

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, JUNE 16, 2009 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER

1 **CALL TO ORDER**

2
3 **Mayor Gingles called the Regular Session to order at 7:00 p.m.**

4
5 In attendance were the following: Councilmember Placido Garcia,
6 Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor
7 Michael Dunsford, and Mayor Jack Gingles.

8
9 Also present were, City Manager James McCann, Administrative Services
10 Director, Bill Mushallo, Planning & Building Director Charlene Gallina,
11 Associate Planner Erik Lundquist, City Clerk Susan Sneddon, Assistant City
12 Attorney Rafael Mandelman, and Administrative Secretary Lorie Goldbeck.

13
14 **ACTION OUT OF CLOSED SESSION**

15
16 **Mayor Gingles** announced that there was no Closed Session held this
17 evening.

18
19 **ORAL COMMUNICATION**

20
21 There was no public comment.

22
23 **ADOPTION OF MEETING AGENDA**

24
25 **Mayor Gingles** announced that there is a need for Council to consider
26 urgent action on an item regarding seizure of the City's Street Maintenance
27 funds by the State. This item was added to the agenda after the 72 hour
28 noticing requirement. **Mayor Gingles** requested a motion to add this item to
29 the agenda.

30
31 It was **MOVED** by **Councilmember Kraus** and **SECONDED** by
32 **Councilmember Slusser**, to add an item requesting urgent action to the
33 June 16, 2009 Council agenda. The motion carried unanimously.

34
35 **Mayor Gingles** requested that **Item No. 7** be moved to the Consent
36 Calendar with the item for urgent action as **Item No. 7A**.

37

38 **Mayor Gingles** requested a motion to approve the meeting agenda as
39 amended. **Councilmembers Slusser and Kraus MOVED** to approve the
40 agenda as amended. The Motion carried unanimously.
41

42 INTRODUCTION

43 1) Introduction of Chuck Dalldorf, Regional Public Affairs Manager for the 44 League of California Cities North Bay and Redwood Empire Divisions.

45
46 **Mayor Gingles** introduced Chuck Dalldorf as the new Regional Public Affairs
47 Manager for the League of California Cities North Bay Division.
48

49 **Regional Public Affairs Manager Dalldorf** reported on the current State
50 budget situation and noted concern about the possible impacts on local
51 government. The State Budget Conference Committee has voted against
52 using Proposition 1A, Property Tax dollars, but did approve the use of
53 Highway Users Tax dollars. He reported that this is not the final vote and is
54 subject to negotiations between the Governor and leadership of both houses.
55 Local government's role is to let the legislators know that they do not approve
56 which is the motivation behind the two Resolutions being considered by the
57 City Council tonight.
58

59 PROCLAMATION

60 2) Proclamation recognizing the June 4, 2009, dedication of the Calistoga 61 Community Pool.

62
63 **Mayor Gingles** introduced this item and stated that Council wants to formally
64 present the plaques to the Calistoga Community Pool Project (CCPP)
65 committee members.
66

67 **CCPP President, Kerry Eddy** addressed the Council and introduced the
68 members of the CCPP non-profit organization and thanked them for their
69 hard work and dedication.
70

71 **Mayor Gingles** thanked the committee members and presented the
72 proclamation.
73

74 3) Proclamation recognizing the Calistoga Community Pool Project 75 Non-Profit Organization.

76
77 **Mayor Gingles** summarized the proclamation and presented it to the CCPP.
78

79 CERTIFICATES OF APPRECIATION

80 4) Presentation of a Certificate of Appreciation to former Building-Fire 81 Code Board of Appeals board member Tom Stimpert. 82

83 **Mayor Gingles** presented a Certificate of Appreciation to former Building-Fire
84 Code Board of Appeals to Tom Stimpert.

85 **Former Building-Fire Code Board of Appeals Stimpert** addressed the
86 Council and stated that he is very encouraged with the steps that the City is
87 taking for green and sustainable practices for the City.

88

89 **COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

90 **Councilmember Garcia** thanked **Councilmember Kraus** for recommending
91 and requesting the Strategic Planning Retreat that took place in June. He
92 felt it was very positive and productive.

93

94 **Councilmember Kraus** discussed a concern about people not cleaning up
95 after their pets at Logvy Park and requested that the City's Public Works
96 Department put up another sign reminding them to do so.

97

98 **Councilmember Slusser** requested that signage be posted, near the
99 Community Pool entrance, alerting drivers that children are present.

100

101 **Councilmember Kraus** asked if there are plans for a crosswalk in the area.

102

103 **Public Works Director Takasugi** noted that a traffic study was done
104 recommending a three-way stop at the intersection of Washington and North
105 Oak at the entrance to the Community Pool which will take place upon
106 approval of the Master Plan.

107

108 **City Manager McCann** commented that staff can move forward with signage
109 in the area.

110

111 **Mayor Gingles** commended Calistoga's Amigo Program for its work with
112 Calistoga's youth. He gave praise to the recent graduate and new lifeguard
113 Fabien Juarez for his accomplishments and achievements through this
114 Program.

115

116 **CONSENT CALENDAR**

117 **Mayor Gingles** requested that **Item No. 7** be pulled from the Consent
118 Calendar.

119

120 **Councilmember Kraus** requested that **Item No. 6** be pulled from the Consent
121 Calendar.

122

123 **5) Accounts payable for the period ending Friday, June 12, 2009**
124 **(\$162,178.35)**

125 **6) Consideration of a Resolution approving Amendment No. 1 to the**
126 **Professional Services Agreement with David Spilman for consulting**
127 **services.**

128 7) Consideration of a Resolution finding a severe fiscal hardship will
129 exist if additional local property tax funds are seized and additional
130 unfunded mandates are adopted by the State of California.

131 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Mayor
132 Gingles to approve Item No. 5 on the Consent Agenda. The Motion
133 was unanimously carried by the following vote:

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

136 **NOES:** None

137 **ABSTAIN/ABSENT:** None

138

139 6) Consideration of a Resolution approving Amendment No. 1 to the
140 Professional Services Agreement with David Spilman for consulting
141 services.

142 **Councilmember Kraus** stated concerns about the amendment to the
143 Professional Services Agreement with David Spilman. He questioned
144 whether this is a sole source contract or if it was sent out for formal bids.

145 **City Manager McCann** reported that this is a sole source contract. He
146 stated that the City's Municipal Code requires multiple bids for
147 construction and Public Works projects, but permits utilizing individuals
148 with specific skills for Professional Services Agreements. He explained
149 that Administrative Services Director Bill Mushallo will lead these efforts
150 and stated that utilizing Mr. Spilman for this service is the most efficient
151 and cost effective solution.

152 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Mayor
153 Gingles to adopt Resolution No. 2009-046 approving Amendment No.
154 1 to the Professional Services Agreement with David Spilman for
155 consulting services (Authorizing Agreement No. 0339-001). The
156 Motion was carried by the following vote:

157

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

160 **NOES:** Councilmember Kraus

161 **ABSTAIN/ABSENT:** None

162

163 7) Consideration of a Resolution finding a severe fiscal hardship will
164 exist if additional local property tax funds are seized and additional
165 unfunded mandates are adopted by the State of California.

166 7(a) Consider a Resolution authorizing the City Attorney to cooperate
167 with the League of California Cities and other cities in litigation
168 challenging the constitutionality of any seizure by the State
169 Government of the City's Street Maintenance Funds.

170 It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember
171 Slusser to approve Items No. 7 and 7a finding a severe fiscal
172 hardship will exist if additional local property tax funds are seized

173 and additional unfunded mandates are adopted by the State of
174 California and authorizing the City Attorney to cooperate with the
175 League of California Cities and other cities in litigation challenging
176 the constitutionality of any seizure by the State Government of the
177 City's Street Maintenance Funds. The Motion was carried by the
178 following vote:

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

181 **NOES:** None

182 **ABSTAIN/ABSENT:** None

183

184 **PUBLIC HEARING**

185 8) Conduct a public hearing and consider a Resolution regarding the
186 levy of a Special Assessment and Lien to recover costs associated
187 with the abatement of the Public Nuisance Abatement authorized by
188 City Council Resolution 2007-084 on a 32.10-acre property located off
189 of Kortum Canyon Road, further described as APN 011-310-023,
190 currently owned by Mr. John D. Busk.

191

192 David Whitman, Attorney at Law and Representative for Mr. Busk,
193 requested a continuance of this item to the July 7, 2009 City Council
194 meeting in order to conduct meetings and review documentation.

195

196 Mayor Gingles requested that Mr. Whitman submit a formal letter seeking
197 a continuance.

198

199 It was **MOVED** by Councilmember Kraus and **SECONDED** by
200 Councilmember Garcia to continue the item to Conduct a public
201 hearing and consider a Resolution regarding the levy of a Special
202 Assessment and Lien to recover costs associated with the
203 abatement of the Public Nuisance Abatement authorized by City
204 Council Resolution 2007-084 on a 32.10-acre property located off of
205 Kortum Canyon Road, further described as APN 011-310-023,
206 currently owned by Mr. John D. Busk, to the July 7, 2009, City
207 Council meeting. The Motion was carried unanimously by the
208 following vote:

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

211 **NOES:** None

212 **ABSTAIN/ABSENT:** None

213

214 **GENERAL GOVERNMENT**

215 **9) Presentation on the American Recovery and Reinvestment Act**
216 **(ARRA) Grant Funding for Calistoga Fire Station Construction.**

217

218 **City Manager McCann** reported that there may be an opportunity to apply
219 for funding through the American Recovery and Reinvestment Act Grant
220 Funding (ARRA). He pointed out that the rules and regulations were
221 released the end of May and are very extensive. He explained that
222 applications are due by July 10th, and that approximately 100 applications
223 are expected to be awarded. He recommended that staff move forward in
224 two concurrent directions by applying for the ARRA Grant funding and
225 also preparing a bid request.

226

227 **Councilmember Kraus** asked about the potential amount of an award
228 and commented that the Public Safety Funds could be used for other
229 projects if a grant is awarded.

230

231 **Public Works Director Takasugi** commented that there are many
232 exclusions in the grant package but there is potential for an award of
233 approximately \$1 million. He noted that the guidelines allow a decision
234 deadline of September, 2010, and the application states that bids should
235 not be solicited until the status of the grant is known.

236

237 There was Council discussion regarding the timing of the award, priority
238 projects, and assistance from outside individuals to assist with application
239 preparation.

240

241 **There was Council consensus for staff to move forward with the**
242 **grant application and seek outside assistance as determined to be**
243 **necessary.**

244

245 **CITY MANAGER REPORTS**

246 City Manager McCann reported on the following:

247 • Napa County Transportation and Planning Agency has established a new
248 Vine Express Route to begin on Monday with service from Calistoga to the
249 Vallejo Ferry for \$2. The schedule will be available at City Hall and on the
250 City's website.

251 • The public meeting last week on the Draft Urban Design Plan was well
252 received with good community participation. Copies of the draft UDP are
253 available online, at City Hall, and at the Library. A meeting has been
254 scheduled this week for the Spanish speaking community. The Planning
255 Commission will hold a public meeting on June 24th at 5:30 p.m. to
256 continue discussion. Once finalized by the Planning Commission, a
257 recommendation will be forwarded to City Council with a public hearing.

- 258 • The Low Vision Group meeting will be held on Friday, June 26th (1:30 PM,
259 Rancho de Calistoga Club Room).
- 260 • City Clerk Sneddon provided an update on the H1N1 swine flu virus. The
261 World Health Organization has declared a phase 6 pandemic which allows
262 implementation and responses for the disease. Napa County has
263 responded to the virus and continues to recommend precautions such as
264 frequent hand washing, covering your cough and staying home if you feel
265 sick.

266

267 **Mayor Gingles** reported that City Council and City staff had a strategic
268 planning retreat which was very informative. He stated that another half-
269 day special meeting will be held sometime in July and an agenda will be
270 posted. He stated that at the conclusion of the strategic planning meeting,
271 a summary will be presented at a City Council meeting.

272

273 CITY COUNCIL ADJOURNMENT

274

275 **Mayor Gingles** adjourned the meeting at 7:59 pm to the Special City
276 Council Meeting on Monday, June 29, 2009, Calistoga Community Center,
277 1307 Washington Street, 7:00 p.m.; and then to the next scheduled regular
278 meeting to the Calistoga City Council, on Tuesday, July 7, 2009, Calistoga
279 Community Center, 1307 Washington Street, 7:00 p.m.

280

281

282 **Respectfully submitted:**

283

284

285 **Prepared by: Lorie Goldbeck, Administrative Secretary**

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287

288

289 **Approved by: Jack Gingles, Mayor**

290