

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, JUNE 16, 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 Michael Dunsford, and Mayor Jack Gingles.

Also present were, City Manager James McCann, Administrative Services Director, Bill Mushallo, Planning & Building Director Charlene Gallina, Associate Planner Erik Lundquist, City Clerk Susan Sneddon, Assistant City Attorney Rafael Mandelman, and Administrative Secretary Lorie Goldbeck.

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no Closed Session held this evening.

ORAL COMMUNICATION

There was no public comment.

ADOPTION OF MEETING AGENDA

Mayor Gingles announced that there is a need for Council to consider urgent action on an item regarding seizure of the City's Street Maintenance funds by the State. This item was added to the agenda after the 72 hour noticing requirement. **Mayor Gingles** requested a motion to add this item to the agenda.

It was **MOVED** by **Councilmember Kraus** and **SECONDED** by **Councilmember Slusser**, to add an item requesting urgent action to the June 16, 2009 Council agenda. The motion carried unanimously.

Mayor Gingles requested that **Item No. 7** be moved to the Consent Calendar with the item for urgent action as **Item No. 7A**.

Mayor Gingles requested a motion to approve the meeting agenda as amended. **Councilmembers Slusser and Kraus MOVED** to approve the agenda as amended. The Motion carried unanimously.

INTRODUCTION

1) Introduction of Chuck Dalldorf, Regional Public Affairs Manager for the League of California Cities North Bay and Redwood Empire Divisions.

Mayor Gingles introduced Chuck Dalldorf as the new Regional Public Affairs Manager for the League of California Cities North Bay Division.

Regional Public Affairs Manager Dalldorf reported on the current State budget situation and noted concern about the possible impacts on local government. The State Budget Conference Committee has voted against using Proposition 1A, Property Tax dollars, but did approve the use of Highway Users Tax dollars. He reported that this is not the final vote and is subject to negotiations between the Governor and leadership of both houses. Local government's role is to let the legislators know that they do not approve which is the motivation behind the two Resolutions being considered by the City Council tonight.

PROCLAMATION

2) Proclamation recognizing the June 4, 2009, dedication of the Calistoga Community Pool.

Mayor Gingles introduced this item and stated that Council wants to formally present the plaques to the Calistoga Community Pool Project (CCPP) committee members.

CCPP President, Kerry Eddy addressed the Council and introduced the members of the CCPP non-profit organization and thanked them for their hard work and dedication.

Mayor Gingles thanked the committee members and presented the proclamation.

3) Proclamation recognizing the Calistoga Community Pool Project Non-Profit Organization.

Mayor Gingles summarized the proclamation and presented it to the CCPP.

CERTIFICATES OF APPRECIATION

4) Presentation of a Certificate of Appreciation to former Building-Fire Code Board of Appeals board member Tom Stimpert.

Mayor Gingles presented a Certificate of Appreciation to former Building-Fire Code Board of Appeals to Tom Stimpert.

Former Building-Fire Code Board of Appeals Stimpert addressed the Council and stated that he is very encouraged with the steps that the City is taking for green and sustainable practices for the City.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Garcia thanked **Councilmember Kraus** for recommending and requesting the Strategic Planning Retreat that took place in June. He felt it was very positive and productive.

Councilmember Kraus discussed a concern about people not cleaning up after their pets at Logvy Park and requested that the City's Public Works Department put up another sign reminding them to do so.

Councilmember Slusser requested that signage be posted, near the Community Pool entrance, alerting drivers that children are present.

Councilmember Kraus asked if there are plans for a crosswalk in the area.

Public Works Director Takasugi noted that a traffic study was done recommending a three-way stop at the intersection of Washington and North Oak at the entrance to the Community Pool which will take place upon approval of the Master Plan.

City Manager McCann commented that staff can move forward with signage in the area.

Mayor Gingles commended Calistoga's Amigo Program for its work with Calistoga's youth. He gave praise to the recent graduate and new lifeguard Fabien Juarez for his accomplishments and achievements through this Program.

CONSENT CALENDAR

Mayor Gingles requested that **Item No. 7** be pulled from the Consent Calendar.

Councilmember Kraus requested that **Item No. 6** be pulled from the Consent Calendar.

- 5) **Accounts payable for the period ending Friday, June 12, 2009 (\$162,178.35)**
- 6) **Consideration of a Resolution approving Amendment No. 1 to the Professional Services Agreement with David Spilman for consulting services.**

- 7) **Consideration of a Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.**

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Mayor Gingles to approve Item No. 5 on the Consent Agenda. The Motion was unanimously carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

- 6) **Consideration of a Resolution approving Amendment No. 1 to the Professional Services Agreement with David Spilman for consulting services.**

Councilmember Kraus stated concerns about the amendment to the Professional Services Agreement with David Spilman. He questioned whether this is a sole source contract or if it was sent out for formal bids.

City Manager McCann reported that this is a sole source contract. He stated that the City's Municipal Code requires multiple bids for construction and Public Works projects, but permits utilizing individuals with specific skills for Professional Services Agreements. He explained that Administrative Services Director Bill Mushallo will lead these efforts and stated that utilizing Mr. Spilman for this service is the most efficient and cost effective solution.

It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by Mayor Gingles to adopt Resolution No. 2009-046 approving Amendment No. 1 to the Professional Services Agreement with David Spilman for consulting services (Authorizing Agreement No. 0339-001). The Motion was carried by the following vote:

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

NOES: Councilmember Kraus

ABSTAIN/ABSENT: None

- 7) **Consideration of a Resolution finding a severe fiscal hardship will exist if additional local property tax funds are seized and additional unfunded mandates are adopted by the State of California.**

- 7(a) **Consider a Resolution authorizing the City Attorney to cooperate with the League of California Cities and other cities in litigation challenging the constitutionality of any seizure by the State Government of the City's Street Maintenance Funds.**

It was **MOVED** by Mayor Gingles and **SECONDED** by Councilmember Slusser to approve Items No. 7 and 7a finding a severe fiscal hardship will exist if additional local property tax funds are seized

and additional unfunded mandates are adopted by the State of California and authorizing the City Attorney to cooperate with the League of California Cities and other cities in litigation challenging the constitutionality of any seizure by the State Government of the City's Street Maintenance Funds. The Motion was carried by the following vote:

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

NOES: None

ABSTAIN/ABSENT: None

PUBLIC HEARING

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

David Whitman, Attorney at Law and Representative for Mr. Busk, requested a continuance of this item to the July 7, 2009 City Council meeting in order to conduct meetings and review documentation.

Mayor Gingles requested that Mr. Whitman submit a formal letter seeking a continuance.

It was MOVED by Councilmember Kraus and SECONDED by Councilmember Garcia to continue the item to Conduct a public hearing and consider a Resolution regarding the levy of a Special Assessment and Lien to recover costs associated with the abatement of the Public Nuisance Abatement authorized by City Council Resolution 2007-084 on a 32.10-acre property located off of Kortum Canyon Road, further described as APN 011-310-023, currently owned by Mr. John D. Busk, to the July 7, 2009, City Council meeting. 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

GENERAL GOVERNMENT

9) **Presentation on the American Recovery and Reinvestment Act (ARRA) Grant Funding for Calistoga Fire Station Construction.**

City Manager McCann reported that there may be an opportunity to apply for funding through the American Recovery and Reinvestment Act Grant Funding (ARRA). He pointed out that the rules and regulations were released the end of May and are very extensive. He explained that applications are due by July 10th, and that approximately 100 applications are expected to be awarded. He recommended that staff move forward in two concurrent directions by applying for the ARRA Grant funding and also preparing a bid request.

Councilmember Kraus asked about the potential amount of an award and commented that the Public Safety Funds could be used for other projects if a grant is awarded.

Public Works Director Takasugi commented that there are many exclusions in the grant package but there is potential for an award of approximately \$1 million. He noted that the guidelines allow a decision deadline of September, 2010, and the application states that bids should not be solicited until the status of the grant is known.

There was Council discussion regarding the timing of the award, priority projects, and assistance from outside individuals to assist with application preparation.

There was Council consensus for staff to move forward with the grant application and seek outside assistance as determined to be necessary.

CITY MANAGER REPORTS

City Manager McCann reported on the following:

- Napa County Transportation and Planning Agency has established a new Vine Express Route to begin on Monday with service from Calistoga to the Vallejo Ferry for \$2. The schedule will be available at City Hall and on the City's website.
- The public meeting last week on the Draft Urban Design Plan was well received with good community participation. Copies of the draft UDP are available online, at City Hall, and at the Library. A meeting has been scheduled this week for the Spanish speaking community. The Planning Commission will hold a public meeting on June 24th at 5:30 p.m. to continue discussion. Once finalized by the Planning Commission, a recommendation will be forwarded to City Council with a public hearing.

- The Low Vision Group meeting will be held on Friday, June 26th (1:30 PM, Rancho de Calistoga Club Room).
- City Clerk Sneddon provided an update on the H1N1 swine flu virus. The World Health Organization has declared a phase 6 pandemic which allows implementation and responses for the disease. Napa County has responded to the virus and continues to recommend precautions such as frequent hand washing, covering your cough and staying home if you feel sick.

Mayor Gingles reported that City Council and City staff had a strategic planning retreat which was very informative. He stated that another half-day special meeting will be held sometime in July and an agenda will be posted. He stated that at the conclusion of the strategic planning meeting, a summary will be presented at a City Council meeting.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 7:59 pm to the Special City Council Meeting on Monday, June 29, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.; and then to the next scheduled regular meeting to the Calistoga City Council, on Tuesday, July 7, 2009, Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

Respectfully submitted:

Prepared by: Lorie Goldbeck, Administrative Secretary

Approved by: Jack Gingles, Mayor