**SUBJECT:** City Council Minutes

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APPROVAL FOR FORWARDING:



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Richard Spitler, City Manager

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- 2 **DISCUSSION:** Minutes of the October 1, 2013 regular City Council meeting.
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- 4 **RECOMMENDATION:** Approve Minutes.
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- 6 **ATTACHMENTS:** Minutes of October 1, 2013.
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**Mayor Canning** reminded everyone that the next Community Forum is October 16 at 6 p.m. in the Community Center. The topic will be Wastewater operations. There will be staff members from the Regional Water Quality Control Board in attendance.

F) **PROCLAMATIONS/ PRESENTATIONS/ AWARDS**

- 1) **Mayor Canning** noted the Proclamation Recognizing October 20-26, 2013 Freedom From Workplace Bullies Week.

G) **CONSENT CALENDAR**

- 2) **Minutes of the September 17, 2013 regular City Council Meeting.**

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes to approve the Minutes of September 17, 2013, by the following vote:

<b>AYES:</b>	<b>Councilmembers Vice Mayor and Mayor</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>Kraus</b>
<b>ABSENT:</b>	<b>None</b>

- 3) **Adoption of Resolution No. 2013-085 accepting as complete the Remove and Replacement of ADA Curb Ramps Project constructed by Dennis E. Watson, General Contractor .**
- 4) **Adoption of Resolution 2013-086 authorizing the City Manager to execute a Professional Services Agreement with Riechers Spence & Associates, Inc. for the preparation of construction plans for the Fair Way Path Extension.**

It was **MOVED** by Councilmember Barnes and **SECONDED** by Councilmember Kraus to approve Item Nos. 3 and 4 on the Consent Calendar. The Motion was carried unanimously.

H) **PUBLIC HEARING**

- 5) **Preparation of the introduction an Ordinance to the Calistoga Municipal Code of protection of farmers who use accepted and standard farming practices against nuisance suits and requiring disclosure of the potential inconveniences and discomforts associated with agricultural operations and waiving its first reading of the Ordinance.**

**Planning and Building Director Goldberg and Senior Planner Lundquist**

92 explained the impact of the Ordinance. There was no public discussion.  
93 Council discussion ensued.  
94

95 **It was MOVED by Vice Mayor Dunsford and SECONDED by**  
96 **Councilmember Barnes to amend the Calistoga Municipal Code by**  
97 **adding Chapter 17.50 "Right to Farm" which protects farmers who use**  
98 **accepted and standard farming practices against nuisance suits and**  
99 **requiring disclosure about the potential inconveniences and**  
100 **discomforts associated with agricultural operations, and to waive the**  
101 **first reading of the Ordinance. Motion was carried by a roll call vote as**  
102 **follows:**

103  
104 **AYES: Vice Mayor Dunsford, Councilmembers Kraus,**  
105 **Barnes and Lopez-Ortega and Mayor Canning**  
106 **NOES: None**  
107 **ABSTAIN: None**  
108 **ABSENT: None**  
109

- 110 **6) Consideration of a Resolution allowing a floodway variance for the**  
111 **replacement of an existing dwelling unit and the construction of a new**  
112 **carport within the floodway at 1332½ Berry Street (APN 011-222-001).**  
113

114 **Senior Planner Lundquist** presented the facts regarding this item.  
115 **Engineer Andrew Simpson, 1104 Adams Street, St. Helena,** noted that if  
116 this resolution is approved the structure will be moved above the floodway.  
117

118 **It was MOVED by Dunsford and SECONDED by Kraus to adopt**  
119 **Resolution 2013-87, allowing a floodway variance for the replacement of**  
120 **an existing dwelling unit and the construction of a new carport within**  
121 **the floodway at 1332 ½ Berry Street (APN 011-222-001). Motion was**  
122 **carried by the following vote:**

123  
124 **AYES: Vice Mayor Dunsford, Councilmembers Kraus,**  
125 **Lopez-Ortega and Barnes and Mayor Canning**  
126 **NOES: None**  
127 **ABSTAIN: None**  
128 **ABSENT: None**  
129

- 130 **7) Consideration of a Resolution allowing a floodway variance for the**  
131 **replacement of an existing Gazebo at 1308 Cedar Street (APN 011-223-**  
132 **003).**  
133

134 **Vice Mayor Dunsford declared a conflict of interest due to his living**  
135 **nearby. Senior Planner Lundquist** presented the facts regarding this item.  
136 **Bob Fiddaman, Friends of Pioneer Park, 1300 Cedar Street,** spoke in  
137 favor of this item.  
138

139 It was **MOVED** by Councilmember Barnes and **SECONDED** by  
140 Councilmember Lopez-Ortega to adopt **Resolution 2013-88** creating a  
141 Floodway Variance allowing the replacement of an existing Gazebo at  
142 1308 Cedar Street (APN 011-223-003). Vice Mayor Dunsford recused  
143 himself from voting. Motion was carried by the following vote:  
144

145 **AYES:** Councilmembers, Vice Mayor and Mayor Canning  
146 **NOES:** None  
147 **ABSTAIN:** None  
148 **ABSENT:** Vice Mayor Dunsford  
149

150 **D) GENERAL GOVERNMENT**

- 151  
152 **8) Adoption of a Resolution authorizing the City Manager to Execute a**  
153 **Construction Agreement with the Friends of Pioneer Park.**

154  
155 **Vice Mayor Dunsford** declared a conflict of interest and left the dais.  
156

157 **Public Works Director Michael Kirn** presented the details of this issue.  
158 **City Manager Spittler** added that there will be demolition of the existing  
159 gazebo.  
160

161 **Bob Fiddaman, Friends of Pioneer Park, 1300 Cedar Street,** recognized  
162 the Veteran's Memorial group for creating a template for their project that was  
163 easily transferred to this project. He also thanked the community for its  
164 generosity.  
165

166 It was **MOVED** by Kraus and **SECONDED** by Lopez to adopt **Resolution**  
167 **2013-89,** authorizing the City Manager to Execute a Construction  
168 Agreement with the Friends of Pioneer Park. Motion was carried by the  
169 following vote:  
170

171 **AYES:** Councilmembers, Vice Mayor and Mayor Canning  
172 **NOES:** None  
173 **ABSTAIN:** None  
174 **ABSENT:** Dunsford  
175

- 176 **9) Adoption of a Resolution authorizing the City Manager to Execute a**  
177 **Professional Services Agreement with ICF International for technical**  
178 **services related to the Climate Change Mitigation Plan and approval of a**  
179 **budget adjustment.**

180  
181 **Planning and Building Director Goldberg** presented the points of this  
182 project and in reaching Calistoga's 2020 emission goals.  
183

184 **Councilmember Barnes** asked for clarification of the item. Discussion

185 ensued. **City Manager Spitler** stated that this was discussed with the Green  
186 Committee.  
187

188 It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by  
189 **Councilmember Kraus** to adopt **Resolution 2013-090** authorizing the **City**  
190 **Manager** to **Execute a Professional Services Agreement** with **ICF**  
191 **International** for technical services related to the **Climate Change**  
192 **Mitigation Plan** and approval of a budget adjustment. Motion was  
193 carried by the following vote:  
194

195 **AYES:** **Vice Mayor Dunsford, Councilmembers Kraus,**  
196 **Barnes and Lopez-Ortega and Mayor Canning**

197 **NOES:** **None**

198 **ABSTAIN:** **None**

199 **ABSENT:** **None**  
200

201 **10) Response to the 2012/2013 Grand Jury Final Report on the Integrity of**  
202 **Grand Jury Investigations.**  
203

204 **City Manager Spitler** presented a request from the Grand Jury with regard to  
205 the integrity of their investigation. **Mayor Canning** will respond to the Grand  
206 Jury and **City Manager Spitler** will educate the staff before the end of this  
207 year regarding the proper response to Grand Jury inquiries.  
208

209 It was **MOVED** by **Councilmember Barnes** and **SECONDED** by  
210 **Councilmember Kraus** to receive the **Grand Jury Report** and authorize a  
211 response letter. Motion was carried by the following vote:  
212

213 **AYES:** **Councilmembers Barnes, Kraus and Lopez-**  
214 **Ortega, Vice Mayor Dunsford and Mayor Canning**

215 **NOES:** **None**

216 **ABSTAIN:** **None**

217 **ABSENT:** **None**  
218

219 **11) Determination to summarily deny or set an appeal hearing date for an**  
220 **appeal received from Robert and Marianne Hitchcock of the Planning**  
221 **Commission's approval of Variance 2013-6.**  
222

223 **Councilmember Barnes** disclosed that he has spoken to both parties and  
224 walked both properties.  
225

226 **Scott LeStrange, 1701 Garnet Creek Court**, spoke in favor of the council  
227 summarily deny the appeal. Discussion ensued.  
228

229 It was **MOVED** by **Barnes** and **SECONDED** by **Lopez-Ortega** to grant a  
230 continuance of this item to the **October 15, 2013** agenda, so the  
231 applicant is present.

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It was then **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to summarily deny the appeal. Motion was carried by the following a roll call vote:

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

J) **ADJOURNMENT**

**Mayor Canning** adjourned the meeting at 8:21 p.m. to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, October 15, 2013, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

**Respectfully submitted:**

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**Prepared by: Kathy Flamson, Executive Secretary to the City Manager**

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**Approved by: Chris Canning, Mayor**