

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

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:00 p.m.

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

Also present were, City Manager James McCann, Public Works Director/City Engineer Dan Takasugi, Planning and Building Director Charlene Gallina, Senior Civil Engineer Jim Smith and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no Closed Session held this evening.

ORAL COMMUNICATION

Zurla Troeppl, 2412 Foothill Blvd, congratulated Mayor Gingles on his re-election as Mayor.

Kurt Larrecou, 1707 Michael Way, stated his concern regarding the City's water supply and the predicted reduction of water from the State. He provided a memo to the City Council regarding water issues effecting the City.

Arnold E. Koenig, Principal Landscape Architect (AA Landscaping), suggested the City use artificial grass at the Community Pool Site.

ADOPTION OF MEETING AGENDA

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

PROCLAMATIONS

- 1. Proclamation for Adult Day Services Month (November).**

Mayor Gingles read the Proclamation honoring Adult Day Services of Napa Valley for their service to citizens of Napa County for the past ten years.

CERTIFICATE OF APPRECIATION

- 2. Presentation of Certificate of Appreciation to Art Collins for his service to Calistoga as Parking Enforcement Officer (5 years).**

Chief Mills congratulated Art Collins for his contribution to the City's police services.

Mayor Gingles presented the Certificate of Appreciation to Art Collins and thanked him for his service to the community.

CONSENT CALENDAR

- 3. Accounts payable for the period ending Thursday, October 30, 2008. (\$1,199,528.11)**
- 4. Minutes of the October 21, 2008 regular City Council meeting.**
- 5. Adoption of Resolution No. 2008-094 regarding setting the Fiscal Year 2008/2010 Appropriation Limits.**
- 6. Adoption of Resolution No. 2008-095 approving Amendment No. 7 to the Professional Services Agreement with Paulett Taggart Architects for additional services related to the Calistoga Community Pool Project (Authorizing Agreement No. 330 amending Agreement No. 0105)**
- 7. Consideration of a Resolution approving Amendment No. 1 to the Consultant Services Agreement with TRS Consultants Inc. for additional Construction Management Services related to the Calistoga Community Pool Project.**
- 8. Adoption of Resolution No. 2008-096 authorizing the purchase of a replacement vehicle for the Police Department.**

Councilmember Kraus requested that Item No. 3 be pulled for discussion.

Councilmember Slusser requested that Item No. 7 be pulled for discussion.

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

AYES: Vice Mayor Dunsford, Councilmembers Kraus, Garcia, Slusser and Mayor Gingles

NOES: None

ABSENT/ABSTAIN: None

**3. Accounts payable for the period ending Thursday, October 30, 2008.
(\$1,199,528.11)**

Councilmember Kraus asked about the \$712,000 payment to Palisades Investors.

City Manager McCann responded that this payment was the first draw for the State Department of Housing and Community Development Home Investment Partnership (HOME) grant award for the Solage Workforce Apartments. This payment will go directly to pay development impact fees and there will be subsequent draws as construction continues on this project.

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Vice Mayor Dunsford** to approve the accounts payable for the period ending Thursday, October 30, 2008 (\$1,199,528.11). The Motion was carried by the following vote:

**AYES: Councilmembers Kraus, Vice Mayor Dunsford,
Councilmembers Garcia and Slusser and Mayor Gingles**

NOES: None

ABSENT/ABSTAIN: None

7. Adoption of a Resolution approving Amendment No. 1 to the Consultant Services Agreement with TRS Consultants Inc. for additional Construction Management Services related to the Calistoga Community Pool Project.

Councilmember Slusser asked why the City is paying additional funds for the Community Pool Project and the reason for project delays.

Senior Civil Engineer Smith stated that the proposed TRS contract is for additional construction management and inspection services Community Pool Project. He stated that TRS Consultants are responsible for quality assurance and conformance with the Project's plans and specifications. He provided a brief overview of the change orders and construction delays for the pool project.

It was **MOVED** by **Councilmember Slusser** and **SECONDED** by **Councilmember Garcia** to adopt **Resolution No. 2008-098** approving Amendment No. 1 to the Consultant Services Agreement with TRS Consultants Inc. for additional Construction Management Services related to the Calistoga Community Pool Project (**Authorizing Agreement No. 331 amending Agreement No. 253**). The Motion was carried by the following vote:

**AYES: Councilmembers Slusser, Garcia, Kraus, Vice Mayor
Dunsford and Mayor Gingles**

NOES: None

ABSENT/ABSTAIN: None

GENERAL GOVERNMENT

9. Consideration of a Resolution(s) awarding the Growth Management Allocations for the 2009 Calendar Year.

Mayor Gingles stated his concern regarding a projected drought year in 2009. He stated that State Department of Water Resources has projected an allocation of only 15 percent of contracted water for delivery and the Governor has asked for a 20 percent cut back.

City Manager McCann confirmed that the State announced an initial allocation of 15 percent for water delivery in 2009, however this amount may fluctuate as the rainy season approaches. He stated that Public Works Director/City Engineer Takasugi will provide an update on the City's water supply at the next Council and Planning Commission meetings. He stated that the City's Growth Management System process takes into consideration the volume of water and wastewater in planning for future growth.

Mayor Gingles stated that he is reluctant to move forward with the proposed Growth Management Allocations at this time, and suggested waiting 30-60 days after more information about the State's water supply is obtained.

Vice Mayor Dunsford stated the City is not currently in a water emergency and noted that our water planning and Growth Management are long-term matters not focused on a single water season; he recommended moving forward with the Growth Management Allocations.

Councilmember Kraus stated that the applications for allocations are slightly more than the formula provides and that several projects do not meet the City's General Development Objectives.

City Manager McCann responded that there are three applications for allocations that meet the General Development Objectives completely, and the remaining applications meet some parts of the City's General Development Objectives.

Councilmember Slusser stated that the City needs to take into consideration the applicants invested time and funds.

It was the consensus of the Council to hear the agenda item.

Mayor Gingles stated that he has a conflict of interest as he owns property near one of the Growth Management applications and requested that Vice Mayor Dunsford oversee the meeting for this item.

Mayor Gingles left the meeting.

Planning and Building Director Gallina introduced this item and reviewed the staff report and recommendations.

Vice Mayor Dunsford opened the Public Hearing.

Kurt Becker, 1715 Michael Way, provided a document to Council entitled *Growth Management System – Residential Summary 2009* and stated the City's updated summary of previously awarded allocations violates the City's residential growth rate.

Chris Craiker, Craiker Architects & Planners (representing the Gumina Project), stated the tentative map for the proposed Gumina Project is complete and they are ready to move forward.

Jag Patel, Village Inn & Spa, stated that a delay in receiving an allocation would cause him a significant financial burden.

Thomas Balcer, 1705 Michael Way, provided to Council the following documents:

1. *September 29, 2008 letter to Planning and Building Director Gallina ; Subject - Cottage Glen Project, 2008 Grant Street, Calistoga*
2. *November 5, 2008 letter from Gagen McCoy to the City Council Subject: November 5, 2008 Growth Management Allocation Hearing for the Proposed Cottage Glen Subdivision*
3. *Calistoga Municipal Code § 19.02.60(G)*

He stated that the Planning Commission has concerns regarding the proposed Cottage Glen Project and that re-zoning should be addressed prior to the project receiving an allocation. He stated that Calistoga Municipal Code § 19.02.60(G) affirm that applications need to be in conformity with the General Plan Zoning District prior to receiving a Growth Management Allocation.

Kurt Larrecou, 1707 Michael Way, provided to Council a letter dated *November 5, 2008; Subject - Water Issue Questions*, and stated that the Solage Workforce Housing Project being built by Calistoga Affordable Housing should not be exempt from the Growth Management Allocation process and referenced the Palisades Resort Development Agreement. He stated that more information is needed regarding the sale price, rental rates, restrictions, and water usage for the proposed Cottage Glen Project.

Kevin Moss, Adobe Associates (Bounsall family's representative - GMA 2009-20), stated the Bounsall family is concerned about a delay in obtaining an allocation and desires to move forward with a Development Agreement.

Kelly Brogan, 1850 Money Lane (member of the Citizens for Responsible Development), referenced *Communication A – the November 5, 2008 letter from Gagen McCoy regarding the Cottage Glen Growth Management application*, and stated her concern regarding the City granting allocations that do not comply with the zoning requirement and suggested that the City seek advice from the City Attorney before approving the proposed allocations.

Kelland Ingram, Highland Christian Fellowship, stated Highland Christian Fellowship has invested in over \$200,000 on their project and requested an allocation.

Bob Fiddamon, Calistoga Affordable Housing, stated there have been several allocations that have not been used. He stated that he applied for an allocation for the Cottage Glen Project prior to the adoption of the with City's General Development Objectives and he stated he would be willing to go 100% affordable units in order to meet the Objectives. He stated there will be a major financial hardship if an allocation is not approved.

Vice Mayor Dunsford closed the Public Hearing.

Vice Mayor Dunsford asked for clarification about the Solage Workforce Housing allocation requirement.

City Manager McCann stated that Solage Workforce Housing is included in the City's total housing growth and population; this Project is however not a part of the 5-year Growth Management cycle with respect to the allowable population addition within the 5-year cycle.

Vice Mayor Dunsford and **Councilmember Slusser** requested that City Manager McCann seek advice from the City Attorney regarding the proposed Cottage Glen Project re-zoning and question raised regarding the Solage Workforce Housing.

Planning and Building Director Gallina responded to questions regarding the conformity of the Cottage Glen request to the provisions of the Growth Management Ordinance. She stated that in review of the Cottage Glen application she made the determination that the Project was consistent with the General Plan Land-Use Designation and was consistent with the R-1 Single-Family District Designation. She stated that since the "clustering" design deviation from the R-1 Development Standards the applicant would either request a variance or allow the project to move forward with a Planned Development combining district designation which would allow the applicant to create development standards for the project neither of which require a rezoning.

Councilmember Kraus stated that he agrees with approving the proposed allocations that meet the General Development Objectives.

City Manager McCann responded that this item could be continued to the November 18th Council meeting to allow for sufficient time to provide an opinion from the City Attorney; or approve allocations for those projects that meet the General Development Objectives. He stated that Public Works Director/City Engineer Takasugi and Senior Civil Engineer Smith will provide an overview on the State's water situation prior to the discussion of the Growth Management Allocation item at the next Council meeting to address the issue of concern regarding water supply.

Vice Mayor Dunsford re-opened the Public Hearing.

Bob Fiddamon, Calistoga Affordable Housing, stated that he feels that he is being "singled out" and that the Solage Workforce Housing Project should not affect the proposed Cottage Glen project from receiving an allocation.

Vice Mayor Dunsford suggested that the Council take action on the non-residential applications and postpone the residential allocation to the November 18th Council meeting.

Vice Mayor Dunsford stated that he has a conflict of interest regarding the approval of an allocation request for non-residential applications and designated **Councilmember Kraus** to oversee the meeting.

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Councilmember Garcia** to adopt **Resolution No. 2008-097** awarding the Growth Management Allocations for the non-residential applications for the 2009 Calendar Year. The Motion was carried by the following vote:

AYES: Councilmembers Kraus, Garcia, and Slusser.

NOES: None

ABSTAIN: Vice Mayor Dunsford and Mayor Gingles

ABSENT: None

City Manager McCann stated that he will contact the City Attorney regarding the proposed Cottage Glen Project to determine whether or not the Project is consistent with the City's Growth Management Ordinance with respect to zoning issues; and if the Solage Workforce Housing Project population numbers should be included in the City's 5-year Growth Management Cycle.

Vice Mayor Dunsford and **Mayor Gingles** returned to the meeting.

10. Presentation by Calistoga Affordable Housing, Inc. regarding Solage Workforce Housing Project progress and status.

City Manager McCann introduced this item. He stated this Project has had tremendous progress and the anticipated completion date is in April 2009.

Erica Sklar, Calistoga Affordable Housing Executive Director, presented an overview of the Solage Workforce Housing Project progress and status.

11. Discussion regarding the scope of the Community Resources Director job classification and department functions.

City Manager McCann introduced this item and provided a brief history of the Community Resources Department and the creation of the position of Community Resources Director. He stated that the services provided by the Department were expanded to better serve the community; Council directed staff to review the Community Resources Director job description and provide alternative positions because the responsibilities were beyond what had been originally expected. He stated that there are two options to pursue in revisiting the role of the Department Director; one is to leave the Director job description "as is", or change the position to a Recreation/Aquatics Manager.

Councilmember Kraus stated that the Recreation/Aquatics Manager is a good starting point and suggested an opportunity for future advancement of this position.

Vice Mayor Dunsford stated that he is in favor of a manager position overseeing all recreation services and filled by someone that has ample experience in aquatics and recreation.

Councilmember Garcia asked who would be on the interview panel for this position.

City Manager McCann responded that members of the interview panel would include those in the recreation profession, members of the community and City staff.

Councilmember Slusser suggested that representatives from the local non-profit groups be included in the interview panel.

Kerry Eddy, Calistoga Community Center and Pool Project President, stated her concern regarding this position needs adequate experience to manage the community pool.

There was Council consensus to pursue a reorganization of the Department as recommended by staff and to return with appropriate actions.

CITY MANAGER REPORTS

- Congratulated the candidates for their participation in the City's November 4, 2008 Election, and stated that the election canvas results will be approved at the December 2, 2008 Council Agenda.
- Provided an update regarding the timing of the Mt. Washington Tree Removal Project.

- Reminder regarding openings on City Commissions & Boards (applications due November 21, 2008).
- Announced that the City now permits public parking behind City Hall on Saturdays and Sundays from 8 AM to 10 PM; Mondays thru Fridays from 6 PM to 10 PM; no overnight parking is permitted.
- The Calistoga Farmers Market season has concluded.
- Announced Administrative Services Director Spilman's retirement and stated that the City has benefited from his excellent services.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Garcia announced the VINE (Route 10) will now stop at 110 Foothill Blvd in Calistoga (between Dunaweal Lane and Lincoln Ave). He thanked Pubic Works Director/City Engineer Takasugi for his assistance in allowing this to come to fruition.

Councilmember Kraus suggested that City Manager McCann develop a personnel policy for Council review establishing starting salary ranges for newly hired department heads, and also a pay incentive for department heads to reside with in the City limits.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 10:36 p.m. to the next scheduled regular meeting to the Calistoga City Council, on Wednesday November 5, 2008, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor