

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, MARCH 16, 2010 - 7:00 P.M.
CALISTOGA COMMUNITY CENTER

1 **CALL TO ORDER**

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

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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 Planning and Building Director Charlene Gallina, Public
10 Works Director/City Engineer Dan Takasugi, City Manager James McCann,
11 and City Clerk Susan Sneddon.

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13 **ACTION OUT OF CLOSED SESSION**

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

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18 **ORAL COMMUNICATION**

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20 **Mayor Gingles** referenced the City Council Norms of Operation regarding
21 comments from the public. He stated that members of the public personally
22 attacking staff members will not be tolerated. He stated that it is acceptable
23 to attack an issue but not a person.

24
25 **Dennis McNay, 2653 Foothill Blvd**, stated that the Ralph Brown Act does not
26 require that the public sign in to speak at the Council meeting.

27
28 **Shelby Valentine, the City's representative on the Napa City-County**
29 **Library Commission**, suggested that the City look into funding sources to
30 utilize solar energy for the City's library. She stated that the library is owned
31 and operated by the County, and the library may not be one of the County's
32 identified "green" funding projects.

33
34 **Peter Potrebic, 378 Kortum Canyon Road**, announced the 5th Annual April
35 Fools Bicycle Challenge in Calistoga and St. Helena. For more information
36 go to www.bikingfoos.org.

37
38 **Kurt Larrecou, 1707 Michael Way**, stated that according to the Ralph
39 Brown Act the public is not required to complete speaker cards. In addition,

40 Mr. Larrecou spoke that he had previously requested a formal letter from the
41 City Attorney regarding the validity of the adopted Urban Design Plan with
42 respect to its use in the General Plan and in regards to violating the Ralph
43 Brown Act provisions during its preparation.

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45 **Mayor Gingles** requested clarification regarding when a Council agenda item
46 should be open for public comment. He opened this item for public comment.

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48 **Michael Quast, 1300 Washington Street**, expressed concern regarding the
49 City's water being brown on multiple occasions over the past few months. He
50 stated that he has had to dispel his customer concerns.

51
52 **Pubic Works Director/City Engineer Takasugi** responded that at the time
53 the City staff detected brown water from Napa nearly 700,000 gallons were
54 sent to the wastewater treatment plant; however some brown water remained
55 in the City's water system.

56
57 **Michael Quast, 1300 Washington Street**, requested assurance that this
58 incident will not occur in the future, and suggested that the City charge the
59 City of Napa for this mishap.

60 61 **ADOPTION OF MEETING AGENDA**

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63 **Mayor Gingles** stated that a proclamation will be added to tonight's agenda
64 honoring Braden Sterk for his accomplishment in achieving the rank of Eagle
65 Scout.

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

70 71 **CERTIFICATES OF APPRECIATION**

- 72
73 **1. Presentation of Certificates of Appreciation to former Community**
74 **Resources Commission members Sue Harper and Rita Squire.**

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76 **Mayor Gingles** acknowledged former Community Resources
77 Commission members Sue Harper and Rita Squire for their service to the
78 City (Ms. Harper and Ms. Squire were not present to receive the
79 certificates).

80 81 82 **PROCLAMATION**

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84 **2. Proclamation recognizing March 2010 as American Red Cross Month.**

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Mayor Gingles read the proclamation and presented it to Mary Jean McLaughlin, Vice-Chair of the Red Cross Board.

Mary Jean McLaughlin, Vice-Chair of the Red Cross Board, thanked the City and encouraged the public to get involved with Napa Chapter of the Red Cross by volunteerism or providing donations.

2(a) Proclamation honoring Braden Sterk for his accomplishment in achieving the rank of Eagle Scout.

Mayor Gingles read the proclamation and complimented Boy Scout Troop 18 in their involvement in the community. He presented the proclamation to Braden Sterk.

PRESENTATIONS

3. Presentations by Chairman Paul Knoblich of the Council's ad-hoc Water and Wastewater Rate Structure Advisory Committee; and presentation by Councilmember Garcia and Councilmember Slusser on the ad hoc Housing Update Advisory Committee.

Paul Knoblich, Water and Wastewater Rate Structure Advisory Committee Chairman, provided a brief progress report of the Water and Wastewater Rate Structure Advisory Committee to date.

Councilmember Slusser provided a brief update regarding the ad hoc Housing Element Update Advisory Committee. She stated the Committee has finished review of the current 2003 Housing Element and will be working on a draft of the new Housing Element. Afterwards this proposed draft and the Committee's recommendation will be forwarded to the Planning Commission and the City Council. She directed the public to see updates on the City's website and encouraged public input.

4. Presentation on Napa County Stormwater Management Plan.

Jack Betourne, Napa County Stormwater Management Program Manager, provided a brief overview of the Napa County Stormwater Management Program. He stated that the recommendation for the City is to track and inspect post-construction best management practices. He stated a new State stormwater permit is being developed, which may require much more stringent inspection and monitoring.

COUNCIL REQUESTS AND IDEAS FOR DISCUSSION

Councilmember Slusser requested that the City's library be included in the mix for renewable energy sources. She recommended that the City invoice the City of Napa for the brown water discharge that affected the City's water. She requested that the speaker cards be changed to include the word "voluntary". She announced upcoming composting workshops to be held on April 17th at 9 AM at the Cropp Building, Napa County Fairgrounds; May 22nd at the Napa Valley Museum, Yountville; and October 20th in Napa.

Councilmember Kraus expressed frustration regarding the lack of a quorum for the recently scheduled Special Joint Community Resources Committee (CRC) and City Council meeting. He stated that the City needs more of a commitment from CRC members.

Mayor Gingles agreed with Councilmember Kraus's comments regarding the CRC membership. He asked that the City Clerk correct the speaker card language. He expressed concerns regarding local cities being "hit hard" financially due to the current economy.

CONSENT CALENDAR

Councilmember Slusser requested that Item No. 8 be pulled from the Consent Calendar.

5. **Accounts payable for the period ending Thursday, March 11, 2010 (\$347,092.40).**
6. **Minutes of the regular meeting of the City Council meeting held on March 2, 2010.**
7. **Adoption of Ordinance No. 665 initiated by the City of Calistoga, for Consideration of a Resolution directing the Napa County Transportation & Planning Agency (NCTPA) Board of Directors to adopt the Draft Napa Countywide Community Climate Action Framework.**
8. **Consideration of a Resolution approving the request for the closure of Lincoln Avenue/Highway 29 on May 8, 2010 for the Calistoga Classic Car Show.**

It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by **Councilmember Kraus** to approve Items No. 5, 6, and 7 on the Consent Calendar. The Motion was carried unanimously.

173 **8. Consideration of a Resolution approving the request for the closure**
174 **of Lincoln Avenue/Highway 29 on May 8, 2010 for the Calistoga**
175 **Classic Car Show.**

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177 **Police Sergeant Martin** introduced this item. He stated that the City
178 received a request to close Lincoln Avenue (Foothill Blvd to Fairway) to
179 place approximately 250 classic cars for viewing by the general public. He
180 stated that the purpose of the closure is to ensure the safety of visitors
181 walking among the cars, and that police is available to participate in
182 providing traffic control and detour signage.

183
184 **Chris Canning, Calistoga Chamber of Commerce Executive Director,**
185 stated that the Chamber has partnered with the Winrods for the Calistoga
186 Classic Car Show on May 8, 2010.

187
188 It was **MOVED** by **Vice Mayor Dunsford** and **SECONDED** by
189 **Councilmember Slusser** to adopt **Resolution No. 2010-016** approving
190 the request for the closure of Lincoln Avenue/Highway 29 on May 8, 2010
191 for the Calistoga Classic Car Show. Motion was carried unanimously by
192 the following vote:

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

195 **NOES: None**

196 **ABSTAIN/ABSENT: None**

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198 **GENERAL GOVERNMENT**

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200 **8. Consideration of a Resolution accepting a donation from Ethan**
201 **Herndon to install drainage swale landscaping at Logvy Community**
202 **Park and waiving all permit fees.**

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204 **Pubic Works Director/City Engineer Takasugi** introduced this item.

205
206 **Ethan Herndon, Boy Scout Troop 18,** stated that he plans on
207 landscaping the swale at Logvy Park from the gate to the community
208 swimming pool crosswalk for his Eagle Scout project.

209
210 It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Councilmember**
211 **Slusser** to adopt **Resolution No. 2010-017** accepting a donation from
212 **Ethan Herndon to install drainage swale landscaping at Logvy**
213 **Community Park and waiving all permit fees.** Motion was carried
214 unanimously by the following vote:

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

217 **NOES: None**

218 **ABSTAIN/ABSENT: None**

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220 **9. Consideration of a Resolution confirming the Mayor's appointments**
221 **to the Community Resources Commission.**

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223 **Councilmember Slusser** suggested that the two high school student
224 members of the CRC be voting members, but not quorum members, since
225 they have a hard time attending the meetings.

226

227 **Mayor Gingles** introduced this item and recommended the following
228 appointments:

229

230 • **Karen Chang** (incumbent) and **Heidi Ticen** for the "community at large"
231 positions;

232

233 • **Shirley Blomquist** to the for "senior issues" position.

234

235 **Karen Chang, CRC Applicant (incumbent)**, stated she would like to be
236 re-appointed in order to complete unfinished businesses on the CRC's
237 "green" initiatives.

238

239 **Heidi Ticen, CRC Applicant**, stated that she would like to serve on the
240 CRC, and she has an interest in "green" issues.

241

242 **There was Council consensus to appoint the individuals that Mayor**
243 **Gingles recommended.**

244

245 It was **MOVED** by **Mayor Gingles** and **SECONDED** by **Councilmember**
246 **Kraus** to adopt **Resolution No. 2010-018** confirming the **Mayor's**
247 **appointments to the Community Resources Commission.** Motion was
248 carried unanimously by the following vote:

249

250 **AYES: Mayor Gingles, Councilmember Kraus, Garcia, Slusser,**

251

252 **and Vice Mayor Dunsford**

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254 **NOES: None**

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256 **ABSTAIN/ABSENT: None**

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258 **10. Consideration of a Resolution consenting to a request from the Napa**
259 **County Board of Supervisors to form the Napa Valley Tourism**
260 **Business Improvement District (TBID).**

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262 **Vice Mayor Dunsford** stated that he will not be partaking in the
discussion of this item as he owns a lodging facility in the City and it would
be a conflict of interest. He stepped away from the dias.

263

264 **City Manager McCann** provided a brief history of the formation of a
265 Tourism Business Improvement District (District) in the Valley. He stated

263 that recently the Napa Valley Destination Council has become more
264 focused on forming a District. He stated the TBID is a 2% self-assessment
265 on lodging operators (approximately \$4 million annually) to pay for
266 marketing (both Valley-wide and locally). He stated that there are two
267 principal components: (1) funding for the tourism corporation for the entire
268 valley to develop marketing and promotion efforts; and (2) the formation of
269 a separate City board to guide marketing and promotional efforts with an
270 approximate \$125,000 budget per year. He stated that the County Board
271 of Supervisors has already taken action to indicate their intent to form the
272 District upon the consent of the local jurisdictions. This matter is being
273 considered by the cities throughout the Valley and it is expected that the
274 Board of Supervisors will take formal action in April this year. He stated
275 that City-wide there are well in excess of 50% of the significant
276 contributors in transient occupancy tax that support the proposed District.
277 He stated that Chris Canning (Calistoga Chamber of Commerce Executive
278 Director) sent out letters to the lodging members seeking support of the
279 venture through the collection of petitions to move forward in the formation
280 of the District. He stated that Mr. Canning will provide a summary of the
281 status of the petition progress. He introduced John Lambeth, Civitas
282 Consultant, to answer questions regarding this item.

283
284 **John Lambeth, Civitas Consultant,** stated the County Board of
285 Supervisors has created a County-wide District for tourism and
286 promotional programs for the Valley. He stated that pursuant to the
287 Property and Business Improvement District Law of 1994 businesses that
288 pay over 50% of the assessment need to sign petitions in support before
289 the District can be established.

290
291 **Councilmember Slusser** suggested an annual review of the proposed
292 five-year contract.

293
294 **John Lambeth, Civitas Consultant,** stated from a legal standpoint a
295 Special Benefit Assessment District has safeguard for the hoteliers that
296 pay and receive benefits.

297
298 **Chris Canning, Calistoga Chamber of Commerce Executive Director,**
299 stated that there exists a strong representation from the lodging industry
300 for the proposed District.

301
302 **Terry Hall, Napa Valley Vintners Communications Director,** stated that
303 the Napa Valley Vintners and the Napa Valley Destination Council support
304 the proposed District.

305
306 **Erik Fair, Indian Springs Resort and Spa General Manager,** suggested
307 that support from the lodging businesses should be obtained prior to the

308 Council granting consent for the District. He stated that economically this
309 is not a good time to raise the lodging rates.

310
311 **Dennis McNay, Bear Flag Inn owner**, suggested that the local
312 restaurants and wineries be included in the proposed District.

313
314 **John Merchant, Indian Springs Resort and Spa owner**, stated that
315 lodging in California is overtaxed and it is not a good time to raise the
316 amount that tourists pay for lodging.

317
318 **Charles Henning, Napa Valley Destination Council Chairman**, gave his
319 support for the proposed District and stated that it will draw more tourists
320 to the Valley.

321
322 **Michael Woods, Mt. View Hotel and Spa owner**, provided support for
323 the proposed District, and stated that if the District is approved Calistoga
324 would get their fair share of the allocation. He asked why it was required
325 for the Council to vote on this item when a majority vote from the hoteliers
326 vote is needed.

327
328 **Councilmember Kraus** stated tourism is low and is concerned with
329 adding an additional fee. He suggested looking into how Special Districts
330 are governed and for staff to obtain comments from County Counsel on
331 this item. He stated that the proposed District has been "oversold"; he
332 referenced statements in the *Napa Valley Tourism Improvement District –*
333 *Management District Plan* that may be overstated and not valid.

334
335 **David Turgeon, Napa Valley Destination Councilmember**, stated the
336 District's marketing plan would have specific measurement tools
337 incorporated into the plan that would be reviewed on a yearly basis to
338 make sure there is a return on the investment. He stated the individual
339 statistics provided to the City are substantiated by studies that have been
340 done by US Travel (primary tourist destination marketing agency for the
341 United States).

342
343 **Councilmember Kraus** stated that he supports the concept of the
344 proposed District, however he wants to make clear that if the District is
345 approved it does not guarantee that the Chambers contact with the City
346 will be renewed as a result of the District approval. He stated that he
347 would want to see tight controls on how the proposed District's funding
348 would be spent. He stated concerns regarding losing local control by
349 approving the proposed District and wants assurance that the City will get
350 its full value for its contribution. He stated that he would like to see a
351 District just in Calistoga with funding going to the Chamber, and the
352 Chamber contracting with the Napa Valley Tourist District for services that

353 the Council directs. He suggested investigating a different fee mechanism
354 such as a "flat rate per room".

355
356 **Mayor Gingles** stated his concern that the public was not properly notified
357 of this item. He stated that this item be continued to the April 6, 2010
358 Council meeting.

359
360 **John Lambeth, Civitas Consultant**, stated that the Council could take
361 additional time to consider this item; the Napa County Board of
362 Supervisors will be discussing the formation of the District on April 27,
363 2010.

364
365 **Councilmember Slusser** inquired about the amount of the proposed
366 District employees' salaries.

367
368 **John Lambeth, Civitas Consultant**, stated that it is envisioned that the
369 Napa Valley Destination Council would be the organization to implement
370 the marketing dollars. He stated the hoteliers will demand that the
371 administrative costs be low because they are in the position of wanting to
372 see results; the maximum amount budgeted for administration is 12.5%
373 (\$500,000 per year/annually).

374
375 **David Turgeon, Napa Valley Destination Councilmember**, stated that
376 he will forward to the Council members a staff plan which is attached to
377 the District's proposed marketing plan.

378
379 **There was Council consensus to continue this item to the April 6,**
380 **2010 Council meeting.**

381
382 **Vice Mayor Dunsford** returned to the meeting.

383 384 CITY MANAGER REPORTS

385
386 The following meeting updates were provided.

- 387 • Diamond Hills Subdivision off-site improvements will start as early as April
388 15th on Pine Street;
- 389 • Caltrans storm drain repairs on Lincoln Avenue (Washington St. to the
390 Napa River) have been delayed due to funding issues;
- 391 • Merchant property improvements update;
- 392 • Announcement that the Community Resources Commission and City
393 Council Joint Meeting will be held on March 17, 2010 at 5:30 PM.

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395 **City Clerk Sneddon** asked the public to complete the U.S. Census
396 questionnaires that was recently mailed to all residences.

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CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 9:50 PM to the special joint meeting of the Calistoga City Council and the Community Resources Commission on Wednesday, March 17, 2010, Calistoga Community Center, 1307 Washington Street, 5:30 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor