

TOWN OF YOUNTVILLE  
MINUTES OF REGULAR COUNCIL MEETING  
December 2, 2008

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**1. CALL TO ORDER – 6:00 P.M.**

Mayor Saucerman called the meeting to order at 6:02 p.m.

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**2. CLOSED SESSION - NONE**

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

Mayor Saucerman convened the regular 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:**

Mayor Cynthia L. Saucerman, Vice Mayor John F. Dunbar and Councilmembers William “Bill” Dutton and Lewis G. Chilton

Councilmember Steven C. Rosa from Agenda Items 1 through 11.

Councilmember-Elect Marjorie A. Mohler from Agenda Items 12 through the remainder of the Agenda.

**Town Staff Present:**

Steve Rogers, Town Manager; Amy Valukevich, Town Attorney; Bob Tiernan, Planning/Building Director; Michelle Dahme, Town Clerk; Myke Praul, Public Works Director/Town Engineer and Kenneth Leary, Community Services Director

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**6. CLOSED SESSION REPORT - NONE**

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**7. ADOPTION OF THE AGENDA**

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

**Ayes: Rosa, Dutton, Chilton, Dunbar and Saucerman**

**Noes: None**

**Absent: None**

**Abstain: None**

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**8. Public Comment on Matters Not Listed on the Agenda  
(Five-minute limitation per speaker)**

None

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**9. APPROVAL OF CONSENT CALENDAR**

Michelle Dahme, Town Clerk, modified the Appendix of the Conflict of Interest Code to add the Parks and Community Service Commission (rather than Community Hall Commission).

**ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Rosa to approve Consent Calendar was unanimously approved, as amended above.**

**Ayes: Dunbar, Rosa, Dutton, Chilton and Saucerman**

**Noes: None**

**Absent: None**

**Abstain: None**

**A. *Approval of Warrants***

- Accounts payable check numbers \$704,667.55
- Total payroll and benefits \$ 70,026.12
- Total payments for period \$783,693.68

Recommendation: Received and Filed.

**B. *Adopt Resolution Number 2732-08* Approving non-substantive changes to the Conflict of Interest Code for the Town of Yountville.**

Recommendation: Adopted Resolution, as amended.

**C. *Adopt Resolution Number 2733-08* Approving a Professional Services Agreement with Larry Walker & Associates authorizing the preparation of the documents for and to negotiate with the Regional Water Quality Control Board for permit renewal for the Wastewater Treatment Plant.**

Recommendation: Adopted Resolution.

**D. *Approval of Minutes* – November 18, 2008.**

Recommendation: Approved.

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**10. PRESENTATIONS**

**A. Presentations in recognition of outgoing Councilmember Steven C. Rosa.**

Mayor Saucerman on behalf of the Town Council presented a Plaque and Proclamation from the Town and a Certificate of Appreciation from California State Senator Patricia Wiggins and Assemblywoman Noreen Evans in recognition of Councilmember Rosa's years of service to the Town.

Kenneth Leary, Community Services Director, presented poem to Councilmember Rosa.

Councilmember Chilton presented slideshow of Councilmember Rosa's experiences while working as an employee at Town Hall.

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**11. CANVASS OF ELECTION RESULTS**

*Consider Adoption of Resolution Number 2734-08* Reciting the facts of the General Municipal Election Held on November 4, 2008 and declaring the results and such other matters, as provided by law.

Recommendation: Adopted Resolution.

Michelle Dahme, Town Clerk, presented staff report.

**ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Dutton to Adopt Resolution Number 2734-08 Reciting the Fact of the Consolidated General Municipal Election Held on November 4, 2008 and Declaring the Results and Such Other Matters as Provided by Law identifying Lewis G. Chilton and Marjorie Mohler as New Members of the Yountville Town Council and Approving Measure M was unanimously approved, as shown below:**

1. The persons voted for at the election to fill the offices of two (2) Councilmembers:

Lewis G. Chilton, Councilmember	864
Marjorie Mohler, Councilmember	755
Jay Caldwell, Councilmember	617
Chris Pommerening, Councilmember	408

2. That the Measure voted upon at the election was as follows:

<b>Measure M</b>	
"Shall the Town of Yountville hold an election each time the Town may pay for a Town project or improvement by issuing "revenue bonds" and the outstanding aggregate amount of such bonds will exceed \$2,000,000?"	
An election would not be held if the Town is complying with state or federal mandate, or responding to emergency."	
Votes Cast In Favor	965
Votes Cast Opposed	672

**Ayes:** Dunbar, Dutton, Rosa, Chilton and Saucerman

**Noes:** None

**Absent:** None

**Abstain:** None

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**12. ADMINISTER OATH OF OFFICE AND PRESENT CERTIFICATE OF ELECTION**

- A. Lewis G. Chilton
- B. Marjorie A. Mohler

Michelle Dahme, Town Clerk, administered the Oaths of Office.

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**13. APPOINT VICE MAYOR TO TOWN COUNCIL**

**ACTION: A Motion by Councilmember Dutton; Seconded by Councilmember Chilton to reappoint John F. Dunbar as Vice Mayor was unanimously approved.**

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

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**14. RECESS TO HONOR OUTGOING COUNCILMEMBER STEVEN C. ROSA AND TO CONGRATULATE AND WELCOME COUNCILMEMBER MARJORIE A. MOHLER**

Council recessed to honor outgoing Councilmember Steven C. Rosa and to Congratulate Lewis G. Chilton and Marjorie A. Mohler.

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**15. HERITAGE TREE REMOVAL REQUEST – YOUNTVILLE INN EXPANSION PROJECT – 6409-6449 WASHINGTON STREET**

*Consider Adoption of Resolution Number 2736-08* Approving a request for removal of a Heritage Tree located at the Yountville Inn Expansion site located at 6409-6448 Washington Street.

**(CONTINUED FROM NOVEMBER 18, 2008 COUNCIL MEETING)**

Recommendation: Adopted Resolution.

*Councilmember Dutton recused himself due to a conflict of interest resulting from her primary residence being located within 500' of this project and left Council Chambers.*

Bob Tiernan, Planning Director, presented staff report.

Planning Director Tiernan advised the Project Sponsor has volunteered to contribute and additional four, 24" Valley Oaks to be planted off site at a location to be determined by staff and will update the Conditions of Approval to reflect this change.

*Public Comment – None*

**MINUTE ORDER ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Chilton to provide the Town Manager with direction to remove the tree, develop commemorative process consistent with the Council's outline and bring formal resolution to the January 6, 2009 Council meeting was unanimously approved.**

**Ayes: Dunbar, Chilton, Dutton, Mohler and Saucerman**

**Noes: None**

**Absent: None**

**Abstain: None**

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**16. DISCUSSION AND POSSIBLE ACTION REGARDING HEALTH AND SAFETY OF HOPPER CREEK HERITAGE OAK TREE**

Recommendation: Received Staff Report and Provided Direction to Staff.

*Councilmember Dutton returned to Council Chambers.*

Myke Praul, Public Works Director, presented staff report.

Steve Rogers, Town Manager, clarified if Council's review of the information is such that Council is prepared to make recommendation for tree removal, Council can take that action and staff can move forward.

*Public Comment*

Carol Fink commented she appreciates the carefulness and thoughtfulness in the staff report regarding potential options. Loves the tree, but can support removal based on the Town Arborist's evaluation and likes the idea of commemorating and celebrating the tree's life.

Dick Siebert, Vice President, of the Board of Directors for the Hopper Creek Village Home Owner's Association, has direction from the board to give support and approval and commented on the following:

- Concurs with the staff report.
- Expressed concern about the safety of passerby's and their own safety.
- The Association would be available to assist with the logistics for removal of the tree, if necessary.
- Agrees with the previous speaker that the tree should be honored.
- Hopes the path will be restored after the tree removal.

*Council Comments*

Councilmember Dutton commented on the following:

- Based on the Arborist's Report supports removal of the tree.
- Supports commemoration of some form - maybe leaving a portion of the tree to show how magnificent it was.

