

**MINUTES**  
**CITY COUNCIL – REGULAR MEETING**  
**TUESDAY, OCTOBER 20, 2009 - 7:00 P.M.**  
**CALISTOGA COMMUNITY CENTER**

**CALL TO ORDER**

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

In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, Councilmember Karen Slusser, Vice Mayor 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, Associate Planner Erik Lundquist, Administrative Services Director Bill Mushallo, and City Clerk Susan Sneddon.

**ORAL COMMUNICATION**

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

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

**ADOPTION OF MEETING AGENDA**

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

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

## PROCLAMATIONS

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

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

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

- Naib Tapia
- Lucie Stambor
- Andy Franquelin
- Cody Henrikson

## COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

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

## CONSENT CALENDAR

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

2. Accounts payable for the period ending Friday, October 16, 2009 (\$160,482.78).
3. Minutes of the October 6, 2009 regular City Council meeting.
4. Adoption of **Resolution No. 2009-095** authorizing a professional services agreement in the amount of \$30,000 with Housing Authority of the City of Napa.
5. Adoption of **Resolution No. 2009-096** confirming the Mayor’s appointments to the Napa City-County Library Commission and the Community Resources Commission.
6. Adoption of **Ordinance No 664** amending the Calistoga Municipal Code (CMC 2009-01) initiated by the City Council to amend Chapter 19.02 Growth Management System to provide provisions for the administrative processing of growth management allocations.
7. Adoption of **Resolution No. 2009-097** authorizing a Non-Routine Encroachment for an ornamental steel fence at 41 Arch Way.

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

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

2. **Accounts payable for the period ending Friday, October 16, 2009 (\$160,482.78).**

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

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

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

**NOES:** None

**ABSTAIN/ABSENT:** None

## **PUBLIC HEARING**

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

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

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

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

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

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

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

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

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

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

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

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

**Mayor Gingles** opened the public hearing.

There was no public comment.

**Mayor Gingles** closed the public hearing.

## **GENERAL GOVERNMENT**

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOES: None**

**ABSTAIN/ABSENT: None**

## **UPDATES REGARDING REGIONAL BOARD ACTIVITIES AND SUBCOMMITTEE ASSIGNMENTS**

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

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

## **CITY MANAGER REPORTS**

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

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

- (B) City's Housing Element: A public meeting to be scheduled in November followed by the release of a preliminary draft Housing Element; then to be reviewed by the Planning Commission.
- (C) October 15<sup>th</sup> Napa County Environmental Management and Calistoga Chamber of Commerce public meeting: Update provided and Ms. Gallina stated the following items was discussed; (1) Napa County Environmental Management to open a satellite office at the California Department of Forestry in St. Helena; and (2) will look into establishing a county-wide advisory board of appeals; and (3) review and upgrade the public swimming pool and spa regulations.

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

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

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

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

## **CITY COUNCIL ADJOURNMENT**

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

**Respectfully submitted:**

---

**Prepared by: Susan Sneddon, City Clerk**

---

**Approved by: Jack Gingles, Mayor**