

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, OCTOBER 15, 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: Planning and Building Director Lynn Goldberg, Administrative Services Director Gloria Leon, Public Works Director Michael Kim, Police Chief Mitch Celaya, Fire Chief Steve Campbell, Senior Planner Erik Lundquist, 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

Mike Costanzo, representing the Active Transportation Committee, announced the City of Calistoga was awarded the Silver Level Award by the League of American Bicycles as a bicycle-friendly community. This is the highest level in Napa County.

Joe Bob Hitchcock, read his letter regarding the decision of the Planning Commission and Calistoga City Council and his appeal to their decision.

Michael Quast, 1300 Washington Street, requested the Fairway extension be pulled from the Consent Calendar for discussion.

D) ADOPTION OF MEETING AGENDA

Mayor Canning requested that **Item #11** moved before **Item # 7**.

It was MOVED by Councilmember Barnes and SECONDED by Vice Mayor Dunsford 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 asked if anyone in the audience could translate for the large amount of Hispanic audience members.

Councilmember Kraus reminded the staff of a translating service used in the past when it was needed.

Mayor Canning announced the Community Forum at 6 pm on October 16, with the primary topic of Waste Water Management for the City of Calistoga. Representatives from the State of California Water Quality Control Board will be present. Water/Waste Water Rates will be discussed at the next City Council meeting on November 5, 2013.

F) PROCLAMATIONS/ PRESENTATIONS/ AWARDS

- 1) **Mayor Canning** presented **Administrative Services Director Leon** an award from the Government Finance Officers Association of the United States for the fiscal year 2011-2012, for the comprehensive annual financial report. This is the first time the City of Calistoga has received this award. **City Manager Spitler** congratulated **Administration Services Director Leon** for the excellent job she has done with the City's financial system.

G) CONSENT CALENDAR

Mayor Canning requested Item No. 4 be pulled for discussion.

- 2) Approval of Minutes of the October 1, 2013, regular City Council meeting.
- 3) Adoption of Ordinance No. 692 as an amendment to the Calistoga Municipal Code adding protection for farmers who use accepted and standard farming practices against nuisance suits and requiring disclosure about the potential inconveniences and discomforts associated with agricultural operations.
- 4) Adoption of Resolution No. 2013-091 approving a budget adjustment in the amount of \$50,000.00, to recognize program funding and appropriations for Professional Services for the Fair Way Path Extension during fiscal year 2013-14.
- 5) Adoption of Resolution 2013-092 authorizing the filing of an application for funding assigned to the Metropolitan Transportation Commission and committing any necessary matching funds and stating the assurance to complete the Petrified Forest Road and SR 128 Project.
- 6) Adoption of Resolution No. 2013-093 authorizing the Mayor to execute a Master Program Agreement No. 04-5061R, and authorizing the City Manager to execute Program Supplement Agreement No. 004-N for the Berry Street Bridge Project, and future Program Supplement Agreements with the State of California, Department of Transportation.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Barnes to approve Item Nos. 2, 3, 5 and 6 on the Consent Calendar. The Motion was carried by the following vote:

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

Planning and Building Director Goldberg described Consent Calendar Item No. 4. **Michael Quast** commented on this item. Discussion ensued.

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

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

H) PUBLIC HEARING

- 7) Determination to reject the requested ordinance amendment, or direct staff to set a hearing date for consideration of the proposed amendment to the Downtown Commercial Zoning District to allow walk-up building facilities housing automated teller machines (ATMs).

Senior Planner Lundquist presented this item. **Richard** (No last name given), **Consultant of Bank of America**, explained the need for this ATM due to the large monthly ATM transactions at the branch. **Clarence Luvisi**, 285 Rosedale Road, suggested having the ATM inside the Bank.

Councilmember Kraus inquired about security for a walk-up ATM from **Police Chief Celaya**. Discussion ensued.

It was **MOVED** by Mayor Canning and **SECONDED** by Councilmember Barnes to reject the requested ordinance amendment. The Motion was carried by the following vote:

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

- 8) Preparation of the introduction of an Ordinance to the Calistoga Municipal Code Section 6.04 Animal Control and waiving the first reading of the Ordinance.

City Manager Spitler presented this item, which includes changes to the Municipal Code Section 6.04. **Dennis McNay, 2653 Foothill Blvd.**, noted that working dogs, such as Canine Companions, aren't required to be licensed. Licensing fees of dogs will be in lieu of any county fees.

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Kraus** to introduce **Ordinance No. 694** and waive the first reading. The Motion was carried by the following vote:

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

- 9) **Preparation of the introduction of an Ordinance to limit parking and storage in required single-family residential yards and waiving the first reading of the Ordinance.**

City Manager Spitler offered to have a special meeting with residence of Fair way Manor with translation services for code enforcement issues. **Planning and Building Director Goldberg** described the item. It was requested that the Council direct staff regarding the enforcement of this Ordinance. **Andrew Luvisi, 285 Rosedale Road**, requested clarification for homeowners with large lot. Discussion ensued.

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Barnes** to introduce **Ordinance No. 693** and waive the first reading. The Motion was carried by the following roll call vote:

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

I) GENERAL GOVERNMENT

- 10) **Determination to summarily deny or set a hearing date for an appeal received from Charmi Deepak of the Planning Commission's denial of Conditional Use Permit 2013-10. By motion, summarily deny the appeal and sustain the Planning Commission's action, or decide to hear the appeal and set a public hearing date.**

Charmi Deepak, Project Manager presented the design to the Council.

It was **MOVED** by **Councilmember Barnes** and **SECONDED** by **Vice**

Mayor Dunsford to summarily deny the appeal and sustain the Planning Commission's action. The Motion was carried by the following vote:

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

11) Discussion regarding the City of Calistoga's Rent Stabilization Ordinance and Program.

Mayor Canning noted there has been communication from the property owners to have this item moved to a later date. He also noted this item will be addressed at this meeting to eliminate the need for citizens having to return for another meeting. **Senior Planner Lundquist** explained the aspects of this item. Discussion ensued.

Public speaking to this item: Terry Pohrman, American Canyon; Drew Sparks, 2412 Foothill Blvd.; Win Wilson, 55 Magnolia Drive; Don Holinsworth, 919 Champagne Circle South; Catherine Singels, 2412 Foothill Blvd.; Michael Nastari, 308 Chablis North; Dianna Patrick, 810 Champaign East; Jeri Hansen, Chateau Calistoga; Jeremiah Holland, Chateau Calistoga; Clarence Luvisi, 25 Rosedale Road; Mike Fanzone, 318 Chablis; Larry Krohmann; and Denise Burke, Rancho de Calistoga.

City Manger Spitler responded to the public comments. **City Council** discussion ensued, including seeking pro bono advice from an attorney regarding other options. **Mayor Canning** reiterated that if the RSO is changed, it might jeopardize the 2 law suits the city is currently involved in.

The City Council accepted the report and will take no further action.

12) Adoption of a Resolution as authorizing the issuance of a Special Event Permit with conditions, to the Calistoga Chamber of Commerce for the Lighted Tractor Parade on December 7, 2013.

Public Works Director Kirn presented this item and explained the terms and conditions presented to the business owner. **City Manager Spitler** also mentioned that the Police/Fire Departments requested that the change be made due to safety issues. **Carolynne Wilkinson Clair, 1507 Lincoln Avenue**, spoke along with **Sam Neasham**, legal counsel, regarding this issue. **Carolyn Denaro, Calistoga Chamber of Commerce**, presented the items of the Special Event Permit in question.

Public speaking to this item: Carol Bush, 1443 Lincoln Avenue; Clarence Luvisi, 25 Rosedale Road; and Brian Rios, General Manager of Indian Springs. Discussion ensued.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Barnes to approve Resolution No. 2013-094, as amended by staff, authorizing the issuance of a Special Event Permit with Conditions, to the Calistoga Chamber of Commerce for the Lighted Tractor Parade on December 7, 2013. The Motion was carried by the following vote:

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

- 13) Adoption of a Resolution approving Amendment No. 12 to the Water Supply Contract with the Napa County Flood Control and Water Conservation District Agreement No. 1926.

Public Works Director Kirn presented this item.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes to approve Resolution No. 2013-095 to approve Amendment No. 12 to the Water Supply Contract with the Napa County Flood Control and Water Conservation District Agreement No. 1926. The motion was carried by the following vote:

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

- 14) Adoption of a Resolution authorizing the City Manger to execute a Professional Services Agreement (PSA) with URS Corporation in the amount not to exceed \$180,495.00, to provide environmental review, permitting and design engineering service for improvements to the Kimball Reservoir Intake Tower, Drain Valve and Piping System Project (the Project) and approving a budget amendment in the amount of \$50,000.00, derived from Measure A proceeds.

Public Works Director Kirn presented this item. Discussion ensued.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes adopt Resolution No. 2013-096 to execute a Professional Services Agreement with URS Corporation in the amount not to exceed \$180,495.00, to provide environmental review, permitting and design engineering service for improvements to the Kimball Reservoir Intake Tower, Drain Valve and Piping System Project (the Project) and approving a budget amendment in the amount of

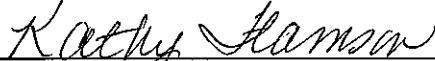
\$50,000.00, derived from Measure A proceeds. The Motion was carried by the following vote:

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

J) ADJOURNMENT

Mayor Canning adjourned the meeting at 10:06 p.m. in memory of Ron and Mary Lynch to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, November 5, 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**

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