

City of Calistoga

Staff Report

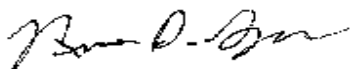
TO: Honorable Mayor and City Council

FROM: Kathy Flamson, City Clerk

DATE: August 18, 2015

SUBJECT: City Council Minutes

APPROVAL FOR FORWARDING:



Richard D. Spitler, City Manager

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2 **DISCUSSION:** Minutes of the August 4, 2015 Closed Session and Regular City
3 Meetings.
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5 **RECOMMENDATION:** Approve Minutes.
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7 **ATTACHMENTS:**
8 1. Draft Minutes of the aforementioned meetings.

MINUTES

CITY COUNCIL CLOSED SESSION

TUESDAY, AUGUST 4, 2015 – 6:00 P.M.

CALISTOGA COMMUNITY CENTER

A) CALL TO ORDER

Mayor Canning called the Closed Session to order at 6:00 P.M. In attendance were the following: Councilmember Irais Lopez-Ortega, Councilmember James Barnes, Councilmember Gary Kraus, Vice Mayor Michael Dunsford and Mayor Chris Canning.

Also present was City Manager Richard Spitler, Gloria Leon, Labor Negotiator Deborah Glasser (by teleconference) and City Attorney Michelle Kenyon (by teleconference).

B) ORAL COMMUNICATIONS

None were received

C) ADJOURN TO CLOSED SESSION ON THE FOLLOWING MATTERS:

- 1) Conference with Labor Negotiators (Labor Negotiator Deborah Glasser, City Manager Richard Spitler and Administrative Services Director Gloria Leon) pursuant to GC §54957.6.

Employee Organizations: Calistoga Police Officers Association
 Calistoga Professional Firefighters' Association
 Calistoga Public Employees Association
 Unrepresented Employees

- 2) Conference with Legal Counsel – Existing Litigation
 GC § 54956.9(d)(1)
 Name of Case: Reynolds v. City of Calistoga
 Case Nos.: A134190, A135501

- 3) Public Employee Performance Evaluation
 Pursuant to GC §54957 – City Manager

D) REPORT OUT OF CLOSED SESSION

Mayor Canning stated there was no reportable action from the Calistoga City Council Closed Session.

E) CONVENE TO OPEN SESSION TO REPORT FROM CLOSED SESSION

F) ADJOURNMENT

Mayor Canning adjourned the Closed Session at 6:55 P.M. to the next scheduled meeting of the Calistoga City Council, on Tuesday, August 4, 2015, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Kathy Flamson, City Clerk

Approved by: Chris Canning, Mayor

1 **MINUTES**

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3 **CITY COUNCIL REGULAR MEETING**

4 **TUESDAY, August 4, 2015 – 7:00 P.M.**

5 **CALISTOGA COMMUNITY CENTER**

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7 **A) CALL TO ORDER- ROLL CALL**

8 **Mayor Canning called the Regular Session to order at 7:05 P.M.**

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

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13 **Also present were the following:** Public Works Director Mike Kirn,
14 Administrative Services Director Gloria Leon, City Manager Richard Spitler
15 and City Clerk Kathy Flamson.

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17 **B) SALUTE TO THE FLAG**

18 **C) ACTION OUT OF CLOSED SESSION**

19 **Mayor Canning** reported the following out of the Closed Session:

- 20 1. **No Reportable Action:** Conference with Labor Negotiators (Labor
21 Negotiator Deborah Glasser, City Manager Richard Spitler and
22 Administrative Services Director Gloria Leon) pursuant to GC §54957.6.

23 Employee Organizations: Calistoga Police Officers Association
24 Calistoga Professional Firefighters' Association
25 Calistoga Public Employees Association
26 Unrepresented Employees

- 27 2. **Report during Item J11:** Conference with Legal Counsel – Existing
28 Litigation (City Attorney Michelle Kenyon via teleconference and City
29 Manager Richard Spitler)

30 Gov. Code § 54956.9(d)(1)

31 Name of Case: Reynolds v. City of Calistoga

- 32
33 3. Case Nos.: A134190, A135501

34 **No Reportable Action:** Public Employee Performance Evaluation
35 Pursuant to GC §54957 – City Manager

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

39 **Mayor Canning** opened Oral Communication.

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41 Having no one come forward, **Mayor Canning** closed Oral Communication.

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E) ADOPTION OF MEETING AGENDA

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Lopez-Ortega to approve the Council Meeting Agenda as presented. 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

F) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Lopez-Ortega requested the Community donate water and supplies to the people being evacuated due to the Rocky Fire in Lake County.

Councilmember Kraus reported for a couple of weeks the City of Calistoga has had a couple of fire engines assisting with fire protection at the Rocky Fire in Lake County.

Mayor Canning stated the passing of Kristen Casey has brought great sadness to the Calistoga community. Thoughts and prayers are with her friends and family. The flag was lowered to half-staff on Monday, July 27, in Kristen's honor for her great contributions to the community.

G) PROCLAMATIONS/PRESENTATIONS

None

H) CONSENT CALENDAR

- 1) Approval of Minutes of July 21, 2015 Regular City Council Meeting.
- 2) Adoption of Resolution No. 2015-089 accepting as complete the public improvements of the Ross J. and Andrea Pecota White Subdivision located on Mora Avenue and approving to file for Final Parcel Map.
- 3) Adoption of Resolution No. 2015-90 supporting a request from the League of California Cities for sustainable Transportation Funding.

Vice Mayor Dunsford and Councilmember Barnes abstained from voting on Item No 1, as they did not attend the July 21, 2015 Council meeting. It was **MOVED** by Mayor Canning and **SECONDED** by Councilmember Kraus to approve Item No. 1 of the Consent Calendar. The motion was carried by the following vote:

90 **AYES:** **Mayor Canning and Councilmembers Kraus**
91 **Lopez-Ortega**
92 **NOES:** **None**
93 **ABSTAIN:** **None**
94 **ABSENT:** **Vice Mayor Dunsford and Councilmember Barnes**
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96 **It was MOVED by Vice Mayor Dunsford and SECONDED by**
97 **Councilmember Kraus to approve Item Nos. 2 and 3 of the Consent**
98 **Calendar. The motion was carried by the following vote:**
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100 **AYES:** **Vice Mayor Dunsford, Councilmembers Kraus,**
101 **Barnes and Lopez-Ortega and Mayor Canning**
102 **NOES:** **None**
103 **ABSTAIN:** **None**
104 **ABSENT:** **None**
105

106 **I) PUBLIC HEARING**

107 **4) Adoption of Resolution No. 2015-091 authorizing the City Manager to**
108 **enter into an Assignment and Assumption Agreement with the**
109 **Corporation for Better Housing to allow the purchase of property**
110 **located at 611 Washington Street for \$669,000.00; and an Agreement**
111 **to Negotiate Exclusively with the Corporation for Better Housing to**
112 **negotiate a Development and Disposition Agreement to develop said**
113 **property for senior affordable housing; and to approve a budget**
114 **adjustment to the Fiscal Year 2015-2016 Operating Budget to transfer**
115 **\$220,000.00 from the Unappropriated General Fund Balance to the**
116 **Affordable Housing Fund. The proposed agreement is exempt from**
117 **the California Environmental Quality Act (CEQA) under Section**
118 **15061 (b) (3) of the CEQA Guidelines.**
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120 **City Manager Spitler presented the item.**
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122 **Council discussion ensued.**
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124 **Mayor Canning opened the public hearing.**
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126 **Dave Shaw, 2318 Grant Street and 711 Washington Street,** discussed
127 a concern about the height of the building (3 stories) and parking impact to
128 the area. He also discussed the changes that have occurred in
129 implementation of the General Plan created 10 years ago.
130

131 **Susan Shaw, 2318 Grant and 711 Washington Street,** discussed the
132 General Plan and the need for more commercial development in the area.
133 She also stated a 3 story building would be difficult for seniors to manage.
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135 **Ford LeStrange, Washington Street property owner,** discussed the
136 parking issue, additional noise and traffic concerns on Washington Street.
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Corporation for Better Housing Executive Vice President Justin Hardt, addressed the issues presented and clarified Council questions. He noted the facility will not be a 'care' facility.

Mayor Canning closed the public hearing.

Council and staff discussion ensued. **Vice Mayor Dunsford** discussed his concern that work-force housing isn't being addressed at this time.

The Council directed staff to move the project forward.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Lopez-Ortega to adopt **Resolution No. 2015-091** authorizing the City Manager to enter into an Assignment and Assumption Agreement with the Corporation for Better Housing to allow the purchase of property located at 611 Washington Street for \$669,000.00; and an Agreement to Negotiate Exclusively with the Corporation for Better Housing to negotiate a Development and Disposition Agreement to develop said property for senior affordable housing; and to approve a budget adjustment to the Fiscal Year 2015-2016 Operating Budget to transfer \$220,000.00 from the Unappropriated General Fund Balance to the Affordable Housing Fund. The motion was carried by the following vote:

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

Councilmember Kraus recused himself due to the proximity of his residence to the Districts referred to in **Item Nos. 5 and 6** and left the dais.

- 5) **Adoption of Resolution No. 2015-092 authorizing the levying and collection of assessments for the Silverado Place Landscape Maintenance District for Fiscal Year 2015-2016.**

Public Works Director Kirn presented the item.

Mayor Canning opened the public hearing.

Having no one come forward, **Mayor Canning** closed the public hearing.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Lopez-Ortega to adopt **Resolution No. 2015-092** authorizing the levying and collection of assessments for the

186 **Silverado Place Landscape Maintenance District for Fiscal Year 2015-**
187 **2016. The motion was carried by the following vote:**

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

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195 **6) Adoption of Resolution No. 2015-093 authorizing the levying and**
196 **collection of assessments for the Palisades Landscape Maintenance**
197 **District for Fiscal Year 2015-2016.**

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199 **Public Works Director Kirn presented the item.**

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201 **Mayor Canning opened the public hearing.**

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203 **Having no one come forward, Mayor Canning closed the public hearing.**

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205 **It was MOVED by Vice Mayor Dunsford and SECONDED by**
206 **Councilmember Barnes to adopt Resolution No. 2015-093 authorizing**
207 **the levying and collection of assessments for the Palisades**
208 **Landscape Maintenance District for Fiscal Year 2015-2016. The**
209 **motion was carried by the following vote:**

210
211 **AYES: Vice Mayor Dunsford, Councilmembers Barnes**
212 **and Lopez-Ortega and Mayor Canning**
213 **NOES: None**
214 **ABSTAIN: None**
215 **ABSENT: Councilmember Kraus**

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217 **Councilmember Kraus returned to the dais.**

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219 **J) GENERAL GOVERNMENT**

220 **7) Adoption of Resolution No. 2015-094 accepting a donation from New**
221 **Albion Survey, Inc. for services valued at \$2,160.00 consisting of**
222 **additional topography mapping for a path to the bocce ball court at**
223 **Logvy Community Park.**

224
225 **Public Works Director Kirn presented the item.**

226
227 **Council and staff discussion ensued.**

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229 **Mayor Canning opened public comment.**

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231 **Having no one come forward, Mayor Canning closed public comment.**

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233 **It was MOVED by Councilmember Lopez-Ortega and SECONDED by**
234 **Councilmember Kraus to adopt Resolution No. 2015-094 accepting a**

235 donation from New Albion Survey, Inc. for services valued at
236 \$2,160.00 consisting of additional topography mapping for a path to
237 the bocce ball court at Logvy Community Park. The motion was
238 carried by the following vote:

239
240 AYES: Councilmembers Lopez-Ortega, Kraus and
241 Barnes, Vice Mayor Dunsford and Mayor Canning
242 NOES: None
243 ABSTAIN: None
244 ABSENT: None
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246 8) Adoption of Resolution No. 2015-095 authorizing the Mayor to enter
247 into an agreement between the County of Napa and the City of
248 Calistoga for provision of a Public Library Services in the City of
249 Calistoga to facilitate a library renovation.

250
251 City Manager Spitler introduced the item.

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253 Council and staff discussion ensued.

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255 Napa County Director of Library Services Danis Kreimeier addressed
256 the Council's questions.

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258 Council and staff discussion ensued.

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260 Mayor Canning opened public comment.

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262 Library Commissioner Shelby Valentine discussed possible library
263 services and renovation cost issues.

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265 Mayor Canning closed public comment.

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267 It was MOVED by Mayor Canning and SECONDED by Councilmember
268 Lopez-Ortega to adopt Resolution No. 2015-095 authorizing the
269 Mayor to enter into an agreement between the County of Napa and
270 the City of Calistoga for provision of a Public Library Services in the
271 City of Calistoga to facilitate a library renovation. The motion was
272 carried by the following roll call vote:

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274 AYES: Mayor Canning, Councilmembers Lopez-Ortega,
275 Kraus and Barnes, Vice Mayor Dunsford
276 NOES: None
277 ABSTAIN: None
278 ABSENT: None
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Mayor Canning called for a 5 minute recess.

Mayor Canning reopened the meeting.

- 9) Adoption of Resolution No. 2015-096 awarding a contract to Universal Building Services and Supply Co. (UBS) for janitorial maintenance services in the amount of \$37,100.00, approving a budget adjustment in the amount of \$37,100 derived from General Funds proceeds, and authorizing the City Manager to execute the contract.

Mayor Canning announced a correction to the amount of the Janitorial Maintenance Services Agreement from \$37,100 to \$66,281.

Public Works Director Kirn presented the item.

Council discussion ensued.

Mayor Canning opened public comment.

Having no one come forward, **Mayor Canning** closed public comment.

It was **MOVED** by Councilmember Barnes and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2015-096 awarding a contract to Universal Building Services and Supply Co. (UBS) for janitorial maintenance services in the amount of \$66,281.00, approving a budget adjustment in the amount of \$37,100 derived from General Funds proceeds, and authorizing the City Manager to execute the contract. The motion was carried by the following vote:

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

- 10) Adoption of Resolution No. 2015-097 awarding a contract to Central Coating Company, Inc. in the amount of \$72,865.00 for roof replacement at the Sharpsteen Museum, approving a Budget Adjustment of \$80,000.00 derived from General Funds, and authorizing the City Manager to execute the contract.

Public Works Director Kirn presented the item.

Council discussion ensued.

Mayor Canning opened public comment.

330 Having no one come forward, **Mayor Canning** closed public comment.

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332 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by
333 Councilmember Lopez-Ortega to adopt **Resolution No. 2015-097**
334 awarding a contract to Central Coating Company, Inc. in the amount
335 of \$72,865.00 for roof replacement at the Sharpsteen Museum,
336 approving a Budget Adjustment of \$80,000.00 derived from General
337 Funds, and authorizing the City Manager to execute the contract. The
338 motion was carried by the following vote:

339

340 **AYES:** Vice Mayor Dunsford, Councilmembers Lopez-
341 Ortega, Barnes and Kraus and Mayor Canning

342 **NOES:** None

343 **ABSTAIN:** None

344 **ABSENT:** None

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346 **11) Adoption of Resolution No. 2015-098** authorizing the City Manager to
347 expend funds to pay the Superior Court's award of legal fees to
348 William McKinnon in the amount of \$555,766.58 plus interest and to
349 approve a budget adjustment of \$415,000.00 from the
350 Unappropriated General Fund to the Water Operations Fund.

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352 **Mayor Canning** announced this item was a closed session item earlier in
353 the evening.

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355 **City Manager Spitler** presented the item.

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357 **Mayor Canning** opened public comment.

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359 Having no one come forward, **Mayor Canning** closed public comment.

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361 It was **MOVED** by Councilmember Lopez-Ortega and **SECONDED** by
362 Vice Mayor Dunsford to adopt **Resolution No. 2015-098** authorizing
363 the City Manager to expend funds to pay the Superior Court's award
364 of legal fees to William McKinnon in the amount of \$555,766.58 plus
365 interest and to approve a budget adjustment of \$415,000.00 from the
366 Unappropriated General Fund to the Water Operations Fund. The
367 motion was carried by the following vote:

368

369 **AYES:** Councilmembers Lopez-Ortega, Vice Mayor
370 Dunsford, Councilmembers Barnes, and Kraus,
371 and Mayor Canning

372 **NOES:** None

373 **ABSTAIN:** None

374 **ABSENT:** None

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377 **K) ADJOURNMENT**

378 **At 9:05 P.M., Mayor Canning adjourned the meeting in memory of**
379 **Kristen Casey to the next regular City Council meeting at 7:00 P.M. on**
380 **Tuesday, August 18, 2015, at the Calistoga Community Center, 1307**
381 **Washington Street, Calistoga.**

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383 **Respectfully submitted:**

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

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

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