

CITY COUNCIL
TUESDAY, AUGUST 5, 2008 - 6:00 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION

CALL TO ORDER

Mayor Jack Gingles called the Closed Session to order at 6:00 p.m. In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, and Councilmember Karen Slusser and Mayor Gingles. Also present were City Manager James McCann. Vice Mayor Michael Dunsford was absent.

1. **Public Employee Performance Evaluation, GCS 54957, City Manager.**
(b) Government Code Section 54956.9:

ADJOURNMENT

Mayor Gingles adjourned the **Closed Session** at 7:00 p.m. to the Regular Meeting of the Calistoga City Council, Tuesday, August 5, 2008, 7:00 p.m., Calistoga Community Center, 1307 Washington Street.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, AUGUST 5, 2008 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:05 p.m.

In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, Councilmember Karen Slusser and Mayor Jack Gingles. Vice Mayor Michael Dunsford was absent.

Also present were, City Manager James McCann, Community Resources Director Mary Cahill, Planning and Building Director Charlene Gallina, Police Chief Jonathan Mills, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no action taken out of closed session.

ORAL COMMUNICATION

Mayor Gingles announced that a member of the community, Louise Lucas, past away on August 2, 2008.

ADOPTION OF MEETING AGENDA

It was **MOVED** by Councilmember Slusser and **SECONDED** by Councilmember Garcia to approve the Council Meeting Agenda. The Motion was carried unanimously.

OATH OF OFFICE

1. Swearing in of Lester Flynn, new Reserve Police Officer.

Chief Mills stated that Lester Flynn graduated from the Police Academy with honors and he is an ideal candidate for this position.

Mayor Gingles welcomed Lester Flynn as the new Reserve Police Officer followed by the oath of office provided by City Clerk Sneddon.

PRESENTATION

2. **Presentation by Amy O’Gorman, League of California Cities Public Affairs Regional Director regarding the State budget.**

Amy O’Gorman, League of California Cities Representative, presented a brief overview regarding the status of the State Budget pending approval and possible affects to the City. She stated that the League has launched the “Cut Up the Local Government Card” website to encourage needed State budget reform.

CONSENT CALENDAR

3. **Accounts payable for the period ending Thursday, July 31, 2008 (total amount of \$692,640.12).**
4. **Minutes of the June 25, 2008 Special Planning Commission/City Council Joint Meeting, and minutes of the July 15, 2008 Regular City Council Meeting.**
5. **Adoption of Resolution No. 2008-070 opposing State Budget decisions that would seize local government, redevelopment and transportations funds.**
6. **Adoption of Resolution No. 2008-071 confirming the Mayor’s appointments to the Bicycle Advisory Committee.**
7. **Authorizing a response to the 2007/2008 Napa County Grand Jury Report.**
8. **Adoption of Resolution No. 2008-072 approving Amendment No. 4 to the Agreement with the Napa County Flood Control and Water Conservation District to fund and administer the Napa County Stormwater Management Program.**

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Slusser to approve Items No. 3, 4, 5, 6, 7 & 8 on the Consent Agenda. The Motion was carried by the following vote:

AYES: Councilmembers Kraus, Slusser, Garcia and
Mayor Gingles

NOES: None

ABSENT: Vice Mayor Dunsford

ABSTAIN: None

PUBLIC HEARING

9. **Receive report regarding the expenditure of the \$100,000 Citizen’s Option for Public Safety (COPS) grant funding for Fiscal Year 2008/2009.**

Police Chief Mills stated that the amount awarded from the State of California Citizen's Option for Public Safety (COPS) Grant Program for Fiscal Year 2008/2009 is \$100,000. He stated that he has been in contact with Assemblymember Noreen Evans and Senator Patricia Wiggins to encourage to retain the COPS Grant for Fiscal Year 2009/2010. He stated that he has developed contingency plans to maintain the same level of service if the City receives less funding next fiscal year.

Mayor Gingles opened the public hearing.

There was no public comment.

Mayor Gingles closed the public hearing.

GENERAL GOVERNMENT

10. Consideration of a Resolution of support for Measure P (an initiative to extend Measure J – the Agriculture Lands Preservation Initiative) on the November 2008 ballot.

City Manager McCann introduced Napa County Farm Bureau President Peter Nissen who urged support for Measure P. He stated that if approved by the voters Measure P would authorize an extension of Measure J (the Agricultural Lands Preservation Initiative) which would prohibit the Napa County Board of Supervisors to change land-use agriculture designations without the vote of the people.

Peter Nissen, "Yes of P Committee" representative (Napa County Farm Bureau President) briefly reviewed provisions built into the proposed Measure P.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt Resolution No. 2008-073 supporting Measure P on the November 2008 ballot. The Motion was carried by the following vote:

AYES: Mayor Gingles, Councilmembers Slusser, Garcia and Kraus
NOES: None
ABSENT: Vice Mayor Dunsford
ABSTAIN: None

11. Receive a recommendation from the Community Resources Commission regarding the proposed Dog Park on a portion of the Fair Way extension located between Eddy and Anna Streets.

Community Resources Director Cahill introduced and provided a brief review of the various potential sites for the proposed Dog Park. She thanked David Johnston, Scott Atkinson and Rose LeClerc (members of the CalDogs)

for evaluating the various locations. She stated that the Fair Way extension site is the preferred location due to its ease of conversion and relative cost efficiency.

Irene Spiegel, 1908 Fair Way, stated her concern regarding having a temporary Dog Park instead of a permanent site.

Rose LeClerc, CalDog representative, thanked Community Resources Director Cahill for her work on this project and urged Council support for the proposed Dog Park. She stated her concerns regarding the Fair Way Extension (size of the site; inability to seek funding for temporary Dog Park location; estimated project costs too high).

Shelby Valentine, new Calistoga resident, stated that it appears that the City has more dogs per capita and suggested that dog owners be requested to pay for a voluntary fee to use the Dog Park. She supports a permanent Dog Park over a temporary site.

Councilmember Kraus asked if the construction of the proposed Dog Park would involve volunteer work, and how long the Dog Park would be at the proposed temporary site.

Community Resources Director Cahill responded that it is anticipated that if the proposed Dog Park is constructed at the Fair Way extension it will remain for 2-3 years or longer depending on future development in the area.

Councilmember Kraus asked how the volunteers for the proposed Dog Park would feel if the Dog Park was only at the site for 5 years.

Scott Atkinson, 2103 Oat Hill Ct, stated that he acknowledges that the Dog Park at the proposed site would be temporary and that he would prefer a permanent site.

Councilmember Kraus suggested that staff looking into how the City could provide a higher level of animal control.

Mayor Gingles stated that he is favor of having staff contact Napa County Animal Control about covering the City.

Councilmember Garcia stated he prefers a permanent site for the Dog Park as a means of spending funds in the best way.

City Manager McCann stated that staff has investigated private property and public land sites since May 2008 and the Fair Way extension was found to be the most readily available. He stated that he asked Public Works Director/City Engineer Takasugi to prepare a cost estimate for the proposed site. He stated that staff will meet with CalDogs and a public meeting will be scheduled to discuss this item at the Planning Commission. He stated that

the Dog Park would remain at the temporary site for 4-5 years and then the City would move forward in locating a permanent site. He introduced Barbara Nemko, Napa County Office of Education Superintendent, who operates the preschool adjacent to the proposed site on the Fair Way extension.

Superintendent Nemko stated that she is pleased to share the parking area when the preschool is not in session and that proper signage be posted.

There was Council consensus to move forward with the proposed Dog Park site on a portion of the Fair Way extension located between Eddy and Anna Streets (Vice Mayor Dunsford was absent).

12. Consideration of a Resolution establishing the 2009 General Development Objectives and initiating the Growth Management Allocation process pursuant to Chapter 19.02 (Growth Management System) of the Calistoga Municipal Code.

Planning and Building Director Gallina introduced this item and provided an overview of the Growth Management System application process. She stated that unused allocations (approximately 38 dwelling units or 100 persons) will be added back into the system and in November of this year City Council will receive an update regarding the number of allocations that have expired to insure that the 2009 allocations are within the 1.35% growth rate.

Councilmember Kraus stated that the City is over committed by 5 units at the present without any consideration of soon-to-be expired allocations.

Kurt Larrecou, 1707 Michael Way, stated the City needs to update its Urban Water Plan and consider dredging Kimball Reservoir.

Kurt Becker, 1715 Michael Way, asked about the reasoning behind the recommended Development Objective:

Preference for residential allocations shall generally be given to projects that include one or more of the following: (1) Construction of predominately deed restricted residential units (at least 80% required) that go towards the goal of fulfilling the City's remaining regional housing need in the very-low, low- and/or moderate-income housing categories as defined by the General Plan.

He questioned what "predominately" means in relation to this Objective and how this will be determined. He also commented that more emphasis should be placed on producing homes affordable to moderate income Calistogans. He asked why the objectives from previous years were not utilized this year and referenced the staff report and adopted Development Objectives from last year.

Planning and Building Director Gallina responded that at least 80% of the units are for very-low, low and/or moderate-income pursuant to the City's Growth Management System. She stated that two of the general Development Objectives regarding the moderate income and affordable housing requirements have been consolidated to reduce redundancy.

Kurt Becker, 1715 Michael Way, asked why the City gives developers an in-lieu fee for inclusionary housing.

Planning and Building Director Gallina responded that the City Council had approved an in-lieu fee to go towards the City's affordable housing fund in two recent occasions.

Councilmember Slusser suggested going back to using two separate General Development Objectives as stated in the 2008 objectives regarding the moderate income and affordable housing requirements. She suggested that the words "predominately" and "at least 80% required" be removed from the proposed 2009 Objective regarding the construction of deed restricted residential units that go towards the goal of fulfilling the City's remaining regional housing need in the very-low, low- and/or moderate-income housing categories.

Councilmember Kraus suggested adding the word "estimate" in the proposed 2009 Growth Management Allocation Resolution in the section that references "Available Annual Residential Allocations - (28 Residential Units)" to allow for flexibility in the number of allocations approved for residential units.

Kurt Becker, 1715 Michael Way, asked if the City can go over the 5-year fixed number of allocations awarded.

Planning and Building Director Gallina responded that in any given year the City Council may go over the established residential growth rate of 1.35% but cannot exceed the maximum for the enter 5-year fixed number of allocations.

Tom Balcer, 1705 Michelle Way, asked if last years allocations for the Homecoming project were dropped for the list.

Planning and Building Director Gallina stated that a letter of withdrawal of the Homecoming project application for allocations for received.

Bob Fiddaman, Calistoga Affordable Housing, stated Calistoga Affordable Housing has applied for an allocation for a future project.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Garcia to adopt **Resolution No. 2008-074** as amended establishing the 2009 General Development Objectives and initiating the Growth Management Allocation process pursuant to Chapter 19.02 (Growth Management System) of the Calistoga Municipal Code. The Motion was carried by the following vote:

AYES: Mayor Gingles, Councilmembers Garcia, Kraus and Slusser
NOES: None
ABSENT: Vice Mayor Dunsford
ABSTAIN: None

13. Consideration of a Resolution authorizing an extension of the lease of public land with the Napa County Office of Education, to permit the continuing operation of the Calistoga Preschool August 1, 2008 to August 1, 2010.

Superintendent Nemko thanked City Council for authorizing an extension of the lease of public land for the preschool.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt **Resolution No. 2008-075** authorizing an extension of the lease of public land with the Napa County Office of Education, to permit the continuing operation of the Calistoga Preschool August 1, 2008 to August 1, 2010. The Motion was carried by the following vote:

AYES: Mayor Gingles, Councilmembers Slusser, Garcia and Kraus
NOES: None
ABSENT: Vice Mayor Dunsford
ABSTAIN: None

CITY MANAGER REPORTS

- Announced two public meetings regarding the Urban Design Plan will be held on August 7th and August 18th; the Draft Urban Design Plan is available to purchase at City Hall and through a link on the City's website.
- Announced that City staff will be involved in a County-wide Earthquake Tabletop Drill on August 8th.
- Provided a brief update on the Karpuk and Busk abatements.
- Napa County has withdrawn the Transportation Sales Tax Initiative from the Countywide November ballot.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Mayor Gingles asked about planting at Seiberlich Park (City Manager McCann responded that this is being done by staff).

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:05 p.m. to the next scheduled regular meeting to the Calistoga City Council, on Tuesday August 19, 2008, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor