

TOWN OF YOUNTVILLE

MINUTES OF REGULAR COUNCIL MEETING

APRIL 5, 2005

I. CLOSED SESSION

Mayor Carlson called the meeting to order at 5:35 pm.

I. ROLL CALL:

Council Members Present:

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

Staff Members Present:

Kevin Plett, Town Manager
Diane Price, Town Attorney
Heidi Timken, Attorney at Law

Pursuant to Government Code Section 54956.8:

Conference with Real Property Negotiator:

Property: 6500 Yount — APN 036 221 018

Agency negotiators: Kevin Plett, Town Manager; Diane Price, Town Attorney;
and Todd Carlson, Mayor

Negotiating Parties: Vintage Inn Partners

Under negotiation: Price and Terms of Payment

Recessed to regular meeting:

1. CALL TO ORDER.

Mayor Carlson called the meeting to order at 6:08 pm

2. PLEDGE OF ALLEGIANCE.

Council Member Steven Rosa led the Pledge of Allegiance.

3. ROLL CALL:

Council Members Present:

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

Staff Members Present:

Kevin Plett, Town Manager
Diane Price, Town Attorney
Bob Tiernan, Planning Director
Richard Stranzl, Finance Director
Myke Praul, CIP/PW Manager
Kenneth Leary, Community Services Director
Sgt. Tracey Stuart, Regional Sheriff

4. CLOSED SESSION REPORT

Kevin Plett, Town Manager indicated there was no action to report from the 5:30 pm Closed Session.

5. ADOPTION OF AGENDA

- **Motion** Vice Mayor Saucerman, second Council Member Dunbar to adopt the agenda as presented Motion carried by unanimous vote.

6. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA (FIVE MINUTE LIMITATION PER SPEAKER)

Debbie Alter-Starr, Larkspur Street indicated that kids have more pressures and lower self-esteem than ever before. She asked that Council fund a prevention program for youth that emphasizes the self-esteem and adopt a mission statement towards recreation programs for fitness and wellness.

Mayor Carlson suggested Ms. Alter-Starr leave the material for copying and distribution to the Council during the Goal Setting Session on Friday and that staff remind Council of her comments at that time.

7. APPROVAL OF CONSENT CALENDAR

1. **Approval of Warrants:**

- Accounts payable check numbers 026982 - 027040 \$79,803.24
- March 29, 2005 payroll and benefits \$63,656.28
- Total payments for period \$143,459.52

2. **Approval of the Minutes:** March 22, 2005

3. **Resolution 2336-05** Awarding Bid to D & D Pipeline, Inc., for the Construction of Sewer Main Replacement on Jefferson Street CIP #WW-25, for a Total Contract Amount of \$55,130.00, and Authorizing the Town Manager to Sign the Agreement for the Work.

4. **Resolution 2337-05** Approving Amendment No. 2 to the Funding Agreement (Town Agreement Number 2003-87) with Napa County Flood Protection and Watershed Improvement Authority to Use Measure "A" Funds for Debt Service Requirements of the Flood Barrier Project

5. **Resolution 2338-05** Approving Budget Adjustment Number 2005-05 Amending the Budget and Appropriating Additional Funds for Law Enforcement Services Contract Costs in Fiscal Year 2004-05

6. **Resolution 2339-05** Approving Community Hall Use Guidelines, Fee and Deposit Revisions and Rescinding Resolution Number 2224-04

- **Motion** Vice Mayor Saucerman, second Council Member Dutton to approve Consent Calendar items 7.1 through 7.6 and waive the reading of resolutions. Motion carried.

Ayes: Dutton, Saucerman, Dunbar, Rosa, and Carlson

Noes: None

Absent: None

Abstain: None

Kevin Plett, Town Manager introduced Captain Michael Loughran from the Sheriff's Department with whom he had been working closely on Item 7.5.

8. PRESENTATIONS

1. Proclamation for Victims Rights Week

Mayor Carlson read the Proclamation and presented it to Linda Jardine who accepted it on behalf of the Victim/Witness Program..

2. Proclamation Child Abuse Prevention Council

Mayor Carlson introduced the Proclamation for the record, indicating the event was coming up on April 15 at the Community Hall from 9 am to Noon.

3. Mosquito Abatement District Presentation by Wesley Maffei, Manager
Council Member Rosa introduced Wesley Maffei.

Mr. Maffei reviewed the history of the District indicating that Napa County had approximately twenty species of mosquitoes; a couple of them being disease carriers and the others pests so that when the District was formed it was mostly pest control. That has completely changed; the mosquitoes carrying virus are mosquitoes that breed around the home in fishponds, buckets, sumps, and drains with improper drainage. One container in one yard and those mosquitoes can affect a two square mile area. Last year, the virus was found in dead birds in American Canyon, Napa, and Yountville. CDC and the State tell us this year will be bad. Water stagnating from five to seven-days serious problems with mosquitoes arise: if it's really small like a bird bath, just change the water out; if it's a larger fountain, use mosquito fish or BTI donuts available at most hardware stores and nurseries; or, if the water is constantly in motion, mosquitoes don't like it.

4. Terry Krieg – CPA, Town Auditor, Presentation of 2003-04 Comprehensive Annual Financial Report

Richard Stranzl, Finance Director introduced Terry Krieg, CPA, and Auditor.

Terry Krieg, Auditor indicated it was the independent auditors opinion that the Town's financial statements represent fairly the financial position of the Town's governmental activities, business-type activities, and major funds for fiscal 2003/04. That the financial statements do present fairly the financial position of all of the activities and funds, and changes in financial position conform with generally accepted accounting principles of the United States of America.

9. **YOUNTVILLE COMMUNITY HALL KITCHEN**

Resolution Number 2340-05

Kenneth Leary, Community Services Director reviewed the Staff Report.

- **Motion** Council Member Dutton, second Vice Mayor Saucerman to adopt *Resolution 2340-05* Naming the Community Hall Kitchen “Barbara’s Kitchen” in Recognition of Barbara J. Dulinsky’s Many Contributions to the Town and Community, and waive the reading.

Ayes: Saucerman, Dunbar, Rosa, Dutton, and Carlson

Noes: None

Absent: None

Abstain: None

10. **PUBLIC HEARING — DESIGN REVIEW AND SIGN PERMIT**

Applicant: Philippe Jeanty

Site Location: 6725 Washington Street (APN 036-032-008) Pere Jeanty

Application: Proposal to construct a new Washington Street entry onto the existing deck of the restaurant, including steps and handrails; a new east side awning sign and a new menu sign with light; and changes to existing wall mounted signs to reflect a name change to P.J. Steak.

Resolution 2341-05

Bob Tiernan, Planning Director reviewed the Staff Report.

Philippe Jeanty indicated the reason for the change was to make the front of the building more pedestrian friendly to passers-by who cannot tell if the business is open when the patio is closed.

PUBLIC HEARING OPENED: 7:11

No public comments made.

PUBLIC HEARING CLOSED 7:11:05

- **Council recommendation** to place signage indicating parking in the back, staff observe for parking impacts, and place either signage or railroad ties to indicate no parking.
- **Council consensus** to approve the size of the sign letters as presented; menu sign light should be discreet and proportionate to the menu and not overpowering.
- **Motion** Vice Mayor Saucerman, second Council Member Rosa to adopt *Resolution 2341-05* Approving Design Review Application 05-DR-06 and Sign Permit Application 05-SR-01 for exterior modifications and sign changes to an existing restaurant building located at 6725 Washington Street, P. J. Steak (formerly Pere Jeanty) with the amendments and recommendations by Council to staff, and waive the reading. Motion carried.

Ayes: Dunbar, Rosa, Dutton, Saucerman, and Carlson

Noes: None

Absent: None

Abstain: None

11. PUBLIC HEARING — FARMERS MARKET

Application type: Use Permit

Applicant: Common Greens, a farmers market management team

Site Location: 6539 Washington Street
Compadres Mexican Bar and Grill Parking Lot

Proposal: Farmers Market Use Permit

Description: The applicant is seeking approval of a Use Permit for a Farmers Market.

Environmental Rev: Categorically Exempt – CEQA Guidelines §15301(n) – Existing Facilities

Resolution 2342-05 Approval of a Use Permit for the Yountville Farmers Market at Compadres Mexican Bar & Grill at 6539 Washington Street

Kenneth Leary, Community Services Director reviewed the Staff Report.

Joan Taramasso, applicant reviewed the history of Common Greens.

PUBLIC HEARING OPENED 7:29

No Public comments made.

PUBLIC HEARING CLOSED: 7:29:05

- **Motion** Council Member Dutton, second Vice Mayor Saucerman to adopt Resolution Number 2342-05 Approving a Use Permit for the Yountville Farmers Market at Compadres Mexican Bar & Grill at 6539 Washington Street and waive the reading.

Ayes: Rosa, Dutton, Saucerman, Dunbar, and Carlson

Noes: None

Absent: None

Abstain: None

RECESS: 7:30 pm to 7: 43 pm

12. PUBLIC HEARING — APPEAL: ZONING & DESIGN REVIEW BOARD DECISION

Applicant: Jason T. Janes
Property Owner: Joseph and Patricia Rossi
Site Location: 6911 Yount Street (APN 036-027-002)
Application: Appeal of a portion of the Zoning & Design Review Board determination pertaining to standard setback requirements for single-family dwellings.

Bob Tiernan, Planning Director reviewed the Staff Report indicating on March 8, 2005, the ZDRB took action to approve the front yard orientation while maintaining standard yard setbacks. The ZDRB did not find anywhere in the ordinance that allowed anything other than standard yards and were concerned about establishing a precedent for flag lots. They were not opposed to amending the ordinance in the future to provide yards for a flag lot situation; but at this time, no such provisions exist and they wanted to stay with the standard yards for Old Town Historic zone district. The applicant has appealed that decision.

Council Member Dunbar indicated he met with the applicant and walked the area; then asked if there were screening requirements of the carport.

Bob Tiernan, Planning Director indicated it was located some 100+ feet from the street so the necessity of screening would be minimal.

Council member Dunbar asked, if the garage and second unit interpretation was that the north elevation was a side yard and the ten feet was compliant; then when was it in non-compliance.

Bob Tiernan, Planning Director indicated the main body of the house was oriented toward the north side.

Mayor Carlson indicated the interpretation of ZDRB was that there needed to be just one orientation, not two. That was the appeal; the ZDRB decision that the north facing was the front yard for both the garage and the house.

Vice Mayor Saucerman indicated the plan was in compliance if it was assumed the front yard for the garage and second unit faced east and since the design ordinance did not permit that they were stuck with the north as the front and south as the back.

Council Member Dunbar asked if the ordinance was vague in declaring the restriction of having multiple orientations; was it unclear that there had to be a single orientation.

Bob Tiernan, Planning Director indicated the ordinance requirement was to establish the front orientation at time of application, which denoted some flexibility.

Council Member Rosa asked if the applicant agreed to the front or was it staff recommendation.

Bob Tiernan, Planning Director indicated it was hammered-out at the time of application.

Council Member Rosa asked if there would be room on the south end of the lot if they moved house over five feet.

Jason Janes, applicant referred to the February 15, 2005, hearing, indicating that while it was strictly limited to the parcel map, the Staff Report, under discussion analysis #2, included the statement “setbacks for each residential structure for the proposed property lines meet design standards.” There was a lengthy discussion during the parcel map hearing about what had been determined was to be the front and how it worked. On page three, last paragraph in the ‘Discussion’ section, states the role of a front yard in the Design Ordinance “to provide a setback from the street and separations from adjacent buildings to ensure privacy and adequate light and air;” by definition, a flag lot achieves that purpose; the other point was how it impacted the neighbors. One point brought up was that if there were two fronts, was the application compliant; and, of course, it was

not only compliant, it exceeded the requirement. For a side yard, it was five feet for the first story and then went up; he was proposing ten.

On the question of moving the building over a few feet, that had already been done.

Another point made was that the Design Ordinance did not specifically allow two fronts, nor does it specifically preclude two fronts; it allows flexibility.

Mr. Janes referred to an alternate definition of a front yard from another jurisdiction that discussed the purpose of a front yard: then addressed other questions by Council Members:

- What if the east was the front yard: the Design Ordinance does not say that the flag portion has to be the front.
- Screening of the parking for second unit: he understood that regardless of where the carport was located, one of the parking spots for the main dwelling needed to be screened.
- Moving the building five- feet; it was already moved to make the project work.
- Changing the second unit: was a discouragement from providing a second unit. Another way to address it was to make the second unit smaller.
- Narrowing the second unit stairwell by 4'3:" The house was deliberately designed without an exterior stair access. An exterior stair access was exempt from setback requirements; but a person walking up the stairs would be looking down into someone's back yard. In regards to reducing the width of the stairs, they were too steep to get to the second floor without having the intermediate landing.

Mayor Carlson disclosed he met with the applicant today and walked the parcel.

PUBLIC HEARING OPENED 8:25

No Public comments made.

PUBLIC HEARING CLOSED: 8:25:05

- **Motion** Council Member Dutton, second Council Member Dunbar to approve the appeal and determine that the design criteria has been met and approve application 05-DR-02, subject to the conditions of approval in attachment A of the original staff report from Zoning and Design Review Board. Motion carried by roll call vote:

Ayes: Saucerman, Dutton, Dunbar, and Carlson

Noes: Rosa

Absent: None

Abstain: None

Recused: None

13. MUNICIPAL WELL PROJECT

Presentation of Draft Ground Water Management Plan and Draft Finance Plan for Municipal Well Project

Council Member Dutton recused and left the room due to his residence being within 500 feet of the project.

Kevin Plett, Town Manager recommended Council review the Draft Ground Water Management Plan and Draft Finance Plan separately.

Myke Praul, CIP/PW Manager reviewed the Staff Report and presented the Draft Ground Water Management Plan.

Richard Stranzl, Finance Director reviewed the Staff Report and presented the Draft Finance Plan.

- **Council consensus:**
 1. Direct staff to continue the public and stakeholder outreach for the proposed project to solicit comments for inclusion in the final Ground Water Management Plan.
 2. Bring back analysis of options 2 and 3 in the for Council’s further consideration.

Council Member Dutton returned to the dais.

14. COUNCIL AGENCY REPRESENTATION

1. Review and appointment of Council Committees

AGENCY	REPRESENTATIVE	ALTERNATE
• Napa County Flood Control and Water Conservation District Board	Mayor (automatic)	Cynthia Saucerman, Vice Mayor
• Napa county Transportation Planning Agency	Steven Rosa Council Member	Bill Dutton Council Member
• Napa County Farm-worker Housing Oversight Committee	Steven Rosa Council Member	Bill Dutton Council Member

2. Appointment of ABAG General Assembly voting delegate and alternate.

• Association of Bay Area Governments General Assembly	Todd Carlson Mayor	Cynthia Saucerman Vice Mayor
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- **Motion** Vice Mayor Saucerman, second Council Member Dutton to confirm the appointments as stated. Motion carried.

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

15. FUTURE AGENDA ITEMS

April 19, 2005

1. Presentation of Impact Fee Study and Ordinance
2. Approval of Ground Water Management, Finance Plan, and Approving the Solicitation of Bids for Municipal Well Project
3. Capital Projects Manager position discussion
4. Design Review for Redd Restaurant

May 3, 2005

1. Introduction of Municipal Grading Ordinance
2. Introduction of Amendments to Water Emergency Ordinance
3. Set dates for 2005/06 Budget Work Sessions

Kevin Plett, Town Manager indicated the April 19 presentation of Impact Fee Study did not include the ordinance.

16. COUNCIL REPORTS AND COMMENTS

Council Member Dutton:

- Attended North Bay Division League of California Cities in Suisun City where Darrell Hall, Director of Transportation for Solano County, spoke on the various programs they have in progress, including Jameson Canyon.
- Noted cancellation of the Upper Valley Waste Management meeting.
- Thanked the Recreation Department for a very successful Easter Egg Hunt and for the breakfast.
- Reminder that Little League starts on Saturday.

Council Member Rosa indicated it was a pleasure to be sitting on the Council.

Council Member Dunbar:

- Echoed Council Member Dutton's thank you regarding the Easter Egg Hunt.
- Reminded everyone of Friday's Goal Setting session and encouraged everyone who might have anything they wanted Council to consider, get in touch with him, other Council members, or staff.
- Thanked staff for working with law enforcement staff to keep Yountville safe

Vice Mayor Saucerman thanked the Community Services Department for great breakfast before the Easter Egg Hunt.

Mayor Carlson:

- Received a letter from Eric Quast on Heritage Way, asking if Council would consider a skate park behind the elementary school and run by staff.
- Received letter regarding leaf blowers and asked if Council would like to review this issue. Council consensus: direct staff to bring back for Council review.
- Received a letter from Gilbert Martin, Veterans Home, asking if Council would take a position on rights from the Louisiana Purchase Treaty. He directed the letter to the Town Attorney. It was not an issue the Town could do anything about and he would follow up on the issue up with Mr. Martin.
- Received a letter regarding replacement of the Teeter-totter at Yountville Park.
- Received a comment from a resident regarding re-marking the crosswalk across from Hurley's
- Request from resident to go back to twice a year cleanup days.
- Little League opening this Saturday at 9:00 am.
- Reminder on Goal Setting session
- Reminder April 15 at Community Hall on Child Abuse Prevention
- Indicated he will be absent from the May 3 Council meeting.

17. STAFF REPORTS

None

RECESS TO CLOSED SESSION AT 9:22 pm

18. CLOSED SESSION:

1. **Pursuant to Government Code Section 54956.9:**

Conference with Legal Counsel - Anticipated Litigation

Initiation of litigation pursuant to subdivision (c)

Number of cases: One (1)

2. **Pursuant to Government Code Section 54957.6:**

Conference with Labor Negotiator:

Agency negotiator: Todd Carlson and John Dunbar

Employee: Town Manager

- **Motion** Council Member Dutton, second Council Member Dunbar to continue the meeting past 10:00 pm. Motion carried by unanimous vote.

19. **ADJOURNMENT**

Mayor Carlson adjourned the meeting at 10:26 pm.

ATTEST

K. Joyce Houghton, CMC, Town Clerk

Approved by Town Council on

April 19, 2005