

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

1. CALL TO ORDER – 5:00 P.M.

Mayor Saucerman called the meeting to order at 5:00 p.m.

2. CLOSED SESSION

A. Conference With Legal Counsel - Existing Litigation Pursuant to Subdivision 54956.9

Name of Case: Town of Yountville and Yountville Town Council v. John Tuteur and Renate Halliday – Superior Court Case No. 26-43730

B. Conference With Legal Counsel - Existing Litigation Pursuant to Subdivision 54956.9

Name of Case: Solano County Water Agency et. al. vs. State of California Department of Water Resources, Superior Court of California, County of Sacramento Case No. 2008-00016338

C. Public Employee Performance Evaluation – Pursuant to Subdivision 54957.6
Title: Town Manager

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

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

4. PLEDGE OF ALLEGIANCE

The pledge of allegiance was held.

5. ROLL CALL

Mayor and Town Councilmembers Present:

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

Town Staff Present:

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

6. CLOSED SESSION REPORT

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

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

8. **Public Comment on Matters Not Listed on the Agenda**

Judith Caldwell, Town of Yountville Representative on the Napa County Arts and Culture Commission, provided update.

9. **APPROVAL OF CONSENT CALENDAR**

Vice Mayor Dunbar requested Item 9 G be held for discussion.

Mayor Saucerman requested Item 9 H be held for discussion.

ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Dutton to approve Consent Calendar Items 9 A, B C, D, E, F and I was unanimously approved.

Ayes: Dunbar, Dutton, Chilton, Rosa and Saucerman

Noes: None

Absent: None

Abstain: None

Item 9 G Held for Discussion

Vice Mayor Dunbar requested clarification regarding the costs associated with this contract and wanted to confirm they were part of the original budget approved and Town Manager Rogers concurred.

ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Dutton to approve Consent Calendar Items 9 G was unanimously approved.

Ayes: Dunbar, Dutton, Chilton, Rosa and Saucerman

Noes: None

Absent: None

Abstain: None

Item 9 H Held for Discussion

Mayor Saucerman advised she is abstaining from Item 9 H because the Chamber of Commerce is seeking the permit.

ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Rosa to approve Consent Calendar Items 9 H was unanimously approved.

Ayes: Dunbar, Rosa, Dutton and Chilton

Noes: None

Absent: None

Abstain: Saucerman

A. *Approval of Warrants*

- Accounts payable check numbers \$1,084,233.58
- Total payroll and benefits \$ 202,603.75
- Total payments for period \$1,286,837.33

Recommendation: Received and Filed.

B. *Monthly Financial Report* – July 2008

Recommendation: Approved.

C. *Adopt Resolution Number 2712-08* Awarding Professional Services Agreement to Lescure Technology Services to provide Information Technology Services in an amount not to exceed \$40,000.

Recommendation: Adopted Resolution.

D. *Adopt Resolution Number 2713-08* Awarding Professional Services Agreement to Architectural Resources Group (ARG) to provide space needs analysis and seismic retrofit services in an amount not to exceed \$95,000.

Recommendation: Adopted Resolution.

E. *Adopt Resolution Number 2714-08* Authorizing the filing of a Notice of Completion and accepting the work for the Slurry Seal and Pavement Resurfacing Program (2008) (ST-14) performed by Bond Blacktop for a total contract amount of \$59,290.76.

Recommendation: Adopted Resolution.

F. *Adopt Resolution Number 2715-08* Authorizing the filing of a Notice of Completion and accepting the work for the Eastside Pedestrian Path Improvements Phase I (ST-13) performed by Nor-Cal Concrete for a total contract amount of \$40,041.50

Recommendation: Adopted Resolution.

G. ***Adopt Resolution Number 2719-08*** Approving a Professional Services Agreement with MatriScope Engineering Laboratories, Inc. to perform Special Inspection Services for the Community Center and Library Project.

Recommendation: Adopted Resolution.

H. ***Yountville Days***

Approval of Event Permits and street closures for the Annual Yountville Days Parade and Festival October 3-5, 2008

Recommendation: Approved.

I. ***Approval of Minutes*** – May 6, 2008

Recommendation: Approved.

10. PRESENTATIONS – NONE

11. PUBLIC HEARING – USE PERMIT REQUEST TO CONVERT EXISTING SINGLE-FAMILY RESIDENCE INTO A DUPLEX – 6859 JEFFERSON STREET (APN 036-026-004)

Consider Adoption of Resolution Number 2716-08 Approving Use Permit request to convert an existing single-family residence into a duplex involving partial demolition and new construction of an attached two-story residence at the rear of the existing dwelling and construct associated covered parking and storage.

Recommendation: Public Hearing Continued to November 4, 2008 Town Council meeting.

Bob Tiernan, Planning Director, presented staff report.

Stephen Henderson, Project Applicant, provided project overview.

Public Hearing Opened

Ed Coyne commented the home he lives in is his retirement home and he is concerned about the following:

- Concerned about windows facing his house on second story.
- Pitch of the roof.
- Site grading related to watershed and wonders where is the water going to drain.
- Not supportive of a two-story property.
- Because there is only a sketch and no real plan, his questions cannot be answered.

Pam Reeves commented on the following:

- Wondering if two-car garage that will be in the accessory shed is required or is the only garage required the one that is attached to the house. Concerned about future users of the second garage and what uses could occur on the property.
- Concerned about driveway and shares same concerns as Mr. Coy regarding water runoff. Ecologically, the driveway surface should be permeable.

- Area closest to north property owners – Requested driveway be redirected away from the patio doors because the driveway as proposed is within 5 feet.
- FAR – Would like clarification of FAR in Historical District vs. what is a Duplex FAR.
- Exemption from the 50 percent rule from two-story - If exempt, is a duplex counted if a single-family dwelling is requesting two-story later on.

Claudia Sierra commented on the following:

- Requested clarification on the number of parking spaces. If there are two duplexes, is that two parking spaces for each and two more parking spaces for the house for a total of 6 parking places.
- Sad to see trees go by the wayside.
- Is this project conducive to what Old Town is supposed to be?
- Thinks the project is huge.

Karen Altamura commented on the following:

- Very against the duplex and two-story because it will be a complete wall in her backyard from front to back.
- Current proposal is overwhelming and is hoping to keep as a one-story, single-family residence.
- Provided site mark up and wants it to become part of the public record.

Denise Frazier commented a duplex would have a negative impact on our single-family residence and she would prefer it remain a single family.

Steve Soper commented the word duplex has to disappear from this project because it is not necessarily what the Jenny's will do, but it is the people who come after them five or ten years from now.

Roy Onesti commented he built a single-family home and thinks Old Town should remain as it as.

John Bjorner commented on the following:

- The area is all single-family homes and a duplex would change the character of the neighborhood.
- Prefers to maintain his home as single-family, but if this project is approved, what stops him from asking for a duplex on his property too.
- Along north side of Applicant's property, where they are going to destroy garage, there are trees along his property line that he is concerned about due to hard surface that will surround the existing 75' oak trees.
- Concerned about driveway and increased noised since it is setback from his kitchen only 5'.
- Does not have a problem with the remodel, but does not agree with putting a duplex on the property as it is not conforming to the neighborhood.

Judith Caldwell commented her block houses her family and even though we do not share blood we share depth of friendship and there have been times where we have had different perspectives and encouraged those involved to come up with creative solution for the proposed project.

Elizabeth Coyne commented her backyard, deck and patio faces the proposed project and the two-story home will look directly down onto her backyard. She commented on previous project in the area where a two-story was requested and Council turned it down because the project would have invaded the privacy of the neighbors.

Claudia Sierra commented the way the backyards back up to each other in that part of Town, they have created a very park like feeling which is why so many people purchased homes there and suggested Council walk the area to see how gorgeous the skyline is and how space between neighbors is perfect.

Stephen Henderson, Applicant Representative, appreciates and respects the comments from neighbors and responded to concerns raised below:

- Additional Unit - Located behind existing structure based on reference to the Town Code to not have the new unit visible from the public street.
- Trees Being Preserved - Island with existing Manzanita and fruit tree.
- Slider of French Doors – Can work with Pam Reeves on this and existing lemon trees could be preserved.
- Design Plan – Still need to work on design and elevations and wants to keep lines of communication open with property owners.
- Drainage – Sure there will be a requirement to have certified plan on site file and have already discussed certain type of pervious pavers to integrate into project.
- Potential Property Split Options – If a Tentative Map was proposed, Council would not be looking at buildings, but would be looking at lot lines and there is the potential of two, two-story units and a duplex for a potential total of 4 units.

Karen Altamura addressed comments by Mr. Henderson and does not believe anyone in neighborhood would object to the tower since it was built in 1897. Ms. Altamura commented on the potential of a subdivision with 4 homes and indicated she would come to Council with the same comments, but she is looking at Applicant's proposal as submitted.

Denise Frazier commented on Mr. Henderson's comments and heard them as an inferred threat that if the Jenny's do not get their duplex that we are going to have a subdivision and she did not appreciate the comment. Ms. Frazier commented she likes the Jenny's and came to express comments because the Jenny's wanted to hear them and work with the neighbors.

Stephen Henderson commented that it was not a threat, but simply expressing what the potentials are for the site.

Eran Jenny, Owner of Property, it is absolutely true we paid top dollar for the property, and it is absolutely true it is a park and we are very lucky to have the land and spoke about her property, the proposed project and working with her neighbors.

Public Comment Closed

Council Discussion

Councilmember Chilton commented on the following:

- The ordinances that exist today govern what people can do for their lot and the zoning for this area is well known as single family, duplex, etc. and he does not feel he can question that. Whether or not the ordinances should be changed or not is an entirely different question.
- Does not feel this has gone through the normal process via ZDRB for design review and does not have enough information to support some parts of the resolution (i.e. nature of proposed site, shape and size, and shape and arrangement of structures, etc.).
- Duplex – Does not have a problem with it.

Councilmember Rosa commented he concurs with Councilmember Chilton based on current zoning and many of the other things that go on in the neighborhood and will not be able to make complete decision until he sees a set of plans; however, based on what has been presented would support going forward with the plan.

Councilmember Dutton commented on the following:

- Does not see anything that Applicant has done which violates any of the ordinances currently in place and recognizes the surrounding neighbor's views. When someone purchases a piece of property, they are going to try and get out of it what they can for the property and the owner has certain privileges and rights that go with property ownership.
- Design - ZDRB will have to take a good look at the project.
- No problem with the proposal as it exists other then ZDRB has a lot of work to do.
- Only one comment and does not know why you want to keep old existing storage building way in back.

Vice Mayor Dunbar commented on the following:

- Given the comments made by other Councilmembers, the plan must be harmonious to the surrounding neighborhood and as result cannot support use permit in this case because he is not comfortable with the plan as presented and the impact it has on surrounding neighborhood.
- Understand rights to develop property, does think it is fair to consider the overall impact to the neighbors and the entire block.

Mayor Saucerman commented on the following:

- Based on laws in zoning, the project is permissible, but finds she is struggling with the same thing the Vice Mayor is and that is we do not know what we are getting.
- We only see a footprint which is a big footprint on big lot.
- Willing to entertain Applicant bringing back further design elements and elevations, but there is no guarantee the permit would be granted at that point.
- Believes strongly in right of property owners as long as it is within laws and zoning and the project is within those limits.
- Might be the set backs are too narrow and those ordinances may need to be revised for this area of Town.
- Would like the project to come back to Council after design review for acceptance, and hopes the Applicant will work closely with all neighbors to come up with project that everyone can be happy with.
- Duplex is allowed on the lot under the current code.
- Can support application as submitted; however, on the condition more details are brought back to Council before final design is submitted.

ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Chilton to continue the Public Hearing to November 4, 2008 Council Meeting was unanimously approved.

Ayes: Dunbar, Chilton, Dutton, Rosa and Saucerman

Noes: None

Absent: None

Abstain: None

12. PUBLIC HEARING – MASTER DEVELOPMENT PLAN AND USE PERMIT AMENDMENTS AND DESIGN REVIEW – GIRARD WINERY – 6795 WASHINGTON STREET, BUILDING E (APN 036-032-007)

Consider Adoption of Resolution Number 2717-08 Approving a request by Girard Winery for Master Development Plan and Use Permit Amendments and Design Review to extend the existing exterior patio on the east side, provide tables and seats and reconfigure the front area landscaping by the addition of a walkway and benches.

Recommendation: Adopted Resolution, as amended.

Bob Tiernan, Planning Director, presented Staff Report.

Director Tiernan advised of revised Conditions of Approval distributed and requested modifications to Condition of Approval Number 7 to add language indicating new lighting shall be approved by Planning Director per Town Lighting Standards and to add an Additional Condition of Approval to include a 6 month review period.

Public Hearing Opened

Donna Heine commented she likes the project and it looks promising and agree with the Mayor in regard to increased activity on the north end of town, which is badly needed and likes square umbrellas over the tables and usability of furniture.

Karen Altamura commented on the following:

- Requested clarification on the number of seats inside and out.
- Would like tasting room to stay as it currently exists.
- Have not seen the true impact of the Blackbird Inn Tasting Room.
- Hold this development off and see what the impact of the winery tasting rooms at Blackbird and Girard are going to be.
- Does not agree with the number of tasting rooms.
- North End Development - In support of David Fink's project, but recognizes it will have people, restaurant, and rooms.
- Jeanty is reopening with a lot of activity and next door to that is Blackbird and across the street there is Jessup – which is great.
- In reality you are going to see a huge amount of good activity in the north end over the next 6 months.
- Take a step back on this project and slow down. Yountville seems to be growing at leaps and bounds.

Public Comment Closed

Steve Rogers, Town Manager, clarified Council recommendations, as follows:

- Condition of Approval Number 3 modified to expressly indicate outdoor events and special events must only operate until 6:00 p.m.
- Condition of Approval Number 4 is modified and deletes sentence "Food shall not be consumed on the deck".
- Condition of Approval Number 7 is modified to add language indicating the new lighting is subject to approval by the Planning Director.
- Condition of Approval Number 14 is added and the Applicant is required to provide and maintain furniture for use by the public as a public space at all times with approval by the Planning Director.

Further clarification was provided as follows:

- Maintain the 6 month review currently conditioned and apply additional 6 month review to coincide with the operation of Gordons.
- Of the 31 guests allowed in the Conditions of Approval one table of four should be maintained for use by the general public at all times.
- Special Event Time from above is clarified to reflect 6:00 p.m. outside and 10:00 p.m. inside.

ACTION: A Motion by Councilmember Chilton; Seconded by Councilmember Rosa to Adopt Resolution Number 2717-08 Approving a Master Development Plan Amendment, Design Review, and Use Permit Amendments to extend the existing front deck at Girard Tasting Room and permit limited use of the deck by the public and tasting room patrons for property located at 6795 Washington Street, Building E, as modified above is unanimously approved.

Ayes: Chilton, Rosa, Dutton, Dunbar and Saucerman

Noes: None

Absent: None

Abstain:None

13. STREET LIGHT REPLACEMENT PROGRAM WORKSHOP UPDATE

Consider comments provided during the Zoning & Design Review Board Street Light Replacement Program Workshop held August 12, 2008.

Recommendation: Received Staff Report and Provided Direction to Staff.

Myke Praul, Public Works Director, presented staff report.

Councilmember Chilton commented on the following:

- PG&E program should be a requirement.
- Style – Does not have a strong preference between Contemporary vs. Memphis and believes PG&E will choose Memphis – no problem with Memphis
- Demonstration Light – No.
- Lighting Consultant – No.

Public Works Director Praul clarified that the Memphis is not currently part of the PG&E program.

Based on this clarification, Councilmember Chilton prefers the Contemporary style.

Councilmember Dutton commented on the following:

- Style - No problem with ZDRB choice.
- Demonstration Light – Yes. Probably.
- PG&E program - Sure if we save money.
- Lighting Consultant – No.

Councilmember Rosa commented on the following:

- Style – No problem with ZDRB choice.
- Demonstration Light – Yes. Probably.
- PG&E program – Sure if we save money.
- Lighting Consultant – No.

Vice Mayor Dunbar commented on the following:

- Style – Likes Memphis arm, Colorado pole and Holbrook light (ZDRB Selection).
- PG&E program – Sure if we are saving money.
- Demonstration Light – No.
- Lighting Consultant – No.

Mayor Saucerman concurred and she can support the suggestions.

Public Comment

Karen Altamura commented the lights are beautiful and would like to add additional lighting down Washington Street by French Laundry and coming north.

Motion to Extend Council Meeting

ACTION: A Motion by Vice Mayor Dunbar; Seconded by Councilmember Rosa to extend the meeting past 10:00 p.m. was unanimously approved.

Ayes: Dunbar, Rosa, Dutton, Chilton and Saucerman

Noes: None

Absent: None

Abstain: None

14. TOWN COUNCIL VISION STATEMENT AND GUIDING PRINCIPLES

Consider Adoption of Resolution Number 2718-08 Amending the Town Council Vision Statement and Guiding Principles.

Recommendation: Adopted Resolution.

ACTION: A Motion by Councilmember Rosa; Seconded by Councilmember Chilton to adopt Resolution Number 2718-08 Amending Town Council Guiding Principles and Vision Statement was unanimously approved.

Ayes: Dunbar, Rosa, Dutton, Chilton and Saucerman

Noes: None

Absent: None

Abstain: None

15. STAFF INFORMATIONAL REPORTS

A. Community Center and Library Project Status Report

Myke Praul, Public Works Director, presented status report.

B. Yountville Shuttle Update

Myke Praul, Public Works Director, presented update.

Michelle Price, Town Clerk, presented update on Board and Commission recruitment.

Amy Valukevich, Town Attorney, reported on Pedroni vs. the Town of Yountville case and stated the Napa County Superior Court dismissal was affirmed by the Court of Appeal and the disposition was posted as affirmed in full.

16. 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)

Mayor Saucerman reported on recent District Meeting.

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

No Meeting

- C. Upper Valley Waste Management Authority (Dutton)

Councilmember Dutton advised the upcoming meeting will be held at Clover Flats.

- D. Napa County Mosquito Abatement District (Rosa)

Councilmember Rosa reported on recent District meeting.

- E. Napa River Watershed Information Center (WICC) (Rosa)

Councilmember Rosa reported on recent WICC meeting.

- F. Other Reports and Comments

Councilmember Dutton advised of the Creek to Bay Clean up being held September 20, 2008 from 9:00 a.m. to Noon.

Councilmember Chilton reported the Focus Barbecue was a great success and thanked all of those involved.

Vice Mayor Dunbar, on behalf of his wife and Board, thanked the Town Manager and Public Works staff for their involvement.

Recommendation: Received and Filed.

17. FUTURE AGENDA ITEMS

- A. Consider Establishing Film Permit and Special Event Fees
- B. General Plan Work Program Overview
- C. Climate Protection/Global Warming Update

18. ADJOURNMENT

Adjourned to Regular Town Council Meeting, Tuesday, September 16, 2008.

ATTEST:

/s/ Michelle Price, Town Clerk

Approved by Town Council:

November 18, 2008