

**TOWN OF YOUNTVILLE**  
**MINUTES OF REGULAR COUNCIL MEETING**  
*October 2, 2007*

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**1. CALL TO ORDER - 5:30 P.M.**

Vice Mayor Dunbar called the Regular Town Council meeting to order at 5:30 p.m.

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**2. CLOSED SESSION –**

A. Conference with Legal – Existing Litigation (Pursuant to Government Code Section 54956.9(a)):

Name of Case: Linda Pedroni and George Louie (Napa Superior Court Case Number 26-36225)

B. Conference with Legal Counsel – Existing Litigation (Pursuant to Government Code Section 54956.9(a)):

Name of Case: Town of Yountville v. Timothy Bringman (Napa Superior Court Case Number 26-38104)

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**3. CONVENE REGULAR COUNCIL MEETING – 6:00 P.M.**

Council convened the Regular Town Council Meeting at 6:02 p.m.

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**4. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was held.

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**5. ROLL CALL**

**Mayor and Town Councilmembers Present:**

Vice Mayor John F. Dunbar and Councilmembers William “Bill” Dutton, Steven C. Rosa and Lewis G. Chilton

**Absent:** Mayor Cynthia Saucerman was absent.

**Town Staff Present:**

Bob Tiernan, Interim Town Manager/Planning Director; Amy L. Valukevich, Town Attorney; Michelle Price, Town Clerk; Myke Praul, Public Works Director/Town Engineer, Richard Stranzl, Finance Director and Kenneth Leary, Community Services Director

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**6. CLOSED SESSION REPORT**

Amy Valukevich, Town Attorney, stated there is no reportable action.

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**7. ADOPTION OF THE AGENDA**

**ACTION: A Motion by Councilmember Dutton, Seconded by Councilmember Rosa to adopt the agenda was unanimously approved.**

**Ayes: Dutton, Rosa, Chilton and Dunbar**  
**Noes: None**  
**Absent: Saucerman**  
**Abstain: None**

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**8. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA**

Donna Heine expressed concerns regarding the front steps of Town Hall and safety concerns and requested Council consider this item at a future meeting.

Su Dee Shenk, Napa Valley Community Housing, introduced new Executive Director, Kathleen Dreesson and provided an overview of her background.

Ms. Shenk also advised she will be continuing with Napa Valley Community Housing on a part-time basis as an Asset Manager and working in housing development.

Ms. Dreesson acknowledged that the Town of Yountville is committed to affordable housing and looks forward to working with the Town.

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**9. APPROVAL OF CONSENT CALENDAR**

**ACTION: A Motion by Councilmember Chilton, Seconded by Councilmember Dutton to adopt the Consent Calendar was unanimously approved.**

**Ayes: Chilton, Dutton, Rosa and Dunbar**  
**Noes: None**  
**Absent: Saucerman**  
**Abstain: None**

**A. *Approval of Warrants* —**

- |                                  |                     |
|----------------------------------|---------------------|
| • Accounts payable check numbers | \$322,540.03        |
| • Total payroll and benefits     | <u>\$ 69,650.48</u> |
| • Total payments for period      | \$392,190.51        |

Recommendation: Received and Filed.

**B. *Special Event Permit - Chamber of Commerce - Festival of Lights***

Approval of Special Event Permit and Amplified Noise Permits for the 2007, 19th Annual Festival of Lights Event.

Recommendation: Approved.

C. ***Adopt Resolution Number 2617-07*** Approving Amendment Number 1 to Agreement 289(FC) for the Joint Zone Project Number 96-1 Maintenance and Watershed Program Cost Sharing Agreement with the Napa County Flood Control and Water Conservation District.

Recommendation: Adopted Resolution.

D. ***Adopt Resolution Number 2618-07*** Approving Amendment Number 3 to the Funding Agreement (Town Agreement No. 2003-87) with Napa County Flood Protection and Watershed Improvement Authority to Use Measure “A” Funds for Supplemental Hopper Creek and Beard Ditch Flood Protection Projects.

Recommendation: Adopted Resolution.

E. ***Adopt Resolution Number 2619-07*** Approving Budget Adjustment Number 2006-07-A07 for Final Fiscal Year 2006-07 Budget Transfers and Augmentation of the General Fund Unreserved Fund Balance.

Recommendation: Adopted Resolution.

F. ***Adopt Resolution Number 2620-07*** Approving Budget Adjustment Number 2007-08-A07, for Establishment of a Secure Wireless Connection between Town Hall and Community Hall.

Recommendation: Adopted Resolution.

G. ***Approval of Minutes – June 19, 2007***

Recommendation: Approved.

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**10. PRESENTATION OF RETIREMENT PROCLAMATION TO PHYLLIS ROSA**

Vice Mayor Dunbar, on behalf of the Mayor, presented Retirement Proclamation to Councilmember Rosa.

Councilmember Rosa, on behalf of his wife Phyllis, thanked everyone on her behalf.

