

TOWN OF YOUNTVILLE
MINUTES OF REGULAR COUNCIL MEETING
November 20, 2007

1. CALL TO ORDER – 5:30 P.M.

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

2. CLOSED SESSION

Conference with Legal Counsel – Anticipated Litigation

Significant Exposure to Litigation pursuant to Section 54956.9(b)(3)(C). (One Case)

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

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

4. PLEDGE OF ALLEGIANCE

Councilmember Dutton led the pledge of allegiance.

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; Bob Tiernan, Planning/Building Director; Amy L. Valukevich, Town Attorney; Michelle Price, Town Clerk; Richard Stranzl, Finance Director; 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 Vice Mayor Dunbar; Seconded by Councilmember Dutton to adopt the agenda was unanimously approved.

Ayes: Dunbar, Dutton, Rosa, Chilton and Saucerman

Noes: None

Absent: None

Abstain: None

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

None

9. APPROVAL OF CONSENT CALENDAR

ACTION: A Motion by Councilmember Rosa; Seconded by Councilmember Dutton to approve the Consent Calendar was unanimously approved.

Ayes: Dutton, Chilton, Rosa, Dunbar and Saucerman

Noes: None

Absent: None

Abstain: None

A. *Approval of Warrants* —

- | | |
|----------------------------------|---------------------|
| • Accounts payable check numbers | \$192,519.38 |
| • Total payroll and benefits | <u>\$101,556.64</u> |
| • Total payments for period | \$294,076.02 |

Recommendation: Received and Filed.

B. *Monthly Financial Report* – October 2007

Recommendation: Received and Filed.

C. Schedule Town Council Meeting for Thursday, January 3, 2008.

Recommendation: Approved.

D. *Second Reading and Adoption of Ordinance Number 372-07* Repealing Chapters 15.04 through 15.43 of Title 15 of the Yountville Municipal Code and Adoption of the 2007 California Building Code Standards Title 24, Parts 1-12 with amendments.

Recommendation: Adopted Ordinance.

E. *Second Reading and Adoption of Ordinance Number 373-07* Amending Municipal Code Section 3.40.070(B)(1) providing the schedule of Water Connection Fees for Fire Service Connections.

Recommendation: Adopted Ordinance.

F. Approval of Minutes – November 6, 2007

Recommendation: Approved.

10. PRESENTATIONS – NONE

11. PUBLIC HEARING – USE PERMIT – GIRARD WINERY, LLC – 6795 WASHINGTON STREET, BUILDING E (APN 036-032-007)

Consider Adoption of Resolution Number 2626-07 Approving a Use Permit to establish a use for wine tasting and the retail sale of wine and related merchandise.

Recommendation: Adopted Resolution.

Bob Tiernan, Planning Director, presented staff report.

Brad Serwin, Applicant Representative, commented that on a daily basis a small plate of appetizers will be prepared off-site for each wine tasting and at the end of the day the caterer would pick up dishes for cleaning off-site and twice a month at an after hour event Applicant might bring in a full buffet dinner.

ACTION: A Motion by Councilmember Dutton; Seconded by Councilmember Rosa to Adopt Resolution Number 2626-07 Approving a Use Permit to establish a use for wine tasting and the retail sale of wine and related merchandise, as amended to include catered food pairings on a daily basis prepared off-site by third party; catered full meals up to twice a month and if the number of persons attending event exceeds 15 people it would require a Special Event Permit; and six-month Use Permit Review was unanimously approved.

Ayes: Dutton, Rosa, Chilton, Dunbar and Saucerman

Noes: None

Absent: None

Abstain: None

12. CONSIDER REQUEST FOR FUNDING ASSISTANCE RELATED TO THE AD HOC AFFORDABLE HOUSING PROJECT

Recommendation: Received staff report update and information, discussed request, and provided direction to Staff and Applicant.

Mayor Saucerman recused herself due to a conflict of interest resulting from her primary residence being located within 500' of the French Laundry Property and there is a direct correlation with this project and the project proposed to be built on the French Laundry site and left the Council Chambers.

Councilmember Rosa recused himself due to a conflict of interest resulting from his primary residence being located within 500' of the affordable housing portion of the subject project and left the Council Chambers.

Vice Mayor Dunbar chaired the item.

Bob Tiernan, Planning Director, presented staff report and advised to date there is no Development Agreement in place.

Vice Mayor Dunbar provided a summary report of the meetings he has participated in to date and the request he received from the Applicant November 16, 2007 after the close of business for a signed Development Agreement.

Michael Holman, Applicant Representative, provided brief report and responded to questions from Council regarding his late communication for potential funding and request for a Development Agreement as outlined in his email memorandum included as part of the record.

Steve Rogers, Town Manager, commented the term Development Agreement is a very wide and large ranging term and if what we are talking about is an Memorandum of Understanding (MOU) as to the terms and points related to this, we can try to work out something. However, if you are talking about a more traditional Development Agreement outlining everything related to the project, this absolutely cannot be completed. If what we are talking about is a framework for the working relationship, the deal points and memorializing them by executing a signature by the Town and the Applicant if interested, willing parties could accomplish this. Mr. Rogers would refer to this as a Memorandum of Understanding or Memorandum of Intent rather than a Development Agreement.

Amy Valukevich, Town Attorney, concurred with the Town Manager that a Development Agreement could not be achieved by tomorrow.

Becky Boulton, Project Manager, Napa Valley Community Housing (NVCH), addressed the status of the HOME Application and is waiting to see the outcome of tonight's discussion. The HOME Application must be submitted by tomorrow and NVCH's main concern is whether or not the sentence in the joinder agreement regarding the Applicant entering into a Development Agreement with the Town will be removed. The State of California is requesting the sentence be removed from the Application if there is no signed Development Agreement. Without this modification, the Application will be denied and reapplication would need to occur in August 2008 for the Affordable Housing associated with Ad Hoc and Finnell Road.

Kevin Teague, Applicant Representative, provided comments in relation to a potential Development Agreement.

Council Discussion

Vice Mayor Dunbar would like Council to discuss whether or not it supports the shift of the \$300,000 housing fund from the Town directly to Napa Valley Community Housing (NVCH) as opposed to previous iterations with funding going to the Developer understanding there is still no security attached but it guarantees housing assuming other terms get worked out.

Councilmember Dutton responded that he thinks the shift is a good thing and the worst case scenario is to end up with 11-units of affordable housing for \$300,000.

Councilmember Chilton commented that he thinks at this late stage it is a highly undesirable route to take. The logic on the additional cost to the Town, at worst, is \$300,000 to move forward and this is an offer worth making to the developer to keep this on track and he would support.

ACTION: Motion by Vice Mayor Dunbar; Seconded by Councilmember Dutton to authorize staff to prepare a Memorandum of Understanding on the terms consistent with those that have been discussed tonight and also incorporating Council's previous October discussions and authorizing the Town Manager to sign the agreement to provide the \$300,000 to Napa Valley Community Housing was unanimously approved.

Ayes: Dunbar, Dutton and Chilton

Noes: None

Absent: None

Abstain: None

Mayor Saucerman and Councilmember Rosa returned to Council Chambers for the remainder of the meeting.

13. DEMONSTRATION STREET LIGHT REPLACEMENT

Consider Adoption of Resolution Number 2627-07 Approving Budget Adjustment Number 2007-08-A09 in the amount of \$5,000 to replace an existing street light at the Yount Street Crosswalk adjacent to Community Hall.

Recommendation: Adopted Resolution.

Myke Praul, Public Works Director, presented staff report.

Public Comment – None

ACTION: A Motion by Councilmember Rosa; Seconded by Councilmember Chilton to Adopt Resolution Number 2627-07 Approving Budget Adjustment Number 2007-08-A09 in the amount of \$5,000 and Selecting Option 3 from the Staff Report for the Demonstration Street Light Replacement at the Yount Street Crosswalk adjacent to Community Hall was unanimously approved.

Ayes: Rosa, Chilton, Dutton, Dunbar and Saucerman

Noes: None

Absent: None

Abstain: None

14. PASSIVE PUBLIC PARK – 6526 YOUNT STREET (APN 036-090-022)

Discuss and provide direction related to the development of a passive use public park located at the southwest corner of the Bardessono site and adjacent to the Community Hall.

Recommendation: Received staff report and provided direction to staff.

Bob Tiernan, Planning Director, presented staff report.

Council Comments

Mayor Saucerman provided the following comments:

- Beautiful plan but has concerns regarding the high cost of the plan.
- Envisions as a very passive and low maintenance park.
- Park should transition nicely into the Bardessono Inn and Town Center project.
- Need clarification regarding who will maintain vineyards.
- The budget of \$50,000 does not seem like much in comparison to the cost of Van De Leur Park.

Councilmember Dutton provided the following comments:

- Lawn vs. Low Maintenance Shrubbery - Concerned about lawn area being overly used as pet restroom and suggested shrubbery be used rather than lawn.
- Consider landscape standards of Inn operator.

Vice Mayor Dunbar commented on the following:

- Inquired about an irrigation plan being in place.
- Concerned about view corridor.
- Concerned about cost to subcontract out with John Roberts.
- Envisions seating area whether it is a bench and/or boulders that might be used for seating which would allow someone to quickly climb on while passing by.
- In favor of the lawn, but can get over the lawn.
- Low Maintenance – Maybe use the same groundcover and plantings as used at the Point. Might be nice to have off-season or year-around color in the area when the vines are bare.

Councilmember Chilton would like to split topic into two issues and commented on the following:

- Would like clarification on potential idea of approaching Inn/property owner about maintenance of the park and how it fits in with the Inn and whether or not it makes sense on a long-term basis to take on the expense of that piece of property.
- Would like clarification as to whether or not the Bardessono's are interested in being more involved or interested in changing the Development Agreement so the park property does not come to the Town.
- Would like to see the park tie into the Inn because as you go down the street, you will see the Inn and people will not think of the park as a separate area.
- Prefers the vines and then add a little bit color.
- Did not support grass because he did not think it would fit in.
- Visually the park design should blend into the area.
- Keep park design simple.
- Okay with use of boulders and somewhere to sit.

Steve Bardessono responded to Councilmember Chilton's concerns and commented he is prepared to contribute land and the Development Agreement provides for it and what that means is in part that we have subdivided the land and we have signed a lease that takes this park space outside of the lease. So, it is not only revisiting the Development Agreement, it is revisiting the lease and considering all the implications that it might suggest. Keeping ownership may also have property tax consequences. Mr. Bardessono further commented that he is comfortable continuing along the path that we have proceeded down and wants the integrity of both parties maintained.

Town Manager Rogers commented staff could talk to the Inn operator about possible maintenance standards and lease agreements without changing the Development Agreement.

Roger Young, General Manager, Bardessono Inn, provided the following comments in no particular order:

- Encourage Council and Town staff to look at simplicity as elegant and have it be part of the arrival process for guests.
- We would look at consideration to maintain park once the park is designed and developed because we believe we would have adequate staff to maintain the site.
- Cost of Plan – Agree that Council wants to utilize taxpayer dollars in a fashion that is considered acceptable and encourage you to use a local landscaper within Yountville that might want to present something more affordable in contents of the budget.
- Vines – The Inn will manage the vines from an organic and sustainable standpoint and not infringe on the park and to bring the vines and park together in an appropriate matter.

Councilmember Rosa commented on the following:

- Likes Roger Young's comments regarding the entry to the Inn and thinks it is an important feature.
- Likes the integrated approach with the Town and the Inn and in keeping the design simple and elegant.

Vice Mayor Dunbar added he agrees with the comments from the Mayor regarding the possibility of adding olive trees.

Town Manager Rogers commented on adding interpretive signage along the pathway explaining the history or viticulture as educational for public outreach.

Councilmember Chilton commented he has no attraction to the historical or viticulture signage and suggested this area is a good location to put educational signage regarding the Town's path system.

Town Manager Rogers recapped some of the items suggested by Council, as follows:

- Incorporating some vineyard into the design
- Integration design with Inn
- Pathway – Look at decomposed granite, concrete or asphalt as options.
- Olive Trees
- Appropriate shrubs, perennials, lavender and various plantings to add pockets of color
- Benching
- Limit Grass
- No water feature or water fountain
- Educational pathway signage
- Signage along pathway identifying wine varieties
- Consider mentioning the history of the Bardessono Family
- Incorporate green sustainable elements

- Native Boulders
- Low Maintenance
- Maintenance Agreement – Develop understanding and operating agreement with the Inn for the maintenance of the park

15. COUNCIL REPORTS AND COMMENTS

Report of Council Member Meeting Attendance:

A. Napa County Mosquito Abatement District (Rosa)

Councilmember Rosa commented the District accepted the audit for FY 2008 and service calls are down for mosquitoes.

B. Napa River Watershed Information Center (WICC) (Rosa)

Councilmember Rosa commented the Town has approved study for Hopper Creek and wanted to know if the Town is receiving Proposition 84 monies?

Town Manager Rogers responded that the Study will identify future projects and will position the Town to determine if the Town is eligible for funding or matching grants related to Proposition 84 funds.

C. Upper Valley Waste Management Authority (Dutton)

Councilmember Dutton commented the Authority met yesterday and approved the rate structure for the upcoming year and it remained neutral. Approximately 6,000 cards went out to users asking whether or not they would support the creation of a construction and demolition area up at Clover Flats. The Authority received approximately 30% responses with 82% supporting construction and demolition plant.

D. Other Reports and Comments

Councilmember Dutton attended the Allied Council meeting and commented on the following:

- Introduced our new Town Manager
- Elections will be in January
- The Pathway Home Program is progressing
- Mayor, Steve Rogers attended the Gasser Sustainability Summit.

Councilmember Chilton commented he attended a ceremony *Operation Recognition*, on behalf of the Mayor, at the Veterans Home and coordinated by the Napa County Office of Education. The program awards high school diplomas to veterans of World War II, Korean and Vietnam who left high school early to fight in the war and noted it was a great ceremony.

Vice Mayor Dunbar reminded people of the Festival of Lights this weekend.

Mayor Saucerman commented the following:

- Festival of Lights - Chamber is using low wattage lighting throughout Town to conserve energy and also noted various activities that will take place throughout the Festival.
- Held the Third Annual Celebrity Chefs Luncheon for the residents at the Veterans Home and thanked all of the volunteers for their assistance.

Recommendation: Received and Filed.

16. STAFF REPORTS

None

17. FUTURE AGENDA ITEMS

- A. Hurley's Exterior Remodel Design Review
- B. Affordable Housing Final Master Development Plans (Ad Hoc and Finnell Road)
- C. West Yost Well Report
- D. Comprehensive Annual Financial Report (CAFR) for 2006/07
- E. Townwide Forestation Plan

18. ADJOURNMENT

Adjourned to the Next Regular Town Council Meeting December 4, 2007.

ATTEST:

/s/ Michelle Price, Town Clerk

Approved by Town Council:

December 4, 2007