

**MINUTES**  
**CITY COUNCIL – REGULAR MEETING**  
**TUESDAY, MAY 19, 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, 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 Closed Session held this evening.

**ORAL COMMUNICATION**

**Kerri Hammand-Abreu, 1720 Reynard Lane**, requested that the item on tonight's Council Agenda regarding a development concept by the Bounsall family be pulled on the basis that her mother (Elizabeth Hammond) who resides adjacent to the Bounsall property was never notified of tonight's meeting. She stated that there is a letter of memorandum filed with the Napa County Clerk stating that no consideration of any development will occur until the property line dispute is settled. She provided a communication (*Communication B*) urging the Council not to move forward in the development of a Memorandum of Understanding for a Development Agreement with the Bounsall family.

**ADOPTION OF MEETING AGENDA**

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

## **INTRODUCTION**

**1) Introduction by Officer Phil Bianco, of Horpet, the City's new Police dog.**

**Police Chief Mills** and **Officer Bianco** introduced Horpet, the City's new Police dog.

**Police Chief Mills** provided a brief update regarding Horpet's training to become a police dog and what he is trained for.

**2) Introduction of Chuck Dalldorf, Regional Public Affairs Manager for the North Bay and Redwood Empire Divisions, League of California Cities.**

**Mayor Gingles** stated that Chuck Dalldorf, Regional Public Affairs Manager for the North Bay and Redwood Empire Divisions (League of California Cities) was unable to attend tonight's meeting and will be introduced at a future Council meeting.

## **PROCLAMATION**

**3) Proclamation congratulating Solage Spa & Resort, Calistoga Affordable Housing, and Burbank Housing on the completion of the 24-unit Palisades Apartments (Workforce Housing Project).**

**Mayor Gingles** read the proclamation and presented it to John Lowry, Burbank Housing Development Corporation Executive Director; and Bob Fiddaman, Calistoga Affordable Housing President.

**Burbank Housing Development Corporation Executive Director Lowry** stated that Burbank Housing was very pleased to have the opportunity to work with the City, Calistoga Affordable Housing and Solage on the project.

**Calistoga Affordable Housing President Fiddamon** stated they are very proud of this great addition to the City.

## **COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

**Councilmember Garcia** stated a pedestrian was struck by a moving vehicle last Saturday in front of the Catholic Church on Washington Street. He requested that additional street lighting and speed limits signs be added to this section of Washington Street and that the Police Department increase its patrols and general presence.

**Councilmember Slusser** suggested that staff talk to the property owners at 1402 Anna Street (at the corner of Anna and Washington) about their property being used as a temporary public dog park.

**Councilmember Kraus** requested that Item No. 5 regarding the approval of the May 5, 2009 Council minutes be pulled.

## CONSENT CALENDAR

- 4) Accounts payable for the period ending Thursday, Friday May 15, 2009 (\$325,638.38).
- 5) Minutes of the May 5, 2009 regular City Council meeting.
- 6) Adoption of Resolution No 2009-037 approving the Community Pool fees.
- 7) Consideration of a Resolution confirming the Mayor's appointments to the Napa City-County Library Commission, Measure A-Financial Oversight Committee, and the Napa County Mosquito Abatement District Board.
- 8) Adoption of Resolution No 2009-039 authorizing the City Manager to enter into a Memorandum of Understanding with the Napa County Transportation and Planning Agency for the allocation of American Recovery and Reinvestment Act Transportation Funding for Napa County Agencies (Authorizing Agreement No. 0360).
- 9) Adoption of Resolution No 2009-040 authorizing the purchase of 150 acre feet of water from the California Department of Water Resources 2009 Drought Water Bank Program, and authorizing a budget adjustment to fund the purchase from Water Utility Reserves (Authorizing Agreement No. 0361).

It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Kraus to approve Items No. 4, 6, 7, 8 and 9 on the Consent Agenda. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

- 5) Minutes of the May 5, 2009 regular City Council meeting.

**Councilmember Kraus** requested that the May 5, 2009 minutes be amended to reflect what he stated regarding the VINE Bus Route #11 to Santa Rosa. He clarified that he did not provide an update on the new

bus schedule; he did state that he received a citizen complaint about the Route #11 driver not dropping of people at Kaiser Hospital and other drop off locations. He stated that the complaint ended up being unfounded.

**It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember Garcia to approve minutes of the May 5, 2009 regular City Council meeting with the amended changes. The Motion was unanimously carried by the following vote:**

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

**NOES: None**

**ABSTAIN/ABSENT: None**

## **PUBLIC HEARING**

- 10) Consideration of the introduction of an Ordinance to amend the Calistoga Municipal Code Chapter 19.02 Growth Management System to clarify, streamline and improve program implementation.**

**Planning and Building Director Gallina** stated that the Planning Commission and the City Council agreed to revisit the City's Growth Management System Program to provide more flexibility in the regulations and to explore development incentives options. She reviewed staff's recommended amendments to the City's Growth Management System Program. She stated that staff revised the staff report on this item (*Communication A*) to better clarify the purpose and intent of the Planning Commission regarding the proposed amendments.

**Mayor Gingles** opened the public hearing.

There was not public comment.

**Mayor Gingles** closed the public hearing.

**Vice Mayor Dunsford** asked Ms. Gallina if there have been three-lot subdivisions that have not been approved by the City Council.

**Planning and Building Director Gallina** responded that no subdivisions were approved during the first Growth Management cycle because of the high number of single family units needing allocations. She stated that during the second Growth Management cycle the Council began approving allocations for infill subdivisions.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Garcia to introduce the Ordinance and waive the first reading amending the Calistoga Municipal Code Chapter 19.02 Growth Management System to clarify, streamline and improve program implementation. The Motion was unanimously carried by the following roll call vote:

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

**NOES:** None

**ABSTAIN/ABSENT:** None

**City Clerk Sneddon** requested a motion to reconsider Item No. 7 regarding the Mayor's appointments to various committees in order to select appointees and allow any applicants to speak.

**Vice Mayor Dunsford** made a motion to reconsider a Resolution confirming the Mayor's appointments to the Napa City-County Library Commission, Measure A-Financial Oversight Committee, and the Napa County Mosquito Abatement District Board.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Councilmember Garcia to reconsider Item No. 7 regarding the Mayor's appointments to various committees. The Motion was unanimously carried by the following vote:

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

**NOES:** None

**ABSTAIN/ABSENT:** None

- 7) **Consideration of a Resolution confirming the Mayor's appointments to the Napa City-County Library Commission, Measure A-Financial Oversight Committee, and the Napa County Mosquito Abatement District Board.**

**City Clerk Sneddon** introduced this item.

**Ann Shelby Valentine (applicant)** introduced herself and stated that she would like to volunteer and would be pleased to serve on the Napa County Mosquito Abatement Board.

**Mayor Gingles** recommended the following appointments:

- Jennifer Kerns (incumbent) to the Napa City-County Library Commission;
- James Barnes (incumbent) to the Measure A-Financial Oversight Committee;

- Ann Shelby Valentine to the Napa County Mosquito Abatement District Board.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to adopt Resolution No 2009-038 approving Mayor's appointments to the Napa City-County Library Commission, Measure A-Financial Oversight Committee, and the Napa County Mosquito Abatement District Board.

The Motion was unanimously carried by the following vote:

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

**NOES:** None

**ABSTAIN/ABSENT:** None

- 11) Consideration of an Interim Urgency Ordinance extending the forty-five (45) day Interim Urgency Ordinance adopted on April 21, 2009, which established 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, for an additional ten (10) months and fifteen (15) days.

**Senior Planner MacNab** introduced this item and stated that Council adopted an Urgency Ordinance regarding this issue at the April 21, 2009 Council meeting establishing a 45-day moratorium on the establishment and operation of medical marijuana dispensaries within the City. He stated that staff is recommending the adoption of another Urgency Ordinance to extend the moratorium an additional ten months and fifteen days. He stated that staff will continue to research the zoning regulations and measures to address General Plan policies addressing medical marijuana dispensaries.

**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 Kraus to adopt interim Ordinance No. 659 extending the forty-five (45) day Interim Urgency Ordinance adopted on April 21, 2009, which established 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, for an additional ten (10) months and fifteen (15) days. Motion was carried unanimously by the roll call following vote:

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

**NOES:** None

**ABSTAIN/ABSENT:** None

## **GENERAL GOVERNMENT**

- 12) Presentation of a development concept by the Bounsall family for the 7 acre property at 414 Highway 29, and the consideration of the creation of an ad-hoc Council subcommittee to explore the merits of developing a Memorandum of Understanding related to the proposal.**

**Mayor Gingles** stated that this item is only to receive a presentation regarding the proposed Bounsall Project, and to establish a City Council ad-hoc subcommittee to explore the merits in creating a Memorandum of Understanding with the developers.

**City Manager McCann** stated this item is a presentation and discussion regarding the Bounsall proposal, and is not a public hearing. He stated that if the Bounsalls decide to file a formal application for a development agreement then it will be subject to public hearings with abundant notice by the Planning Commission and the City Council. He stated that a Memorandum of Understanding simply allows for the formal process to be initiated; after which time a formal development application would need to be filed.

**Elizabeth Hammond, 304 Foothill Blvd,** stated that the Bounsalls application asserts that their property is 7 acres, however she stated that it is 6.68 acres; she is in dispute over the property line. She stated that the Bounsalls claim to have 31 lots, however 3 of the lots are on her property.

**Jeff Bounsall, 414 Foothill Blvd,** thanked the Council, Planning and Building Director, Senior Planner MacNab and City Manager McCann for their review of the proposed project. He introduced Jean Kapolchok (Urban Designer), Bill and Kathy Bounsall, and Michelle Gervais (ArchiLogix).

**Michelle Gervais, ArchiLogix,** stated that the proposed development does not compete with the downtown style and is more "village quality" intended to appear as a community based environment.

**Jean Kapolchok (Urban Designer),** provided a brief overview of the project and stated that she supports the formation of a Council ad hoc subcommittee.

**Ronald J. Taddei, Napa County Farm Bureau,** stated that given the scale of the proposed winery he suggested that the City consider adopting an

Ordinance establishing winery definition standards consistent with the existing regulations enforced by Napa County.

**Norma Toffenelli, 1001 Dunaweal Lane**, stated that she is in favor of an Ordinance that would define the winery standards. She stated that the proposed Bounsall Project if approved could have an impact on the proposed City's Urban Design Plan. She stated that the Planning Commission recommended that the proposed Bounsall project be downscaled.

**Kerri Hammand-Abreu, 1720 Reynard Lane**, stated that this is not a "downscaled" project as stated by the project designer and much project modification will be necessary to address the direction of the Planning Commission.

**Vice Mayor Dunsford** stated that there will be modifications to this project as it moves through the public review process and the intent of an ad hoc subcommittee is to acknowledge the comments from the Planning Commission, and to work towards a common ground. He stated that a Memorandum of Understanding is not "rubber stamping" this project.

**City Manager McCann** stated that at this point the Bounsalls plans are in concept only. He stated that the subcommittee will identify terms for a Development Agreement; land-use issues will be discussed at the Planning Commission.

**Mayor Gingles** recommended appointing himself to this subcommittee and solicited recommendation from the other Council members.

**Vice Mayor Dunsford** suggested Councilmember Kraus be appointed to the subcommittee.

**Councilmember Kraus** stated that he visited the site for the proposed development; recognizes the historical qualities of the proposed design and complimented the Bounsalls on the proposed project. He stated that there are issues regarding the project's intensity and there also remains a property line dispute which might change the developable area of the project. He stated that he agrees with moving forward with the development of a Memorandum of Understanding, and ultimately the Council has final approval authority on the project. He stated that he is conflicted regarding the "Special Benefits to the Community" section in the City's standard Memorandum of Understanding agreement. He stated that when the Planning Commission makes a determination on the scale of the proposed project it will then go to Council for approval with the knowledge of the community benefits; he is concerned about the Councils' vote being swayed.



**City Manager McCann** stated that the subcommittee will identify issues and if the proposed project moves forward it will be before the Council for approval.

**Mayor Gingles** recommended Vice Mayor and himself to be appointed to the subcommittee.

**City Manager McCann** stated that the subcommittee will identify issues and if the proposed project moves forward a Memorandum of Understanding will be before the Council for their consideration.

**It was MOVED by Mayor Gingles and SECONDED by Councilmember Slusser to form an ad-hoc Council subcommittee to explore the merits of developing a Memorandum of Understanding regarding the Bounsall family's property at 414 Highway 29. Motion was carried unanimously by the following vote:**

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

**NOES: None**

**ABSTAIN/ABSENT: None**

**13) Presentation of current data and discussion regarding Fiscal Years 2008/2009 and 2009/2010 Budget Update and Forecast.**

**City Manager McCann** introduced this item.

**Administrative Services Director Mushallo** provided a summary of the spring 2009 General Fund Budget and current thinking regarding the 2009/2010 Budget.

**City Manager McCann** stated that staff will continue to monitor the State budget and will work to reconcile the City's projections for revenue and for operating expenditures. He stated that the intent is to provide a budget update for 2009/2010 at the June 16, 2009 Council meeting.

## **UPDATES REGARDING REGIONAL BOARD ACTIVITIES**

Receive updates regarding regional board activities:

**Councilmember Slusser** provided a brief report regarding the Upper Valley Waste Management Agency (City's representative). She noted the lack of trash and recycle cans on Lincoln Avenue. She stated that the Upper Valley Waste Management Agency is working on getting 7 more recycle cans and 5 more trash cans; recycle containers may be obtain for free through the Recycle Center in Napa.

**Councilmember Kraus** provided a brief report regarding the Watershed Information Center & Conservancy (City's representative). He stated that the Watershed Information Center & Conservancy is putting up sixty road signs to identify the watersheds; and are working on grant funding to improve stream beds for fish migration.

## **CITY MANAGER REPORTS**

City Manager McCann reported on the following:

- Low Vision Group Meeting on Thursday, May 28th (1:30 PM, Rancho de Calistoga Club Room);
- The latest draft Urban Design Plan will be posted on the City website on May 20<sup>th</sup>; a public meeting will be held in June prior to the June 27<sup>th</sup> Planning Commission meeting'
- The Police Department thru a grant with other agencies is conducting a survey on underage drinking.

## **CITY COUNCIL ADJOURNMENT**

**Mayor Gingles** adjourned the meeting at 9:00 PM to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, June 2, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

**Respectfully submitted:**

---

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

---

**Approved by: Jack Gingles, Mayor**