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**11. CONSIDER REQUEST FOR FUNDING ASSISTANCE RELATED TO THE AD HOC AFFORDABLE HOUSING PROJECT**

Recommendation: Received staff report update and information, discuss request, and provided direction to Staff and Applicant.

*Councilmember Rosa recused himself due to a conflict of interest resulting from his primary residence being located within 500’ of the affordable housing portion of the subject project and left the Council Chambers.*

Bob Tiernan, Interim Town Manger/Planning Director, presented staff report and advised of a memorandum regarding Update on Affordable Housing Development Financing dated October 2, 2007 prepared by Michael Holman, Attorney for Thomas Keller, and distributed to Council which describes latest breakdown of the \$632,000.

Vice Mayor Dunbar commented this is a fairly detailed topic and staff has done a good job summarizing where we are to date and indicated Council will not be drawing any official conclusions tonight. Vice Mayor Dunbar further commented he and staff have been having discussions with Applicant and Attorneys and can only go forward so far without discussing with the full Council.

Councilmember Chilton disclosed that he did have a conversation last week with Mr. Holman regarding their proposal.

Michael Holman, Attorney, Dickenson, Peatman & Fogarty and Applicant Representative, provided an overview of his memorandum regarding Update on Affordable Housing Development Financing dated October 2, 2007 and focused on the funding gap of \$632,000 needed to get the project done or not to get it done.

Vice Mayor Dunbar requested representatives from Napa Valley Community Housing (NVCH) address the proposal presented by Mr. Holman.

Su Dee Shenk, NVCH, commented NVCH does not see any problem with this proposal and thinks it would work fine. The timing would get the funds in when NVCH needs it. NVCH has no problem adding one additional farmworker unit and does not think it will significantly impact the project in a negative way and encouraged Council to adopt this proposal.

Vice Mayor Dunbar highlighted some key points below following discussion:

- Loan of \$300,000 - If this is not an option for Council, the remaining conversation may come to a close.
- One Additional unit of farmworker housing
- Loan Payment Term – When does it start to get paid? Is it when money is presented in January or upon completion and opening of the Inn.
- Land Dedication – If Council is comfortable with it being a long-term lease to NVCH, if so do we require the first right of refusal or appropriate terminology should NVCH go away, the land becomes Town property in perpetuity to keep land in affordable housing.
- \$100,000 received for additional farmworker unit - Does Council feel the \$100,000 should go into to the Town housing fund or should it be given to NVCH or another option.

*Public Comment Held*

Donna Heine requested clarification regarding the additional farmworker housing unit and wanted to know if it is physically adding one unit or is the additional unit being taken out of the 11 units that already exist.

Vice Mayor Dunbar responded the additional unit would come from the existing inventory.

Ms. Heine further commented below:

- Concurs with Council regarding concerns about collateral.
- Concerned about dollars in housing fund and does not want to see it reduced to \$25,000 or \$30,000.

*Council Comments*

Councilmember Chilton commented on the following:

- Farmworker Unit – In support of expanding the request to fill \$100,000 of the gap with that farmworker housing and believes the money should be repaid to the Town. Agrees with Applicant and NVCH that even though the money would go into the affordable housing fund, it should be designated for use with this specific project. If there are dollars leftover when the project is complete, then the funds should go to NVCH.
- Land Dedication and Deed of Trust – Not clear on legal mechanism, but wants to make sure land is dedicated forever with first right of refusal to NVCH; and second right of refusal to the Town of Yountville and it should be an option at no cost. Does not want to get into inflation costs over the next 80 years that someone would have to come up with.
- Loan – Conceptually okay with the idea of the Town taking \$300,000 from the housing fund and loaning to the project; however, the devil is in the details and does not support a completely unsecured loan.
- If Applicant sells the land, the Town should be repaid at that point. Would like to see the Town's risk end if there is a sale of the property.
- Repayment – Should not be completely open-ended and repayment should occur 3 years from when the Inn opens and 7 years from today with some flexibility.

Councilmember Dutton commented on the following:

- No problem with additional farmworker housing unit.
- \$100,000 – Dollars should stay in housing fund and be dedicated to that specific project.
- Land Deal – It is 80 years, so bring it up in 2050 at a Council meeting and see where you stand.

- Loan - \$300,000 – Agrees with Councilmember Chilton’s comments and could not have put it in any better terms of collateral and cannot believe that the individual cannot come up with the collateral.
- \$120,000 (\$60,000 Town; \$60,000 Developer) for unforeseen overages – Recommends the Applicant pays the first \$60,000 and anything over that the Town would pay for the overage.

Vice Mayor Dunbar commented on the following:

- Followed up on Councilmember Chilton’s comments regarding the \$300,000 repayment of loan if there is a resale of property and no Inn that the payments be accelerated and should come out of proceeds from property sale, which limits the Town’s exposure.

Bob Tiernan, Interim Town Manager/Planning Director, clarified the following:

- Land Dedication – Understood it was agreed that the Option Agreement would not be altered and would run it’s 80-year term and then there would be a clause in the Development Agreement that kicked in at that time that the land reverts to NVCH, and if they as an entity cease to exist, the Town for nominal or no cost would take over.
- \$100,000 being repaid on Joe Serna – It is not necessarily be the Applicant’s decision where the \$100,000 would go and that it is something that would be the Town’s decision. Applicant just needs to know that they need to repay the \$100,000.

Vice Mayor Dunbar would agree and Council has stated the money would be kept for affordable housing and will determine when the money is there whether it be committed to this specific project or another affordable housing project.

- When Interest Starts Being Charged – Hears an interest from Council in recouping the interest when the money is loaned out, but when the interest starts being charged is still up for discussion.

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## 12. COUNCIL REPORTS AND COMMENTS

Report of Council Member Meeting Attendance:

*Councilmember Rosa returns to Council Chambers for the remainder of the meeting.*

- A. Napa County Flood Control and Water Conservation District  
(Saucerman/Dunbar)

No Comment

**B. Napa County Transportation & Planning Agency (NCTPA) (Saucerman/Rosa & Chilton)**

Councilmember Rosa reported the Agency discussed the following:

- Guest speaker presentation on homelessness and how to streamline the process in terms of healthcare. There does not seem to be a standard way of providing healthcare and we are now looking to get a subcommittee together to review this issue and will probably come back to all Councils for discussion.
- Transportation – Discussed bringing commuter choice tax credit benefit program to the municipalities to get employees to commute to work.

**C. Napa River Watershed Information Center (WICC) (Rosa)**

Councilmember Rosa reported WICC discussed the following:

- Discussion about stream clean up and the cooperation that went on.
- Received presentation from one of our cooperative groups doing creek restoration near Calistoga. It was inspirational how homeowners got together to get funding to restore approximately 8,000 lineal feet of the creek back to its natural habitat.
- Regional Water Quality Control Board is coming forward with Total Maximum Daily Load (TMDL) Report for pathogens and how the County is going to have to do monitoring on leaking septic tanks.

**D. Other Reports and Comments**

Councilmember Chilton commented on Saturday, October 13<sup>th</sup> at 4:00 p.m. on the lawn at Compadres there will be the 8<sup>th</sup> Annual Blessing of the Animals.

Councilmember Rosa, on behalf of his wife Phyllis, would really like to thank the Town for the opportunity to serve and she really enjoyed her years working with the public and all of the employees. It was gratifying to her.

Councilmember Dutton commented on the following:

- On Saturday, October 13<sup>th</sup> from 9:00 a.m. to 3:00 p.m. at Calistoga Fairgrounds there will be hazardous waste collection services.
- On September 19<sup>th</sup> he attended one of several Napa Arts Council meetings held throughout the County to gather input from the public. Approximately 15 or 20 people attended.
- Kudos to Barney LaRue, Public Works Supervisor, regarding recent article in the Napa Valley Register about his grandson, Hollywood Larue, for his racing accomplishments.

Vice Mayor Dunbar commented on the following:

- Fun, unique experience that dozens shared when presidential candidate Rudy Giuliani swung through Town and visited Pacific Blues.
- At the next Council meeting there will be new addition to staff with Town Manager Steve Rogers

Recommendation: Received and Filed.

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### 13. STAFF REPORTS

Kenneth Leary, Community Services Director, reported on Upcoming Yountville Days.

- A. Report on Termination of Water Agreement Numbers 2001-39 and 2001-40 between the Town of Yountville and the City of American Canyon.

Bob Tiernan, Interim Town Manager/Planning Director, presented staff report.

Interim Town Manager/Planning Director Tiernan reported on the Yountville Shuttle and a pilot program proposal to transport residents and visitors to Lincoln Theater during the Napa Valley Symphony Events scheduled between November and April. The proposal will be presented to the Town's Transportation Advisory Committee (TAC) and if concurrence from TAC and no objection from Council, staff would forward a letter to the Napa County Transportation & Planning Agency (NCTPA) authorizing the proposed pilot program.

Michelle Price, Town Clerk, reported on Transportation Advisory Committee (TAC) Recruitment.

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### 14. FUTURE AGENDA ITEMS

- A. County Assessor Report Regarding 2007 Assessed Property Values  
B. Presentation Regarding Building and Fire Code Amendments  
C. Burgundy House Inn – Use Permit Request

Councilmember Dutton requested a future agenda item be added regarding parking throughout Town noting this is a subject that should be addressed and part of the focus should include outreach to various businesses for compliance with their use permits to ensure employees park in the designated locations.

Vice Member Dunbar concurred with Councilmember Dutton's request noting comments from the last Zoning & Design Review Board (ZDRB) meeting expressing their concerns about the on-going parking impacts.

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**15. ADJOURNMENT**

Adjourned to the Next Regular Town Council Meeting October 16, 2007.

ATTEST:

/s/ Michelle Price, Town Clerk

Approved by Town Council:

March 4, 2008