

**MINUTES**  
**CITY COUNCIL – REGULAR MEETING**  
**TUESDAY, NOVEMBER 5, 2013 - 7:00 P.M.**  
**CALISTOGA COMMUNITY CENTER**  
**1307 WASHINGTON STREET, CALISTOGA CA 94515**

**A) CALL TO ORDER**

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

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

Also present were the following: Administrative Services Director Gloria Leon, Public Works Director Michael Kirn, Police Chief Mitch Celaya, Consultant David Spilman, City Manager Richard Spitler and Deputy City Clerk Kathy Flamson.

**B) SALUTE TO THE FLAG**

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

**Marvin Braun, 21 Rockrose Lane**, requested that the deadline for the protest letters be extended to the next meeting.

**Dennis McNay, Foothill Blvd.**, requested the Council of include wording to exempt service dogs from licensing in the Animal Control Ordinance (Item No. 4). He also requested a limit be put on the charge for service dogs. **City Manager Spitler** noted that the Council, by resolution, sets the fees for service dogs and will address this issue at that time.

**Norma Tofanelli, 1001 Dunaweal Lane**, submitted to the Council a copy of an Amicus Brief that was filed with the State Appellant Court on October 21 regarding the Reynolds vs. City of Calistoga.

**Doug Cook, 1447 Second Street**, requested that time is extended for public response when the Council addresses complex issues.

**Bill Dyer, 1501 Diamond Mountain Road**, reported on a recent forum. Expressed concern to water shed issues.

**Joe Matthews, 26 View Road**, read his letter to Mayor Canning regarding the legal issues presented to the City of Calistoga.

Closed Oral was closed at 7:23 P.M.

**D) ADOPTION OF MEETING AGENDA**

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

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

**Councilmember Lopez-Ortega** thanked Lynn Goldberg for arranging the community meeting for Fairway Manor residents on October 31, 2013. There will be another meeting on November 9, 2013.

**Councilmember Barnes** reminded everyone the American Legion Post 231 of Calistoga will be having a ceremony on Monday, November 11, 2013, at 11 am at Veteran's Memorial at Logvy Park.

**Mayor Canning** thanked Creative Living group for inviting him to the Halloween Party. He encouraged citizens to participate in the Creative Living activities every Wednesday from 10 am to 1:30 pm. There is no age requirement to attend the events. He thanked the Park and Recreation Department for the great post-Halloween Parade carnival. He just returned from San Francisco for the Great Wine Capitals of the World Conference representing the City of Calistoga.

**F) PROCLAMATIONS/ PRESENTATIONS/ AWARDS**

None

**G) CONSENT CALENDAR**

- 1) Approval of Minutes of the October 15, 2013, regular City Council meeting.
- 2) Adoption of Resolution No. 2013-097 approving a Service Contract with PARSAC and George Hills Company to provide subrogation recovery services for the city of Calistoga.
- 3) Adoption of Ordinance No. 693 as an amendment to the Calistoga Municipal Code adding parking limitations and storage in requested single-family residential yards.
- 4) Adoption of Ordinance No. 694 as an amendment to the Calistoga Municipal Code regarding Section 6.04 Animal Control.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Lopez to approve the Consent Calendar Items. The Motion was carried by the following vote:

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

## H) PUBLIC HEARING

### 5) Adoption of Resolution No. 2013-098 approving Water and Wastewater Rate Studies and Directing the Introduction of Rate Increase Ordinances.

**City Manager Spitler** introduced the proposal for the water and wastewater rate increase. Starting in January 2013, there have been 4 workshops and a public hearing regarding this issue. The City of Napa increased the rates for water, which caused more of a deficit. Per Proposition 218, over 3,000 notices were sent to every water and wastewater consumer in the Calistoga 45 days prior to this public protest hearing. There must be 725 written protest letters received by the closed of the public hearing for a successful protest to be issued to the Council, which would stop the rate increase process.

**David Spilman** presented the 2013 Water and Wastewater Rate Studies and conclusions. Council discussion ensued.

The following people spoke against the rate increases: **Carl Sherrill, 1132 Denise Drive; Bill Daly, 120 Heather Lane; Esther Pilch, 1706 Adele; and Christine Aranguren.**

**Carolee Arch, Mora Avenue,** spoke about imposing a building moratorium.

**Doug Cook, 1447 Second Street,** discussed the protest process.

**Norma Tofanelli, 1001 Dunaweal Lane,** discussed the facts of the study.

**Kathleen Meyer, Berry and Washington,** requested clarification regarding the protest process. **City Manager Spitler and Mayor Canning** explained the process for counting the protest letters.

**Paul Dohring, 1220 Washington Street,** discussed the Staff Report and the Napa water rate increase.

**Tony McBeardsley, 1405 Lake Street,** discussed the cost of treating wastewater with regard to groundwater discharge.

**Tom Balcer, 1705 Michael Way,** inquired about how Calistoga's water rates compare to other cities. **Mayor Canning** stated that Calistoga has the highest rates in Northern California.

**Carol Caywood 1710 Adele Street**, requested clarification on the metering of the spas and conservation by their guests.

**Dennis McNay, Foothill Blvd.**, requested clarification regarding the purpose of the meters and who paid for the legal bills for the Enterprise System.

**Hubert Verdeille, 17 Rosedale Road**, requested clarification regarding the metering and protest processes.

Discussion ensued. **Calistoga City Council** and **City Staff** responded to public comments and questions. Public Hearing was closed at 9:30 P.M. The **Acting City Clerk** was directed to count the protest letters received prior to the close of the Public Hearing.

At 9:47 P.M., regular session was reconvened. **Acting City Clerk Spitler** reported 131 letters of protest in any form were received. This number represents 9% of eligible property owners and therefore does not constitute a valid protest and does not prohibit the **Calistoga City Council** from further action.

It was **MOVED** by Barnes and **SECONDED** by Vice Mayor Dunsford to adopt **Resolution No. 2013-098**, approving the adoption of the updated 2013 Water and Wastewater Rate Studies and direct staff to bring the updated ordinances to the City Council on November 19, 2013. The Motion was carried by the following vote:

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

**I) GENERAL GOVERNMENT**

None

**J) ADJOURNMENT**

**Mayor Canning** adjourned the meeting at 9:52 P.M. to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, November 19, 2013, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

**Respectfully submitted:**



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



Approved by: **Chris Canning, Mayor**