

# City of Calistoga

## Staff Report

**TO:** Honorable Mayor and City Council

**FROM:** Susan Sneddon, City Clerk

**DATE:** November 3, 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 October 20, 2009 regular City Council meeting.

**RECOMMENDATION:** Approve Minutes.

**ATTACHMENTS:** Aforementioned Minutes.

**MINUTES**  
**CITY COUNCIL – REGULAR MEETING**  
**TUESDAY, OCTOBER 20, 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 Dunsford, and Mayor Jack Gingles.

8  
9 Also present were City Manager James McCann, Public Works Director/City  
10 Engineer Dan Takasugi, Planning and Building Director Charlene Gallina,  
11 Associate Planner Erik Lundquist, Administrative Services Director Bill  
12 Mushallo, and City Clerk Susan Sneddon.

13  
14 **ORAL COMMUNICATION**

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16 **Shelly Boudinot, 1414 ½ Cedar St,** provided a brief report regarding the  
17 “350” campaign; large scale grassroots global campaign against climate  
18 change. She stated that various churches in the City will be ringing their bells  
19 350 times starting at 11 AM on Saturday, October 24<sup>th</sup> in support of this  
20 campaign.

21  
22 **Mayor Gingles** stated that Bobby Barberis and Attilio Fundy recently passed  
23 and he gave his condolences to the families.

24  
25 **ADOPTION OF MEETING AGENDA**

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

30  
31 **Mayor Gingles** congratulated Calistoga Pottery on their 30 year anniversary,  
32 and the Calistoga Inn on their 20 year anniversary.

33  
34  
35  
36  
37

38 **PROCLAMATIONS**

39 **1. Proclamation recognizing October 23 – 31, 2009 as “Red Ribbon Week”.**

40

41 **Mayor Gingles** read the proclamation and presented it to Police Chief Mills.

42

43 **Ann Williams, Drug and Alcohol Prevention Coordinator at Calistoga**  
44 **Junior Senior High School**, introduced the following Safe School  
45 Ambassadors who presented information regarding Red Ribbon Week.

46

• Naib Tapia

47

• Lucie Stambor

48

• Andy Franquelin

49

• Cody Henrikson

50

51 **COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

52

53 **Councilmember Garcia** requested that staff contact the owner of the  
54 property located at the corner of Washington and Anna Streets (owned by  
55 the Woo family) to find out if the family would consider interim use of the  
56 property to benefit the neighborhood (**City Manager McCann** staff follow up  
57 with this request).

58

59 **CONSENT CALENDAR**

60

61 **Councilmember Kraus** requested that **Item No. 2** be removed from the  
62 Consent Calendar.

63

64 **2. Accounts payable for the period ending Friday, October 15, 2009**  
65 **(\$160,482.78).**

66

**3. Minutes of the October 6, 2009 regular City Council meeting.**

67

**4. Adoption of Resolution No. 2009-095 authorizing a professional services**  
68 **agreement in the amount of \$30,000 with Housing Authority of the City**  
69 **of Napa.**

70

**5. Adoption of Resolution No. 2009-096 confirming the Mayor's**  
71 **appointments to the Napa City-County Library Commission and the**  
72 **Community Resources Commission.**

73

**6. Adoption of Ordinance No 664 amending the Calistoga Municipal Code**  
74 **(CMC 2009-01) initiated by the City Council to amend Chapter 19.02**  
75 **Growth Management System to provide provisions for the**  
76 **administrative processing of growth management allocations.**

77

**7. Adoption of Resolution No. 2009-097 authorizing a Non-Routine**  
78 **Encroachment for an ornamental steel fence at 41 Arch Way.**

79       **It was MOVED by Dunsford and SECONDED by Garcia to approve Items**  
80       **No. 3, 4, 5, 6 and 7 on the Consent Calendar.**

81  
82       **Mayor Gingles** stated that **Communication A** was received from Kurt  
83       Becker regarding the City's Growth Management System (**Item No. 6**).

84  
85       **2. Accounts payable for the period ending Friday, October 15, 2009**  
86       **(\$160,482.78).**

87  
88       **Councilmember Kraus** asked for clarifications on two expenditures listed in  
89       the payables; (1) Napa County property tax bill;(2) the cost of fire station  
90       doors (**Administrative Services Director Mushallo** explained the  
91       expenditures).

92  
93       **It was MOVED by Councilmember Kraus and SECONDED by**  
94       **Councilmember Garcia to approve accounts payable for the period**  
95       **ending Friday, October 15, 2009 (\$160,482.78). The Motion was carried**  
96       **unanimously by the following vote:**

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

99       **NOES: None**

100       **ABSTAIN/ABSENT: None**

101  
102       **PUBLIC HEARING**

103  
104       **8. Consideration of a Zoning Ordinance Text Amendment (ZO 2009-03),**  
105       **initiated by the City of Calistoga, to amend the bed and breakfast**  
106       **regulations and other requirements pertaining to such use.**

107  
108       **Associate Planner Lundquist** introduced this item and provided a brief  
109       history of the Planning Commission's review of this item. He stated that Rex  
110       Albright (Executive Director for the Chamber of Commerce) and several of the  
111       bed and breakfast owners met and proposed changes to the City's Bed and  
112       Breakfast regulations; the Planning Commission reviewed the proposed  
113       changes and have recommended a revision to the City's bed and breakfast  
114       regulations, and an amendment to the Municipal Code regarding the number  
115       of guest rooms allowed in a bed and breakfast within the residential district,  
116       regulations regarding signage, and off-street parking.

117  
118       **Ric Pielstick, 1805 Foothill Blvd, Chanric Inn Bed and Breakfast co-**  
119       **owner,** requested that the City's bed and breakfast regulations be revised  
120       because they are inconsistent and outdated.

121  
122       **Councilmember Slusser** stated that members of the community should have  
123       been involved with discussions with the Chamber of Commerce and the

124 owners of bed and breakfast inns. She stated her concern in allowing  
125 individual bed and breakfast to have an option to have more than six guest  
126 rooms. She is concerned in expanding commercial development in the  
127 residential areas and how it may affect the quality of life in some  
128 neighborhoods. In addition she is concerned in the proposal to remove the  
129 requirements of an on-site manager.

130  
131 **Councilmember Kraus** expressed concern with not having a manager  
132 onsite, and parking issues with inns having more than six guest rooms. He  
133 asked if consideration has been made on how the proposed Code  
134 amendment might affect the City's adopted Building & Fire Codes.

135  
136 **Associate Planner Lundquist** stated that inns with over five guest rooms  
137 must comply with the standards of the American Disability Act and must go  
138 through the City's use permit process prior to obtaining authorization from the  
139 Planning Commission in order to expand the number of guest rooms.

140  
141 **Councilmember Slusser** stated her concern regarding excessive noise and  
142 number of people at bed and breakfast inns for events such as weddings.

143  
144 **Vice Mayor Dunsford** pointed out that there is a rigorous process that bed  
145 and breakfast inns must go through in order to expand the number of guest  
146 rooms. In addition he stated that the City's bed and breakfast regulations  
147 state that only guests and residents shall be served food; this would limit the  
148 number of individuals at an inn.

149  
150 **There was Council consensus to refer this item back to the Planning**  
151 **Commission for further review to address concerns regarding the**  
152 **potential that relaxed regulations might have on the integrity of**  
153 **neighborhoods.**

154  
155 **9. To provide a final report of expenditures by the Police Department of the**  
156 **funds received under the Citizen's Option for Public Safety (COPS)**  
157 **program for the 2008/2009 Fiscal Year.**

158  
159 **Police Chief Mills** stated that the amount awarded from the State of  
160 California Citizen's Option for Public Safety (COPS) Grant Program for Fiscal  
161 Year 2009/2010 is \$100,000. He reported how the funds have been  
162 distributed.

163  
164 **Mayor Gingles** opened the public hearing.

165  
166 There was no public comment.

167  
168 **Mayor Gingles** closed the public hearing.

169

170 **GENERAL GOVERNMENT**

171

172 **10. Receive update regarding use, sale, and lease options for the City's**  
173 **waterline properties between Big Tree Lane and Lodi Lane.**

174

175 **Pubic Works Director/City Engineer Takasugi** introduced this item and  
176 provided a brief history of the City acquiring 12.4 acres of a narrow strip of  
177 land between Lodi Lane and Big Tree Lane from Union Pacific Railroad  
178 Company. He stated that a portion of the North Bay Aqueduct waterline runs  
179 through this section of land. He stated that recently there was an unsolicited  
180 request from Paul Dubois to lease the property for growing commercial trees.  
181 He stated that the City may consider several options: (1) retain all the existing  
182 leases; (2) advertise all the properties to obtain competitive leases in order to  
183 fund the City's Water Enterprise; or (3) terminate the leases and sell the  
184 property to help fund the Water Enterprise. He stated that the City may want  
185 to continue the lease option due to the proposed future "Calistoga to Vallejo"  
186 bike pedestrian trail.

187

188 **Chuck McMinn, Napa Valley Vine Trail Coalition Chair**, stated that he is  
189 also one of lessees of the City's waterline properties. He urged the City to  
190 retain the property for a future bike pedestrian trail.

191

192 **Councilmember Kraus** and **Vice Mayor Dunsford** stated that he prefers the  
193 City retaining the properties and to consider new leases to support the City's  
194 Water Enterprise Fund.

195

196 **City Manager McCann** stated that staff will look into the market rates for  
197 leasing these properties, and renegotiate leases. He stated that he will  
198 provide updates to City Council

199

200 **11. Presentation regarding Fiscal Year 2009/2010 General Fund Budget**  
201 **Update and Forecast**

202

203 **Administrative Services Director Mushallo** provided an overview of the  
204 City's Fiscal Year 2009/2010 General Fund budget update and forecast. He  
205 stated that City departments will be evaluating expenditures to identify  
206 reductions and project budgets will be analyzed. He stated that an update will  
207 be will be provided to City Council in November.

208

209 **Councilmember Kraus** stated that the City is proceeding in the correct  
210 manner and complimented staff in working hard to "pinch pennies".

211

212 **12. Consideration of a Resolution approving the form of and authorizing the**  
213 **execution and delivery of a Purchase and Sale Agreement and related**  
214 **documents with respect to the sale of the Seller's Proposition 1A**

215       **Receivable from the State; and directing and authorizing certain other**  
216       **actions in connection therewith.**

217  
218       **Administrative Services Director Mushallo** introduced this item. He stated  
219       that the City stands to lose \$140,000 in the current budget with the State  
220       planning on taking Proposition 1A tax revenues. He stated that if the City  
221       chooses to sell its Proposition 1A receivable under the Proposition 1A  
222       Securitization Program we will receive 100% of its Proposition 1A Receivable  
223       in two equal installments in 2010 (January 15th and May 3rd). He stated that  
224       all financing costs will be borne by the State and the City has no obligation  
225       with respect to the payment of the bonds. He stated that about 80% of  
226       California Cities are opting in this program.

227  
228       **It was MOVED by Mayor Gingles and SECONDED by Vice Mayor**  
229       **Dunsford to adopt Resolution No. 2009-098 approving the form of and**  
230       **authorizing the execution and delivery of a Purchase and Sale**  
231       **Agreement and related documents with respect to the sale of the**  
232       **Seller's Proposition 1A Receivable from the State; and directing and**  
233       **authorizing certain other actions in connection therewith. The Motion**  
234       **was carried unanimously by the following vote:**

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

237       **NOES: None**

238       **ABSTAIN/ABSENT: None**

239

240       **UPDATES REGARDING REGIONAL BOARD ACTIVITIES AND**  
241       **SUBCOMMITTEE ASSIGNMENTS**

242

243       **13. Receive update from Mayor Gingles regarding the Napa County Flood**  
244       **Control/Water Conservation District.**

245

246       **Mayor Gingles** stated that the Napa County Flood Control/Water  
247       Conservation District is involved in down valley issues so there is nothing to  
248       report that would effect up valley.

249

250       **CITY MANAGER REPORTS**

251

252       **Planning and Building Director Gallina** provided a brief update regarding  
253       the following:

254

255       (A) Proposed Urban Design Plan: The Urban Design Plan Ad Hoc  
256       Committee's recommendations will be discussed at the November 10<sup>th</sup>  
257       Planning Commission meeting.

258 (B) City's Housing Element: A public meeting to be scheduled in  
259 November followed by the release of a preliminary draft Housing  
260 Element; then to be reviewed by the Planning Commission.

261 (C) October 15<sup>th</sup> Napa County Environmental Management and Calistoga  
262 Chamber of Commerce public meeting: Update provided and Ms.  
263 Gallina stated the following items was discussed; (1) Napa County  
264 Environmental Management to open a satellite office at the California  
265 Department of Forestry in St. Helena; and (2) will look into  
266 establishing a county-wide advisory board of appeals; and (3) review  
267 and upgrade the public swimming pool and spa regulations.  
268

269 **City Manager McCann** provided a brief report regarding the status of the  
270 Bounsall and Enchanted Resort projects; two subcommittees established  
271 to review two development proposals and move forward in the  
272 development of memorandums of understanding.  
273

274 **Mayor Gingles** stated that he has heard from various restaurant  
275 managers about feeling "intimidated" by the Napa County Environmental  
276 Management's approach in addressing various issues.  
277

278 **Vice Mayor Dunsford** requested that various business owners/managers  
279 submit their comments to City staff to be forwarded to the County  
280 (**Planning and Building Director Gallina** stated that she will create an  
281 email distribution list to solicit comments and concerns to be forward to the  
282 County).  
283

284 **Mayor Gingles** reported that he will attend the Association of Bay Area  
285 Governments on October 21<sup>st</sup>; the City's annual haunted house will be  
286 held on October 23<sup>rd</sup> and 24<sup>th</sup>; the Lions Club is sponsoring the Halloween  
287 costume parade on October 31<sup>st</sup>.  
288

## 289 CITY COUNCIL ADJOURNMENT

290  
291 **Mayor Gingles** adjourned the meeting at 8:57 PM to the next scheduled  
292 regular meeting to the Calistoga City Council, on Tuesday, November 3,  
293 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

294 **Respectfully submitted:**  
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**Prepared by: Susan Sneddon, City Clerk**

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**Approved by: Jack Gingles, Mayor**