

**CITY COUNCIL
TUESDAY, APRIL 21, 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 Administrative Services Director Bill Mushallo; and City Manager James McCann.

1)Conference with Labor Negotiators (Government Code Section 54957.6)

Agency negotiator: City Manager James McCann; Administrative Services Director Bill Mushallo.

Employee Organization: Calistoga Police Officers Association

ADJOURNMENT

Mayor Gingles adjourned the **Closed Session** at 7:00 p.m. to the Regular Meeting of the Calistoga City Council, Tuesday, April 21, 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, APRIL 21, 2009 - 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, Administrative Services Director/City Treasurer Bill Mushallo, Senior Engineer Jim Smith, Planning and Building Director Charlene Gallina, Senior Planner Ken MacNab, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

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

ORAL COMMUNICATION

Mary Ellen Hester, 2412 Foothill, stated that the Calistoga Farmers Market will be opening every Saturday, 8:30 a.m. to noon starting May 2nd. Mayor Gingles will be available at the Farmers Market to discuss any concerns, ideas, or suggestions.

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.

PROCLAMATION

- 1) **Proclamation announcing Month of May is National Bike-to-Work Month and May 14th is Bike to Work Day.**

Mayor Gingles read the Bike-to-Work Proclamation.

Peter Potrebic, City's Bicycle Advisory Committee member, received the proclamation and encouraged the community to ride bicycles.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Kraus announced that Dr. Peter Joseph from Al Gore's Climate Protection Alliance will provide a Climate Change presentation April 23rd at the Community Center (7:00 p.m.).

Councilmember Garcia invited the community to come to the Cinco De Mayo Parade on Sunday May 3rd.

Councilmember Slusser stated that April 22nd is Earth Day and stated that the Calistoga Chamber of Commerce is organizing a Downtown Beautification Day to be held on April 22nd and they are looking for volunteers.

Mayor Gingles stated that he will discuss at the next Napa County Transportation and Planning Agency meeting increasing the number of days per week that Route 11 is in operation (route from St. Helena/Calistoga to Santa Rosa).

CONSENT CALENDAR

Mayor Gingles stated that **Item No. 6** on the Consent Calendar will be pulled because **Councilmember Slusser** and he will not be partaking in the voting of this item as they live within 500 feet of the subdivision and it would be a conflict of interest.

- 2) **Accounts payable for the period ending Friday, April 17, 2009. (\$354,660.88)**
- 3) **Minutes of the April 7, 2009 regular City Council meeting.**
- 4) **Adoption of Resolution No. 2009-025 authorizing a Professional Services Agreement with Terry Krieg for the Fiscal Year 2008/2009 Comprehensive Annual Financial Report (Authorizing Agreement No. 351).**
- 5) **Adoption of Resolution No. 2009-026 declaring certain property surplus, and authorizing the City Manager to dispose of said property.**
- 7) **Adoption of Resolution No. 2009-027 accepting as complete the Kimball Water Treatment Plant and Kimball Reservoir Improvement Project and authorizing the Public Works Director to file a Notice of Completion.**

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

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

NOES: None

ABSTAIN/ABSENT: None

City Manager McCann complimented Senior Civil Engineer Smith on his work on the Kimball Water Treatment Plant and Kimball Reservoir Improvement Project (Item No. 7). He stated that this project added a third filter bank to the Kimball Reservoir which allows the City to utilize water more fully and Mr. Smith was able to get this project done on time and within the 1.5 million dollar budget.

- 6) **Consideration of an Ordinance to amend the Vineyard Oaks Development Agreement regarding timing of payment of Special Public Benefits and Utility Connection Fees.**

Councilmember Slusser and **Mayor Gingles** abstained from participation in this item and stepped away from the dias due to conflict of interest.

Vice Mayor Dunsford presided over the meeting.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Garcia to approve Ordinance No. 657 amending the Vineyard Oaks Development Agreement regarding timing of payment of Special Public Benefits and Utility Connection Fees. The Motion was carried by the following vote:

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

NOES: None

ABSTAIN: Councilmember Slusser and Mayor Gingles

ABSENT: None

Councilmember Slusser and **Mayor Gingles** returned to the meeting.

GENERAL GOVERNMENT

- 8) **Consideration of a Resolution authorizing Community Enrichment Grants for Fiscal Year 2009-2010.**

Mayor Gingles introduced this item and thanked Councilmembers Slusser and Kraus for their work on this matter.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to approve Resolution No. 2009-028 authorizing Community

Enrichment Grants for Fiscal Year 2009-2010. The Motion was carried unanimously by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

9) Consideration of a proposal to establish a first time Homebuyer Down Payment Assistance Program.

Senior Planner MacNab introduced this item and stated that **Communication A** was received from Calistoga Affordable Housing regarding this item. He stated that Sharon Carone, Calistoga Realty, is concerned that any extensive study of the item will cause damaging delay.

Councilmember Kraus stated he agrees with the establishment of a first-time Homebuyer Down Payment Assistance Program and suggested that staff investigate quickly because of time constraints and real opportunities.

Vice Mayor Dunsford stated that he is in favor of this program however he recommended that staff obtain more information before Council makes a decision.

Councilmember Garcia stated his concern in initiating this program due to the current state of the economy. He suggested that staff gather more information before moving forward.

Councilmember Slusser stated that she supports this Program in that it will help first-time home buyers to purchase moderately priced homes.

