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# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Susan Sneddon, City Clerk  
**DATE:** January 6, 2009  
**SUBJECT:** City Council Minutes

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**APPROVAL FOR FORWARDING:**

  
James C. McCann, City Manager

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- 1 **DISCUSSION:** The minutes of the December 16, 2008 regular City Council meeting.
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  - 3 **RECOMMENDATION:** Approve Minutes.
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  - 5 **ATTACHMENTS:** Aforementioned Minutes.

## MINUTES

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### CITY COUNCIL – REGULAR MEETING TUESDAY, DECEMBER 16, 2008 - 7:00 P.M. CALISTOGA COMMUNITY CENTER

#### 1 CALL TO ORDER

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

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

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9 Also present were, City Manager James McCann, Planning and Building  
10 Director Charlene Gallina, Senior Planner Ken MacNab, Associate Planner Erik  
11 Lundquist, Administrative Services Director David Spilman, Police Chief  
12 Jonathan Mills and City Clerk Susan Sneddon.

#### 13 14 ACTION OUT OF CLOSED SESSION

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

#### 18 19 ORAL COMMUNICATION

20  
21 None provided.

#### 22 23 ADOPTION OF MEETING AGENDA

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

#### 27 28 OATH OF OFFICE

#### 29 30 1. Swearing in of the following new paid call firefighters:

- 31 • Darrin Hill
- 32 • Grant Hermann
- 33 • Ben Terwilliger

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**Mayor Gingles** introduced the following new paid-call firefighters: Darrin Hill, Grant Hermann and Ben Terwilliger. Following his introductions they were sworn in by City Clerk Susan Sneddon.

## **CERTIFICATES OF APPRECIATION**

### **2. Proclamations honoring retiring David Spilman, Administrative Services Director and Kathy Brady, Emergency Program Coordinator/ Administrative Analyst.**

**Neal O'Hare, former Napa County Emergency Services Coordinator,** complimented Ms. Brady on her involvement with past County and City emergencies and for her support provided to the local jurisdictions.

**Mayor Gingles** read Ms. Brady's proclamation and complimented her on her outstanding service to the City and the community.

**City Manager McCann** stated that Ms. Brady was a key role in the City's flood emergency events during his past 11 years. He stated that she coordinated with other local jurisdictions in providing disaster training and she assisted with obtaining several grants for the City.

**Kathy Brady, Emergency Program Coordinator/Administrative Analyst,** thanked Neal O'Hare, Mayor Gingles and City Manager McCann for their support. She thanked Police Chief Mills for his supervision and stated that she appreciated working with the dedicated Police staff. She thanked her husband for his support and the community for the opportunity to serve them.

**Mayor Gingles** read the proclamation and certificate of recognition for Mr. Spilman from Senator Patricia Wiggins and State Assemblymember Noreen Evans. He complimented Mr. Spilman on his tremendous contributions to the City.

**City Manager McCann** stated that he had the privilege of working with Mr. Spilman for 14 years both in Calistoga and before that in Petaluma. He stated Mr. Spilman is the finest finance director that he has worked with and thanked him for his contribution to the City.

**Councilmembers Slusser, Garcia, Kraus and Vice Mayor Dunsford** congratulated Mr. Spilman on his accomplishments.

## **CONSENT CALENDAR**

### **3. Accounts payable for the period ending Thursday, December 11, 2008. (\$941,802.19).**

- 78 4. Minutes of the December 2, 2008 regular City Council meeting.  
79 5. Adoption of Resolution No. 2008-111 approving an agreement for  
80 affordable housing services from the Housing Authority of the City of  
81 Napa for Fiscal Year 2008/2009.  
82 6. Adoption of Resolution No. 2008-112 accepting donations from the  
83 Felgenhauer Trust to the Calistoga Police Department.  
84 7. Adoption of Resolution No. 2008-113 confirming the Mayor's  
85 appointment to the Napa City-County Library Commission

86  
87 It was MOVED by Councilmember Garcia and SECONDED by  
88 Councilmember Slusser to approve Items No. 3, 4, 5, 6 & 7 on the  
89 Consent Agenda. The Motion was carried by the following vote:  
90 AYES: Councilmembers Garcia, Slusser, Kraus, Vice Mayor Dunsford  
91 and Mayor Gingles  
92 NOES: None  
93 ABSENT/ABSTAIN: None  
94

