

**CLOSED SESSION AGENDA
CITY COUNCIL MEETING
TUESDAY, AUGUST 17, 2010 - 6:30 P.M.
CALISTOGA COMMUNITY CENTER**

ORAL COMMUNICATIONS: Pursuant to provisions of the Government Code §54957, this is the time provided for members of the public to address the city council regarding matters on this agenda (maximum of three minutes per speaker)

CALL TO ORDER

1. Conference with Legal Counsel, Existing Litigation pursuant to Government Code Section 54956.9(a):
City of Calistoga v. Grant Reynolds, Napa County Superior Court Case No. 26-46826.

2. Conference with Legal Counsel, Anticipated Litigation.

Significant exposure to litigation pursuant to subdivision (b) Government Code Section 54956.9: One potential case.

ADJOURNMENT

To the scheduled regular meeting of the Calistoga City Council, on Tuesday, August 17, 2010 Calistoga Community Center, 1307 Washington Street, 7:00 p.m.

MINUTES
CITY COUNCIL – REGULAR MEETING
TUESDAY, AUGUST 17, 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 7:02 p.m.**

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5 In attendance were the following: Councilmember Placido Garcia, Councilmember
6 Gary Kraus, Councilmember Karen Slusser, Vice Mayor Michael Dunsford, and
7 Mayor Jack Gingles.

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9 Also present were Public Works Director/City Engineer Dan Takasugi, Senior Planner
10 Ken MacNab, Administrative Services Director Bill Mushallo, Interim City Manager
11 William Norton, Executive Secretary Amanda Davis, and City Clerk Susan Sneddon.

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13 **MOMENT OF SILENCE**

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15 **Mayor Gingles** offered a moment of silence in honor of former Mayor (1984-1988)
16 and longtime resident John Conger who recently passed away.

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18 **ACTION OUT OF CLOSED SESSION**

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20 **Mayor Gingles** announced that there was no action out of Closed Session held this
21 evening.

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23 **ORAL COMMUNICATION**

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25 **Kurt Becker, 1715 Michael Way**, stated his reasoning for not supporting a contract
26 with City Attorney Kenyon's firm to provide legal services to the City.

27
28 **Mary Kay Macy, 2412 Foothill Blvd**, expressed her appreciation to Associate
29 Planner Lundquist and Planning and Building Director Gallina for their support
30 regarding the Rent Stabilization Ordinance (RSO).

31

32 **Marilynn Clark, 2412 Foothill Blvd**, stated her concerns about the possible
33 elimination of the HandyVan service. She is particularly concerned with the effects
34 this will have on the City's senior citizens. A petition was created in hopes to save
35 this service.

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37 **Kurt Larrecou, 1707 Michael Way**, spoke in regards to Rancho de Calistoga
38 Mobile Home Park, and would like the City's RSO to be modified. He stated that he
39 is not in favor of authorizing the proposed agreement for legal services with Burke,
40 Williams & Sorensen.

41

42 **ADOPTION OF MEETING AGENDA**

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

47

48 **PRESENTATION**

49

50 **1. Presentation by County Ag Commissioner Dave Whitmer regarding the**
51 **European Grapevine Moth, and what it might mean to Napa County and the**
52 **collaborative efforts to deal with it.**

53

54 **County Ag Commissioner Whitmer** was not present and therefore the
55 presentation was not provided nor discussed.

56

57 **Presentation by Jim Meadows, US Census Partnership Coordinator for**
58 **Northern California, of a Certificate of Appreciation to the City of Calistoga for**
59 **involvement in the recent US Census.**

60

61 **Dave Rosa, US Census Partnership for Northern California**, presented the City
62 with a Certificate of Appreciation along with a crystal plaque (Jim Meadows, the US
63 Census Partnership Coordinator, was unable to attend).

64

65 **Interim City Manager Norton** commended City staff in assisting the US Census for
66 Northern California with getting the word out to the community.

67

68 **Mayor Gingles** thanked the community and City staff for participating in the US
69 Census.

70

71 **1. Presentation by Yvonne Henry, the City's representative on the Napa County**
72 **Arts and Culture Commission.**

73

74 **Yvonne Henry, City's representative on the Napa County Arts and Culture**
75 **Commission**, discussed County-wide art initiatives. She brought the City up-to-date
76 on what is happening with arts and culture in Calistoga. She stated that from mid-

77 October to mid-November there will be a valley-wide effort to create an annual
78 festival celebrating the arts. She provided the City Council with information regarding
79 economic factors and art. She encouraged the Council to adopt a Public Arts
80 Ordinance similar to the one that was adopted by the City of Napa. She stated the
81 Napa Valley Open Studios Tour will take place the last two weekends in September.
82

83 COUNCIL IDEAS FOR DISCUSSION

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85 **Councilmember Garcia** inquired about the Community Pool Advisory Committee's
86 (CPAC) decision regarding the changes at the pool. He requested that the new pool
87 schedule and rules be printed in Spanish. (**Interim City Manager Norton** stated
88 that CPAC recommended that individuals from the public who are not going to swim
89 could still go into the pool facility). He stated that this is now being implemented on
90 a trial basis.

91
92 **Councilmember Kraus** Stated that at the August 3, 2010 City Council meeting he
93 requested a reporting of the funds that had been collected from mobilehome park
94 residents, as well as the mobilehome park owners (**Interim City Manager Norton**
95 informed the City Council that staff is currently working on this).

96
97 He requested that the Rent Stabilization Ordinance be agendized for the next City
98 Council meeting on September 7th, 2010. (**Interim City Manager Norton**
99 confirmed).

100
101 **Councilmember Dunsford** stated that the HandyVan service issue will be
102 addressed.

103
104 **Mayor Gingles** stated a memorandum was received from Deborah Brunner, a
105 Napa County Transportation and Planning Agency staff member, which stated that
106 there are false rumors circulating that the HandyVan service is changing to a fixed
107 service route. He stated that no decisions have been made at this time; however the
108 Calistoga Transit Study is being carried out.

109
110 He stated that the new bakery in town will be opening within seven to ten days.

111
112 He stated that the parents of "Callie" Scout Harries, the young girl from England
113 who recently received a City proclamation have contributed approximately \$250 to
114 the City to go towards assisting a deserving child in town.

115
116 **Councilmember Slusser** stated that she attended a Napa County Transportation
117 and Planning Agency meeting where she was informed about vans that are
118 provided for vineyard workers (**Councilmember Garcia** responded that he is aware
119 of this situation and they are having a hard time finding drivers for the service).

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CONSENT CALENDAR

4. Minutes of the July 20, 2010 regular City Council meeting.
5. Approval of City office closure for the period of December 23, 2010 through December 31, 2010.
6. Adoption of Resolution No. 2010-078 authorizing a purchase order in the amount of \$17,342 to Fisher Wireless Services to purchase and install an antenna tower at the Fire Station Project.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Kraus to approve Items No. 4, 5, and 6 on the Consent Calendar with the following changes to Item No. 4 (Minutes of the July 20, 2010 regular City Council meeting). Councilmember Slusser requested that the minutes regarding the preliminary draft update to the Housing Element reflect her comment about allowing multi-family development “by right” and asked that it be removed as a program action given that the City has demonstrated sufficient number of housing sites for meeting the City’s required RHNA numbers.

PUBLIC HEARING

7. Consideration of a request for a Determination of Public Convenience and Necessity (Application No. PCN 2009-01) authorizing wine and beer sales in the City of Calistoga at 1712 Lincoln Avenue (APN 011-340-017) within the “CC-DD”, Community Commercial – Design District. The applicant is Patricia Merchant, on behalf of Indian Springs Resort and Spa. As required by Resolution 98-113, a Public Convenience and Necessity Determination is required prior to establishing this use.

Senior Planner MacNab introduced this item. He stated that staff has reviewed the Public Convenience and Necessity application, and recommends Council’s authorization.

Mayor Gingles opened the public hearing.

Patricia Merchant, Indian Springs Resort and Spa, spoke in favor of this application.

Mayor Gingles closed the public hearing.

It was MOVED by Mayor Gingles and SECONDED by Councilmember Slusser to adopt Resolution No. 2010-079 approving a request for a Determination of Public Convenience and Necessity (Application No. PCN 2009-01) authorizing

167 wine and beer sales in the City of Calistoga at 1712 Lincoln Avenue (APN 011-
168 340-017) within the "CC-DD", Community Commercial – Design District. The
169 Motion was carried unanimously by the following vote:
170 **AYES: Mayor Gingles, Councilmembers Slusser, Kraus, Garcia, and**
171 **Vice Mayor Dunsford**
172 **NOES: None**
173 **ABSENT/ABSTAIN: None**
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175 GENERAL GOVERNMENT

176 177 8. Consideration of a Resolution adopting the Fiscal Year 2010/11 Enterprise, 178 Capital, and Equipment Replacement Fund Budgets.

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180 **Administrative Services Director Mushallo** provided an overview of the draft
181 Fiscal Year 2010/11 budgets for Enterprise Funds, Capital Improvement Program
182 projects, and the Equipment Replacement Fund. He stated that the Water
183 Operations Enterprise Fund balance is projected to end the 2010/2011 Fiscal Year
184 with a balance of approximately \$0.1 million. He stated that revenues from the
185 proposed rate increases will not be as much as previously expected because the
186 rate process was delayed and implementation of the new rates will not take effect
187 until November.
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189 **It was MOVED by Councilmember Kraus and SECONDED by Vice Mayor**
190 **Dunsford to adopt Resolution No. 2010-080 approving the Fiscal Year 2010/11**
191 **Enterprise, Capital, and Equipment Replacement Fund Budgets. Motion was**
192 **carried unanimously by the following vote:**

193 **AYES: Councilmember Kraus, Vice Mayor Dunsford, Councilmember Garcia,**
194 **Councilmember Slusser, and Mayor Gingles**
195 **NOES: None**
196 **ABSENT/ABSTAIN:None**
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198 9. Consideration of a Resolution authorizing an Agreement for Legal Services 199 with Burke, Williams & Sorensen, LLP.

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201 **Mayor Gingles** stated that the City would typically solicit requests for proposals for
202 legal services, however this situation is unique. He stated that the City is currently
203 contracted with McDonough Holland & Allen (MHA) for legal services; however the
204 firm will be dissolving as of August 31, 2010. He stated that City Attorney Kenyon,
205 along with her staff, will be joining Burke, Williams & Sorensen, LLP. He stated that
206 Ms. Kenyon has been providing legal services to the City since 1998 and he
207 recommended that the City continue the legal services with her new firm.
208

209 **Interim City Manager Norton** stated that the City does not have a sufficient amount
210 of time to go out for the request for proposals for legal services, and staff
211 recommends continuing with City Attorney Kenyon's services through Burke,

212 Williams & Sorensen. He stated that it may be a more suitable time to send out
213 requests for proposals from other law firms after the November 2, 2010 General
214 Municipal Election and after the new City Manager is hired.

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216 **Councilmember Slusser** stated that she is in favor of the proposed contract with
217 Burke, Williams & Sorensen because the firm provides several lawyers with different
218 areas of expertise

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220 **Councilmember Kraus** requested clarification on the proposed contract's
221 termination clause of the proposed contract. (**City Attorney Kenyon** stated that the
222 City could terminate the agreement at any time, and Burke, Williams & Sorensen
223 would be required to provide a 60-day notice to terminate).

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225 **It was MOVED by Vice Mayor Dunsford and SECONDED by Councilmember**
226 **Slusser to adopt the Resolution No. 2010-081 authorizing an Agreement for**
227 **Legal Services with Burke, Williams & Sorensen, LLP. The Motion was carried**
228 **unanimously by the following vote:**

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

231 **NOES: None**

232 **ABSENT/ABSTAIN: None**

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234 **10. Discussion and consideration of a Resolution providing direction to Mayor**
235 **Gingles, the City's voting delegate to the 2010 League of California Cities**
236 **Annual Business Conference, regarding the proposed League Policy**
237 **Resolutions.**

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239 **Mayor Gingles** stated that he will be attending the 2010 League of California Cities
240 Annual Business Conference on September 17, 2010, at which time the draft
241 Resolutions provided to Council will be voted on.

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243 **Councilmember Slusser** stated that she is in favor of the proposed League of
244 California Cities Resolution regarding the unfunded State mandates.

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246 **It was MOVED by Councilmember Garcia and SECONDED by Vice Mayor**
247 **Dunsford to adopt the Resolution No. 2010-082 providing direction to Mayor**
248 **Gingles, the City's voting delegate to the 2010 League of California Cities**
249 **Annual Business Conference, regarding the proposed League Policy**
250 **Resolutions. The motion was carried unanimously by the following vote:**

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

253 **NOES: None**

254 **ABSENT/ABSTAIN: None**

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256 **CITY MANAGERS REPORT**

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Interim City Manager Norton reported on the following:

- The application period for the City Manager position closed on August 9, 2010. The recruiter, Bob Murray and Associates received 97 applications. Mr. Murray is currently reviewing the applications and will bring his recommendations to the August 31, 2010 Special City Council Closed Session. It has been suggested that the Council consider appointing a Citizen Advisory Committee to assist in the interviewing process.
- Update regarding the Fire Station Seismic Retrofit and Renovation Project.
- Additional underground waterline work is occurring this evening on Foothill Boulevard at Lincoln Avenue.

CITY COUNCIL ADJOURNMENT

Mayor Gingles adjourned the meeting at 8:21 PM to the Special Closed Session of the Calistoga City Council, on Tuesday, August 31, 2010, Calistoga Community Center, 1307 Washington Street, 2:00 p.m.

Respectfully submitted:

Prepared by: Susan Sneddon, City Clerk

Approved by: Jack Gingles, Mayor