

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, NOVEMBER 18, 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, Building Official Brad Cannon, Fire Chief Steve Campbell, City Attorney Michelle Kenyon and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

None provided.

ADOPTION OF MEETING AGENDA

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

PROCLAMATIONS

- 1. Congratulatory Proclamation to All Seasons Bistro celebrating 25 years of operation.**

Mayor Gingles read the Proclamation.

Gayle Keller, All Seasons Bistro co-owner, thanked the Council for the proclamation.

CONSENT CALENDAR

Mayor Gingles requested that **Item No. 6** be pulled from the Consent Calendar.

2. **Accounts payable for the period ending Thursday, November 13, 2008. (\$207,902.47).**
3. **Minutes of the November 5, 2008 regular City Council meeting.**
4. **Adoption of Resolution No. 2008-099 Consideration of a Resolution establishing the 2009 City Council meeting schedule.**
5. **Adoption of Resolution No. 2008-100 authorizing the City Manager to execute an Agreement with the Calistoga Joint Unified School District for recording and broadcasting services for the Trustees regular and special meetings (Authorizing Agreement No. 332)**
6. **Consideration of a Resolution approving the job classification and pay range for the Recreation/Aquatics Manager position.**
7. **Adoption of Resolution No. 2008-101 accepting as complete the public improvements to portions of the Brogan Subdivision located on Michael Way and Money Lane.**

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Councilmember Garcia** to approve **Items No. 2, 3, 4, 5 & 7** on the Consent Agenda. The Motion was carried by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

6. **Consideration of a Resolution approving the job classification and pay range for the Recreation/Aquatics Manager position.**

Councilmember Kraus stated that he is concerned that the proposed Recreation/Aquatics Manager position may have too many duties to be reasonably done by one position. He also inquired about the dominant area of focus for the position and commented that more emphasis on aquatic programming should be considered.

Mayor Gingles suggested that the draft job description for the Recreation/Aquatics Manager job description be revisited and brought back for review at the next Council meeting.

Councilmember Slusser agreed that the draft job description needs more fine tuning and suggested creating a sub-committee to look at the options for this position.

City Manager McCann stated that this position is a lower level position as compared to the Community Resources Director and is focused more on recreation with particular emphasis on aquatics. He stated the person in this position will take the dominant role in the development and implementation of the aquatics programming.

Councilmember Kraus stated the person hired for this position will need to have “hands on” experience in aquatics recreation programs including supervisory and budget experience. He asked how this position will be advertised.

Councilmember Kraus suggested that the sub-committee commissioned to review the draft job description should include Councilmember Slusser, City Manager McCann and himself.

There was Council consensus to continue this item to the December 2, 2008 Council meeting and to form a sub-committee (Councilmember Kraus, Councilmember Slusser and City Manager McCann) to look at the options for in revising the draft job description.

PRESENTATION

8. Presentation of a Citizen Survey regarding Calistoga Police Department services.

Police Sergeant Martin introduced this item and stated that residents will be provided an opportunity to respond to this police survey in order to gather information to better serve the community

Councilmember Garcia suggested that the local churches be informed about the survey as well.

Mayor Gingles asked how the survey was funded (**Sergeant Martin** replied the cost of the survey was kept to a minimum and was funded by the Police Department).

9. Presentation regarding the City's water supply provided by Pubic Works Director/City Engineer Dan Takasugi.

Pubic Works Director/City Engineer Takasugi stated that this item is before Council because of the recent concern regarding the City's water needs relative to the recent dry year and water forecast. He introduced Napa County Principal Water Resources Engineer Felix Riesenbergs to provide an overview of the water issues.

Mr. Takasugi presented a 15 minutes PowerPoint presentation which provided a detailed overview of the City's water supply and delivery system.

Principal Water Resources Engineer Riesenber provided an overview of the City's water supply. He presented information on the City's primary water sources: (1) Kimball Reservoir and Treatment Plant; (2) State Water Project via the North Bay Aqueduct. He reviewed the City's total water supply and the various water uses and annual consumption.

Mayor Gingles stated that the Association of Bay Area Governments has been reviewing concerns regarding reductions in water supplied by the California Delta.

Principal Water Resources Engineer Riesenber stated that the State Department of Water Resources is forming a task force to address State water supply issues. He stated that there are concerns regarding water being pumped from the Delta however this area of pumping from the Delta does not impact the City. He stated that the City planned well for it's long-term water needs and is in a more stable and sound condition then most communities.

