

**CITY COUNCIL
TUESDAY, SEPTEMBER 1, 2009 - 6:00 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION**

CALL TO ORDER

Mayor Jack Gingles called the Closed Session to order at 6:00 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 City Manager James McCann.

1. Conference with Legal Counsel, Existing Litigation pursuant to Government Code Section 54956.9(a):
City of Calistoga v. Grant Reynolds, Napa County Superior Court Case No. 26-46826.

2. Conference with Legal Counsel, Anticipated Litigation
Significant exposure to litigation pursuant to Government Code Section 54956.9(b):
(One case)

ADJOURNMENT

Mayor Gingles adjourned the **Closed Session** at 7:00 p.m. to the Regular Meeting of the Calistoga City Council, Tuesday, September 1, 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, SEPTEMBER 1, 2009 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER**

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:04 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, Public Works Director/City Engineer Dan Takasugi, Planning and Building Director Charlene Gallina, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no reportable action out of Closed Session held this evening, and that Council would resume the Closed Session following the City Council's regular meeting.

Mayor Gingles welcomed back City Clerk Sneddon and complimented Administrative Secretary Goldbeck for completing her first year of service to the City and for doing a great job supporting several City departments.

ORAL COMMUNICATION

None provided

ADOPTION OF MEETING AGENDA

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

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Kraus asked why two of the VINE HandyVans are out of service and when they will be fully operational.

Paul Price, Napa County Transportation and Planning Agency Executive Director, responded that one HandyVan is back in commission and the other had some serious mechanical problems and will be out of commission for a period of time. He stated that there is still HandyVan service however it may not have the same accessibility options.

CONSENT CALENDAR

Mayor Gingles stated that **Item #3** has been pulled at the Eagle Scout candidate's request.

- 1) **Accounts payable for the period ending Thursday, August 27, 2009 (\$748,790.04)**
- 2) **Minutes of the August 18, 2009 regular City Council meeting.**
- 3) **Consideration of a Resolution accepting a donation from Eagle Scout candidate Zach Flynn and waiving all permit fees associated with a community service project to remove non-native vegetation and to plant native vegetation at Logvy Park and waiving all permit fees.**
- 4) **Adoption of Resolution No. 2009-071 accepting as complete the public improvements related to the Richard L. Dunham Final Parcel Map, approving the Final Parcel Map of the Lands of Richard L. Dunham located on Foothill Blvd., approving the Hold Harmless Agreement between Richard L. Dunham and the City of Calistoga, and authorizing the City Clerk to file the required documents with the Napa County Recorder's Office.**
- 5) **Adoption of Resolution No. 2009-072 adopting job descriptions for the positions of City Manager and City Clerk.**

It was **MOVED** by Councilmember Kraus and **SECONDED** by Vice Mayor Dunsford to approve **Items No. 1, 2, 4 and 5**. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

GENERAL GOVERNMENT

6) Consideration of a request from Napa County regarding a funding contribution towards the Napa Valley Farm Worker's Housing Center.

Nancy Johnson, Napa County Housing & Community Development Coordinator, reported on the request for \$10,000 from each of the cities within Napa County to help support the three farmworker housing centers. She provided a description of services provided and explained the major costs involved in maintaining the center.

Mayor Gingles stated that he took exception that there were "problems" that needed attention at the farmworker centers.

Councilmember Slusser suggested the local wineries should help support the cost of operating the center.

Nancy Johnson, Napa County Housing & Community Development Coordinator, noted that they receive \$98,000 from Auction Napa Valley. She stated that the City of Napa does not help fund the farmworker centers.

Councilmember Kraus stated that some farmworkers not living at the centers live in inadequate living conditions. He suggested that the County increase marketing efforts to promote the centers.

Councilmember Garcia stated that he is a Commissioner on the Napa County Housing Commission and emphasized the need for the City to help fund the farmworker centers. He stated that local wineries pay the County \$10 per acre for funding the centers; seasonal farmworkers typically received \$10 an hour for labor and pay \$12 per night to stay at the centers.

Vice Mayor Dunsford stated that he supports funding the farmworker centers and that he has issue with the fact that the City of Napa is not participating in supporting the centers.

City Manager McCann stated that Napa County Housing & Community Development is seeking an ongoing commitment from the City to fund the farmworker centers. He stated that he will add to the September 15th Council agenda the consideration of a budget adjustment and a one-year funding agreement to support the farmworker centers. He stated that staff will request that the County seeks ways of decreasing the operating budget for the centers.

There was Council consensus to add to the September 15, 2009 Council agenda the consideration of a budget adjustment and a one-year funding agreement to support the farmworker centers.

- 7) Discussion and direction regarding funding options for Napa County Transportation and Planning Agency Route 11 bus services. Possible consideration of a Resolution authorizing funding.

Mayor Gingles introduced this item and provided a brief report regarding issues related to the VINE Route 11 ridership. He stated that Napa County Transportation and Planning Agency (NCTPA) have proposed a 50/50 cost share with the City of St. Helena to subsidize the required farebox recovery ratio; each City would contribute about \$4,000 for this year to retain the service.

Paul Price, Napa County Transportation and Planning Agency Executive Director, explained the problem regarding VINE Route 11 low ridership and discussed the proposed changes. He stated that that NCTPA will continue to look at options to increase ridership and work on managing the budget for Route 11. He noted that Route 11 operating costs are over \$100,000, but only 10% needs to be covered by rider fares. He stated that currently only 3% being covered, therefore NCTPA is requesting that the cities subsidy cover the other 7%.

Councilmember Slusser suggested that NCTPA staff contact Santa Rosa Junior College to advertise Route 11 to the students.

Mayor Gingles asked if the City of St. Helena has authorized the funding request (**Mr. Price** stated that the City of St. Helena will provide funding contingent upon the City of Calistoga also providing funding).

It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Councilmember Kraus** to adopt **Resolution No. 2009-073** authorizing a cost-share subsidy on the VINE Route 11 farebox shortfall recovery ratio and authorizing a budget adjustment to fund the cost-share subsidy from General Fund Reserves funding to Napa County Transportation and Planning Agency. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

- 8) Consideration of a Resolution to amend Resolution No. 2003-099 regarding refinancing subordination terms related to homes with the City's Affordable Housing Programs.

City Manager McCann introduced this item. He stated that in 2001 Council adopted a Resolution establishing criteria for subordination of the City second mortgages in the City's Affordable Housing Program; then in 2003 another Resolution was adopting amending the criteria. He stated that this program has worked well. He stated that the City has been approached by a local Calistoga family requesting that they refinance their mortgage. He stated that Andrea Clark from the Housing Authority of the City of Napa requested that the City consider an exception to the City's criteria and approve a refinance request. He stated that the current criteria require that all loans including City debt and imputed interest/debt on the home shall not exceed 80% of the loan-to-value ratio. He stated that by approving the draft Resolution it will be more likely that the family may remain in their home and the City's interest (2nd mortgage) would be protected. He stated that staff has reviewed this request and recommend amending the proposed Resolution to authorize the City Manager to grant an exception from the 80% of the loan-to-value ratio on a case-by-case basis to allow for more flexibility.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2009-074 amending Resolution No. 2003-099 regarding refinancing subordination terms related to homes with the City's Affordable Housing Programs. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

- 9) **Consideration of a Resolution establishing the 2010 General Development Objectives and initiating the Growth Management Allocation process pursuant to Chapter 19.02 (Growth Management System) of the Calistoga Municipal Code.**

Planning and Building Director Gallina introduced this item and provided a brief history of the Growth Management System. She stated that the 2010 Growth Management System Allocation process commenced in July 2009, and the Planning Commission has recommended that the General Development Objectives be approved. She stated that due to a limited number of allocations realized in the first five years the Planning Commission has recommended that the City Council consider suspending the formal process until development demands become more substantial. She stated that if the Council decides to suspend the Growth Management System they may choose to consider adopting an Urgency Ordinance at the September 15, 2009 Council meeting suspending Ordinance No. 660 (Growth Management System) to further clarify streamline and improve program implementation.

Councilmember Kraus stated that he agrees with following the Planning Commission recommendation to avoid staff from expending excess effort on the Growth Management allocations if not many applications are received. However he expressed concerns regarding restarting the system in a timely manner and the need to handle pent up demand for allocations in the future.

Vice Mayor Dunsford stated in light of the downturn in the economy Council may want to consider modifying the Growth Management System instead of having to re-start the process. He stated that if it is suspended Council would then not see some controversial projects until the very end.

City Manager McCann stated that the Planning Commission and staff encourage new preliminary Growth Management Allocations applications and there are lots of other system checks, as Planning Commission, preliminary applications, and Memorandum of Understandings for development agreements. He stated that many of the allocations end up never being realized and if the cycle is temporarily suspended it would allow time to monitor activity. He stated that moderate measured growth makes sense and staff will come back to Council with suggestions.

There was Council consensus for the staff to bring to Council an Ordinance suspending the 2010 Growth Management System.

It was MOVED by Councilmember Kraus and SECONDED by Councilmember Garcia to adopt Resolution No. 2009-075 establishing the 2010 General Development Objectives and initiating the Growth Management Allocation process pursuant to Chapter 19.02 (Growth Management System) of the Calistoga Municipal Code. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

- 10) Discussion and consideration of a Resolution providing direction to Mayor Gingles, the City's voting delegate to the 2009 League of California Cities Annual Business Conference, regarding the proposed League Policy Resolutions.**

Mayor Gingles provided a brief history of this item regarding the League of California Cities the following proposed Resolutions; (1) Social Host Liability draft Resolution placing liability on property owners for serving alcohol to minors; and (2) Urging City Governments and others to divest from banks that fail to cooperate with foreclosure prevention efforts. He stated that Napa County Board of Supervisor Dillon has set a meeting with the representatives

from the cities with the County (September 17th) to discuss Social Host Liability initiative.

Councilmember Kraus stated that he supports the proposed draft Resolutions. In addition he stated that the local governments need to bring pressure on the banking system in order to work more cooperatively with individuals experiencing foreclosures.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2009-076 providing direction to Mayor Gingles, the City's voting delegate to the 2009 League of California Cities Annual Business Conference, regarding the proposed League Policy Resolution. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

CITY MANAGER REPORTS

City Manager McCann reported on the following:

- Provided an update regarding the draft Urban Design Plan; an ad hoc committee was formed to discuss the Urban Design Plan in reference to the Merchant Property; the draft Urban Design Plan will go back to the Planning Commission for recommendation to Council. (**Planning and Building Director Gallina** provided additional information about next steps for the draft Urban Design Plan)
- **City Manager McCann** requested that **Pubic Works Director/City Engineer Takasugi** provide an update regarding traffic disruption from the Diamond Hills Resort Project off-site work to occur on Foothill Blvd and Pine Street (report provided).
- **Mayor Gingles** stated that on September 13th representatives from the San Francisco Mexican Consulate will beat Pioneer Park for the celebration of Mexican Independence Day.

Councilmember Garcia asked about placing a plaque near the North Oak Street sidewalk where the recent homicide occurred. (**Pubic Works Director/City Engineer Takasugi** stated that he would get back to him after checking the City's Code).

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 8:20 PM to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, September 15, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor