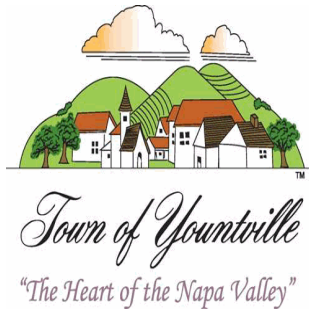


# **Town of Yountville**

6550 Yount Street  
Yountville, CA 94599



## **Meeting Minutes - Final**

**Tuesday, March 5, 2019**

**6:00 PM**

**Town Hall Council Chambers**

### **Town Council**

**Mayor John Dunbar**  
**Vice Mayor Kerri Dorman**  
**Council Member Margie Mohler**  
**Council Member Marita Dorenbecher**  
**Council Member Jeffrey Durham**

**1. CALL TO ORDER; CONVENE REGULAR MEETING - 6:00 P.M.**

Mayor Dunbar called the regular meeting to order at 6:00 p.m.

**2. ROLL CALL**

**Present:** 5 - Mayor John Dunbar, Vice Mayor Kerri Dorman, Council Member Margie Mohler, Council Member Marita Dorenbecher, and Council Member Jeffrey Durham

**MOMENT OF SILENCE**

Mayor Dunbar asked for a moment of silence recognizing Napa Valley and the wine industry recently lost legendary wine maker, John Shafer, who passed away at the age of 94. Mr. Shafer left a legacy that he and his family can be very proud of.

**3. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was held.

**4. ADOPTION OF AGENDA**

**A motion was made by Council Member Dorenbecher, seconded by Vice Mayor Dorman to Adopt the Agenda. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

**5. PROCLAMATIONS AND RECOGNITIONS**

**A.**     [19-2034](#)     Proclamation recognizing March as Red Cross Month.

Mayor Dunbar presented Proclamation to Red Cross Volunteer, Heidi Paul.

**B.**     [19-2041](#)     Proclamation recognizing March 5, 2019 as Arbor Day in the Town of Yountville.

**Attachments:**   [Proclamation](#)

Mayor Dunbar read Proclamation into the record.

**6. PUBLIC COMMENT ON MATTERS NOT LISTED ON THE AGENDA**

Janet Mlynar commented on a letter she received from the Town dated July 31, 2018 regarding mandatory installation of a backflow device and her request for information. Ms. Mlynar also read statement into the record.

Jeff Virnig expanded on comments made by Ms. Mlynar regarding the mandatory installation of backflow devices and specifically addressed Title 17, part D. of the Town's Municipal Code. Mr. Virnig read into the record California

Residential Code R 313.3.1.1 and Yountville Municipal Code Section 13.18.030(c).

Gary Bell, Town Attorney, commented the California Residential Code and the California Plumbing Code are both modified every three years and are adopted by reference in the Town's Municipal Code. The Town's Municipal Code frequently sets higher standards than those required including the Uniform Building Codes. There is a general requirement that unprotected cross connections in the Town have a backflow prevention device. The requirements Mr. Virnig sites in the table specifically say that they are minimum requirements.

Steve Rogers, Town Manager, commented there has been rather extensive and lengthy communication with Ms. Mlynar and Mr. Virnig regarding the mandatory installation of backflow devices. Town Manager Rogers indicated the Town disagrees with Mr. Virnig's interpretation regarding the fire exemption. Town Manager Rogers further commented the Town Council has been copied and has received the several inches of documents and background material that has previously been sent to Ms. Mlynar and Mr. Virnig.

## 7. CONSENT CALENDAR

- A. [18-1906](#) Receive and file Monthly Financial Report for January 2019.

Attachments: [Monthly Financial Report](#)

**This Informational Report was received.**

- B. [19-2006](#) Adopt Resolution Number 19-3536 Awarding the Bid for the Yount Street Rehabilitation Project (MT-3019); Approving a Construction Contract with Granite Construction Company of Ukiah, CA for \$445,052.20; and Authorizing the Town Manager to execute the Construction Contract, Change Orders and Amendments up to the Budget amount.

Attachments: [Resolution](#)

**This Resolution was adopted.**

- C. [19-2028](#) Adopt Resolution Number 19-3537 Awarding Bid and Approving Construction Services Contract with Tuitahi Concrete to remove and replace Curb, Gutter, Sidewalk and ADA Ramps in various locations in a not to exceed amount of \$19,900.

Attachments: [Resolution](#)

**This Resolution was adopted.**

- D. [19-2026](#) Adopt Resolution Number 19-3538 Approving Fiscal Year 2019-20 Project List for SB1: The Road Repair and Accountability Act.

**Attachments:** [Resolution](#)  
[Exhibit 2](#)  
[SB1 Projects for FY 2019-20](#)

**This Resolution was adopted.**

Approval of the Consent Agenda

**A motion was made by Council Member Mohler, seconded by Council Member Dorenbecher to approve the Consent Calendar items. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

## **8. PRESENTATIONS - NONE**

## **9. PUBLIC HEARINGS - NONE**

## **10. ADMINISTRATIVE / REGULAR ITEMS**

- A.**     [19-2023](#)     VINEYARD PARK MASTER PLAN  
Discussion and possible direction regarding Vineyard Park Master Plan Alternatives.

**Attachments:** [Vineyard Park Alternative A](#)  
[Vineyard Park Alternative B](#)  
[Vineyard Park Master Plan Tree Replacement Examples](#)

Joe Tagliaboschi, Public Works Director, presented staff report.

Public Comment

The following individual spoke on the item: Pam Reeves.

Following Town Council discussion, a majority of Council supported Layout B.

- B.**     [19-2035](#)     AUTHORIZING EXAMINATION OF RECORDS  
Consider Adoption of Resolution Number 19-3539 Authorizing Examination of Sales, Use and Transaction Tax Records and Transient Occupancy Tax Administrative Services.

**Attachments:** [Resolution](#)

Preya Nixon, Management Analyst, presented staff report.

Public Comment - None

Following Town Council discussion, Council took the following action:

**A motion was made by Council Member Dorenbecher, seconded by Vice**

**Mayor Dorman to Adopt the Resolution. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

- C.**     [19-2043](#)     MUNICIPAL CODE AMENDMENT  
Introduce and Waive the First Reading of Ordinance Number 19-480 Amending Chapter 13.150 of Title 13 of the Yountville Municipal Code Regarding Small Wireless Communications Facilities.

**Attachments:**   [Ordinance](#)

Sandra Liston, Planning Director, introduced the item and turned over to the Town Attorney for presentation.

Gary Bell, Town Attorney, presented brief staff report.

Public Comment

The following individual spoke on the item: Billie Hewitt.

Following Town Council discussion, Council took the following action:

**A motion was made by Council Member Mohler, seconded by Council Member Dorenbecher to Introduce and Waive the Reading of the Ordinance . The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

- D.**     [19-2045](#)     MUNICIPAL CODE AMENDMENT  
Introduce and Waive the First Reading of Ordinance Number 19-481 Adding Chapter 12.02 of Title 12 of the Yountville Municipal Code regarding Sidewalk Vendors.

**Attachments:**   [Ordinance](#)  
                         [Ordinance REV](#)

Gary Bell, Town Attorney, presented staff report and stated this is a mandate from the State of California related to sidewalk vendors which was effective as of January 1, 2019.

Public Comment

The following individual spoke on the item: Pam Reeves.

Town Attorney Bell recommended several changes to the Ordinance based on Council discussion.

Following Town Council discussion, Council recommended the changes below and took the following action:

Modified section 12.02.020(D.) deleting "To ensure the safety of residents and the merchantability of products sold by vendors without a fixed place of business," with the new sentence beginning with "The Town..."

Modified section 12.02.030(I.) to read "A sidewalk vendor must carry waste disposal bags or containers to permit the separate disposal of trash, food, liquid and recyclables."

Add section new section 12.02.030(L.) to read "A sidewalk vendor shall not use single use plastic products."

Remove in its entirety section 12.02.040(E.)

Renumber recitals following the new "L."

Accept other changes in redline in the revised Ordinance.

**A motion was made by Vice Mayor Dorman, seconded by Council Member Dorenbecher to Introduce and Waive the Reading of the Ordinance. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

**E. [19-2044](#) NAPA COUNTY MOSQUITO ABATEMENT DISTRICT APPOINTMENT - YOUNTVILLE REPRESENTATIVE**

Consider appointment of one (1) individual to represent the Town of Yountville on the Napa County Mosquito Abatement District Board of Trustees with the term of office to commence March 5, 2019 and expire December 31, 2019.

**Attachments:** [Christopher Ray Application](#)

Michelle Dahme, Town Clerk, presented staff report.

Public Comment - None

Following Town Council discussion, Council took the following action:

**A motion was made by Council Member Dorenbecher, seconded by Council Member Durham to appoint Christopher Ray to the Mosquito Abatement District Board of Trustees as the Yountville Representative with the term of office to commence March 5, 2019 and expire December 31, 2019. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

**F. [19-2046](#) PARKS AND RECREATION ADVISORY COMMISSION**  
Consider appointment of one (1) individual to serve on the Parks and Recreation Advisory Commission to fill an unexpired term of office

commencing immediately and expiring January 20, 2020.

Attachments: [Alan Tenscher Application](#)

Michelle Dahme, Town Clerk, presented staff report.

Public Comment - None

Following Town Council discussion, Council took the following action:

**A motion was made by Council Member Mohler, seconded by Council Member Dorenbecher to appoint Alan Tenscher to the Parks & Recreation Advisory Commission to fill an unexpired term of office commencing March 5, 2019 and expiring January 20, 2020. The motion carried by the following vote:**

**Aye:** 5 - Mayor Dunbar, Vice Mayor Dorman, Council Member Mohler, Council Member Dorenbecher, and Council Member Durham

## 11. STAFF INFORMATIONAL REPORTS

Joe Tagliaboschi, Public Works Director, presented a few slides post flooding of Vineyard Park which showed the sport courts being covered in mud. Director Tagliaboschi commented it took two days for Public Works staff to clean the sports courts and stated overall the courts held up well during the flooding.

Steve Rogers, Town Manager, provided an update regarding the negotiations for the Yountville Community Swimming Pool Lease. The negotiations are not reaching a good point and the Town is concerned about the economic impact of the potential \$350,000 to \$500,000 in capital improvement costs over the next five years and the on-going annual operating costs of approximately \$100,000. Based on feedback and direction from Council, the Town Manager will proceed with notifying the State that the Town will forego the lease option.

Town Manager Rogers further advised that he and the Parks & Recreation Director, Samantha Holland, are working on a program for pool accessibility and will begin to market those options soon.

## 12. COUNCIL MEETING REPORTS, COMMENTS AND AGENDA ITEM REQUESTS

Agendas and Minutes related to Council Members meeting attendance are maintained separately by the various meeting bodies.

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

No Report

### B. Napa Valley Transportation Authority (NVTa) (Dunbar, Dorman, Mohler, Durham)

Vice Mayor Dorman reported on the Authority meeting.

### C. Upper Valley Waste Management Authority (Mohler/Dorman)

Council Member Mohler reported the Authority will meet on March 18, 2019 at 1:00 p.m.

D. League of California Cities Update (Dunbar, Mohler, Dorenbecher)

Mayor Dunbar reported he attended the League of California Cities Board of Directors meeting held in Grass Valley which included a visit from Governor Newsom and reported on the following:

Some of the topics discussed include the Leagues goals for housing and homelessness, pension reform, public safety and disaster preparedness.

There was discussion regarding the Governor's Executive Order to target excess State owned properties for housing development. The Veterans Home may be classified as one of those properties and possibly the Napa State Hospital and the Napa Valley Expo/Fairgrounds. The State is taking inventory of excess properties and establishing criteria to evaluate those properties for potential housing development. During this meeting it was brought up there are probably in the thousands of parcels; however, many may be in rural areas that are not developable due to mountainous terrain or other factors.

Will be attending the National League of California Cities and will meet with National lobbyists and legislators.

Last Friday was the deadline to submit bills and over 2,600 bills were submitted for consideration.

The League of California Cities voted to support a lawsuit opposing a State mandate that will allow cannabis deliveries in all cities and towns. The League expressed that it believes this mandate is outside the scope of Proposition 64 and treads on local authority to set certain criteria. At this time approximately half a dozen cities have signed on.

The State Supreme Court ruled recently on a case involving CALPERS pensions and the practice of employees buying air time service credit. The Supreme Court determined it is not a vested right for CALPERS employees.

Town Attorney Bell stated the Mayor presented an accurate description of that case and it is one of two that the California Supreme Court granted where it was a possibility that they would re-examine the California Rule. For now, the California Rule stays in tact after this case.

E. Reports and Announcements

Council Member Mohler reported on the following:

On Monday, March 11, 2019 at 9:00 a.m., LAFCO of Napa County will be holding a special meeting in Town Council Chambers to provide LAFCO 101 training and discuss LAFCO's Sphere of Influence (SOI) Policy.

Attended CALAFCO Strategic Planning Conference last week.



Back in 2010 Council established a Yountville Library Ad Hoc Subcommittee with Council Member Dorenbecher and myself and more recently with Vice Mayor Dorman where there has been quite a few conversations with the County to better understand what the Town is paying for in terms of library services. With support from the Town Manager and Friends of the Yountville Library, the Yountville Library will now be open 5 days per week from 10:00 a.m. to 6:00 p.m. starting in July. More importantly, the Town no longer has to pay for the Town's additional 4.0 hours that were previously contracted for.

Vice Mayor Dorman also thanked Yountville's Library Commission representative, Scott Owens.

Mayor Dunbar reported Yountville Live March 14 to 17, 2019 and Taste of Yountville will be held March 16, 2019.

Council Member Dorenbecher reported on the following:

On March 9, 2019 at Noon in Veterans Park a remembrance will be held for the three members of the Pathway Home Staff who were killed.

The 41st Napa Valley Marathon and the inaugural half marathon started at Conn Creek Winery went very well.

Give shout out to new Race Director, Michelle La Sala, Blistering Pace Race Management.

### **13. CLOSED SESSION**

### **14. ADJOURNMENT**

Adjourned to the Town Council Regular Meeting Tuesday, March 19, 2019 at 6:00 p.m. being held in Town Council Chambers located at 6550 Yount Street, Yountville.

ATTEST:

Michelle Dahme, CMC  
Town Clerk

Date Approved: March 19, 2019