Mayor Gingles stated that the City has \$500,000 that could be used for this program and that three family members have approached him about their desire for the City to adopt this program. He stated his concern in waiting 45 days for Council to move forward with this program.

Senior Planner MacNab responded that staff realizes that the City needs to move quickly on this Program. He stated that this item could be brought back to Council even though staff will not have obtained all the answers to their questions regarding Federal Housing Administration (FHA) Loans and if Community Development Block Grant Loan could be used to help finance.

Councilmember Kraus stated that he supports giving staff additional time to gather more information regarding this Program.

Mayor Gingles solicited public comment.

Sharon Carone, Calistoga Realty, stated that the proposed program does not have to be cumbersome. She stated that time is of the essence because the

window of opportunity for the City to act will end on December 1st when the tax credit will expire.

Tony Pereira, local real estate agent, stated that the City of Vacaville is providing shared equity loans with 15% down payment. He stated that the City is less of risk because loss has already been realized.

Councilmember Garcia stated his concern of first-time buyers losing down payments due to the current state of the economy.

Jay Richolson, 1409 Cedar Street, stated that the real estate market for moderately priced homes is limited and the proposed program would only affect a few homes in the City.

Vice Mayor Dunsford stated his concern regarding staff being diverted from other priority projects in order to work on this program. He stated that in the past few years the City has not chosen to buy back single-family homes from the City's affordable housing pool.

Councilmember Slusser stated that she does not want to lose the opportunity for a first-time buyer to purchase a home.

City Manager McCann stated that staff will be able to include necessary loan-to-value ratios for this proposed program and bring this item back to Council at the May 5, 2009 meeting. He thanked Senior Planner MacNab for this work in bringing this item to Council; he thanked Mr. Richolson and Ms. Carone for bringing this item forward.

There was Council consensus for staff to provide further investigation and to bring this item back to Council at the May 5, 2009 meeting.

10. Consideration of a Resolution authorizing Professional Services Agreement with Coastplans for consulting services for the Housing Element Update in the amount not-to-exceed \$15,700.

Senior Planner MacNab introduced this item. He stated that the contract with Calistoga Affordable Housing and the City has been terminated and staff has sought alternate consultant services related to the update of the City's Housing Element update. He stated that staff conducted interviews with various consultants and is recommending that Coastplans be retained by the City to provide professional technical assistance needed for the Housing Element Update Program.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Kraus to approve Resolution No. 2009-029 authorizing Professional Services Agreement with Coastplans for consulting services for the Housing Element Update in the amount not-to-exceed \$15,700 (Authorizing Agreement No. 352). The Motion was carried unanimously by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

11. Consideration of a Resolution authorizing a professional services agreement with TBEEnterprises regarding Strategic Planning services in the amount not-to-exceed \$6,500.

City Manager McCann introduced this item and stated that in January 2009 Council provided direction to staff to obtain proposals from firms to assist the City in outlining approaches for a strategic planning process.

Councilmember Kraus stated he supports the proposed agreement in that it will assist in the City's policy decisions, help guide the Council in strategic planning efforts.

Vice Mayor Dunsford stated that strategic planning could be done in-house and he is not in favor of entering a professional services agreement for these services. He noted a poor experience related to strategic planning recently at NCTPA and wondered if the proposed consultant was involved in that effort.

Councilmember Slusser stated that she supports this agreement in that a mediator would be helpful in developing the City's goal setting efforts.

Councilmember Garcia suggested further investigating TBEEnterprises's references before making a decision.

It was MOVED by Councilmember Kraus and SECONDED by Councilmember Slusser to adopt a Resolution authorizing a professional services agreement with TBEEnterprises regarding Strategic Planning services in the amount not-to-exceed. The Motion failed by the following vote:

AYES: Councilmember Kraus and Councilmember Slusser,

NOES: Vice Mayor Dunsford, Councilmember Garcia, and Mayor Gingles

ABSTAIN/ABSENT: None

City Manager McCann stated that he will determine whether the consultant had assisted NCTPA in their strategic planning efforts, will confirm references and will bring the matter back to Council for future consideration.

PUBLIC HEARING

12) Consideration of an interim ordinance establishing a temporary moratorium on the establishment and operation of medical marijuana dispensaries in

the City for the immediate preservation of the public health, safety and welfare.

City Manager McCann introduced this item.

Mayor Gingles opened the public hearing.

There was no public comment.

Mayor Gingles closed the public hearing.

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Garcia to adopt interim Ordinance No. 658 establishing a temporary moratorium on the establishment and operation of medical marijuana dispensaries in the City for the immediate preservation of the public health, safety and welfare. Motion was carried unanimously by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

CITY MANAGER REPORTS

City Manager McCann reported on the following:

- Low Vision Group will meet on Friday, April 24th (1:30 PM, Rancho de Calistoga Club Room);
- The City is conducting the Housing Element Update Survey; the dates, locations and times are available on the City's website;
- The Cinco de Mayo Parade will be held on Sunday, May 3rd starting at Noon;
- The Calistoga Farmer's Market begins Saturday, May 2nd at 8:30 AM;
- At Council's request staff has sent a letter of support signed by the Mayor to the legislator regarding Senate Bill 7 (Renewable Energy Sources);
- Memorandum was received alerting the City of the State's water supply contract being increased for 20% to 30% delivery;
- The renaming of a portion of Lake County Highway to Silverado Trail will be discussed at the May 5, 2009 Council meeting.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 8:30 PM to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, May 5, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor