

# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council  
**FROM:** Lorie Goldbeck, Administrative Secretary  
**DATE:** August 4, 2009  
**SUBJECT:** City Council Minutes

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**APPROVAL FOR FORWARDING:**

  
James C. McCann, City Manager

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**DISCUSSION:** Minutes of the July 21, 2009 regular City Council meeting.

**RECOMMENDATION:** Approve Minutes.

**ATTACHMENTS:** Aforementioned Minutes.

**MINUTES**  
**CITY COUNCIL – REGULAR MEETING**  
**TUESDAY, JULY 21, 2009 - 7:00 P.M.**  
**CALISTOGA COMMUNITY CENTER**

1 **CALL TO ORDER**

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

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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, Deputy City Attorney Rafael  
10 Mandelman, Public Works Director/City Engineer Dan Takasugi, Planning and  
11 Building Director Charlene Gallina, Building Official Brad Cannon, Senior Civil  
12 Engineer Jim Smith, Associate Planner Erik Lundquist and Administrative  
13 Secretary Lorie Goldbeck.

14  
15 **ACTION OUT OF CLOSED SESSION**

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17 **Mayor Gingles** announced that the closed session meeting will be continued  
18 following the adjournment of the regular meeting.

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20 **Mayor Gingles** apologized to the City Manager and staff for any  
21 misinterpretations on his comments at the previous City Council meeting.

22  
23 **ORAL COMMUNICATION**

24  
25 **Sue Mauro, 1313 Silver Street, Calistoga** stated that she is representing a  
26 group of local citizens that would like to request that the pool remain open  
27 through October.

28  
29 **Elizabeth Hammond, 304 Foothill Blvd., Calistoga** noted that she is  
30 disappointed that she has not been notified about the meetings and  
31 outcomes of the Council's Sub-committee working on the Memorandum of  
32 Understanding related to the Bounsall property. She believes the meetings  
33 are suspicious and in violation of the California Public Records Act.

34  
35 **Mayor Gingles** questioned whether or not minutes are being kept for the  
36 sub-committee meetings.

37

38        **City Manager McCann** stated that the meetings of the sub-committee are  
39 not public meetings and minutes are not kept. The outcome from the sub-  
40 committee meetings will be brought to Council for formal consideration. He  
41 stated that he would communicate with Mrs. Hammond on progress and  
42 keep her informed on when the item will be brought to Council for  
43 consideration.  
44

## 45        **ADOPTION OF MEETING AGENDA**

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47        It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by  
48 **Councilmember Kraus** to approve the Council Meeting Agenda. The  
49 Motion was carried unanimously.  
50

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

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53        **Councilmember Slusser** stated that her cat recently passed away from  
54 poisoning and believes that people may be baiting for raccoons. She noted  
55 that there is a program through the County for the purpose of trapping  
56 unwanted wild life and pleaded that citizen's use this service rather than  
57 setting out poison. She noted that information on this service will be  
58 available at City Hall.  
59

## 60        **CONSENT CALENDAR**

- 61  
62        1) **Accounts payable for the period ending Thursday, July 16, 2009.**  
63        **(\$808,693.52)**  
64  
65        2) **Minutes of the June 29, 2009 City Council Special Budget Meeting**  
66        **and July 7, 2009 regular City Council meeting.**  
67  
68        3) **Consideration of a Resolution approving a Consultant Services**  
69        **Agreement with Larry Walker Associates in the amount of \$50,080**  
70        **relating to renewal of the City's Wastewater Treatment Plant**  
71        **NPDES Permit.**  
72  
73        4) **Consideration of a Resolution approving Amendment No. 2 to the**  
74        **Professional Services Agreement with Larry Walker and**  
75        **Associates for ongoing permit assistance services related to the**  
76        **Wastewater Treatment Plant NPDES Permit and the state's general**  
77        **water reuse permit.**  
78

79        It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by  
80 **Councilmember Garcia** to approve **Items No. 1, 2 3, and 4** on the  
81 **Consent Calendar.**  
82  
83

84 **PUBLIC HEARING**

- 85  
86 5) **Conduct a public hearing and consider a Resolution regarding the**  
87 **levy of a Special Assessment and Lien to recover costs associated**  
88 **with the abatement of the Public Nuisance Abatement authorized by**  
89 **City Council Resolution 2007-084 on a 32.10-acre property located off**  
90 **of Kortum Canyon Road, further described as APN 011-310-023,**  
91 **currently owned by Mr. John D. Busk.**

92  
93 **Continued from the July 7, 2009 Council Meeting**

94  
95 **Associate Planner Erik Lundquist** noted that this item was continued  
96 from the July 7, 2009 City Council meeting at the request of Mr. Busk's  
97 legal counsel. He reported that upon review of the invoices, some  
98 mischarges were discovered and corrected. He gave a brief background  
99 on the item and reported that physical improvements on the property were  
100 completed in February of 2009 with costs to be recovered totalling  
101 \$197,121.66.

102  
103 **Mayor Gingles** opened the public hearing.

104  
105 **David Whitman, 405 14<sup>th</sup> Street, Suite 1011, Oakland,** legal counsel for  
106 Mr. Busk, expressed his concerns about excessive charges for attorney's  
107 fees and the engineer's report.

108  
109 **Deputy City Attorney Rafael Mandelman** commented that this was not a  
110 standard abatement case as cooperation from Mr. Busk was minimal. He  
111 stated that he has reviewed the invoices and feels that the charges are  
112 appropriate due to the specific issues and the complicated nature of this  
113 abatement process.

114  
115 **Mayor Gingles** asked if there was further public comment. Being none,  
116 the public hearing was closed.

117  
118 There was **Council discussion** on the appropriateness of the attorney's  
119 fees and the basis for the charges.

120  
121 **Councilmember Kraus** expressed his concern with the extent of  
122 redactions on the invoices.

123  
124 **Deputy City Attorney Mandelman** stated that their office did not want to  
125 disclose any information that would breach the attorney-client privilege  
126 and that members of the Council are welcome to review the original  
127 invoices. He also noted that the invoices have been reviewed by him and  
128 the City Attorney and both believe the charges are appropriate.

129

130 **City Manager McCann** stated that the invoices are reviewed by staff for  
131 appropriateness prior to approval for payment.

132  
133 **It was MOVED by Mayor Gingles and SECONDED by Councilmember**  
134 **Kraus to adopt Resolution No. 2009-058 regarding the levy of a**  
135 **Special Assessment and Lien to recover costs associated with the**  
136 **abatement of the Public Nuisance Abatement authorized by City**  
137 **Council Resolution 2007-084 on a 32.10-acre property located off of**  
138 **Kortum Canyon Road, further described as APN 011-310-023,**  
139 **currently owned by Mr. John D. Busk.**

140  
141 **The Motion carried by the following vote:**

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

144 **NOES: None**

145 **ABSTAIN/ABSENT: None**

146

147 **6) Consideration of the introduction of an Ordinance to amend Title 15,**  
148 **Chapter 15.50 titled Board of Appeals, specifically, 15.50.010 and**  
149 **15.50.040 of the Calistoga Municipal Code to clarify, streamline and**  
150 **improve program implementation.**

151

152 **Building Official Brad Cannon** gave a brief background on the currently  
153 established Building-Fire Code Board of Appeals and stated that staff is  
154 requesting a name change to Building Standards Advisory & Appeals  
155 Board to better serve the public as an advisory body and promote  
156 participation in the development of policies, procedures and  
157 interpretations. He also noted that the California Building Code Section  
158 109.1.5 requires "appeals action ratification" when dealing with  
159 unreasonable hardship as it relates to accessibility of existing buildings  
160 and that staff is recommending a change of one of the required  
161 qualifications of the Board from a "general industry or business  
162 representative" to a "certified access professional" to better meet this  
163 requirement.

164

165 **Mayor Gingles** opened the public hearing.

166

167 **Building-Fire Code Board of Appeals Chairman Paul Coates**  
168 commented that an advisory component will be a critical issue for the  
169 Board as there will be questions and issues surrounding green building  
170 standards and it is imperative to have a Board that understands the issues  
171 and is able to help the community without going through the appeals  
172 process.

173

174 **Mayor Gingles** asked if there was further public comment. Being none,  
175 the public hearing was closed.

176

177 **Councilmember Kraus** expressed his concern about staff's ability to  
178 disregard recommendations from an advisory committee.

179  
180 **Chairman Coates** noted that the code decision process remains the  
181 responsibility of the Board of Appeals.

182  
183 **City Manager McCann** pointed out that the Board hears and decides  
184 appeals of orders and decisions made by the Building and Fire Code  
185 Officials. Once the Board makes a decision, it is final unless appealed  
186 through the proper process and staff must abide by the decision.

187  
188 **Councilmember Kraus** stated that he has no issue with the addition of a  
189 certified access professional, but feels that the requirement for a general  
190 business and industry member or a community member at large should  
191 remain a requirement for the Board. He noted that this would create an  
192 even numbered Board.

193  
194 **City Manager McCann** noted that the Code could be modified to increase  
195 the Board's membership to seven members.

196  
197 **It was MOVED** by Vice Mayor Dunsford and **SECONDED** by  
198 **Councilmember Garcia** to adopt **Ordinance No. 661** to amend Title 15,  
199 **Chapter 15.50** titled **Board of Appeals**, specifically, 15.50.010 and  
200 **15.50.040** of the Calistoga Municipal Code to clarify, streamline and  
201 improve program implementation and waive the first reading with a  
202 modification to increase the Board's membership to seven members.

203  
204 **The Motion was carried as follows by a roll call vote:**  
205 **AYES:** Vice Mayor Dunsford, Councilmembers Garcia, Slusser,  
206 Kraus and Mayor Gingles  
207 **NOES:** None  
208 **ABSENT:** None

209  
210 **7) Consideration of a Resolution authorizing the levying and collection**  
211 **of assessments for the Silverado Place Subdivision Landscape**  
212 **Maintenance District for Fiscal Year 2009-2010.**

213 **Councilmember Kraus** stated that he will not be partaking in the  
214 discussion of **Items No. 7 and 8** as he lives within 500 feet of the two  
215 Silverado and Palisades Subdivision and it would be a conflict of interest.

216  
217 **Councilmember Kraus** abstained from participation of **Items No. 7 and 8**  
218 in this item and stepped away from the dias due to conflict of interest.

219  
220 **Public Works Director Takasugi** gave a brief background on the items.  
221 He noted that this is an annual process required by the Landscaping And

222 Lighting Act for the maintenance of Lake County Highway State Route 29  
223 passed Silverado and Lake Street.

224

225 **Mayor Gingles** opened the public hearing.

226

227 **Dennis Gamble 2019 Urbani, Calistoga**, stated his concern with the lack  
228 of maintenance and questioned why the residents of the subdivision are  
229 responsible for the cost of maintenance there as it is a State Highway.

230

231 **Mayor Gingles** affirmed that the original project approval states that the  
232 residents are responsible for the maintenance regardless of whether the  
233 State or County owns the Highway and asked staff to provide a copy of  
234 the original conditions of approval to Mr. Gamble.

235

236 **Mayor Gingles** asked if there was further public comment. Being none,  
237 the public hearing was closed.

238

239 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by  
240 Councilmember Slusser to adopt Resolution No. 2009-059  
241 authorizing the levying and collection of assessments for the  
242 Silverado Place Subdivision Landscape Maintenance District for  
243 Fiscal Year 2009-2010.

244

245 The Motion was carried by the following vote:

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

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249 **NOES:** None

250

251 **ABSTAIN/ABSENT:** Councilmember Kraus

252

253 8) Consideration of a Resolution authorizing the levying and collection  
254 of assessments for the Palisades Landscape Maintenance District for  
255 Fiscal Year 2009-2010.

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257 **Mayor Gingles** opened and closed the public hearing with no comments.

258

259 It was **MOVED** by Councilmember Garcia and **SECONDED** by Vice  
260 Mayor Dunsford to adopt Resolution No. 2009-060 authorizing the  
261 levying and collection of assessments for the Palisades Landscape  
262 Maintenance District for Fiscal Year 2009-2010.

263

264 The Motion was carried by the following vote:

265 **AYES:** Councilmember Garcia, Vice Mayor Dunsford,  
266 Councilmember Slusser and Mayor Gingles

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268 **NOES:** None

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270 **ABSTAIN/ABSENT:** Councilmember Kraus

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268 Councilmember Kraus returned to the dias.

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## 270 GENERAL GOVERNMENT

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### 9) Presentation of the City of Calistoga's new Bicycle Facilities Map.

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**Associate Planner Erik Lundquist** introduced the item and gave a brief description. He reported that the Bicycle Facilities Map was originally built in as an action of the Bicycle Transportation Plan adopted by City Council in 2007 and is part of the work program for fiscal year 2008-09. He noted that upon Council's approval, approximately 4,000 maps will be produced for display and handouts to the public. He introduced Curtis Winslow, the design consultant hired to create the map, to give the presentation.

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**Curtis Winslow, 1001 Myrtle Street, Calistoga,** gave a presentation on the new City Bicycle Facilities Map. He reported that the intent of the map is to present Calistoga as a primary bicycle destination. He stated that the map will be accessible online with links to many local points of interest for visitors. He explained the many features and functions of the interactive map. He requested that any comments or suggestions from Council be addressed by July 31<sup>st</sup>.

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**Councilmember Kraus** commented on the outstanding efforts of the Bicycle Advisory Committee and Mr. Winslow.

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**Councilmember Slusser** suggested that "expert riders only" caution be added to dangerous areas on the map.

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### 10) Consideration of a Resolution Re-Approving Amendment No. 9, and rescinding Resolution No. 2009-020, to the Water Supply Contract with the Napa County Flood Control and Water Conservation District Agreement No. 1926 to Participate in Funding Certain Costs Related to the North Bay Aqueduct Alternate Intake Project.

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**Senior Civil Engineer Jim Smith** reported that this issue was originally brought to Council as an introductory item in March of 2009. He noted that all of the other Counties have approved this project and reported a delay in the implementation and funding of the Proposition 84 grant that was previously identified for this project. This has resulted in the participating cities being required to pay the first years' costs rather than spreading the cost over three fiscal years as previously stated. He explained that Calistoga's share of costs for planning, environmental analysis, and conceptual design for the project are estimated at \$93,331 for fiscal year 2009/10. He noted that if Proposition 84 gets funded, the City can anticipate receiving that grant money in subsequent years. He pointed out that this is the preliminary work for feasibility and conceptual



313 design on the project and that actual construction will be very costly but  
314 will help secure the quality and reliability of Calistoga's water supply.

315  
316 There was **Council discussion** regarding the costs, impact and  
317 environmental benefits of the project.

318  
319 **Councilmember Slusser** expressed her concern with the costs and how  
320 it will be passed down to the customers through their monthly water bills.

321  
322 **Councilmember Kraus** commented that if there is another Earthquake  
323 the levy system could be destroyed allowing saltwater intrusion into our  
324 water supply which would be catastrophic. He noted that this project is  
325 essential to secure the long-term reliability of the City's water system.

326  
327 **It was MOVED by Councilmember Kraus and SECONDED by**  
328 **Councilmember Garcia to adopt the Resolution No.**  
329 **2009-061 re-Approving Amendment No. 9, and rescinding Resolution**  
330 **No. 2009-020, to the Water Supply Contract with the Napa County**  
331 **Flood Control and Water Conservation District Agreement No. 1926**  
332 **to Participate in Funding Certain Costs Related to the North Bay**  
333 **Aqueduct Alternate Intake Project.**

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335 **The Motion was carried by the following vote:**

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

339 **NOES: Councilmember Slusser**

340 **ABSTAIN/ABSENT: None**

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342 **11) Presentation and consideration of the adoption of the outcomes from**  
343 **the Council's Strategic Planning effort: Vision and Mission**  
344 **Statements, the City Council's Goals and Objectives and Key Priority**  
345 **Projects for FY 2009/2010, and a Strategic Planning Action Plan**  
346 **tracking matrix.**

347 **City Manager McCann** reported that this item follows Council's Strategic  
348 Planning meetings and includes the new Vision and Mission Statements,  
349 the City Council Goals and Objectives and Key Priority Projects for the  
350 current fiscal year as well as a tracking matrix. City Manager McCann  
351 thanked the Council on this successful and worthwhile process. He  
352 specifically thanked Councilmember Kraus for his efforts and support  
353 through this process.

354 **Councilmember Kraus** thanked the Council, staff and citizens for their  
355 participation.

356 **It was MOVED by Vice Mayor Dunsford and SECONDED by**  
357 **Councilmember Slusser to adopt the Council's Strategic Planning**

358           **effort: Vision and Mission Statements, the City Council's Goals and**  
359           **Objectives and Key Priority Projects for FY 2009/2010, and a**  
360           **Strategic Planning Action Plan tracking matrix.**

361           **The Motion was carried unanimously by the following vote:**

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

364           **NOES:           None**

365           **ABSTAIN/ABSENT: None**

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## 367           **CITY MANAGER REPORTS**

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369           **City Manager McCann reported on the following:**

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371           • The Low Vision Group Meeting will be held on Thursday, July 23rd  
372           (1:30 PM, Rancho de Calistoga Club Room).

373           • The application for the ARRA Grant for the Fire Station Renovation was  
374           filed on July 9<sup>th</sup> requesting \$990,000. Staff will monitor and update  
375           Council.

376           • The Stewardship Council Grant application has been submitted, with  
377           the help of Carrie Domogalla, requesting \$200,000 for geothermal  
378           energy use at the Pool.

379           • The City is currently recruiting members for the Water and Wastewater  
380           Rate Structure Advisory Committee. Applications are available online  
381           and at City Hall.

382           • Charlene Gallina and Erik Lundquist are working with the Chamber of  
383           Commerce to update the Bed & Breakfast Inn zoning ordinance  
384           regulations which will be brought forward to the Planning Commission  
385           and then to City Council for recommendation.

386           • Staff continues to work on environmentally sustainable practices. A  
387           draft of the Climate Action Plan is available on the City's website. A  
388           Planning Commission meeting is scheduled to introduce the document  
389           with a joint meeting of the Planning Commission and Community  
390           Resources Commission on August 5<sup>th</sup>. Both groups will make a  
391           recommendation to City Council on August 18<sup>th</sup>.

392           • Chief Mills is reinstating his regular meetings with the Hispanic  
393           community. The first meeting will be held at the Community Center on  
394           August 11<sup>th</sup> at 6:00 pm. The topic will address issues about gang  
395           activity in the community. A Spanish announcement has been posted  
396           on the website and throughout town.

397           • As expected, it appears that the State will look to balance their budget  
398           using Proposition 1A funds which will allow them to borrow up to 8% of  
399           the City's Property Tax money. The potential effect on Calistoga is  
400           approximately \$250,000, which is a combination of Highway User Tax  
401           and Property Tax monies. A vote is expected later this week.

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**Mayor Gingles** asked the Councilmembers if they would like to continue the closed session meeting following the adjournment of the Calistoga Public Facilities Corporation.

**IT WAS AGREED** to continue the closed session meeting.

## **CITY COUNCIL ADJOURNMENT**

**Mayor Gingles** adjourned the meeting at 8:43 p.m. to the continued closed session meeting following the Annual Meeting of the Calistoga Public Facilities Corporation to the next scheduled regular meeting of the Calistoga City Council, on Tuesday, August 4, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

There was no reportable action following the conclusion of the closes session at 9:45 p.m.

**Respectfully submitted:**

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

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**Approved by: Jack Gingles, Mayor**