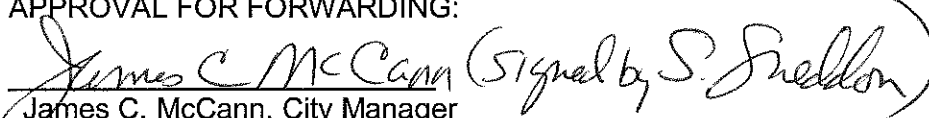


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Erik V. Lundquist, Associate Planner
VIA: Charlene Gallina, Planning and Building Director
DATE: July 7, 2009
SUBJECT: Special Assessment and Lien Public Hearing - John D. Busk Property
 Kortum Canyon Road (APN 011-310-023)

APPROVAL FOR FORWARDING:


 James C. McCann, City Manager

1
 2 **ISSUE:** Conduct a public hearing and consider a Resolution regarding the levy of a
 3 Special Assessment and Lien to recover costs associated with the abatement of the
 4 Public Nuisance Abatement authorized by City Council Resolution 2007-084 on a 32.10-
 5 acre property located off of Kortum Canyon Road, further described as APN 011-310-
 6 023, currently owned by Mr. John D. Busk.

7 **RECOMMENDATION:** Staff recommends the City Council continue the public hearing
 8 on this item to July 21, 2009.

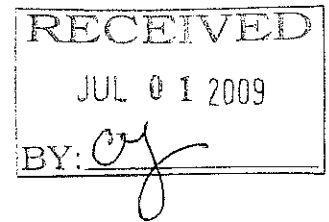
9 **BACKGROUND/DISCUSSION:** On June 16th, 2009 the City Council continued this
 10 matter to July 7, 2009 at the request of Mr. David Whitman, legal representative for Mr.
 11 John Busk, to allow additional time for Mr. Whitman to meet with City staff to discuss the
 12 special assessment and lien. Attached to this report is the letter requesting continuance
 13 of this item on June 16, 2009.

14 On June 22, 2009, City staff met with Mr. Whitman to discuss the time and costs
 15 associated with the nuisance abatement. During this meeting Mr. Whitman expressed
 16 concern with the amount incurred for legal services provided by the City Attorney's
 17 Office, which amounts to \$42,375.89 out of the total cost (\$200,444.14) to be recovered.
 18 Mr. Whitman also expressed concern regarding the number of inspections conducted by
 19 Coastland Engineering during the physical abatement. In response to Mr. Whitman's
 20 letter received on July 1, 2009 requesting more detailed billing and analysis on legal
 21 work completed during the abatement process, the City Attorney's Office has indicated
 22 to Staff that they will be providing Mr. Whitman for his review complete billing records
 23 redacted to exclude privilege information. To ensure that Mr. Whitman has sufficient
 24 time to review this information and discuss any concerns with the City Attorney' Office,
 25 Staff is requesting this item be continued to the City Council Meeting of July 21, 2009.

26 **ATTACHMENT:**

- 27 1. Applicant's letter requesting continuance of the June 16th, 2009 City Council
 28 Meeting

DAVID B. WHITMAN
Attorney at Law
405 14th St., #1011
Oakland, CA 94612
TEL: (510) 251-8024 FAX: (510) 451-0411



June 26, 2009

Erik V. Lundquist
Associate Planner
CITY OF CALISTOGA
1232 Washington St.
Calistoga, CA 94515

VIA FAX: 707/942-2827

RE: 6/16/09 Public Hearing re John Busk

Dear Mr. Lindquist:

On 6/16/09 at 7:00 pm, I appeared on behalf of John Busk when I made a request to continue the matter, and the matter was continued to 7/7/09 so that I could review the billable hours.

On 6/22/09, I met with you. You were unwilling to provide me with a more detailed billing and analysis for the work that went into the warrant and events leading up to it, claiming attorney-client privilege. I disagree. Support for bills is not the type of work product that is privileged by the attorney-client relationship. By not relinquishing this information, you are denying my client his right to due process.

It is my professional opinion that, among other things, the legal bills are excessive.

Please contact me immediately if you want to resolve this issue amicably.

Yours very truly,

David B. Whitman

DAVID B. WHITMAN
Attorney at Law