



## CITY OF CALISTOGA

### STAFF REPORT

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**TO:** Honorable Mayor and City Council  
**FROM:** Irene Camacho-Werby, City Clerk  
**DATE:** August 20, 2019  
**SUBJECT:** Approval of Minutes

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**Approved by**

A handwritten signature in blue ink that reads "Michael Kirn".

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**Michael Kirn, City Manager**

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**DESCRIPTION:**

Approve the minutes of the City Council regular meeting of August 6, 2019.

**RECOMMENDATION:**

Consider approving or revising minutes.

**ATTACHMENTS:**

1. August 6, 2019, Regular Meeting Minutes

## MINUTES

### CALISTOGA CITY COUNCIL REGULAR MEETING

Tuesday, August 6, 2019 - 6:00 P.M.  
Calistoga Community Center  
1307 Washington Street, Calistoga, CA 94515

#### A) CALL TO ORDER – ROLL CALL

**Mayor Canning** called the regular session to order at 6:01 p.m.

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

Also, in attendance: City Manager Michael Kirn, Acting Public Works Director Derek Rayner, Acting Police Chief Tim Martin, Senior Planner/Assistant to the City Manager Zach Tusinger, and City Clerk Irene Camacho-Werby.

#### B) SALUTE TO THE FLAG

**Mayor Canning** led in the Salute to the Flag and requested a moment of silence for the victims of the recent mass shootings in Gilroy, California; El Paso, Texas; and Dayton, Ohio.

#### C) ORAL COMMUNICATION ON CONSENT ITEMS OR NON-AGENDA ITEMS

**Mayor Canning** opened Oral Communication.

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

#### D) ADOPTION OF MEETING AGENDA

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

The motion carried by the following vote:

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

#### E) COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

**Councilmember Williams** reported on his attendance at the Watershed Information and Conservation Council (WICC) meeting held on Thursday, July 25, 2019.

**Councilmember Williams** inquired if City staff could provide the Emergency Operations Plan (EOP) for review before the Council at a future meeting.

**City Manager Kirn** explained that every five years Napa County takes the lead in updating the EOP in partnership with the cities in the County. Napa County is currently in the process of updating the EOP and each city will have an opportunity to provide input prior to being finalized.

**Councilmember Williams** inquired if staff was aware of the Napa County's timeline for updating the EOP.

**City Manager Kirn** informed the Council that the current plan expired on June 30, 2019, and though there is not a hard deadline, there is concern over the potential effects towards federal funding opportunities. Staff has been in direct communications with Napa County's emergency services coordinator and understand the item is being worked on as quickly as possible.

**Mayor Canning** reported the City is currently working under the current EOP and it is being reviewed to include modifications and updates from the wildfires since 2017 and public safety power shutdowns.

**City Manager Kirn** reported that a section on earthquakes was also being reviewed.

**Councilmember Williams** inquired if the document is currently accessible online.

**City Manager Kirn** responded that staff will make it available online soon.

**Councilmember Kraus** requested to seek grant funding to send key staff to Federal Emergency Management Agency (FEMA) training on emergency operation centers.

**Mayor Canning** clarified that the current document is active and being utilized by the City. One problem, that was not anticipated, was the need to evacuate an entire city. The necessity to evacuate the City is also being considered as part of Community Emergency Response Team (CERT) trainings.

**Councilmember Williams** requested to be updated as the document progresses.

**Mayor Canning** reported on his attendance at the annual National Night Out event at Logvy Park, taking place this evening. The event is held annually on the first Tuesday of the month in August.

**Mayor Canning** also reported that on August 20, 2019, the terms and conditions to purchase a portion of the Napa County Fairgrounds property is tentatively scheduled to be heard before the Council at their regular meeting and defined the areas of future ownership.

**Councilmember Williams** inquired about the residential property located on Grant Street on the Mount Saint Helena Golf Course.

**Mayor Canning** clarified that the residential property located on Grant Street on the Mount Saint Helena Golf Course will remain as Napa County property.

## F) CITY MANAGER'S REPORT

**City Manager Kirn** reported that on Wednesday, August 7, 2019, Public Works staff will be removing two hazardous walnut trees near the Community Center patio and will close off access to the public until the work is complete.

## G) PROCLAMATIONS/PRESENTATIONS/AWARDS

1. Presentation of Service Award to Fire Engineer Ryan Smithers for 5 Years of Service

**Mayor Canning** read a certificate of recognition to Fire Engineer Ryan Smithers for his five years of service with the City of Calistoga.

2. Presentation by the Housing Land Trust of Sonoma County

Dev Goetschius Executive Director with Housing Land Trust of Sonoma County provided an overview on the organization's current projects and partnerships working with local cities to maintain affordable housing.

**Mayor Canning** thanked Executive Director Goetschius and asked if Housing Land Trust of Sonoma County has encountered legal challenges from surrounding homeowners.

Ms. Goetschius responded to the inquiry and stated an important factor to the success of the program is to reach out to local employers to identify who is serving the community and stewarding the process.

**Mayor Canning** inquired how the organization has been successful with residency preference.

Ms. Goetschius responded to the inquiry and stated that not only does the preference have to be legal defendable it must also be approved by Council action.

**Councilmember Kraus** inquired if families could inherit the properties.

Ms. Goetschius responded to the inquiry and explained the process for inheriting properties.

**Councilmember Kraus** inquired if restrictions are in place to prohibit short-term rentals.

Ms. Goetschius responded to the inquiry and stated that the properties are to solely be used as a primary residence and are frequently monitored for compliance.

**Vice Mayor Dunsford** inquired about the responsibility of the homeowner for upkeep and maintenance.

Ms. Goetschius responded to the inquiry and explained the process for required maintenance and correction.

**Mayor Canning** opened the public comment period.

Michael Quast, Calistoga resident, inquired about the agreements and sales tax for the properties.

Ms. Goetschius responded to the inquiry and explained the requirement of two regulatory agreements and a performance deed of trust.

Audience member, name not provided, inquired if the organization will be regional.

Ms. Goetschius responded to the inquiry and stated that the Board of Directors have approved expansion with specific instruction to reach out to the cities in Napa County.

**3. Presentation by the Public Works Department**

**Acting Public Works Director Rayner** provided an overview of the department and reported on current and future projects.

**Councilmember Williams** inquired about what the Riverside Pond Relocation will entail upon completion.

**Acting Public Works Director Rayner** responded to the inquiry and explained that this will also allow staff to take a pond offline as needed for maintenance.

**Councilmember Williams** inquired why two of the four ponds needed replacing.

**Acting Public Works Director Rayner** responded to the inquiry and stated that it was required through a cease and desist order.

**Councilmember Kraus** inquired about the status on the recruitment for Public Works Director.

**City Manager Kirn** reported that staff is working to begin advertising for the position soon.

**Councilmember Kraus** reported that he continues to receive complaints on the conditions of city roads and requested that the City continue to prioritize road rebuilding and resurfacing efforts.

**Mayor Canning** asked if the City is still maintaining an annual 25 percent commitment towards resurfacing, repair and replacement of city roads.

**City Manager Kirn** informed the Council that 25 percent is an aggressive goal and was attainable for micro surfacing.

**City Manager Kirn** explained that the next phases of road work and repair include reconstruction which will require an assessment of the conditions of underground utilities.

**Mayor Canning** commended staff for an incredible job in securing grant funding for several projects.

**Mayor Canning** inquired about the Pedestrian Bridge Crossing project at Pioneer Park and Sharpsteen Plaza, and the Riverside Pond relocation project.

**Acting Public Works Director Rayner** updated the Council that full grant funding for the Pedestrian Bridge Crossing project has been secured and three-quarters of grant funding has been secured for the Riverside Pond Relocation project.

**City Manager Kirn** complimented **Acting Public Works Director Rayner** for his efforts in obtaining grant funding and informed the Council that many

of the capital projects under the pending grants list without a cost split indicates 100 percent grant funding has been secured for the project.

**Mayor Canning** opened the public comment period.

Dennis McNay, Calistoga resident, inquired if CalTrans has involvement with the Petrified Forest Signal Design project.

**Acting Public Works Director Rayner** indicated that CalTrans is involved in the project, including review of the design plan.

Following no further comments, **Mayor Canning** closed the public comment period.

4. Report by Calistoga Police Department on traffic enforcement activities for speeding and noise from modified exhaust systems.

**Acting Police Chief Martin** reported on the activities of the Calistoga Police Department to assist with traffic enforcement and motorist awareness.

**Acting Police Chief Martin** also reported that the City has entered into an agreement with the California Highway Patrol (CHP) to assist with increased enforcement.

**Mayor Canning** inquired if the City is paying additional fees for this service.

**Acting City Manager Kirn** reported that agreement with the CHP is a staff augmentation concept to assist the City with traffic enforcement during peak traffic hours.

**Mayor Canning** stated that he is aware that Foothill Boulevard is not the only area of concern when it comes to traffic and understands the difficulty for two on-duty officers to cover several areas at once.

**Mayor Canning** complimented staff for their work and best efforts.

**Vice Mayor Dunsford** inquired if any citations have been issued for illegal modified exhaust systems and the cost for citation.

**Acting Police Chief Martin** reported that citations have been issued and citation fees are handled through Napa County Superior Court.

**Councilmember Williams** inquired if the emphasis on traffic enforcement is to motor vehicles in the City or does it also include motorcycles or both.

**Acting Police Chief Martin** reported there is no emphasis on one or the other. It is based on blatant action.

**Mayor Canning** opened the public comment period.

Audience member, name not provided, inquired about excessive tinting on vehicles and reported concerns over pedestrian traffic crossing on Silverado Trail.

**Acting Police Chief Martin** reported that vehicles with excessive tinting are initially issued a fix-it ticket. Additional fines or driving privileges will incur if not resolved in a timely manner.

**Acting Police Chief Martin** reported that the Calistoga Police Department only has jurisdiction over a small section on the Silverado Trail that is enforceable.

Following no further comments, **Mayor Canning** closed the public comment period.

**Mayor Canning** thanked **Acting Police Chief Martin** for the information.

## H) CONSENT CALENDAR

**Mayor Canning** requested to pull **Consent Calendar Item 8** (*Resolution awarding a contract to Allard General Engineering, Inc. in the amount of \$394,524 (including Alternate No. 1) for the Flow Meter Installation Project, Project No. 5533, approving a budget adjustment in the amount of \$154,000 and authorizing the City Manager to execute the contract.*) and **Consent Calendar Item 9** (*Resolution confirming the Mayor's appointment of Erika Pusey to the Active Transportation Advisory Committee*).

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Councilmember Williams** to approve **Item Nos. 5, 6 and 7** of the **Consent Calendar**.

The Motion carried by the following vote:

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



5. **Approved the Minutes** of the City Council special closed session meeting of July 9, 2019, and the regular meeting of July 16, 2019.
6. **Adopted Resolution No. 2019-068** approving the renewal of the Napa Special Investigations Bureau (MOU) Memorandum of Understanding.
7. **Adopted Resolution No. 2019-069** authorizing the City Manager to execute a purchase agreement with Pape Machinery for a John Deer Mini Excavator for an amount not to exceed \$54,830.
8. Resolution awarding a contract to Allard General Engineering, Inc. in the amount of \$394,524 (including Alternate No. 1) for the Flow Meter Installation Project, Project No. 5533, approving a budget adjustment in the amount of \$154,000 and authorizing the City Manager to execute the contract.

**Mayor Canning** pulled the item at the request of **City Manager Kirn**.

**City Manager Kirn** reported that the request to pull the item is due to the negotiated action with Roman Spa to install geothermal meters directly on their property. This action will null the construction impact to the roadway and the expenditure of three hundred and ninety-five thousand dollars (\$395,000) to do so.

**City Manager Kirn** recommended the Council reject all bids and direct staff to work with Allard Engineering (lowest bidder originally awarded) to install the geothermal meters and possibly reconstruct the sewer line on 2<sup>nd</sup> Street, which would be negotiated under the purchase order and authorize the City Manager to execute the agreement not to exceed one hundred and seventy-five thousand dollars (\$175,000).

**Mayor Canning** opened the public comment period.

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

It was **MOVED** by **Councilmember Kraus** to reject all bids and direct staff to work with Allard Engineering (lowest bidder originally awarded) to install the geothermal meters and possibly reconstruct the sewer line on 2<sup>nd</sup> Street, which would be negotiated under the purchase order and authorize the City Manager to execute the agreement not to exceed one hundred and seventy-five thousand dollars (\$175,000) and **SECONDED** by **Vice Mayor Dunsford**.

The Motion carried by the following vote:

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

9. **Adopted Resolution No. 2019-071** confirming the Mayor's appointment of Erika Pusey to the Active Transportation Advisory Committee.

**Mayor Canning** pulled the item to acknowledge Erika Pusey for her willingness to serve on the committee.

It was **MOVED** by **Mayor Canning** and **SECONDED** by **Vice Mayor Dunsford** to **Adopt Resolution No. 2019-071** confirming the Mayor's appointment of Erika Pusey to the Active Transportation Advisory Committee.

The Motion carried by the following vote:

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

#### I) PUBLIC HEARING

10. Consideration of Zoning Code Amendments (ZOA 2019-1) to Modify Lot Coverage and Accessory Building and Structure Requirements.

**Senior Planner/Assistant to the City Manager Tusinger** reported on the item.

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

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

It was **MOVED** by **Councilmember Kraus** to waive the first reading and introduce an ordinance of the City Council of the City of Calistoga amending the Calistoga Municipal Code Title 17, Zoning, to Modify Lot Coverage And Accessory Structure Regulations, and to reformat certain chapters to improve their usability (ZOA 2019-1) and **SECONDED** by **Vice Mayor Dunsford**.

Following a roll call vote, the Motion carried by the following vote:

**AYES: Councilmembers Kraus, Lopez-Ortega and Williams,  
Vice Mayor Dunsford and Mayor Canning**

**NOES: None**

**ABSTAIN: None**

**ABSENT: None**

**J) GENERAL GOVERNMENT**

None.

**K) ADJOURNMENT**

**Mayor Canning** adjourned the meeting at 7:18 p.m., in memory of Calistoga resident Lenny Murphy, to the next regular meeting of the Calistoga City Council is scheduled for Tuesday, August 20, 2019, Calistoga Community Center, located at 1307 Washington Street, at 6:00 p.m.

**Respectfully Submitted**

Prepared by:

Approved by:

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Irene Camacho-Werby, City Clerk

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Chris Canning, Mayor

Approved: