

MINUTES

CITY COUNCIL – REGULAR MEETING TUESDAY, JANUARY 17, 2017 - 6:00 P.M. CALISTOGA COMMUNITY CENTER

A) CALL TO ORDER – ROLL CALL

Mayor Canning called the Regular Session to order at 6:00 p.m.

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

Also in attendance: Public Works Director Mike Kirn, Deputy Public Works Director Derek Rayner, City Manager Dylan Feik, City Attorney Benjamin Stock and Deputy City Clerk Melissa Velasquez.

B) SALUTE TO THE FLAG

C) REPORT FROM CLOSED SESSION OF January 10, 2017

Mayor Canning reported there were no reportable actions.

D) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS

Mayor Canning opened oral communications.

Karen Lynn Ingalls, 108 Ivy Lane, proposed letting the group Hearts Across the Valley set-up an art installation in Calistoga this February.

Mayor Canning closed oral communications.

E) ADOPTION OF MEETING AGENDA

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Vice Mayor Dunsford** to approve the Council Meeting Agenda. 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

F) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Irais Lopez-Ortega proposed adjourning meeting in memory of Calistoga resident Sandra Teague Wilson.

Councilmember Kraus commends and supports Councilmember Lopez-Ortega and her sister Indira Lopez for taking their protest to the streets. Reminder that City Manager Dylan Feik's first anniversary and annual review is approaching. Invited the public to share with him their comments on City Manager Dylan Feik's performance this past year.

Mayor Canning announced community forum at 6:00p.m. on January 18, 2017, topic of Cannabis Cultivation, Dispensaries and Potential Retail Sales for Adult Recreational Use of Cannabis within the City of Calistoga. Thanked all City Staff and City Departments for their incredible work prepping for the recent and upcoming storms and their work during the storms. Thanked residents for taking the initiative to clear out the storm drains in front of their residences. Cautioned residents they should only attempt clearing storm drains if it is safe to do so.

G) CITY MANAGER'S REPORT

City Manager Feik, the Dunawael Wastewater Treatment Plant took on 12 inches of rain, approximately 1/3 of Calistoga's annual rainfall total in 10 days.

City Manager Feik, Thanked the City's dedicated staff for all their hard work prior to, during and after the recent storms.

City Manager Feik, commends Golden Haven Hot Springs for seeking a grant and taking financial responsibility for the construction of a Geothermal Heat Exchange.

H) PROCLAMATIONS/PRESENTATION/AWARDS

None

I) CONSENT CALENDAR

- 1) **Approval of Minutes of January 3, 2017, Regular City Council Meeting and January 10, 2017, Closed Session and Special City Council Meetings.**
- 2) **Adoption of Resolution No. 2017-008 accepting the Annual Report on the Status of the Development Agreement for the Calistoga Hills Project.**
- 3) **Adoption of Resolution No. 2017-009 accepting the Annual Report on the Status of the Development Agreement for the Resort at Indian Springs Project.**
- 4) **Adoption of Resolution No. 2017-010 accepting the Development Impact Fees Annual Report in Compliance with Assembly Bill 1600 (AB1600).**

- 5) Adoption of Resolution No. 2017-011 approving a Schedule of Fines for Administrative Citations Issued Under Chapter 1.28 of the Calistoga Municipal Code.
- 6) Adoption of Resolution No. 2017-007 supporting a Geothermal Grant Application By Golden Haven Hot Springs for Construction of a Geothermal Heat Exchange and Reinjection Well Project.

It was **MOVED** by Councilmember Barnes and **SECONDED** by Councilmember Kraus to approve Item Nos. 1, 2, 3, 4, 5 and 6 of the Consent Calendar. 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

J) PUBLIC HEARING

None

K) GENERAL GOVERNMENT

7) Consideration of Resolutions of Necessity to Acquire Property by Eminent Domain, for Temporary Construction and Public Access Easements Required to Build the Berry Street Replacement Bridge Project at 1328 Berry Street, APN 011-222-001, and 1341 Berry Street, APN 011-171-010 in the City of Calistoga.

1. City staff recommends that the City Council open the hearing on the Resolutions, take testimony, close the hearing;

2. Consider adoption of the Resolution of Necessity to acquire Temporary Construction and Public Access Easements ("Easements") on 1328 Berry Street, APN 011-222-001;

Deputy Public Works Director Derek Rayner presented the item.

Mayor Canning opened public comment.

Scott LeStrange, 1328 Berry Street, property owner representing himself, his wife & tenant's. Sites that new bridge is no benefit to the public, temporary bridge is a liability to the City and a danger to children. Advocated resolving this issue to avoid a lawsuit.

Mary Sikes, 1461 Railroad Ave., St Helena, Architect that has worked on the cottage project for the LeStrange's. Removal of oak tree will destroy the bank and eliminate buildable property.

Linda Poggi-LeStrange, 1328 Berry Street, wants to know specifically where bridge will end so that she can get an estimate on repairing her property.

Donna Fischer, 18775 Foss Hill Road, believes permanent bridge should be built behind Community Center instead.

Mayor Canning closed public comment.

Council and staff discussion ensued.

Mary Sikes, 1461 Railroad Ave., St. Helena, requests retention of existing FAR's on affected property.

Council and staff discussion ensued.

Councilmember Lopez-Ortega abstained from voting due to the proximity of her place of business to the affected property.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes to adopt Resolution No. 2017-004 authorizing the Necessity to acquire Temporary Construction and Public Access Easements ("Easements") on 1328 Berry Street, APN 011-222-001. The Motion was carried by the following roll call vote:

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

3. Consider adoption of the Resolution of Necessity to acquire Temporary Construction and Public Access Easements ("Easements") on 1341 Berry Street, APN 011-171-010.

Mayor Canning opened public comment.

Attorney Jeff Dodd, Dickenson, Peatman and Fogarty, represents George and Kathleen Meyer and residents of 1341 Berry Street. Objecting to Resolution of Necessity as it stands, as it is not inclusive of the property to be taken by the City. A continuance was requested.

Mayor Canning closed public comment.

Council and staff discussion ensued.

Attorney Jeff Dodd, Dickenson, Peatman and Fogarty, clarified the assumption that the right-of-way actually exists is based on the land survey done by the City's consultant RSA Associates.

Council and staff discussion ensued.

Land Surveyor Christopher Tibbits, RSA Associates, 1515 4th Street, Napa, Concurs with Public Works Director Mike Kirn's assessment of the matter. Added caveat that the establishment of Berry Lane on the south side of the creek is actually from monuments carried up, not from centerline of split curves.

Council and staff discussion ensued.

Councilmember Lopez-Ortega abstained from voting due to the proximity of her place of business to the affected property.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Barnes to adopt *Resolution No. 2017-005* authorizing the Necessity to acquire Temporary Construction and Public Access Easements ("Easements") on 1341 Berry Street, APN 011-171-010. The Motion was carried by the following roll call vote:

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

8) Adoption of *Resolution No. 2017-006* authorizing the purchase of a pedestrian/bicycle bridge for temporary use during the construction of Berry Street Bridge Replacement Project, authorizing a budget adjustment, adopting findings contained in Caltrans Form 12-F, and authorizing City Manager to execute a purchase order to buy the pedestrian/bicycle bridge.

Deputy Public Works Director Derek Rayner presented the item.

Council and staff discussion ensued.

Design Engineer Zack Siviglia, Mark Thomas Engineering Co., explained that the City must go through Caltrans' process for Federal funding before they can determine if the purchase of the temporary bridge is cost effective and reimbursable.

Council and staff discussion ensued.

Mayor Canning opened public comment.

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

Councilmember Lopez-Ortega abstained from voting due to the proximity of her place of business to the affected properties.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to adopt Resolution No. 2017-006 authorizing the purchase of a pedestrian/bicycle bridge for temporary use during the construction of Berry Street Bridge Replacement Project, authorizing a budget adjustment, adopting findings contained in Caltrans Form 12-F, and authorizing City Manager to execute a purchase order to buy the pedestrian/bicycle bridge. The Motion was carried by the following vote:

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

L) ADJOURNMENT

Mayor Canning adjourned the meeting in memory of Calistoga resident Sandra Teague Wilson at 8:12 p.m. to a regular meeting of the City Council held at 1307 Washington Street, on February 7, 2017, at 6 p.m.

Respectfully submitted:


Prepared by: **Melissa Velasquez, Deputy City Clerk**


Approved by: **Chris Canning, Mayor**