

CITY COUNCIL
TUESDAY, FEBRUARY 17, 2009 - 6:30 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION

CALL TO ORDER

Mayor Jack Gingles called the Closed Session to order at 6:30 p.m. In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, and Councilmember Karen Slusser, Vice Mayor Michael Dunsford and Mayor Gingles. Also present was City Manager James McCann, Interim Administrative Services Director and City Attorney Michelle Kenyon.

1. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION (Subdivision (a) of Section 54956.9)
Busk v. City of Calistoga, Napa County Superior Court Case No.: 26-45039

ADJOURNMENT

Mayor Gingles adjourned the **Closed Session** at 6:50 p.m. to the Regular Meeting of the Calistoga City Council, Tuesday, February 17, 2009, 7:00 p.m., Calistoga Community Center, 1307 Washington Street.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor

**MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, FEBRUARY 17, 2009 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER**

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:04 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, City Attorney Michael Kenyon and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no reportable action out of Closed Session held this evening.

MOMENT OF SILENCE

Councilmember Kraus requested a moment of silence in honor of Alex Ruiz who passed away on February 14, 2009.

ORAL COMMUNICATION

Kurt Becker, 1715 Michael Way, stated his concern regarding the 2009 Growth Management Allocations in light of the City's recent water conservation measures. He stated the community cannot afford more water rate increases to help support future development, particularly as proposed by the draft Urban Design Plan. He referenced a copy of a portion of the City's budget entitled "General Fund – Department and Program Summaries for Fiscal Year 2008-2009 and 2009-2010" which he provided to Council and stated that the City has spent over \$345,000 for economic vitality through June 2008 and the City budgeted \$747,000 for the next two years which equals over one million dollars going towards the Urban Design Plan.

Charles Earl Davis, 4410 Lake County Highway, stated that he could provide the City approximately 32 million gallons of water from his property located on Mt. St. Helena if the City provided a way to transport the water.

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.

INTRODUCTION

1) Introduction of Olivia Lemen, Aquatics and Recreation Manager.

City Manager McCann introduced Olivia Lemen as the City's new Aquatics and Recreation Manager.

Aquatics and Recreation Manager Lemen provided a brief history of her background and stated that she is excited to be working for the City and looks forward to the opening of the new community pool.

PROCLAMATION

2) Proclamation honoring California Arbor Day Celebration Week (March 7-14).

Mayor Gingles read the proclamation honoring California Arbor Day Celebration Week (March 7-14) and presented it to Alex Dierkhising.

Alex Dierkhising thanked the Council for the Proclamation reviewed the various locations that the Calistoga Tree Coalition plans to plant trees and he solicited the community to support planting of trees.

PRESENTATION

3) Presentation by Napa County Assessor John Tuteur regarding trends in Calistoga property values and tax assessments for 2009/2010.

Napa County Assessor Tuteur stated that 2009 will be an abnormal year in light of the decrease in property values state-wide. He stated that he will be reviewing all properties in the County for possible declines in value; Napa County is affected less than the overall state-wide decline in

property values. He provided handouts to the Council regarding his presentation.

Councilmember Kraus asked how the decline in property values will affect commercial property.

Napa County Assessor Tuteur stated that he has not seen any foreclosures on commercial properties however he expects to see limited and isolated declines in certain commercial properties in the County. He noted that his office will also evaluate multi-family dwelling property assessed values.

- 4) **Presentation update by Rex Albright, Calistoga Chamber of Commerce Executive Director, regarding local economic conditions and Visitor Center activities.**

Calistoga Chamber of Commerce Executive Director Albright provided a brief overview of local spending and that the Chamber's Visitor Center is focus on marketing Calistoga as a wellness destination. He provided information on current marketing strategies and stated that the Chamber has a new Visitor Center Website. He provided handouts to the Council regarding his presentation.

CONSENT CALENDAR

- 5) **Accounts payable for the period ending Thursday, February 12, 2009 (\$1,001,608.94).**
- 6) **Minutes of the January 22, 2009 regular City Council meeting.**
- 7) **Adoption of Resolution No. 2009-009 appointing Megan Hunt to the Community Resources Commission.**
- 8) **Adoption of Resolution No. 2009-010 authorizing a non-routine encroachment permit for an ornamental steel fence at 1314 Lillie Street.**

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Kraus to approve Items No. 5, 6, 7 & 8 on the Consent Agenda. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

PUBLIC HEARING

- 9) **Consideration of an Ordinance amending Title 13, Public Services, Chapter 13.08.270 Sewer Service - Reimbursement Agreement of the Calistoga Municipal Code, to remove sunset timelines for repayment.**

City Manager McCann introduced this item which follows from January 6, 2009 Council meeting. He stated that the purpose of this Ordinance amendment is to remove reference to the 10 year sunset clause to allow for reimbursement of sewer extension improvement and not be limited to 10 years.

Mayor Gingles opened the public hearing.

There was no public comment.

Mayor Gingles closed the public hearing.

Councilmember Slusser thanked staff for the expedient action regarding this item.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Slusser to introduce the Ordinance and waive the first reading to amend Title 13, Public Services, Chapter 13.08.270 Sewer Service - Reimbursement Agreement of the Calistoga Municipal Code, to remove sunset timelines for repayment. The Motion was carried as follows by a roll call vote:

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

NOES: None

ABSTAIN/ABSENT: None

GENERAL GOVERNMENT

- 10) **Water supply availability update and consideration of a Resolution to proactively declare a water emergency and urge Stage One voluntary water conservation measures.**

Mayor Gingles stated that the City receives water through a contract with the State Water Project (SWP) conveyed by the North Bay Aqueduct. He stated that he recommended the City adopted Stage-One Voluntary Water Conservation Measure.

Pubic Works Director/City Engineer Takasugi introduced this item and provided a status report of the statewide water supply for this calendar year and the potential impacts to Calistoga's supply. He reviewed the City's supply strategy. He noted that given the below normal rainfall levels and reduced commitment from the SWP, that we should initiate water conservation measures outlined in the City's Municipal Code.

He reviewed five voluntary conservation measures and stated that staff recommends that the community be cautious and proactive in conserving water.

Mayor Gingles provided a brief update on the State's Drought Water Bank that he received from a recent Napa County Flood Control/Water Conservation District meeting.

There was Council consensus that voluntary water conservation is a good start and the City need to stay apprised on the State's water situation.

Kurt Larrecou, 1707 Michael Way, stated that the State has been pumping too much water from the Delta and several agencies have lawsuits against the State over the protection of the endangered Delta smelt. He asked when the City could start accessing more water from the Kimball Reservoir.

Matt Hickerson, 3225 Lake County Highway, stated that in light of the current drought what should place greater emphasis on locally controlled sources.

Tom Balcer, 1705 Michael Way, stated his concern with allocating water through the Growth Management Allocation process when the City is experiencing a drought.

Councilmember Kraus requested that Pubic Works Director/City Engineer Takasugi provide a year-to-date account of water usage this year as compared to last year.

City Manager McCann stated that the City has a well conceived water supply plan and the long-term water supply picture looks sound. He stated that there is twice the amount of water needed to meet the City's needs, however since the last two years have been drought years it is wise to take cautious steps in conserving water. He stated that the City's Growth Management Allocation process insures slow measured growth of a 1.35% growth rate in concert with available water resources. He stated that if the drought continues the Council may choose to control the

issuance of building permits and/or water connections.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2009-011 to proactively declare a water emergency and urge Stage One voluntary water conservation measures. The Motion was carried as follows:

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

NOES: None

ABSTAIN/ABSENT: None

- 11) **Consideration of a Resolution approving the plans and specifications for the Calistoga Fire Station Seismic Retrofit and Rehabilitation Project, authorizing the advertising for bids, directing the City Manager to negotiate a Lease Agreement for the use of property as a temporary facility during rehabilitation efforts, and authorizes a budget adjustment of \$249,007 from the Public Safety Fund.**

City Manager McCann stated that he has had discussion with Councilmember Kraus regarding this item and it is recommended that it be continued to the March 3, 2009 Council meeting to allow staff an opportunity to meet with Councilmember Kraus to respond to his questions and concerns.

Councilmember Kraus stated that he is favor of this item however he requested that it be continued because he has concerns that required additional review.

CITY MANAGER REPORTS

City Manager McCann reported on the following:

- There are three openings on the Housing Element Update Committee and one opening on the Community Resources Commission; application deadline is February 20, 2009.
- Update provided on the Federal Economic Stimulus Plan.
- Update on the Busk Abatement which is nearly complete except for the final restoration of the property.
- The new Administrative Services Director/City Treasurer recruitment is completed and the new Director will start soon.
- Low Vision Group meeting on Friday, February 27, 2009 at the Rancho de Calistoga Club House.

- Part time work opportunities will be available with the upcoming 2010 United States Census; information is posted on the City's website.

Michael Quast, 1300 Washington Street, stated that he has concerns regarding **Item No. 11** having to do with approving the plans and specifications for the Calistoga Fire Station Seismic Retrofit and Rehabilitation Project.

Carolyn Wilkinson-Claire, 1507 Lincoln Avenue, stated that she also has concerns with the physical proximity of the temporary fire station.

City Manager McCann responded that he is willing to meet with Mr. Quast and Ms. Wilkinson-Claire about this item.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Garcia thanked the City for supporting the Calistoga Youth Soccer League.

Councilmember Kraus suggested that the City Council's rules of procedures or the Municipal Code may need an amendment regarding the cancellation of Council meetings.

Councilmember Slusser stated that she is pleased with the new audible pedestrian crosswalk system that was installed at the Lincoln Avenue (Highway 29)/Washington Street intersection. She requested that a public meeting be scheduled to solicit further public comments on the proposed Urban Design Plan (UDP) prior to the Planning Commission meeting when this item will be discussed and comments received. (**Planning and Building Director Gallina** responded that the proposed UDP will be discussed at a Planning Commission meeting in March 2009 and public comments will be received at that time); (**City Manager McCann** stated that in 2008 the Planning Commission received public comments regarding the UDP which has provided good direction to the refining of the UDP).

Mayor Gingles stated that an additional public meeting is not necessary because the UDP will be discussed at a Planning Commission meeting and then followed by another public meeting at City Council.

Vice Mayor Dunsford stated that the excerpt from the City's budget entitled "General Fund – Department and Program Summaries for Fiscal Year 2008-2009 and 2009-2010" provided by Mr. Becker this evening is an inaccurate reflection on funds spent for the proposed Urban Design Plan. He asked the City Manager to elaborate.

City Manager McCann stated that the budget line item regarding Economic Vitality that Mr. Becker provided is the cost center under the City's Support Services. He stated that this line item reflects the budget for the Chamber's marketing and promotion services not the Urban Design Plan costs. He added that the Urban Design Plan costs are between \$150,000 and \$200,000 not the \$1 million suggested by Mr. Becker.

Mayor Gingles congratulated Shirley Bloomquist on her recent appointment as the City's representative to the Napa County Commission on Aging. He asked about the status of the amendment to the Professional Services Agreement with Calistoga Affordable Housing. (**City Manager McCann** stated that this agreement has been revised and will be presented to the Council at the March 3, 2009 Council meeting).

Mayor Gingles stated that a fund raising event was held on February 15th for the Calistoga Pet Clinic. He stated that Dr. Franquelin has been providing various animal shelter services to the community without charge. (**City Manager McCann** stated that staff will explore a professional agreement with the Calistoga Pet Clinic to provide animal shelter services and will provide Council with a report).

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:00 p.m. to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, March 3, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor