

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, NOVEMBER 3, 2009 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER

CALL TO ORDER

Mayor Gingles called the Regular Session to order at 7:05 p.m.

In attendance were the following: Councilmember Placido Garcia, Councilmember Gary Kraus, Councilmember Karen Slusser, and Mayor Jack Gingles. Vice Mayor Dunsford was absent.

Also present were City Manager James McCann, Public Works Director/City Engineer Dan Takasugi, Planning and Building Director Charlene Gallina, Fire Chief Steve Campbell, and City Clerk Susan Sneddon.

ORAL COMMUNICATION

Tom Balcer, 1705 Michael Way, requested to speak on the Accounts Payable for the period ending Friday, October 30, 2009.

Kurt Becker, 1715 Michael Way, stated that he would like to speak on the Agriculture Lease with Markham Vineyards item.

ADOPTION OF MEETING AGENDA

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

CERTIFICATES OF APPRECIATION

- 1. Presentation of Certificate of Appreciation to Collin Kupcik for five years of service to Calistoga as Public Works Maintenance Tech I.**

Mayor Gingles complimented Collin Kupcik for his five years of service to the City as Public Works Maintenance Tech I. Public Works Director/City Engineer Takasugi will present the award to Mr. Kupcik since he was not present.

2. Presentation of a Certificate of Appreciation to Fire Chief Campbell recognizing him for 25 years of service to Calistoga.

Mayor Gingles complimented Fire Chief Campbell on his 25 years of excellence service to the City and presented him with a plaque.

PRESENTATIONS

3. Presentation by Yvonne Henry, the City's representative on the Napa County Arts and Culture Commission, and a presentation by Gary Silva, Poet Laureate, regarding the literary side of the Napa Valley.

Mayor Gingles introduced Yvonne Henry, the City's representative on the Napa County Arts and Culture Commission

Yvonne Henry provided a brief report from the Napa County Arts and Culture Commission. She introduced Gary Silva, Napa County Poet Laureate.

Gary Silva, Napa County Poet Laureate, read two poems: (1) "Lupine": and (2) the following poem entitled "Calistoga":

*The Napa Valley narrows,
a funnel of vineyards, gnarly as knuckles; two highways, 29 & The
Silverado Trail, converge, Calistoga at the apex, framed by two mountain
ranges, god and goddess reclining on hips heads propped on forearms,
watching, smiling at summer heat waves, and Lincoln Avenue bisects the
great arrowpoint
of the roads,
a meeting of east and west.*

*On the best of days, steam rises
from hot, volcanic pools,
a Calistoga mist of spirits
who have bathed here,
soaking skin in sulfur waters
heated deep in our planet's core,
a mist enlightening, brightening the hills
like white silk scarves
cloaking the guardians of earth.*

*Checkered red and blue balloons drift silently over,
and below, residents and tourists
stroll past Calistoga's legendary restaurants and spas:*

Cafe Saraforia, Bosko's, Checkers, All Seasons, Pacifico, Brannan's, Calistoga Inn, Golden Haven Hot Springs, Indian Springs, Roman Spa, Calistoga Spa, Dr. Wilkinson's.

*And the earthquakes and geysers
are nature's way of shaking us up,
awakening us
to every moment of this community
nesting like robin's eggs
where life can slow down
a swimmer floating
face up in a bubbling pool
an autumn leaf
taking in sun or moon or rain
drifting in blue currents
under a Calistoga sky.*

4. Presentation by Jane A. Hinshaw, Napa County District Attorney's Office Investigator, regarding a proposed Ordinance relating to requirements for permits for elder and/or dependent adult caregivers.

Betty Rhodes, Napa County Commission on Aging member, introduced Gary Lieberstein, Napa County District Attorney.

Gary Lieberstein, Napa County District Attorney, provided background information regarding the proposed Ordinance relating to requirements for permits for elder and/or dependent adult caregivers.

Jane Hinshaw, Investigator with the Napa County District Attorney's Office, provided a brief overview of issuing permits for elder and/or dependent adult caregivers, and encouraged the City Council to take steps in adopting the proposed Ordinance.

Councilmember Kraus complemented Ms. Hinshaw on the well planned draft Ordinance regarding this item.

Councilmember Garcia stated that it is important that the Council take steps in requiring permits for caregivers.

Councilmember Slusser and **Mayor Gingles** complemented Ms. Hinshaw and Mr. Lieberstein on preparing this proposal.

Mayor Gingles asked Mr. Lieberstein how this proposed action is different from California Penal Code Section 368 regarding crimes against elders and dependent adults. He asked about how this project will be financed.

Gary Lieberstein, Napa County District Attorney, stated that the Penal Code Section 368 focuses more on prosecuting individuals that violate these types of crimes. He stated the proposed Ordinance is intended to be more preventative. He stated that there will be no cost to the City; the start up costs would come out of a consumer fraud trust fund, and the rest will be self-funded.

Council consensus: Support for the concept and encouragement to move forward.

City Manager McCann stated that Police Chief Mills will be working with Ms. Hinshaw to move this Ordinance forward for Council's adoption.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Gingles stated that Mexican Consular will be in Calistoga on Saturday, November 21st, to provide matricula identification cards and to respond to inquiries.

Mayor Gingles thanked Councilmember Kraus for questioning the October 16, 2009 accounts payable for property taxes. He stated that Administrative Services Director Mushallo contacted the County and found that the properties in question were listed as buildable lots but in fact they are not; the County will be sending an updated property tax bill, and the tax amounts will be reduced significantly. He also stated that there are large oak trees with limbs overhanging City streets and asked Public Works Director/City Engineer Takasugi to investigate.

CONSENT CALENDAR

Mayor Gingles requested that **Items No. 5 & 8** be removed from the Consent Calendar.

5. **Accounts payable for the period ending Friday, October 30, 2009 (\$571,181.96).**
6. **Minutes of the October 20, 2009 regular City Council meeting.**
7. **Adoption of Resolution No. 2009-104 approving the Final Parcel Map of the Lands of Colin MacPhail and Cathleen A. Tulloch located at 1716 Foothill Blvd.**

8. **Consideration of the adoption of a Resolution approving an Agriculture Lease with Markham Vineyards and directing the City Manager to execute the lease agreement.**
9. **Adoption of Resolution No. 2009-0100 approving Joint Powers Agreement to fund and administer the Napa County Stormwater Management Program (Authorizing Agreement No. 387).**

It was **MOVED** by Councilmember Garcia and **SECONDED** by Councilmember Slusser to approve **Items No. 6, 7, and 9** on the Consent Calendar.

5. **Accounts payable for the period ending Friday, October 30, 2009 (\$571,181.96).**

City Manager McCann responded to Mr. Balcer's question regarding the \$405,000 payment to Solage Resort; these funds are a reimburse to Solage for water line improvements on Silverado Trail as part of the City's water system improvements.

8. **Consideration of the adoption of a Resolution approving an Agriculture Lease with Markham Vineyards and directing the City Manager to execute the lease agreement.**

Kurt Becker, 1715 Michael Way, asked staff if the City has ever provided water to Markham Vineyards pursuant to the Agriculture Lease with the City.

Pubic Works Director/City Engineer Takasugi stated the City did not sell any water to Markham Vineyard under the lease provision. He stated that a one-time water transfer was performed on the leased property in February 2009 in order to drain the Water Treatment Plant clarifier.

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Kraus to adopt **Resolution No. 2009-099** adoption of a Resolution approving an Agriculture Lease with Markham Vineyards and directing the City Manager to execute the lease agreement (**Authorizing Agreement No. 386**). The Motion was carried unanimously by the following vote:

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

NOES: None

ABSENT: Vice Mayor Dunsford

ABTAIN: None

GENERAL GOVERNMENT

10. Consideration of a Resolution approving a Memorandum of Understanding between the City and Enchanted Resorts Inc.

City Manager McCann introduced this item and stated the Council appointed an ad-hoc sub-committee (including Vice Mayor Dunsford and Councilmember Kraus). The Committee met with staff, and the project developer to consider drafting a Memorandum of Understanding to allow the project to move forward in processing of a development application. He stated the Committee found substantial merit in the project, and recommended moving forward in the process in the approval of a Memorandum of Understanding. He stated this action does not endorse the project, but merely starts the process of obtaining environmental reviews, public hearings with the Planning Commission, and then offering recommendations to the City Council.

George Caloyannidis, 2202 Diamond Mtn. Rd., stated his concerns with the proposed size of the proposed project, and asked if Council was approving the scope of the project tonight.

Charles Delemer, 1771 Diamond Mountain Rd, stated his concern regarding the proposed project affecting the view shed for some of the residents in the area.

Mayor Gingles stated that the Council is not endorsing the proposed project at tonight, but is merely approving a Memorandum of Understanding to move forward in the process.

Kurt Becker, 1715 Michael Way, stated his concerns with stormwater sheet runoff, water and sewer capacity, and needing to amend the General Plan to accommodate the proposed project because it is located in the Rural Residential hillside.

Chamber of Commerce Executive Director, commended staff and the ad hoc committee in moving forward with this proposed Memorandum of Understanding. He stated that the Chamber supports this project and that the Memorandum of Understanding protects City interest.

David Gilbreth, Enchanted Resort's Attorney, stated that he understands that the Memorandum of Understanding gives no entitlement to the proposed project.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2009-101 approving a Memorandum of Understanding between the City and Enchanted Resorts Inc. (Authorizing Agreement No. 0388). The Motion was carried unanimously by the following vote:

AYES: Mayor Gingles, Councilmembers Kraus, Garcia, and Slusser
NOES: None
ABSENT: Vice Mayor Dunsford
ABTAIN: None

11. Consideration of a Resolution awarding a contract to Ron Vann Construction for the Calistoga Fire Station Seismic Retrofit and Rehabilitation Project in the amount of \$1,188,400, authorizing the City Manager to execute the Agreement, and approving a project budget reduction adjustment.

Pubic Works Director/City Engineer Takasugi introduced this item and stated that after re-bidding this project the low bidder is Ron Vann Construction. He stated that because of the bid savings, the City reduced the project budget by \$128,000.

Ron Vann, Contractor, stated that the bid came in lower because of the current economic conditions.

Councilmember Kraus stated that he is pleased that the bids came in low. He asked if the Firefighter's Association contribution of \$145,000 would be reduced since the bid amount was less.

Fire Chief Campbell responded that the Firefighter's Association have decided to keep the contribution the same amount.

It was **MOVED** by Councilmember Kraus and **SECONDED** by Councilmember Slusser to adopt Resolution No. 2009-102 awarding a contract to Ron Vann Construction for the Calistoga Fire Station Seismic Retrofit and Rehabilitation Project in the amount of \$1,188,400, authorizing the City Manager to execute the Agreement, and approving a project budget reduction adjustment. (Authorizing Agreement No. 0389). The Motion was carried unanimously by the following vote:

AYES: Councilmembers Kraus, Slusser, Garcia, and Mayor Gingles
NOES: None
ABSENT: Vice Mayor Dunsford
ABTAIN: None

12. Consideration of a Resolution to suspend applicable provisions of the Growth Management System and to designate authority to the Director of Planning and Building to administratively process growth management allocations pursuant to Section 19.02.090 of the Calistoga Municipal Code Growth Management System.

Planning and Building Director Gallina introduced this item and provided a brief history of this item; Ordinance No. 664 was adopted at the October 20,

2009 Council meeting amending the City's Growth Management System to provide provisions for the administrative processing of Growth Management allocations. She stated that the Planning Commission has recommended that the proposed Resolution be adopted transferring the issuance of allocations to the Planning & Building Director. She stated that she would add to the proposed Resolution a provision to allow for appeals to Council.

Doug Cook, 109 Wapoo Ave, stated that he received an allocation so that he could expand his commercial property. He asked if Council will consider a process to allow a return of allocations and the associated costs (**City Manger McCann** stated that staff will contact Mr. Cook).

Walt Kusener, 1717 Maggie Avenue, asked if Council will provide guidelines for future water allocations, or is the discretion with the Planning and Building Director.

Bob Fiddaman, Calistoga Affordable Housing Board President, stated that Calistoga Affordable Housing plans to move forward with the proposed Cottage Glen Project; progress has been made with technical studies on the project and they have extended their purchase option on the property.

Councilmember Kraus thanked Ms. Gallina for adding the possibility for Growth Management allocation appeals to come forward to Council. He requested that a "trip point" at 50% of the five-year allocation cycle so that the suspension of allocation process is brought back to Council for review and discussion.

City Manager McCann stated that the Planning and Building Director will keep track of all the various projects which count towards the City's growth rate, and report back to the City Council and the Planning Commission every six months. He stated a second provision will be added so that when the growth rate reaches 50% of the 1.35% rate for that 5 year cycle it will automatically appear on City Council agenda for an update and discussion.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to adopt Resolution No. 2009-103 to suspend applicable provisions of the Growth Management System and to designate authority to the Director of Planning and Building to administratively process growth management allocations pursuant to Section 19.02.090 of the Calistoga Municipal Code Growth Management System. The Motion was carried unanimously by the following vote:

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

NOES: None

ABSENT: Vice Mayor Dunsford

ABTAIN: None

UPDATES REGARDING REGIONAL BOARD ACTIVITIES AND SUBCOMMITTEE ASSIGNMENTS

13. Receive update from Councilmember Garcia regarding the Napa County Housing Commission.

Councilmember Garcia provided a brief update regarding the Farmworker Centers in Napa County, and the rotation schedule with one Farmworker Housing Center open at a time during the winter months.

14. Receive update from Councilmember Slusser regarding the Upper Valley Waste Management Agency.

Councilmember Slusser provided an update and stated that compost is available at Upper Valley Disposal on Mondays through Fridays.

CITY MANAGER REPORTS

City Manager McCann reported on the following:

- The proposed Urban Design Plan is moving forward; Planning Commission public hearing to be held on November 10, 2009.
- The Water & Wastewater Revenue Advisory Committee Subcommittee has met for three sessions, and a recommendation will come to Council early 2010.
- On November 12, 2009 at 6:00 PM there will be a community meeting regarding youth alcohol use issues (Community Center).
- The Community Swimming Pool Survey is posted on the City's website.

Councilmember Kraus asked for an update regarding the Logvy Park Recreational Facilities.

City Manager McCann responded that the project is on track; Council has adopted the master plan; the design review process is moving forward; funding and construction cash flow will need to be discussed given the on-going budgeting difficulties.

CITY COUNCIL ADJOURNMENT

Mayor Gingles stated that the Veterans Memorial at Logvy Community Park will be dedicated on November 11th (Veterans Day).

City Manager McCann congratulated Fire Chief Campbell on his 25 years of service to the City. He is pleased that Steve Campbell is part of the management team and is doing a tremendous job.

Mayor Gingles adjourned the meeting at 9:18 PM to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, November 17, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor