

TOWN OF YOUNTVILLE
MINUTES OF REGULAR COUNCIL MEETING
September 5, 2006

1. CALL TO ORDER – 5:30 P.M.

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

2. CLOSED SESSION

Pursuant to Government Code Section 54956.9: Conference with Legal Counsel: Bernice Ceretto Trust v. Town of Yountville, Napa Superior Court Case No. 26-29832.

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

The Council convened to the regular meeting at 6:05 p.m.

4. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was held.

5. ROLL CALL – ALL PRESENT

Council Member Bill Dutton	Kevin Plett, Town Manager
Council Member John Dunbar	Amy Lyman, Town Attorney
Council Member Steven R. Rosa	Michelle Price, Town Clerk
Vice Mayor Cynthia Saucerman	Bob Tiernan, Planning Director
	Kenneth Leary, Community Services Director
	Myke Praul, Public Works Director/Town Engineer
	Richard Stranzl, Finance Director
	Sergeant Pete Berg, Sheriff's Department Napa County

6. REPORT OF CLOSED SESSION - NO REPORT

7. ADOPTION OF THE AGENDA

ACTION: It was M/S (Dutton/Dunbar) to adopt the agenda. Vote 4-0

8. Public Comment on Matters Not Listed on the Agenda (FIVE MINUTE LIMITATION PER SPEAKER)

Donna Heinz expressed her concern regarding approximately 22 bicycles running the stop sign and at least a dozen cars rolling through the stop sign at California and Washington. Ms. Hein experienced profanity and hand gestures when she informed the cyclists that they needed to stop at the stop sign. She recognized that Council

Member Dutton had been to the bike store to discuss his concerns and she is aware of the Sheriff's work posting signs. Ms. Hein suggested a committee be formed to address the bicycle problems and suggested the committee work with locals and possibly the County in regard to Oak Knoll Avenue, Big Ranch Road, and Roads to Lake Berryessa and she offered to serve on the proposed committee. She would like to see this item appear on a future agenda for consideration.

9. APPROVAL OF CONSENT CALENDAR

ACTION: It was M/S (Dunbar/Dutton) to adopt Consent Calendar Items 9A through 9G. Vote 4-0

A. Approval of Warrants —

- Accounts payable check numbers \$389,431.96
- Total payroll and benefits \$256,947.67
- Total payments for period \$646,379.63

Recommendation: Received and Filed.

B. Approval of Minutes: August 1, 2006.

Recommendation: Approved.

C. Resolution Number 2505-06 Approving Three Party Lease Amendment between the Town of Yountville, the U. S. Postal Service, and Building Owners Arline J. Tsaconas, Constantine G. Tsaconas, and Janet and George King for parcel at the intersection of Mulberry and Washington Streets. (Assessor's Parcel Number 36-221-16)

Recommendation: Adopted Resolution.

D. Resolution Number 2506-06 Authorizing the filing of Notices of Completion for the Yountville Community Swimming Pool Project.

Recommendation: Adopted Resolution.

E. Resolution Number 2507-06 Awarding the Bid and Approving a Construction Contract with Hess Construction Co., Inc. for the construction of Hopper Creek Sediment Removal Project, SD-13.

Recommendation: Adopted Resolution.

F. Monthly Financial Report – July 2006

Recommendation: Approved.

G. Approval of Event Permits and Street Closures for Annual Yountville Days Parade and Festival October 1, 2006.

Recommendation: Approved.

10. PRESENTATIONS

Update by Sergeant Pete Berg regarding the following:

A. Traffic enforcement activities.

Traffic

Sergeant Berg reported on traffic speed improvements in the Yountville Cross Road area and stated speed signs are being used and a City of American Canyon Sheriff was assigned to the area one day to write tickets. He noted a reduction in speed and indicated the high speed is on average 48 mph.

Sergeant Berg also mentioned that resources are being spread equally throughout Town and they are still working stop signs and have also parked an empty vehicle in areas to show visibility.

Bicycles

Sergeant Berg reported sign boards have been used to advise bicyclists to stop at stops signs; he has talked to people who rent bikes and has spoken to Eagle Cyclists. He further commented there are a few bicyclists who continue to disobey the rules of the road and we deal with those who do; however, the majority of bicyclists are law abiding people who appreciate us enforcing the rules of the road.

Town Manager Plett stated he and Sergeant Berg are trying alternating tactics on both fronts by rotating the use of sign boards and radar and noted bikes out number staff.

B. Countywide Earthquake Exercise.

Sergeant Berg reported that on August 31, 2006, the Town of Yountville participated in a County wide earthquake drill. The Town's Emergency Operation Center (EOC), located at the firehouse on Solano Avenue, was opened and operated by Town staff. He was acting as an evaluator and was impressed with the efforts by Town Staff.

11. PRESENTATION OF DRAFT WATER AND SEWER RATE STUDY

Recommendation: Receive comments concerning the Study and provide direction to staff concerning future rate adjustments.

Richard Stranzl, Finance Director, along with Consultant, Greg Clumpner with Foresight Consulting Services (FCS) presented staff report.

As a result of the Water and Sewer Rate Study, the Consultant is making recommendations in the areas listed below (details can be found on page 21 of the Draft Water and Sewer Rate Study):

1. Adopt Conservation-Based Water Rates.
2. Adopt Water Financial Plan #2 (Eliminating NBA Costs Now, Subsidy After Two Years).
3. Adopt the Cost-of-Service Sewer Rate Structure and Rates.
4. Adopt Sewer Financial Plan #2.
5. Consider Commercial Landscape Meters.

Public Hearing Opened

Barry Smith stated he is one of the 5% of outside single-family residential users and wanted to know if he is correct in trying to interpret what is being recommended by the consultant which is taking a multiplier from times to 2 to times 1.25.

Town Manager Plett responded Yes.

Barry Smith commented that even at the confirmed rate what is the rationale for having any of the 35 outside rate payers pay anything more or anything different than the other 500 to 700 rate payers. Why are the outside users paying double now and why would be paying 25% more if the new rates are adopted?

Consultant Clumpner responded the rationale for most cases that have outside user rates is that these users are people who have paid for capital improvements to the system; they are taxpayers and their property taxes are allocated in a certain way; and they have supported the development of the system to a greater extent. Typically, depending on geographical locations, often it is more expensive to serve outside customers because it's further to travel and there is more infrastructure in terms of piping, and those are the general rationales for using an outside surcharge.

Town Manager Plett added that there is also the issue of subsidy which is subsidized by the Town's General Fund that is used for locals. Town Manager Plett further stated Council chose to put back in to the local residents for the impacts they suffer for the local income. So, that subsidy is generated by in town commercial business and the Town does not collect anything from outside of the town limits (i.e. TOT).

Public Hearing Closed

Council Discussion/Direction

Vice Mayor Saucerman had the following comments:

- Agrees with Consultant recommendations on conservation based water rates and the need to continue to encourage both residential and commercial users to continue to conserve;

- Agrees with comments from Council regarding the NBA costs; unfortunately, it is a very expensive insurance policy that should be kept in place for the interim. However, Town should look at eliminating the cost if it can and study all the factors that may come in to play if the Town eliminates the NBA.
- Consider eliminating the subsidy after two years to build up Town reserves;
- Concerned about the sewer rate structure and thinks it is a pretty dramatic cost to be placed on one sector of the business community all at once and suggests perhaps to save a little, implement conservation measures by installing landscape meters; and
- Willing to consider Financial Plan #2 and would like to see further study with regard to eliminating the NBA and phasing out subsidy and the impacts that it will have on the average water and sewer bill in the community as far as residential and commercial ratings.

Council Member John Dunbar expressed concern with regard to the rate imposed on outside users and would like information (i.e. examples from other jurisdictions) on the justification of a 1.25 rate structure and why it would be appropriate.

ACTION: The Town Council, by consensus, agreed to move forward with providing a public hearing notice to residents that the Town Council will be considering changes to the water and sewer rate ordinance with a potential maximum increase of no more than 7 percent water and 5 percent sewer.

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12. **PUBLIC HEARING – PRELIMINARY MASTER DEVELOPMENT PLAN – GHIRARDI PLACE – 1904 FINNELL ROAD (APN 036-341-022)**
- A. **Resolution Number 2508-06** Adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program.
Recommendation: Adopted Resolution.
- B. **Review and discussion of Preliminary Master Development Plan** 06-MDP-02, Use Permit 06-UP-10, Design Review 06-DR-07 and Subdivision Map 06-TM-03 to construct an 11-unit residential development on a seven (7) parcel subdivision consisting of three (3) parcels with a single-family dwelling on each and four (4) parcels with a duplex on each.
Recommendation: Conducted Preliminary Master Development Plan Review and provided direction to the applicant and staff.

Bob Tiernen, Planning Director, presented staff report.

Applicant Jason Janes gave presentation.

Public Hearing Opened - No Public Comment

Council Discussion/Direction Regarding the Preliminary Master Development Plan:

Council Member Rosa commented the biggest concern is the exception being requested for the garages.

Council Member Dunbar agrees with Council Member Rosa's comments above.

Council Member Dutton reiterated his comments and stated the project is extremely tight and allowing the FAR makes it extremely tighter, and it is the cumulative effect that bothers him and he doesn't see anything that has changed from his comments made previously.

Vice Mayor Saucerman stated Council needs to come to consensus on whether or not to grant the 400 square foot garage exemption on this project before the Applicant can proceed any further.

Council Member Rosa stated based on the lot layout, setbacks from the creek and overall layout of the lot they have met all of the criteria including the 14 points under the criteria for Master Development Plan, and based on that he would be willing to go with the exception.

Council Member Dunbar stated he is comfortable with granting the exception based on the following. The intent has been stated to keep the visual impact of the garages to a minimum when facing the public right-of-way or in a view corridor and agrees with Council Member Rosa the Applicant has made every effort to comply with the creek setbacks and all of the other setbacks, and the screening of the A and B Units to Finnell. He further stated he is not concerned about this project being a precedent setting case because this is such a unique parcel and Council will continue to discuss parcels on an individual basis when given such unique circumstances.

Vice Mayor Saucerman concurs with Council Members Rosa and Dunbar and stated it is a unique situation. The lot is such that the Applicant is complying with creek setbacks, rear yard setbacks and side setbacks. The project merits consideration of the exception and believes it conforms with the intent of the ordinance that the frontage is Finnell and garages are units out of sight of the frontage road.

Vice Mayor Saucerman expressed concern about hydrology and hopefully with a finished hydrology report we will get a better idea of where that runoff will actually go because she has seen flooding in that very location in front of the property as well as in front of Adventist Church.

Vice Mayor Saucerman can support the exemption.

ACTON: It was M/S (Rosa/Dunbar) to adopt Resolution Number 2508-06 adopting a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program. Vote: 4-0

Public Hearing continued to September 26, 2006 and staff will bring back a resolution incorporating those changes and concerns.

13. PUBLIC HEARING – ZONING ORDINANCE AMENDMENT TO DENSITY BONUS PROGRAM (GOVERNMENT CODE SECTION 65915)

A. *Ordinance Number 369-06* Amending Zoning Ordinance Section 6.1.d., State Density Bonus Program, to Comply with Government Code Section 65915.

Recommendation: Introduced Ordinance.

Bob Tiernen, Planning Director, presented staff report.

Public Hearing Opened – No Testimony Presented

Public Hearing Closed

Staff advised adding one concession that is required by statute to include the placement of the public utilities.

ACTION: It was M/S (Rosa/Dutton) to introduce Ordinance Number 369-06 amending the Density Bonus Program. The Clerk Read the Title and Council Waived Reading the Balance of the Ordinance. Vote 4-0

14. COUNCIL REPORTS AND COMMENTS

Report of Council Member Meeting Attendance:

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

Vice Mayor Saucerman reported the Flood Control District met to approve fencing along the Napa Valley Railroad right-of-way from Tulocay Creek to Oil Company Road.

B. Napa Valley Housing Authority (Dunbar/Rosa)

Council Member Dunbar attended the dedication of the Calistoga Farmworker Housing Center August 24, 2006. Peter Dreier, City of Napa Housing Authority Director, organized the event and it is a very impressive facility with what they have accomplished just in time for harvest and a full house is expected.

C. Upper Valley Waste Management Authority (Dutton/Saucerman)

Council Member Dutton reported the Upper Valley Waste Management Authority will be conducting the following events:

- The Electronic Recycling Program will be held September 2, 2006 and September 3, 2006 from 9:00 a.m. to 3:00 p.m. at Napa High School.
- Coastal Clean Up Week will be held September 16, 2006 through September 24, 2006. A gentleman asked if there was anyone in Yountville that would be interested in cleaning up the ecological park located at Yountville Cross Roads.

D. Napa County League of Governments (NCLOG) – CDS (Dunbar/Saucerman)

Council Member Dunbar reported that he and Vice-Mayor Saucerman attended the Community Development Strategy Task Force meeting and the main issue is the City Manager's will be reviewing the structure of NCLOG and they will return to the Task Force with recommendations on how to proceed.

E. Other Reports and Comments

Vice Mayor Saucerman reported the following:

- Town Council recently held a Town Hall meeting at the Veterans Home and those who attend provided good comments.
- Congratulations to staff for the Community Pool Opening.
- The landscaping at the Pointe looks nice and was well done.
- The bus stop in front of Villagio seems to be proceeding slowly but surely and looks very nice.
- Several people attended the Rancho de Napa grand opening of the Clubhouse and it is a beautiful facility.

- The Town recently received comments that the website is out-of-date and she wanted to let the public know that the Town is in the process of updating the website. It was suggested that people visit the website when they have a chance and provide and feedback for improvements.
- Acknowledge that the Town's Deputy Sheriff Aaron Mosley will be missed as he is either changing positions or being promoted and welcome new Deputy Sheriff Horvath.
- Reminder that Yountville Days is coming up on Sunday, October 1, 2006. If people would like to participate in the parade and/or the festival information can be obtained from Ken Leary, Director of the Community Services Department.
- A Memorial Service will be held for former Council Member Lou Jefferson on September 23, 2006 at the Event Pavilion located at Vintage 1870.

Recommendation: Receive and file.

15. STAFF REPORTS

- A. Zoning Design Review Board Recruitment.

Michelle Price, Town Clerk, presented staff report.

ACTION: No action was taken.

16. FUTURE AGENDA ITEMS

September 26, 2006:

- B. Community Center Design Agreement
C. Presentation by John Tuteur, County of Napa, Assessor-Recorder-County Clerk regarding Breakdown of School and Municipality Assessed Value Increases
D. Zoning Design Review Board Appointments

Town Manager Plett reported on additional items for the September 26, 2006 Agenda:

- Town Engineer will present a resolution for adoption recommending a few new stop signs around town.
- Met today with representatives from Napa Valley Community Housing regarding the Bardessono project and bringing forward a proposed pre-development project.
- Discussion regarding the Wine Garden Site (tentative)
- Keller Conceptual Housing Review (tentative)

Council Member Dunbar commented with the Ad Hoc restaurant coming on line in the near future if the Town can be proactive on the parking impact in the area because it is the first time in a while that both restaurants have been open and neighbors are concerned about parking overflow into the streets.

Vice Mayor Saucerman commented she had a resident from the Adventist retirement community contact her regarding walking through Washington Park and how it is very difficult because cars are parked on what we consider sidewalks or the right-of-way. The resident would like it if more space could be provided pedestrians.

Town Manager Plett responded that this topic has been discussed at the staff level.

17. ADJOURNMENT

Next regular Council Meeting – September 26, 2006

The Council adjourned at approximately 9:35 p.m. to the Special Meeting scheduled for September 26, 2006.

ATTEST:

/s/ Michelle Price, Town Clerk

Approved by Town Council:

September 26, 2006