95 **PUBLIC HEARING**

- 96 8. Consideration of a Zoning Ordinance Text Amendment, initiated by the  
97 City of Calistoga, to amend Chapter 17.22.040(A) Downtown  
98 Commercial (DC) District - Allowed, Conditionally Permitted and  
99 Prohibited Uses and 17.22.060(A) Community Commercial (CC) District  
100 - Allowed, Conditionally Permitted and Prohibited Uses of the Calistoga  
101 Municipal Code, to change review procedures for those use(s) located  
102 on property within an entry corridor, as defined in the 2003 General  
103 Plan Update, from a conditionally permitted use to a use permitted  
104 subject to administrative review with public notice.

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106 Associate Planner Lundquist introduced this item.

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108 Mayor Gingles open the public hearing.

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110 Rex Albright, Executive Director of Calistoga Chamber, stated the  
111 Chamber supports this item in that it helps to strengthen new businesses and  
112 provides for business opportunities.

113  
114 Mayor Gingles closed the public hearing.

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116 Planning and Building Director Gallina stated that the Planning  
117 Commission has recommended that it is necessary to review and/or revisit  
118 this Ordinance six months after its codification to ensure the Ordinance is  
119 fulfilling its original intent.

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122 It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember  
123 Kraus to introduce a Zoning Ordinance Text Amendment, initiated by  
124 the City of Calistoga, to amend Chapter 17.22.040(A) Downtown  
125 Commercial (DC) District - Allowed, Conditionally Permitted and  
126 Prohibited Uses and 17.22.060(A) Community Commercial (CC) District  
127 - Allowed, Conditionally Permitted and Prohibited Uses of the Calistoga  
128 Municipal Code, to change review procedures for those use(s) located  
129 on property within an entry corridor, as defined in the 2003 General  
130 Plan Update, from a conditionally permitted use to a use permitted  
131 subject to administrative review with public notice. The Motion was  
132 carried unanimously by the following roll call vote as follows:  
133 **AYES: Mayor Gingles, Councilmembers Kraus, Garcia Slusser, and**  
134 **Vice Mayor Dunsford**  
135 **NOES: None**  
136 **ABSENT/ABSTAIN: None**  
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138 **9. Consideration of a Resolution establishing a Local Preference Policy**  
139 **for the sale or rental of affordable housing units that would give**  
140 **preference to income eligible households who live or work in the City of**  
141 **Calistoga.**

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143 **Mayor Gingles** stated that two communications have been received for this  
144 item; (1) Calistoga Realty and; (2) James Rose.  
145

146 Senior Planner MacNab introduced this item regarding a proposed Local  
147 Preference Policy for affordable housing units being provided to those that  
148 live and work in the City. He stated that the first preference would be given  
149 to City staff because their services are required in times of emergencies;  
150 second priority would be given to applicants who live and work in the City  
151 limits; third priority would be given to applicants who live or work in the City  
152 limits; and the fourth priority would be given to all other applicants.  
153

154 **Mayor Gingles** opened the public hearing.  
155

156 **Bob Fiddaman, Calistoga Affordable Housing President,** stated his  
157 support for the proposed Local Preference Policy.  
158

159 **Rex Albright, Executive Director of Calistoga Chamber,** stated that the  
160 Chamber supports the Local Preference Policy because it provides for  
161 community benefit and will support local business activity.  
162

163 **Mayor Gingles** closed the public hearing.  
164

165 **Councilmember Slusser** asked if the proposed policy can be applied to  
166 projects to which receive Federal and State funds.  
167

168 **Senior Planner MacNab** responded that the preference can be applied  
169 except that there may be instances when the preference for City employees  
170 may not receive first preference for state or federally funded affordable  
171 housing projects; however City employees are not precluded from applying  
172 because they work in the City and many live in the City.

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174 **City Manager McCann** stated that the Kaiser Marston Study was used in  
175 preparing the proposed Local Preference Policy and the four preference  
176 areas were used in fulfilling affordable housing opportunities in the City;  
177 federal and state agencies will give preference to City employees because  
178 they work/live in the City.

179  
180 **Councilmember Kraus** stated that the Calistoga Joint Unified School District  
181 employees should be given preference because they provide emergency  
182 mutual aid to the City, and people who reside within the District's boundary  
183 should also be given preference.

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185 **Senior Planner MacNab** responded that research would need to occur  
186 before the proposed Policy could be expanded to include employees of the  
187 Calistoga Joint Unified School District and to include those that reside within  
188 the District.

189  
190 **Councilmember Slusser** suggested that the City look into purchasing  
191 foreclosed residences as a way to increase the City's affordable housing  
192 pool.

193  
194 **City Manager McCann** stated that the City's General Plan Housing Element  
195 (H-3) lists preferences and stated that the City could consider using funds to  
196 purchase foreclosure housing which would be guided by this policy.

197  
198 **Mayor Gingles** read the communication provided by James Rose for the  
199 record.

200  
201 **Planning and Building Director Gallina** stated that staff will explore the  
202 option of including the Calistoga Joint Unified School District employees and  
203 extending the boundary to include the District for the Local Preference Policy.

204  
205 **It was MOVED by Vice Mayor Dunsford and SECONDED by**  
206 **Councilmember Garcia to adopt the amended Resolution No. 2008-114**  
207 **establishing a Local Preference Policy for the sale or rental of**  
208 **affordable housing units that would give preference to income eligible**  
209 **households who live or work in the City of Calistoga. This policy will**  
210 **be re-visited by City Council within 60 days**

211 **The Motion was carried as follows:**

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

214 **NOES: None**  
215 **ABSTAIN/ABSENT: None**

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217 **10. Consideration of a Resolution authorizing the acceptance and**  
218 **expenditure of \$100,000.00 in state COPS grant funds for Fiscal Year**  
219 **2008/2009.**

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221 **Police Chief Mills** introduced this item and stated that this is the thirteenth  
222 year that the City has received the COPS (Citizens Option for Police  
223 Services) grant. He stated that this grant will help support funding for police  
224 equipment, the Juvenile Diversion Program, Police Dispatch and Community  
225 Policing Technician positions. He stated that the budgets for these items was  
226 previously adopted by City Council in October 2008.

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228 **Mayor Gingles** opened the public hearing.

229

230 No public comment given.

231

232 **Mayor Gingles** closed the public hearing.

233

234 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**  
235 **Garcia to adopt Resolution No. 2008-115 authorizing the acceptance and**  
236 **expenditure of \$100,000.00 in state COPS grant funds for Fiscal Year**  
237 **2008/2009. The Motion was carried as follows:**

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

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241 **NOES: None**  
242 **ABSTAIN/ABSENT: None**

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## 243 **GENERAL GOVERNMENT**

244 **11. Consideration of a Resolution selecting a Council Member to serve as**  
245 **the Vice Mayor.**

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247 **Mayor Gingles** nominated Councilmember Dunsford to become Vice Mayor.

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249 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**  
250 **Slusser to adopt Resolution No. 2008-116 selecting Michael Dunsford to**  
251 **serve as the Vice Mayor. The Motion was carried as follows:**

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

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255 **NOES: None**  
256 **ABSTAIN/ABSENT: None**

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258 **12. Consideration of a Resolution authorizing the City Manager to execute a**  
259 **funding agreement with Napa County for the Farm Worker Centers.**  
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261 **City Manager McCann** stated that Napa County has requested additional time  
262 to assemble background material for this item and he suggested that this item  
263 be tabled.

264  
265 **There was Council consensus to table the item.**  
266

267 **13. Consideration of a Resolution approving the Community Resources**  
268 **Commission 2008/2009 Fiscal Year Work Plan.**  
269

270 **Police Chief Mills** introduced this item.  
271

272 **Councilmember Kraus** stated that it is his understanding that the Napa  
273 County Transportation and Planning Agency (NCTPA) Climate Protection  
274 Circuit Rider will be focusing on "green" issues within each jurisdiction.  
275

276 **Councilmember Slusser** stated there needs to be one collective force to  
277 focus on green/sustainability issues.  
278

279 **City Manager McCann** stated that the Community Resources Committee  
280 (CRC) was created to provide a forum for the discussion/consideration of  
281 various matters, one of which is environmental issues. He stated that the  
282 CRC is a good place to initiate study/discussions on green/sustainability  
283 issues. He stated that the CRC has formed a subcommittee with two of its  
284 members (Chris Henderson and Karen Chang) to assist with  
285 green/sustainability best practices and Associate Planner Lundquist is  
286 working with the NCTPA and other climate protection action groups to look at  
287 options on how to pool information together. He thanked Police Chief Mills for  
288 his assistance with the CRC.  
289

290 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**  
291 **Slusser to adopt Resolution No. 2008-117 approving the Community**  
292 **Resources Commission 2008/2009 Fiscal Year Work Plan. The Motion**  
293 **was carried as follows:**

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

296 **NOES: None**

297 **ABSTAIN/ABSENT: None**  
298

299 **14. Consideration of a Resolution confirming the Mayor's appointments to**  
300 **local and regional bodies.**  
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302 **There was Council consensus to approve re-appointments on the local**  
303 **and regional bodies in order to maintain continuity.**



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It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt Resolution No. 2008-118 confirming the Mayor's appointments to local and regional bodies. The Motion was carried as follows:

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

**NOES:** None

**ABSTAIN/ABSENT:** None

**15. Consideration of a Resolution authorizing a performance bonus to City Manager.**

**Mayor Gingles** stated that City Manager McCann has not received a performance bonus in the last six years and is entitled to a five percent bonus and that the City Council has agreed that a 5% bonus should be granted. He stated that McCann has done an outstanding job and has offered to take only a 2.5 percent bonus given the current state of the local economy.

**Vice Mayor Dunsford** stated that he appreciates McCann's sensitivity on the current local economic condition however he supports the full five percent bonus.

**Councilmember Slusser** stated that due to the tough economic times she is in favor of accepting the City Manager's offer to reduce the bonus by 50%.

**Vice Mayor Dunsford** thanked Mr. McCann and stated that he has been very valuable to the City and has built a good staff team which has greatly benefited the community.

**Councilmember Kraus** agreed with other Councilmembers that the City Manager has done a good job but with the difficult economic times he cannot support a bonus.

**Mayor Gingles** and **Councilmember Garcia** commented that they are comfortable with granting the bonus at the reduced 2.5% level.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Garcia to adopt Resolution No. 2008-119 authorizing a 2.5 percent performance bonus to City Manager. The Motion was carried as follows:

**AYES:** Vice Mayor Dunsford, Councilmember Garcia, Councilmember Slusser and Mayor Gingles

**NOES:** Councilmember Kraus

**ABSTAIN/ABSENT:** None

350 **CITY MANAGER REPORTS**

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352 **City Manager McCann** reported on the following:

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354       • The Wide Area Rapid Notification (WARN) System will be in place this  
355 winter; it is a calling and response management system that provides  
356 rapid public notification to deal with natural disasters.

357       • The City staff won first place and “Best of Show” award at the recent  
358 Calistoga Tractor Parade.

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360 **COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

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362       **Councilmember Garcia** stated that he would like to see local businesses  
363 supported.

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365       **Vice Mayor Dunsford** thanked the Council for their continued support in  
366 appointing him to another term as Vice Mayor.

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368       **Mayor Gingles** thanked the Council for their support in his Mayoral term  
369 the past two years. He stated that the Kiwanis Club has provided gift  
370 boxes (groceries/clothing/toys) for needy families. He announced that the  
371 annual holiday dinner will be held on December 25<sup>th</sup> (Christmas Day) at  
372 the Community Center from 12:00 (noon) to 2:00 p.m. and all are  
373 welcome.

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375 **CITY COUNCIL ADJOURNMENT**

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377       **Mayor Gingles** adjourned the meeting at 9:25 p.m. to the next scheduled  
378 regular meeting to the Calistoga City Council, on Tuesday, January 6, 2009,  
379 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

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381 **Respectfully submitted:**

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385 **Prepared by: Susan Sneddon, City Clerk**

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**Approved by: Jack Gingles, Mayor**