Councilmember Mohler commented on the following:

- Seems prudent to remove the tree.
- Does not want to look at a stump.

Councilmember Chilton commented on the following:

- Supports removal of the tree as soon as possible.
- Believes the pathway should be closed until the work is done.
- Suggested taking a sliver of the tree for a demonstration piece to truly show the magnitude of the tree.

Vice Mayor Dunbar commented on the following:

- Supports immediate removal of the tree and closure of the path.
- Cost for removal of the tree is included in the Town's budget.
- In terms of commemoration agrees with Councilmember's Chilton and Dutton to see the base of the tree, but also likes idea of maybe incorporating into Community Hall or Community Center as a table or as a demonstration in a display case which shows the history of oaks in Yountville or California.
- Supports immediate action by staff.

Mayor Saucerman commented on the following:

- Supports removal of the tree – safety comes first.
- Supports immediate closure of the pathway until tree is removed.
- Supports commemoration and likes idea of using a large section of the tree for educational purposes to understand the lifecycle of the tree.

Town Manager Rogers recommended Council take Minute Order action providing the Town Manager with direction to remove the tree, develop commemorative process and bring formal resolution to reinforce those actions at the January 6, 2009 Council Meeting.

**ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Chilton to take Minute Order action providing the Town Manager with direction to remove the tree, develop commemorative process and bring formal resolution to reinforce those actions at the January 6, 2009 Council Meeting was unanimously approved.**

**Ayes: Dunbar, Chilton, Dutton, Mohler and Saucerman**

**Noes: None**

**Absent: None**

**Abstain: None**

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**17. PUBLIC HEARING – MASTER DEVELOPMENT PLAN AMENDMENT – SPA ADDITION TO THE YOUNTVILLE INN EXPANSION PROJECT – 6409-6449 WASHINGTON STREET**

*Consider Adoption of Resolution Number 2736-08* Approving Master Development Plan Amendment for the addition of a spa use to the Yountville Inn Expansion Project located at 6409-6448 Washington Street.

Recommendation: Adopted Resolution, as amended.

*Councilmember Dutton recused himself due to a conflict of interest resulting from her primary residence being located within 500' of this project and left Council Chambers.*

Bob Tiernan, Planning Director, presented staff report.

Joan Torassa, General Manager, Yountville Inn, commented on the following:

- Parking - Existing parking has been more than adequate for the last 10 years for employee and guest use based on pattern of use.
- Spa Addition and Parking - Adding limited employees noting employees do carpool. In the staff report it references 51 parking spaces reduced down to 42 and she also added Inn guest rooms were reduced from 38 to 32 which allows for more parking in the south area for possible employees and Gateway residents.
- Gateway Residents Accessibility to the Spa – Do not anticipate a problem with the scope of treatments or time of day based on reservations and availability, but have not looked into that aspect in detail. Would work with the Town Council to provide documentation that would work to address those concerns.

*Public Comment – None*

*Council Discussion*

Councilmember Chilton clarification regarding the reduction of the number of rooms and how many parking spaces should be provided.

Planning Director Tiernan clarified the project is in surplus of 6 parking spaces for the Inn expansion portion of the project.

Councilmember Chilton further commented on the following:

- Does not believe there will be negligible use from Gateway residents.
- If the spa is conditioned for hotel guest use only, parking is okay.
- If the spa is not specifically for guest use only, then the parking ratio should be increased appropriate with Town ordinances.

Vice Mayor Dunbar commented on the following:

- Better plan than what was presented last meeting and appreciates the response to everything Council had concerns with.
- Would be in favor of the three additional parking spaces.
- Condition of Approval #4 – Comfortable with the wording “Spa use shall be limited to the guests of Yountville Inn and the residents of Gateway Mobile Home Park”; however, if condition changes, we may need to amend the language.
- Oak Tree Removal and relocation of units to the north is fine.
- Appreciates that the project is not overdone on this site.

Mayor Saucerman commented on the following:

- Concurs with Councilmember Chilton and does not feel the three additional spaces are necessary in the landscaped area if the spa use is exclusive to guests of the Inn and residents of Gateway Mobile Home Park.
- Should add a Condition of Approval that if use should change to public use, then it needs to come back for Council review and parking will be provided.
- Appreciates applicant taking into consideration all of Council’s concerns.

**ACTION: A Motion by Councilmember Chilton; Seconded by Councilmember Mohler to adopt Resolution Number 2736-08 Approving Master Development Plan Amendment for the addition of a spa use to the Yountville Inn Expansion Project located at 6409-6448 Washington Street, as amended removing Condition of Approval #3 and adding language to existing Condition of Approval #4 indicating if spa use changes from Inn guests and Gateway residents that the change must be reviewed by Council and the Applicant must be brought in to full compliance with the Town’s parking requirements was unanimously approved.**

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

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**18. PUBLIC HEARING – PRELIMINARY MASTER DEVELOPMENT PLAN REVIEW – SORRENTO PROJECT – 6488 WASHINGTON STREET**

*Consider Adoption of Resolution Number 2737-08 Approving the Preliminary Master Development Plan for the Sorrento Project commercial buildings and Wine Tasting/Retail and Coffee Shop uses located at 6488 Washington Street.*

Recommendation: Adopted Resolution.

*Councilmember Dutton returned to Council Chambers for the remainder of the meeting.*

*Councilmember Chilton disclosed that he has a leasehold adjacent or practically adjacent to the subject property and has reviewed the regulations regarding potential conflicts and one does not exist; however, because the Applicant has*

*specifically proposed a coffee shop which would be a direct competitor with his business, he will recuse himself from the item and left Council Chambers. Mayor Saucerman disclosed she met with the Applicant to discuss the proposed plan.*

*Councilmember Dutton disclosed he met with the Applicant to discuss the new proposal.*

Bob Tiernan, Planning Director, presented staff report.

Stephen Henderson, Applicant Representative, gave brief overview and responded to Council concerns raised at a prior Council meeting.

#### *Public Comment*

Jody Leal commented on the following:

- Conceptual Design is very attractive and new buildings are certainly welcome on the property.
- Disappointed with proposed business uses – another wine tasting business and a coffee shop seems redundant and she wonders if this will truly enhance the community.
- More diversity in businesses would be more attractive and more of a draw to our visitors and residents.
- Building A Residence – Expressed concern about potential disruption from noise from business and special events held after hours.

#### *Council Comments*

Councilmember Mohler commented on the following.

- Heard from numerous people regarding the project.
- Does not have any major concerns regarding the overall Site Plan or Design.
- Has major concern about the uses of the building and does not believe they are compatible with the Town's RSC zoning which specifically states "this type of zoning recognizes the importance of local serving commercial buildings" and it is very obvious wine tasting is not local serving and it is for our tourists and guests.
- Concept Plan – Building D – Would like Tuscan look to be softened up a bit.
- Overall thinks it is a difficult spot and Applicant has done the best they can.
- Apartment – Seems problematic for someone living there with the neighbors and understands intent is to increase FAR and if something else could be done with the businesses, she would be happy to give them the FAR without having the apartment there.

Councilmember Dutton commented on the following:

- Conceptual Plan - Agrees relocation of the Mechanical Equipment would offer a buffer to residents to the east.
- ZDRB Comments – Agrees driveway should be 24 feet wide.

- Fence – Keep in mind whatever is used for the fence will need to be consistent with the other property to provide continuity in the area.
- Gate Width – If it is narrowed, it shuts down the access and he suggests anchoring gate to the building and have it open fully to see the full 16 feet.
- Gate Height – No problem with the 4 feet if it is opened wider.
- Pervious paving – Should be looked at.
- Balcony – Currently have 68 feet and to add another foot is not going to make a big difference.
- Proposed Uses – This topic of types of uses has been discussed previously and Council cannot tell someone they cannot have this type of business. Every wine tasting shop that has come in has not had one single complaint that he is aware of.
- Coffee Shop – Should discuss potential for related food service at another time.

Vice Mayor Dunbar commented on the following.

- Agrees substantial improvements have been made on the site.
- Pedestrian Access – Creating the breezeway opens up the courtyard.
- Access - Has concerns with access to the terrace for the disabled.
- Qualification of Terrace and Courtyard as Open Space – If restricted to business hours, it would be inconsistent with what we have established with other businesses in Town so far.
- Gate 48” – Has no problem as long as gates are opened during business hours and that is directly connected with the open space in the rear. If conditioned on closed during business hours, it may declassify the area as open space.
- Disagree with Councilmember Mohler that there are 5 or 6 coffee places within 500’ of this site or that this is not a local serving use. Local serving is subjective interpretation and he considers wine tasting a local use. Has no problem with coffee shop use and have made inquiries for more diversity of tenants in the space, but the market dictates what will work and what is not and he is okay with the uses as proposed.
- Future Food Service - Would be concerned about future food service or lack there of and would hold the property owner to that given what is requested today.
- Special Event Parking – Needs to be adequately addressed appropriately in the future, as it usually is.
- Motorcycle Parking – Not necessarily appropriate and would rather see the area as bicycle parking rather than motorcycle and would prefer no parking at all, as it does not seem necessary for the use.
- Likes the diversity of the buildings and it was an improvement to downscale the massing.
- Comfortable with architectural style and recognized Council has established a level of diversity through Town and while this would be somewhat different and original, it would be an extension of the look along Washington Street.

Mayor Saucerman commented on the following:

- Concurs with Vice Mayor Dunbar's assessment of the Preliminary Master Development Plan review and thanked the Applicant for addressing Council's concern and creating a more open corridor so that it is clear that it is an accessible public space.
- Fence Height – 48" is appropriate.
- ZDRB Comments – Permeable Pavers – Should really look into for the courtyard area and any of the landscape areas for the drainage.
- Stairwell – Open it up for apartment use and storage would be preferable to expanding the balcony.
- Comfortable with designated open space and terrace on Building B.
- Suggested doing screening on south end and east side.
- Wall at back of property – Concrete wall would be preferable for the owners in back, but might want to get some preliminary feedback from adjacent property owners so we have nice consistency along the back of property which would provide better insulation and sound privacy for the residents in the back of the property.
- Use Permit – Comfortable with it at this point and commented on what Councilmember Dutton and Vice Mayor Dunbar suggested earlier, stating there is no way we can determine what businesses will go where and indicated the market will dictate the success or failure of the business. Yes, she would like to see something different but not her call or Council's call and Council will be reviewing the Use Permit and Final Master Development Plan carefully and will take into consideration all of the surrounding businesses and uses to the project.
- Concur with the Vice Mayor regarding the Motorcycle Parking – Would like to see it restricted to bicycle parking or a bench.

Councilmember Dutton requested clarification on page 5 Condition of Approval #3 in regard to the gate height.

Planning Director Tiernan commented he believes there is consensus to the gate height of 48" and following discussion suggested that Condition of Approval #3 be removed and reconsidered at the final stage.

Vice Mayor Dunbar suggested amending the Resolution title to remove "coffee shop" and leave it as wine tasting/retail for identifying the site rather than specifying the use for Building B.

Planning Director Tiernan supported the change and will make sure it is changed throughout the resolution, as appropriate.

**ACTION:** A Motion by Vice Mayor Dunbar; Seconded by Councilmember Dutton to Resolution 2737-08 Approving the Preliminary Master Development Plan for the Sorrento Project commercial buildings and Wine Tasting/Retail located at 6488 Washington Street, as amended to remove the reference to “Coffee Shop” and Condition of Approval #3 related to the wrought iron gate to be considered at a future date, was approved.

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

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**19. CAPITAL IMPROVEMENT PROGRAM (CIP) SEWER REPLACEMENT PRESENTATION**

A. *Consider Adoption of Resolution Number 2738-08* Approving Revised CIP for Sewer Projects Update and Accepting the Bid and Awarding Construction Contract to Gentry General Engineering to construct the F-Line Project (WW-06) in the amount of \$50,638 and consideration of additional sewer line improvements.

Recommendation: Adopted Resolution.

B. Provide staff with feedback and direction as to recommendations for modifications of Sewer Capital Improvement Project (CIP) project schedule, funding, and prioritization of the following projects: North Washington Street sewer line, Oak Leaf Court Sewer By-Pass, and South Washington Street Sewer line. Based on the direction provided, staff will provide a resolution for the January 6, 2009 meeting which would modifying the CIP and consider additional award of contracts at that time.

Recommendation: Provided Direction to Staff.

*Councilmember Chilton returned to Council Chambers for the remainder of the meeting.*

Myke Praul, Public Works Director, presented staff report.

**Motion to Extend the Meeting**

**ACTION:** A Motion by Councilmember Dutton; Seconded by Councilmember Chilton to extend the meeting beyond 10:00 p.m. was unanimously approved.

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

*Public Comment – None*

Item 19A

**ACTION: A Motion by Councilmember Dutton; Seconded by Councilmember Mohler to Adopt Resolution 2738-08 Accepting the Bid and Awarding the Contract to Gentry General Engineering for \$50,638 for the WW-06, F-Line Main Realignment/Replacement Project and authorizing the Town Manager to accept the easement dedications, and the abandonment of the portion of sewer easement no longer required upon completion of the new portion of main, and authorize the Town Clerk to record the same was unanimously approved.**

**Ayes: Dutton, Mohler, Chilton, Dunbar and Saucerman**

**Noes: None**

**Absent: None**

**Abstain: None**

Item 19B

**Council direction to proceed with proposal, as presented.**

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**20. STAFF INFORMATIONAL REPORTS**

A. Community Center/Library Project Update

Michelle Dahme, Town Clerk, reported the Town is currently recruiting for the Parks and Community Services Commission.

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**21. COUNCIL REPORTS AND COMMENTS**

Report of Council Member Meeting Attendance:

**Agendas and Minutes related to Council Member Meeting Attendance are maintained separately by the various meeting bodies.**

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

Did Not Meet; next meeting is December 16, 2008.

B. Upper Valley Waste Management Authority (Dutton)

Did Not Meet

C. NCTPA/NVTA (Saucerman & Chilton)

Councilmember Chilton reported on recent NCTPA/NVTA meeting.

D. Other Reports and Comments

Councilmember Dutton commented on the following:

- Thanked all those involved with the Thanksgiving Dinner held at Community Hall and gave special thanks to Tom McCormick who was very instrumental in bringing this back.
- Congratulated new Councilmember Mohler on the recent election.

Councilmember Chilton commented on the following:

- Reminded everyone of the upcoming annual fund raisers in Town.
- Community Center Project Subcommittee – Met with project managers and is now up to speed. Future discussion to take place includes general policy discussion on how we will handle change orders as they come in.

Vice Mayor Dunbar commented on the following:

- Calfire is having its Toy Drive today.
- The new Bottega restaurant is coming on line.
- Staff will continue to monitor new shuttle hours and will be anxious in January to hear how the changes have helped.
- Festival of Lights - It was a great success and thanked all those involved.

Mayor Saucerman commented on the following:

- Echoed the Vice Mayor's comments on the Festival of Lights.
- Reminded everyone of Chamber Mixer and Tree Lighting on December 12, 2008.

Recommendation: Received and Filed.

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**22. FUTURE AGENDA ITEMS**

- A. Discussion and direction regarding the Community Center & Library Project for the Deductive Alternates for the Town Square Foundation and Lawn Areas.
- B. Boards, Committees and Commissions Annual Review
- C. Community Center/Library Project Update

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**23. ADJOURNMENT**

Adjourned to the Regular Town Council Meeting, Tuesday, January 6, 2009.

ATTEST:

/s/ Michelle Dahme, Town Clerk

Approved by Town Council:

January 6, 2009