

MINUTES
CITY COUNCIL
TUESDAY, TUESDAY, MAY 4, 2010 - 6:00 P.M.
CALISTOGA COMMUNITY CENTER
CLOSED SESSION

1 **CALL TO ORDER**

2
3 **Mayor Gingles** called the Closed Session to order at 6:00 p.m. In attendance
4 were the following: Councilmember Gary Kraus, and Councilmember Karen
5 Slusser, Vice Mayor Michael Dunsford, and Mayor Gingles. Also present was
6 City Manager James McCann, Public Works Director/City Engineer Dan
7 Takasugi, and City Attorney Michelle Kenyon. Councilmember Placido Garcia
8 was absent.

- 9
10 1. **Conference with Legal Counsel, Existing Litigation pursuant to**
11 **Government Code Section 54956.9(a):**
12 **City of Calistoga v. Grant Reynolds, Napa County Superior Court**
13 **Case No. 26-46826.**
14
15 2. **PERSONNEL MATTERS (Government Code § 54957):**
16 **Public Employment**
17 **Title: Interim City Manager**

18
19
20 **ADJOURNMENT**

21 **Mayor Gingles** adjourned the Closed Session at 7:00 p.m. to the Regular
22 Meeting of the Calistoga City Council, Tuesday, May 4, 2010 Calistoga
23 Community Center, 1307 Washington Street, 7:00 p.m.

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27 Respectfully submitted:

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30 _____
31 **Prepared by: Susan Sneddon, City Clerk**

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35 **Approved by: Jack Gingles, Mayor**

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MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, MAY 4, 2010 - 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 Gary Kraus, Councilmember Karen Slusser, Vice Mayor Dunsford, and Mayor Jack Gingles. Councilmember Placido Garcia was absent.

Also present were Planning and Building Director Charlene Gallina, Associate Erik Planner Lundquist, City Manager James McCann, Pubic Works Director/City Engineer Dan Takasugi, City Attorney Michelle Kenyon, and City Clerk Susan Sneddon.

ACTION OUT OF CLOSED SESSION

Mayor Gingles announced that there was no reportable action out of Closed Session.

ORAL COMMUNICATION

Peter Potrebic and Michael Costanzo, City’s Bicycle Advisory Committee Members, stated that May 13th will be National Bike to Work/School Day, and emphasized the importance of having safe routes for students to ride their bikes to school. They described some of the activities which the committee has been planning.

Mr. Potrebic thanked Mayor Gingles for his involvement in the recent Annual April Fools Bicycle Challenge.

Paul Coates, Post 31 American Legion Commander, announced that there will be Memorial Day Services to be held at Pioneer Cemetery at 10 AM and Veterans Memorial at Logvy Park at 12 Noon on Monday, May 31st.

77 **Kurt Larrecou, 1707 Michael Way**, stated that he believes that the
78 development of the Urban Design Plan did not comply with regulations of the
79 Brown Act. He commented that the City Council's adoption of the Urban
80 Design Plan was improper, contrary to the Brown Act and that the Mayor's
81 action at that meeting shut the public out of the process. He stated that twice
82 he had asked that this incident be cured and nothing has happened. He stated
83 that he thought that someone from Council would ask the City Attorney for her
84 opinion. He stated that he filed a complaint alleging a violation of the Brown
85 Act by the City Council with the State Attorney General. He requested that the
86 Council take this matter into closed session with the City Attorney and each
87 Councilmember to get an opinion for remedying this malady.
88

89 **Michelle Kenyon, City Attorney**, stated that she was not made aware of any
90 violation; normally when an individual alleges a Brown Act violation a letter is
91 sent to the City within 30 days of the action, and she is not aware of any such
92 letter. She stated that since the action occurred in January 2010 it gives her
93 some "pause".
94

95 **Councilmember Slusser** stated that she had asked City Manager McCann a
96 couple of weeks ago to look into Mr. Larrecou's complaint and this was
97 apparently not done.
98

99 **City Manager McCann** stated that there is no lack of clarity in Mr. Larrecou's
100 point of view. He stated that he recently spoke with the City Attorney about the
101 matter. He stated he is not aware of any action taken with the Attorney
102 General nor of any formal letters to the City.
103

104 **Mayor Gingles** stated that there was no Council direction for the City
105 Manager to follow up with Mr. Larrecou's comments.
106

107 **Shelley Boudinot, 1414 ½ Cedar**, stated that on October 10, 2010 there will
108 a "3050" event in the City with more information to follow. This movement is an
109 attempt to lower the emissions of carbon into the atmosphere.
110

111 **Shelby Valentine 2771 Foothill Blvd**, reaffirmed her previous statement to
112 Council about the City-County Public Library by stating that the library building
113 was not included in the County's baseline emission reduction report and there
114 is a lack of concrete data regarding needed repairs to ensure sustainability.
115 She stated that she is working on a Clean Renewable Energy Grant for the
116 roof on the County's library in Calistoga.
117

118 **Chris Canning, Chamber Executive Director**, offered the Chamber's interest
119 in providing input in the City Manager recruitment efforts.
120

121 **Larry Kromann, Calistoga Affordable Housing Director**, thanked the
122 Council, City staff, and the community for their support in the success of the
123 recent Rebuilding Calistoga Project.

124
125 **Matthew Hickerson, 3225 Lake County Highway**, stated that he was unclear
126 about City Manager McCann's comments regarding discussions with City
127 Attorney Kenyon about Mr. Larrecou's comments at tonight's meeting.

128
129 **Mayor Gingles** stated that an item **(Item No. 13 (a))** will be added to tonight's
130 agenda regarding discussion and direction relative to obtaining assistance in
131 recruiting a new City Manager. He stated that the need to add an agenda item
132 arose after the posting of the agenda and that there is great urgency in
133 addressing the matter before the next regular meeting.

134
135 **City Attorney Kenyon** stated that the Council is required to have a 4/5th vote
136 to add an item to the agenda.

137
138 **ADOPTION OF MEETING AGENDA**

139
140 It was **MOVED** by Vice Mayor Dunsford and **SECONDED** by
141 Councilmember Slusser to amend tonight's agenda to include Item No.
142 13(a) regarding discussion and direction relative to obtaining assistance
143 in recruiting a new City Manager. Vice Mayor Dunsford included in this
144 motion to add an item to the agenda regarding discussion and direction
145 relative to obtaining assistance in recruiting a new City Manager given
146 the urgency in addressing the matter before the next regular meeting. It
147 was unanimously passed by the Councilmembers present.

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

150 **NOES: None**

151 **ABSENT: Councilmember Garcia**

152 **ABSTAIN: None**

153
154 **CERTIFICATES OF APPRECIATION**

155
156 **1. Presentation of Certificate of Appreciation to Maintenance Tech III Fred**
157 **Heminger for five years of service to Calistoga.**

158
159 **Mayor Gingles** read the Certificate of Appreciation and complimented
160 Maintenance Tech III Fred Heminger for five years of service to the City.

161
162 **Mr. Heminger** stated that he enjoys working for the City and thanked the
163 Council for the recognition.

164

165 **City Manager McCann** stated that Mr. Heminger is a great asset to the City
166 and is always available to provide his maintenance services at a short notice.

167
168 **Pubic Works Director/City Engineer Takasugi** agreed with City Manager
169 McCann's comments and stated that Mr. Heminger is an excellent employee.

170

171 **PROCLAMATION**

172

173 **2. Proclamation announcing the month of May as Building Safety Month.**

174

175 **Mayor Gingles** read the proclamation announcing the month of May as
176 Building Safety Month.

177

178 **Brad Canon, Building Inspector**, provided a flyer to Council regarding
179 Building Safety Month.

180

181 **Paul Coates, Building Standards Advisory & Appeals Board Chairman**,
182 thanked Building Inspector Canon for his work in addressing the building
183 mandates required by the State.

184

185 **COUNCIL REQUESTS AND IDEAS FOR DISCUSSION**

186

187 **Mayor Gingles** requested that an item be added to the May 18, 2010
188 Council agenda regarding remedies to address the poor appearance of the
189 area around the trash dumpsters in the parking lot behind the fire station.

190

191 He noted that an apartment on Brannan Street is not receiving a water bill
192 from the City.

193

194 **CONSENT CALENDAR**

195

196 **Mayor Gingles** requested that **Item No. 9** be pulled from the Consent
197 Calendar.

198

199 **Councilmember Kraus** requested that **Items No. 6 and 7** be pulled from the
200 Consent Calendar as he will not be partaking in the discussion as he lives
201 within 500 feet of the two Silverado and Palisades Subdivision and it would be
202 a conflict of interest.

203

204 **3. Accounts payable for the period ending Friday, April 30, 2010**
205 **(\$160,980.13).**

206 **4. Adoption of Resolution No. 2010-029 confirming the Mayor's**
207 **appointment of Michael Wysocki to the Community Resources**
208 **Commission**

- 209 5. Adoption of Resolution No. 2010-030 authorizing use of City Street
210 for the Napa Valley Silverado Half Marathon special event on
211 November 14, 2010.
- 212 6. Consideration of a Resolution directing the City Engineer to prepare
213 and file a report for the Palisades Subdivision Landscape
214 Maintenance District in accordance with Article 4 of Chapter 1 of the
215 Streets and Highways Code.
- 216 7. Consideration of a Resolution directing the City Engineer to prepare
217 and file a report for the Silverado Place Subdivision Landscape
218 Maintenance District in accordance with Article 4 of Chapter 1 of the
219 Streets and Highways Code.
- 220 8. Adoption of Resolution No. 2010-031 approving the
221 recommendations for a Bus Shelter Grant Implementation Plan.
- 222 9. Consideration of a Resolution accepting as complete the Calistoga
223 Veteran's Memorial Project at Logvy Community Park.
- 224 10. Adoption of Resolution No. 2010-032 authorizing a budget
225 adjustment in the amount of \$25,936.88 and authorizing the purchase
226 of 30 replacement Self Contained Breathing Apparatus (SCBA)
227 bottles for the Fire Department.

228
229 It was MOVED by Vice Mayor Dunsford and SECONDED by
230 Councilmember Slusser to approve Items No. 3, 4, 5, 8, and 10 on the
231 Consent Calendar. The Motion was carried unanimously.

- 232
233 6. Consideration of a Resolution directing the City Engineer to prepare
234 and file a report for the Palisades Subdivision Landscape
235 Maintenance District in accordance with Article 4 of Chapter 1 of the
236 Streets and Highways Code.

237
238 It was MOVED by Vice Mayor Dunsford and SECONDED by
239 Councilmember Slusser to adopt Resolution No. 20010-033 directing
240 the City Engineer to prepare and file a report for the Palisades
241 Subdivision Landscape Maintenance District in accordance with
242 Article 4 of Chapter 1 of the Streets and Highways Code. The Motion
243 was carried by the following vote:

244 AYES: Vice Mayor Dunsford, Councilmembers Slusser and Mayor
245 Gingles
246 NOES: None
247 ABSTAIN: Councilmember Kraus
248 ABSENT: Councilmember Garcia

- 249
250 7. Consideration of a Resolution directing the City Engineer to prepare
251 and file a report for the Silverado Place Subdivision Landscape

252 **Maintenance District in accordance with Article 4 of Chapter 1 of the**
253 **Streets and Highways Code.**
254

255 **It was MOVED by Vice Mayor Dunsford and SECONDED by**
256 **Councilmember Slusser to adopt Resolution No. 20010-034 directing**
257 **the City Engineer to prepare and file a report for the Silverado Place**
258 **Landscape Maintenance District in accordance with Article 4 of**
259 **Chapter 1 of the Streets and Highways Code. The Motion was carried**
260 **by the following vote:**

261 **AYES: Vice Mayor Dunsford, Councilmembers Slusser and Mayor**
262 **Gingles**

263 **NOES: None**

264 **ABSTAIN: Councilmember Kraus**

265 **ABSENT: Councilmember Garcia**
266

267 **9. Consideration of a Resolution accepting as complete the Calistoga**
268 **Veteran's Memorial Project at Logvy Community Park.**
269

270 **Paul Coates and Jim Barnes, Post 31 American Legion, stated that the**
271 **City's adopted Resolution regarding the Veterans Memorial at Logvy Park**
272 **does not include the maintenance of the bricks and service pillars at the**
273 **site, and clarified that they would be maintained by the Legion and not the**
274 **City.**
275

276 **City Manager McCann stated that this item is for accepting as complete**
277 **the Veteran's Memorial Project and staff will continue to coordinate with the**
278 **local American Legion about the maintenance of the memorial.**
279

280 **It was MOVED by Vice Mayor Dunsford and SECONDED by Mayor**
281 **Gingles to adopt Resolution No. 20010-035 accepting as complete the**
282 **Calistoga Veteran's Memorial Project at Logvy Community Park. The**
283 **Motion was carried by the following vote:**

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

286 **NOES: None**

287 **ABSTAIN: None**

288 **ABSENT: Councilmember Garcia**

289 **11 (a). Discussion regarding City Manager Recruitment Assistance.**
290

291 **City Manager McCann suggested that due to his resignation effective**
292 **June 6, 2010 that the City obtain assistance from an executive recruitment**
293 **firm to assist in the advertising/recruitment efforts for a new city manager.**
294

295 **Councilmember Kraus** recommended moving forward and contracting
296 with an executive recruitment firm.

297
298 **Vice Mayor Dunsford** recommended a Council subcommittee be formed
299 to review proposals from a few firms and to recommend to Council the firm
300 best suited for our needs. He asked City Attorney Kenyon if City Manager
301 McCann could be involved in the subcommittee.

302
303 **City Attorney Kenyon** stated that the Council could direct the City
304 Manager McCann to be on the subcommittee or assist it in its work.

305
306 **Mayor Gingles** requested that Councilmember Kraus join him on the
307 subcommittee (**Councilmember Kraus** accepted the appointment).

308
309 **Michael Quast, 1300 Washington St,** asked if the Council would be
310 considering hiring an interim city manager until the city manager is hired
311 (**Mayor Gingles** responded yes).

312
313 **There was Council consensus to form a subcommittee**
314 **(Councilmember Kraus and Mayor Gingles as members) to interview**
315 **and review the recruitment firms and to report their findings and**
316 **recommendations back to Council.**

317
318 **PUBLIC HEARING**

319
320 **11.Consideration of a Resolution approving and adopting the Calistoga**
321 **Sanitary Sewer Management Plan.**

322
323 **Pubic Works Director/City Engineer Dan Takasugi** introduced this item. He
324 stated that the Bay Area Clean Water Agencies worked with the Regional
325 Water Quality Control Board in a collaborative effort to find ways to reduce
326 and prevent sanitary sewer overflows. This effort resulted in the development
327 of Sanitary Sewer Management Plan guidelines.

328
329 **Mayor Gingles** opened the public hearing.

330
331 No public comment.

332
333 **Mayor Gingles** closed the public hearing.

334
335 **It was MOVED by Vice Mayor Dunsford and SECONDED by Mayor**
336 **Gingles to adopt Resolution No. 20010-036 approving and adopting the**
337 **Calistoga Sanitary Sewer Management Plan. The Motion was carried by**
338 **the following vote:**

339 **AYES: Vice Mayor Dunsford, Mayor Gingles, Councilmembers**
340 **Slusser and Kraus**
341 **NOES: None**
342 **ABSTAIN: None**
343 **ABSENT: Councilmember Garcia**

344

345 **12. Consideration of a Zoning Ordinance Text Amendment, initiated by the**
346 **City of Calistoga, to amend the bed and breakfast regulations (Chapter**
347 **17.35 CMC) and other provision of the Zoning Ordinance pertaining to**
348 **such use.**

349

350 **Associate Planner Lundquist** introduced this item. He stated that a
351 subcommittee was formed to work with staff, the Bed and Breakfast operators
352 to develop a revised Ordinance that addresses the City Council's concerns. He
353 stated that the proposed Ordinance establishes provisions that would grant
354 only those properties in the "R1-10" Zoning District, that are already
355 established with a bed and breakfast facility, the ability to request an exception
356 (through a Conditional Use Permit) from certain provisions of the bed and
357 breakfast regulations.

358

359 **Mayor Gingles** opened the public hearing.

360

361 No public comment.

362

363 **Mayor Gingles** closed the public hearing.

364

365 **Councilmember Kraus** stated concerns regarding removing the requirement
366 for an on-site manager and allowing up to 10 rooms for each bed and breakfast
367 inn.

368

369 **City Manager McCann** stated that that all bed and breakfast inns are required
370 to go through a Planning Commission public hearing in order to obtain a
371 Conditional Use Permit.

372

373 **Councilmember Kraus** asked if there are many local communities that allow
374 10 units in bed and breakfast inns and do not to have an on-site manager.

375

376 **Associate Planner Lundquist** responded that the law allows up to 20 units
377 per inn; local jurisdictions can choose to be more restrictive.

378

379 **It was MOVED by Mayor Gingles and SECONDED by Vice Mayor**
380 **Dunsford to introduce the Ordinance and waive the first reading**
381 **amending the bed and breakfast regulations (Chapter 17.35 CMC) and**
382 **other provision of the Zoning Ordinance pertaining to such use. The**
383 **Motion was carried by the following vote:**

384 **AYES: Mayor Gingles, Vice Mayor Dunsford, Councilmember Slusser,**
385 **and Councilmember Kraus**
386 **NOES: None**
387 **ABSTAIN: None**
388 **ABSENT: Councilmember Garcia**

389

390 **GENERAL GOVERNMENT**

391

392 **13. Water & Wastewater Rate Advisory Committee update and discussion of**
393 **the timing for the consideration of recommendations regarding the Water**
394 **Rate Structure.**

395

396 **City Manager McCann** introduced this item. He stated that the Water &
397 Wastewater Rate Advisory Committee (Committee) concluded their work after
398 22 public meetings. He stated that the Committee is prepared to provide the
399 Council with their recommendations on the water and wastewater rate
400 schedule at a future special study session devoted to this topic.

401

402 **Councilmember Kraus** stated that he is in favor of discussing the rate
403 schedule at a special study session. He thanked Paul Knoblich (Committee
404 Chairman) for doing a great job.

405

406 **Mayor Gingles** thanked the entire Committee for their hard work.

407

408 **City Manager McCann** provided a brief report on the processes in adopting
409 the new water and wastewater fees. He thanked Councilmembers Kraus and
410 Garcia and the Committee members for their participation. He also thanked
411 Public Works Director/City Engineer Takasugi, Senior Civil Engineer and
412 Administrative Services Director Mushallo for pulling the information together
413 for all the meetings and the public participants for their input. He stated that it
414 was a great group effort.

415

416 **14. Calistoga Community Resources Commission Waste Reduction**
417 **Recommendations.**

418

419 **Associate Planner Lundquist** introduced this item. He stated that the
420 Community Resources Commission (CRC) is requesting that the Council
421 support their recommendations regarding hazardous waste collection,
422 businesses recycling, greenhouse gas emissions reductions, and recycling
423 efforts in public areas. The CRC is requested that Councilmember Slusser
424 (City's representative on the Upper Valley Waste Management Agency
425 (UVWMA)) present the City's recommendations at the next UVWMA meeting.

426

427 **Karen Chang, CRC Chairperson**, expressed her concerns regarding the lack
428 of local funding for hazardous waste collection. She suggested that UVWMA

429 adjust garbage collection fees to allow for additional funding to offset recycling
430 costs for businesses and residents. She stated that we need to strive towards
431 reducing methane emissions from landfills. She suggested that more recycle
432 bins be purchased for the downtown area and asked that the City schedule
433 more frequent trash/recycle collections.
434

435 **City Manager McCann** stated that this is a great opportunity to take ideas to
436 raise issues at the UVWMA to discuss services that they provide. He
437 suggested that this would be a good time for staff to explore the existing joint
438 powers agreement and present an informational item to the Council.
439

440 **Councilmember Kraus** requested consideration that the leaf bins provided
441 by UVWMA be made available at various locations in the community this next
442 fall.
443

444 **There was Council consensus to support CRC's recommendations and to**
445 **request Councilmember Slusser to present the recommendations at the**
446 **next UVWMA board meeting.**
447

448 **15. Discussion of Options for the Air Siren at the Calistoga Fire Station.**

449

450 **Pubic Works Director/City Engineer Takasugi** introduced this item and
451 summarized his staff report. He stated that the heavy emergency alert siren
452 that is located at the fire station is in very poor condition and not needed for
453 advising emergency services staff of emergency conditions. He noted that the
454 pole upon which the siren is mounted must be relocated to accommodate a
455 new antenna tower. He stated that to install the heavy air siren on the same
456 new tower would require a significant tower upgrade and cost; he suggested
457 that the old air siren be disposed and that a new electronic siren for earthquake
458 only be installed eliminating the noon siren.
459

460 **Councilmember Kraus** stated that some individuals in the community support
461 the noon siren, however some others are bothered by the noise.
462

463 **There was Council consensus to eliminate the large air siren and replace**
464 **it with a smaller modern audible alert device for earthquake warning**
465 **signals**
466

467 **CITY MANAGER REPORTS**

468

469 The following updates were provided.

- 470
- 471 • Calistoga Community Swimming Pool's season opening is May 15th;
 - 472 • Diamond Hills Subdivision off-site improvements will be starting on Pine Street;

- 473 • He thanked the Council, public, and City staff for the opportunity to serve
474 as City Manager.

475

476 **CITY COUNCIL ADJOURNMENT**

477

478 **Mayor Gingles** adjourned the meeting at 8:50 PM to the next scheduled
479 regular meeting of the Calistoga City Council, on Tuesday, May 18, 2010,
480 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

481

482

483 **Respectfully submitted:**

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486 _____
487 **Prepared by: Susan Sneddon, City Clerk**

488

489

490

491 _____
 Approved by: Jack Gingles, Mayor

491