Kurt Becker, 1715 Michael Way, stated his concern regarding a reduction by the State in the City's water supply.

Principal Water Resources Engineer Riesenber responded that the initial predicted 15% allocation is not a final amount and will most likely increase as the rainy season progressed.

City Manager McCann stated that Pubic Works Director/City Engineer Takasugi will also provide an update on the City's water supply at the November 19, 2008 Planning Commission meeting.

PUBLIC HEARING

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

City Manager McCann introduced this item and stated that at the November 5, 2008 Council meeting the Growth Management Allocation requests were presented and a Resolution was adopted awarding the Allocations for some of the non-residential applications. He stated that the Council requested that the City Attorney provide a legal opinion on two areas of Council concern before any action was taken on the residential and mixed use allocation requests. He noted that the requested opinion was included in the agenda report.

Planning and Building Director Gallina reviewed the staff report and staff's recommendations. She stated that staff is not recommending a allocation for the

proposed Bounall's project at this time; the project is not consistent with the General Plan and Zoning District with respect to proposing retail use and an event center. She stated that staff recommends the applicant proceed forward in obtaining a Memorandum of Understanding (MOU) with the City in order to reserve an allocation through the processing of a Development Agreement.

City Manager McCann stated that currently the Bounsall's preliminary application is being reviewed and then will go to the Planning Commission for preliminary comments. He stated that there are issues regarding General Plan conformity, Zoning compliance issues and project timing. He stated that the City hopes to continue to preliminary process and lead to positive to MOU to move project forward in timely way.

Mayor Gingles opened the public hearing.

Jean Kapolchok, Land-use Planner representing the proposed Bounsall Project, stated that she represents the Bounsall family and they are eager for their project to be approved.

Bob Fiddamon, Calistoga Affordable Housing, stated since the Growth Management process was initiated in 2005 and there have been only 33 units (approximately 8 per year) constructed since that time, and growth is likely to decline due to the current state of the economy. He stated that proposed Cottage Glen project would essentially receive an allocation which was withdrawn by the Homecoming subdivision project. He stated that he would be willing for 100% of the units within the Cottage Glen project to be affordable units in order to meet the Growth Management Objectives to receive an allocation if necessary. . He stated that a major financial hardship would be realized if an allocation was to be declined.

Jeff Bounsall, 414 Foothill Blvd, submitted Ms. Kapolchok written comments for the record. He stated that much time and work has been put into their proposed project and stated that they are eager to obtain an allocation. He stated that he has attended several Planning Commission and City Council meeting regarding this project over the past 15 years and finds it odd that the project as conceived is viewed to be inconsistent with the General Plan and the City's Zoning requirements.

Kurt Becker, 1715 Michael Way, asked why the Palisades Resort (now Solage Resort) workforce housing Agreement (executed in December 2004) is exempt from the City's Growth Management System (adopted in January 2005). He stated that the Palisades Resort workforce housing project should not have been exempt from the Growth Management Ordinance requirement.

Councilmember Slusser stated that the City negotiated with the Palisades Resort (which included the 24 units) for the workforce housing prior to the adoption of the City's Growth Management Ordinance. She stated that because the Growth Management Allocation process was being initiated soon after the Palisades Resort

Development Agreement was executed it was decided at that time that the workforce housing would be exempt from the allocation process in order to take advantage of obtaining more affordable housing units, and to avoid using up allocations for those that had been waiting for an allocation to move forward on projects.

Brian Multry, GagenMcCoy (Citizens for Responsible Development attorney), stated that rezoning the proposed Cottage Glen project from R-1 to Planned Development R-1 requires a legislative act.

City Attorney Kenyon stated the process for making a combining district does not require a rezoning and is not a legislative act. She stated that the City Council deals both as a legislative body and as an adjudicatory body and if this issue comes to City Council it will be an adjudicatory act. She stated that it is clear from staffs' interpretation of the City's Municipal Code and the Growth Management Ordinance that the only time an allocation cannot be awarded is if the plan requires a Zoning Ordinance Amendment or a General Plan Amendment which is not required for the proposed Cottage Glen project and is not a legislative act.

Mayor Gingles opened the public hearing.

There was no public comment.

Mayor Gingles closed the public hearing.

Vice Mayor Dunsford stated that he agrees with the City Attorney and staffs' recommendation in moving forward with awarding the allocations.

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Garcia** to approve **Resolution No. 2008-102** awarding the Growth Management Allocations for the residential and non-residential applications for the 2009 Calendar Year. The Motion was carried by the following vote:

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

NOES: Councilmember Kraus

ABSTAIN/ABSENT: None

Mayor Gingles stated that he has a conflict of interest and will not be partaking in the discussion of this item as he has a business within 500 feet of one of the allocations being voted on; he stepped away from the dias.

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Garcia** to approve **Resolution No. 2008-103** awarding the Growth Management Allocations for the Gumina residential and non-residential application for the 2009 Calendar Year. The Motion was carried by the following vote:

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

NOES: None
ABSTAIN: Mayor Gingles
ABSENT: None

Mayor Gingles returned to the dias.

11. Consideration of a Resolution adopting Local Responsibility Area Fire Hazard Severity Zone Map.

Building Official Brad Cannon introduced this item.

Fire Chief Campbell introduced Napa County Fire Marshall Gabrielle Avina.

Napa County Fire Marshall Avina provided a brief history of the Fire Severity Zone. She reviewed the State's Building Standards Commission recommendations to increase defensible space requiring a minimum of 100 feet of defensible space around structures in State responsibility areas and the adoption of ignition resistant construction standards.

Councilmember Kraus discussed the content of the report and the provisions of the proposal and asked if this action should be by the adoption of an Ordinance instead of by Resolution.

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Councilmember Slusser** to approve **Resolution No. 2008-104** adopting Local Responsibility Area Fire Hazard Severity Zone Map. The Motion was carried by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

12. Consideration of an Ordinance to amend the Calistoga Municipal Code to establish provisions to authorize sidewalk dining establishments within the public right-of-way in the Commercial Land Use Districts in the City of Calistoga.

Planning and Building Director Gallina introduced this item and stated that the Planning Department was requested to assist the Community Resources Commission in bringing this item forward after being tabled at the June 15, 2004 Council meeting to allow for exploration of options in getting Caltrans to authorize outdoor dining in the Lincoln Avenue right-of-way. She reviewed staffs' recommendations of the various components required in the establishment of this Ordinance.

Mayor Gingles opened the public hearing.

There was no public comment.

Mayor Gingles opened the public hearing.

It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Councilmember Slusser** to approve introduce and waive first reading amending the Calistoga Municipal Code to establish provisions to authorize sidewalk dining establishments within the public right-of-way in the Commercial Land Use Districts in the City of Calistoga. The Motion was carried by the following vote:

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

NOES: None

ABSENT/ABSTAIN: None

CITY MANAGER REPORTS

- Stated that Planning and Building Director Gallina has directed Associate Planner Lundquist to be the City's primary contact to interact with the community regarding issues related to the City's Rent Stabilization Ordinance.
- Stated that State budget issues affecting the City will be discussed at the January 6, 2009 Council meeting.
- Provided an update on the Busk nuisance abatement.
- Update on Calistoga Village Inn & Spa redevelopment progress.
- Stated that one of the City's fire engines was deployed to help fight the recent Santa Barbara fire.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Garcia announced that the Mexican Consular will provide services to the community on Saturday, November 22nd at the Calistoga Elementary School.

Councilmember Kraus stated that the annual Calistoga Tractor Parade will be held on Saturday, December 6th at 6 p.m.

Mayor Gingles commented on the following:

- Napa County Registrar of Voters John Tuteur announced that Michael Dunsford won the election for City Council.
- He asked Pubic Works Director/City Engineer Takasugi if the City has applied for Proposition 1-B funding (Local Streets). (**Pubic Works Director/City Engineer Takasugi** responded that this is an extension of the program that

the City applied for a participated in 2007-2008 for which the City received \$400,000; there is not another program that the City can apply for in 2008-2009).

- He requested to meet with Planning and Building Director Gallina and Associate Planner Lundquist regarding the City's rent stabilization control.
- He requested that City Manager McCann if he has contacted the individual that has offered to sell water to the City (**City Manager McCann** replied yes).
- He asked **Pubic Works Director/City Engineer Takasugi** to look into putting in a cross walk at the intersection of Highway 29/Lincoln Avenue and Brannan Street (**Pubic Works Director/City Engineer Takasugi** will continue to work on this item).
- He requested a copy of the City's draft geothermal report when available.
- On November 19th at 10 a.m. the Kiwanis Club of Napa and Calistoga erected playground equipment. He stated that there is a trees learning on two mobile homes at Rancho de Calistoga and requested City staff to investigate.
- He attending the November 19th League of California Cities Legislative Briefing, and the Association of Bay Area Government meeting in Oakland on November 20th.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:40 p.m. to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, December 2, 2008, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor