

TOWN OF YOUNTVILLE
MINUTES OF REGULAR COUNCIL MEETING
April 18, 2006

1. CALL TO ORDER

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

2. CLOSED SESSION

Pursuant to Government Code Section 54957.6: Conference with Labor Negotiator:
Agency negotiator: Kevin R. Plett, Town Manager
Employee organization: Yountville Employees Association and Non-Represented Management Employees

3. CONVENE REGULAR COUNCIL MEETING

The Council convened the regular meeting at 6:00 p.m.

4. ROLL CALL

Council Members Present:

Council Member Bill Dutton
Council Member John F. Dunbar
Council Member Steven R. Rosa
Vice Mayor Cynthia Saucerman

Staff Members Present:

Kevin Plett, Town Manager
Amy Lyman, Town Attorney
Lisa Harper, Town Clerk
Bob Tiernan, Planning Director
Myke Praul, Public Works Director/Town Engineer
Kenneth Leary, Community Services Director
Pete Berg, Napa County Sheriff Officer
Barry Biermann, CDF Fire Captain

Council Members absent:

None

5. REPORT OF CLOSED SESSION

Town Manager Plett reported the Council met in closed session at 5:30 p.m., there was no reportable action, and Council would adjourn their meeting to continue Closed Session.

6. PLEDGE OF ALLEGIANCE

Vice Mayor Saucerman led the Pledge of Allegiance.

7. ADOPTION OF THE AGENDA

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

8. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA

There were no public comments.

9. APPROVAL OF CONSENT CALENDAR

ACTION: It was M/S/C (Dutton/Dunbar) to adopt Consent Calendar Items 1 through 5. Vote: 4-0.

1. *Approval of Warrants* —

- Accounts payable check numbers 028461 – 028531 \$280,623.74
- Total payroll and benefits 4/11/06 \$91,333.12
- Total payments for period \$371,956.86

Action: Received and Filed.

2. *Approval of Minutes:* April 4, 2006

Action: Approved.

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3. ***March Monthly Financial and Quarterly Investment Report***
Action: Approved.
4. ***Resolution Number 2458-06*** Adopting General Conditions for Town of Yountville Construction Contracts.
Action: Adopted Resolution.
5. ***Resolution Number 2459-06*** Approving Construction Contract Number 2006-154 with Fieldstone Construction Company (\$33,768.25) for the Tree, Sidewalk, Curb and Gutter Replacement March 2006 Project (SP-12)
Action: Adopted Resolution.

10. PRESENTATIONS

1. ***Resolution Number 2460-06*** endorsing and supporting Proposition 81, the 2006 California State Library Construction Bond, on the June 6, 2006 Election Ballot
Action: Received Presentation by Roberta Goodin, Napa City/County Library Commissioner and Adopted Resolution.

Roberta Goodin, Napa City/County Library Commissioner, said she was excited the bond was on the June 6th ballot, discussed the Library's Story Time where leaders read to children and requested the Council adopt the resolution endorsing and supporting Proposition 81.

ACTION: It was M/S/C (Dutton/Rosa) to adopt Resolution Number 2460-06 endorsing and supporting Proposition 81, the 2006 California State Library Construction Bond, on the June 6, 2006 Election Ballot. Vote: 4-0.

2. ***Sheriff Quarterly Report***
Action: Received and filed.

Sheriff Pete Berg gave the quarterly report and discussed statistics on crime trends, traffic enforcement, vandalism and accident data. He noted officers would soon be patrolling the Town on bicycles and on foot because of the weather.

Council Members supported patrol on foot and on bicycles and confirmed with Sheriff Berg that residents had not yet organized a neighborhood watch group, which had been discussed at the last Town Hall meeting.

3. ***Fire Quarterly Report***
Action: Received and filed.

Fire Captain Barry Biermann gave the quarterly report and discussed statistics on calls relating to fire and medical aid, public assists, traffic collisions, fire alarms, future personnel changes, activities occurring as a result of the New Year's Eve flood event, the Silver Oak fire, the Veteran Home fire, and said the Uniform Fire Code Inspection Program was successful and being well received by merchants in town.

Council Members thanked the Fire and Sheriff Department staff for their great work, especially with the elderly and school-aged children.

11. PUBLIC HEARING –USE PERMIT REVOCATION – JOHN NOYES - 1901 YOUNTVILLE CROSS ROAD (APN 036-042-001)

1. Revocation of Use Permit for non-compliance with Use Permit Conditions, Town Code and Building Code
Action: Discussed and direct staff to return to the May 2, 2006 Council Meeting with a Resolution to revoke the Use Permit.

Council Member Dunbar excused himself from the Council Chambers and from participation in the public hearing due to a conflict of interest relating to his residence being within 500 feet of the project.

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Planning Director Bob Tiernan gave the staff report, said on July 19, 2005 there was a use permit amendment request and design review before the Council to locate a modular home on the site. The amendment was approved by Resolution with conditions, some of which would bring the structure into building code compliance. Since then, staff has attempted to have the applicant comply with the conditions and several documents in the staff report reflected this effort.

Mr. Tiernan said the project remained in a non-compliance status and in the course of dealing with the applicant on the modular unit, there were un-permitted uses being conducted on the site which involved marble countertop cutting, cabinet storage, the existence of a storage container that was moved onto the site and a hauling business.

He said staff would be pursuing abatement under a separate process, but what was before the Council was non-compliance on the modular unit. A letter from the property owner was received to request continuance of the hearing, and the owners indicated they were committed to bringing the use into compliance, as well as the permit status for the modular unit. Staff was therefore requesting direction on the item. He said staff could return with a resolution to grant the use based on the mobile unit passing inspection within 30 days; however, remaining items included the following:

1. The need to pull a septic holding tank permit with Napa County, where after connection to the Town would need to occur in 60 days;
2. Roof alteration permit for the modular unit;
3. ADA compliance issues with the modular unit;
4. Miscellaneous electrical corrections;
5. An OSHA required site visit.

Council Member Rosa confirmed with staff that certified letters relating to operation of the business were sent to the property owner, who was also made aware of the problems in person.

The Vice Mayor opened the public hearing.

Brian Knight, property owner, said he supported staff's recommendation and would ensure that necessary compliance and permitting was completed. He said the container was removed and the retained use of the property was specifically for the fence company. He acknowledged he was ultimately responsible, had been working on resolving the matter with staff, said he had only received one letter dated March 22 but had also verbally discussed the situation with staff.

Public Comment:

Angela Hayes, voiced concerns of residents along Stags View Lane regarding the business, said she reviewed Section D.3 relating to mixed uses, however, the intensity level had increased and had reached unbearable levels for residents. Loud noise occurred seven days a week from 7:15 a.m. through late evening, employees arrive and leave throughout the day, there are high pitches of granite cutting heard from every room of her house which was well above an acceptable ambient noise level, there are constant, foul verbal altercations between Mr. Noyes and his employees, increased traffic, the storage of 4 trucks, 3 tractors, 1 hauling truck and other vehicles which were consistently being used, and she said more than one business was being operated from the site. She said big rig trucks block the residential area when supplies are delivered, there is significant dumping of cement, wood and garbage waste visible at the sidewalk, work occurring every weekend including Sundays and workers are spinning donuts and having tractor chasing games in the mud. She felt the Knight family employees were considerate but the business operator's employees were horrible, asked the Council to take into consideration of rights of homeowners and requested the Council revoke the use permit.

Sharon Stensaas, echoed similar concerns, acknowledged there was waste storage on the site and questioned whether this was a separate use, and voiced concerns and questioned the substance located in barrels on the property.

Mr. Noyes had no comments.

The Vice Mayor closed the public hearing.

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Council Members had questions and concerns relating to the existence of significant documentation by staff on the matter, requested compliance be resolved within 30 days, discussed the site's current intensity level versus what was approved as a use by the Knight Fence Company, noise and illegal use of cutting of granite, the branching out of other businesses and uses by Mr. Noyes, and the amount of time staff has worked on resolving the matter without compliance. After discussion the Council unanimously agreed the use permit should be revoked and directed staff to return to the next Council meeting with a resolution doing so.

Town Manager Plett noted staff would prepare a resolution with findings for the May 2nd Council meeting, confirmed that immediate abatement of the violations would be pursued by staff, that illegal uses should cease and desist immediately and in the interim, the owner work with staff on applying for a new use permit or work with Mr. Noyes to relocate the additional business operations not approved for the site.

Brian Knight, property owner, agreed to work with staff on straightening out the use permit and getting back to solely operating a fencing business.

NOTED PRESENT

Council Member Dunbar returned to participate in the meeting at 6:48 p.m.

12. PARK USE GUIDELINES AND FEES

1. **Resolution Number 2461-06** approving Park Use Guidelines and Fees and Rescinding Resolution Number 1816-00

Action: Adopted Resolution.

Community Services Director Kenneth Leary said the Council previously approved Resolution Number 1816-00 on November 7, 2000 establishing park reservation guidelines and had initially instituted the system to address the impact of heavier seasonal use at parks.

He said guidelines cover fees to reserve park picnic areas by residents, local business, non local residents and non local businesses, local residents and businesses are not required to pay fees to reserve park picnic areas and reservations are not required to use park picnic areas; which were available on a first serve basis. However, he said there were times that necessitated definitive use of picnic areas and where reservations were recommended.

He said the municipalities of St Helena, Napa and American Canyon all charged fees to reserve picnic areas and Yountville fees per reservation were lower than all the towns surveyed. In addition, all other towns charge residents and charge a higher fee to reserve larger sites. Staff anticipates a continued strong demand and projects new fees would generate approximately \$3,000-\$5,000 over the next two years if adopted. The new fees would be used to offset the costs of maintaining picnic areas and making improvements to reservation signage, and therefore, staff recommended adoption of the resolution approving park guidelines and fees and rescinding Resolution Number 1816-00.

Council Members had questions and comments relating to whether residents were having difficulty in scheduling parks, confirmed fees included set up and clean up time within the 4 hour timeframe, discussed annual users, the reservation system and deadline for cancellations.

There was no public comment.

ACTION: It was M/S/C (Dutton/Rosa) Resolution Number 2461-06 approving Park Use Guidelines and Fees and Rescinding Resolution Number 1816-00. Vote: 4-0.

13. FUTURE AGENDA ITEMS

May 2, 2006:

1. Community Center Preliminary MDP
2. Villagio Spa Preliminary MDP
3. Resolution Setting Day Camp Fees

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Town Manager Plett reported on future agenda items, stating additionally the Council would also add the use permit revocation item from earlier discussions.

14. COUNCIL REPORTS AND COMMENTS

1. Report of Council Member Meeting Attendance:

- a) Community Affordable Housing Adv. Board and NVHA Meeting (4/10-Dunbar/Rosa)
 - b) Mosquito Abatement District Board (4/12-Rosa)
 - c) NCLOG CDS Meeting (4/13-Saucerman & Dunbar)
 - d) NGLOG Meeting-Calistoga (4/13-All)
 - e) Upper Valley Waste Management (4/17-Dutton)
 - f) NCFC&WCD Meeting (4/18-Saucerman)
 - g) Other Reports and Comments
- Recommendation: Receive and file.

Rosa:

- Reported attending the April 12 Mosquito Abatement meeting, said there is an increased mosquito population due to the rain, said the surveillance for dead birds would begin in June, and recommended residents be alert;
- Reported receiving a flyer on the Avian Influenza and asked that it be distributed.

Dunbar:

- Reported the Valley Housing Authority approved their budget which would be passed onto the Board of Supervisors;
- Reported the Farmworker Centers were changing staff salaries due to the value of accommodations and federal regulations;
- Reported that Foster's Wine Estates was taking the place of the delayed Calistoga farmworker housing center;
- Attended the NCLOG CDS meeting with the Vice Mayor, with an update provided on the Napa County General Plan moving forward;
- He reported the Napa Visitor's Profile Study and Economic Impact Study was completed which revealed \$1.2 billion of economic impact with 17,500 jobs being created;
- Commended the Community Services staff for the Breakfast with the Bunny, which was popular;
- Requested that staff investigate the parking signs at WestAmerica Bank which prohibit users other than bank patrons.

Dutton:

- Attended the Allied Council meeting where the May 6 Moving Wall was discussed, said volunteers were needed and Susan Hines was coordinating the event;
- Reported the fire at the Veteran Home cafeteria was substantial; however, they would soon be up and running with temporary operations at the Café;
- Reported the opening of the Simulation Center at the Veterans Home on Thursday from 3:00 to 5:30 p.m. which would address with health care procedures and training with the use of mannequins;
- He met with Jim Krider regarding new telecommunication bills moving forward through state and federal channels, said cities were concerned with losing control of public access, possible reduction in franchise revenue, and some communities could be significantly impacted;
- He attended the Upper Valley Waste Management meeting, a consultant was hired to work on rate methodology which should be completed by July 1st;
- Reported Earth Day would be held this Saturday at Skyline Park from 11:00 a.m. to 4:00 p.m.;
- Reported an Electronics Recycling Event would be held on Saturday and Sunday, April 29 and 30 at Napa High School, and Napa College recycling event would be held in June;
- Reported that Rebuilding Napa Valley Together would occur on April 29, said there were no units approved in Yountville, and those interested in volunteering should call 944-0630 or him at 944-0240;
- Thanked staff for the Breakfast with the Bunny.

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Saucerman:

- Attended the CDS meeting on telecommunications with Council Member Dutton;
- The Flood Control meeting was canceled due to lack of business;
- Attended the NCLOG dinner meeting and a presentation was held by the League on the Children's Health Initiative of Napa County, a program for free or low cost insurance. She reported approximately 4,000 children in Napa County had no health care insurance;
- Reported Napa County Superior Court was looking for Grand Jury applicants; and if interested contact Steven Kroyer at the Superior Court office at 299-1106;
- Reported the Easter egg hunt was good except for the weather, thanked Community Services staff for setting it up and hiding 3,000 eggs.

15. STAFF REPORTS

1. Update on Community Swimming Pool Project;
2. Update on the Washington / Yount Street Intersection Improvement Project

Public Works Director/Town Engineer Myke Praul reported the weather was changing and work was starting to accelerate, however, there were significant amounts of mud affecting the pool project. He reported concrete would be poured this week, framing would begin on the east side of the building, the roof had been sheeted and coated with tar paper, the pool contractor would start Monday and staff was excavating around the pool for ready access. They would begin forming up the children's pool and hopefully work would be completed within three weeks with the pool and restrooms ready for opening by Memorial Day weekend.

Regarding the intersection improvement project, Mr. Praul reported J.A. Gonsalves had returned to work on the site, new concrete curbs and sidewalks would be poured sometime next week, grinding would occur the end of next week, and noted no contamination on the spoil site He also reported the Municipal Well project had been delayed due to mud.

Council Members questioned budget impacts for the pool project and Mr. Praul said any added cost would come from the contingency, said the project was still under budget and discussed an additional unforeseen need to add base rock around the pool of approximately \$10-15,000. Council confirmed with staff the pool's operation would be tested prior to opening day.

Town Manager Kevin Plett reported the Town had also been informed by Common Greens they would not be holding a Farmer's Market this year.

16. ADJOURNMENT

The Town Council adjourned the meeting to Closed Session at 7:31 p.m., adjourned at 8:25 p.m., and thereafter to the next regular Council Meeting to be held May 2, 2006.

ATTEST:

/s/ Lisa Harper, CMC, Town Clerk

Approved by Town Council:

May 2, 2006