



**City of St. Helena
Special Planning Commission
Meeting
Tuesday, February 2, 2021 @ 5:00 PM**

In accordance with Executive Order N-29-20, and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. We will address the Order in the following ways: Members of the public may not physically attend meetings. The Planning Commission meeting will be live-streamed on the City's website, barring technical difficulties. Those members of the public wishing to participate must do so remotely via Zoom electronic meetings in the following ways; by either logging onto the Zoom link located on the meeting agenda (please download the app to your computer or mobile device) and enter the meeting ID or by calling a listed number and enter the meeting ID. Public comment for Planning Commission meetings will be accepted via email to publiccomment@cityofsthelena.org. All public comments must be emailed by 4:00 PM prior to the meeting. Emailed public comments will not be read out loud but will be publicly available and attached to the on-line Planning Commission agenda.

Please see the end of the agenda for detailed PUBLIC PARTICIPATION instructions.

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/86781190195>

Or iPhone one-tap :

US: +16699006833,,86781190195# or +13462487799,,86781190195#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or
+1 301 715 8592 or +1 312 626 6799

Meeting ID: 867 8119 0195

International numbers available: <https://us02web.zoom.us/j/86781190195>

**Ciudad de Santa Helena
Reunión Especial del Comisión de Planificación
2 de febrero del 2021 @ 5:00 PM**

De acuerdo con las órdenes ejecutivas N-25-20, N-29-20, y la orientación del Departamento de Salud Pública de California sobre reuniones, se permite la participación pública virtual. Seguiremos la Orden de la siguiente manera: Los miembros del público no pueden asistir físicamente a las reuniones. La reunión del Comisión de Planificación de la Ciudad se transmitirá en vivo en el sitio web de la Ciudad, salvo dificultades técnicas. Aquellos miembros del público que deseen participar deben hacerlo de forma virtual a través de las reuniones electrónicas de Zoom de las siguientes maneras; iniciando sesión en el enlace Zoom ubicado en la agenda de la reunión (descargue la aplicación en su computadora o dispositivo móvil) e ingrese el ID de la reunión o llamando al número ubicado en la agenda e ingrese el ID de la reunión. Se aceptarán comentarios públicos para la reunión del Comisión

de Planificación por correo electrónico a publiccomment@cityofsthelena.org. Todos los comentarios públicos se harán públicos y se adjuntarán a la agenda, pero no se leerán en voz alta. Todos los comentarios públicos que se reciban después de las 4:00 PM se adjuntarán a la agenda al día siguiente.

Consulte el final de la agenda para obtener instrucciones detalladas de PARTICIPACIÓN PÚBLICA.

Haga clic en el enlace a continuación para participar en la reunión:

<https://us02web.zoom.us/j/86781190195>

O por iPhone one-tap: US: +16699006833,,86781190195# or
+13462487799,,86781190195#

O por Teléfono: Marque(para mejor calidad, marque número basado en su ubicación actual):
US: ++1 669 900 6833 or +1 346 248 7799 or +1 253 215 8782 or +1 929 205 6099 or +1 301
715 8592 or +1 312 626 6799

ID de la Reunión: 867 8119 0195

Números Internacionales Disponibles:<https://us02web.zoom.us/j/86781190195>

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1. PLEDGE OF ALLEGIANCE	
2. CALL TO ORDER AND ROLL CALL Acting Chair: John Ponte Commissioners: Autumn Anderson, Daniel Hale, Rosaura Segura and Marika Rothfeld. City staff present at the meeting will be noted in the minutes.	
3. PUBLIC FORUM: No public comment will be received as special meetings are limited to subjects on the agenda only.	
4. CONSENT ITEMS Members of the Commission or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless that is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)	
5. PUBLIC HEARINGS	
6. NEW BUSINESS	
7. SCHEDULED MATTERS	
7.1. Planning Commission Brown Act Training presented by BBK Law. Brown Act Training PPT. Presentation	7 - 24
8. DEPARTMENT REPORTS This is an opportunity for staff to report on or update the Commission on any relevant matters.	
9. AGENDA FORCAST	

Below is a link to a list of pending and upcoming projects which may be of interest to the community.

This is also an opportunity for the Commission as a whole to request items be placed on future agendas for discussion. These items should be consistent with, and work to implement adopted Council Goals.

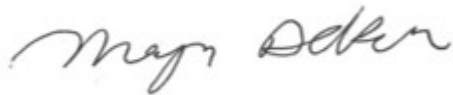
A list of all current planning projects is available on our city website in the link below:

http://www.cityofsthelenahome.org/projects?term_node_tid_depth=21

Please contact the assigned project Planner for additional questions.

10. ADJOURNMENT

I do hereby certify that a copy of the foregoing agenda was posted on the City website on January 22, 2021.



Maya DeRosa, Planning & Building Director

Appeal. A person who is dissatisfied with a decision of the Planning Commission may appeal that decision to the City Council pursuant to Municipal Code Section 17.08.180, Appeal procedure. Actions of the Planning Commission will be listed on the City Council agenda the following Tuesday to give the City Council opportunity to review the Planning Commission's decision. Absent of an appeal by the City Council or by a citizen, the appeal period will terminate two weeks after the Planning Commission hearing.

Special Assistance for the Disabled. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 48 hours prior to the meeting will enable City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR35.102-35.104 ADA Title II). However, City staff will attempt to assist at any time with accessibility. The City Clerk has equipment to assist those with a hearing impairment.

PUBLIC TESTIMONY PROCEDURES

Pursuant to the Government Code Section 54954.3, the public may address the Commission on each agenda item during the Commission's consideration of that item. Each speaker has the option to state his or her name for the record before testifying. Depending on the number of speakers or the interest of the item, the Planning Commission Chairman may also restrict, at his/her discretion, the speaker's time to three minutes. The

Chairman may also restrict public comments if they become irrelevant to the agenda item or repetitious of prior comments. All persons interested may appear and be heard or submit written statements prior to the Planning Commission meeting. Please note that if you challenge the City's decision on

any of these matters in court, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the City at, or prior to, the meeting.

CHALLENGING DECISIONS OF CITY ENTITIES

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City of St. Helena is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision, including without limitation Government Code section 65009 applicable to many land use and zoning decisions, Government Code section 66499.37 applicable to the Subdivision Map Act, and Public Resources Code section 21167 applicable to the California Environmental Quality Act (CEQA). Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. Government Code section 65009 and 66499.37, and Public Resources Code section 21167, impose shorter limitations periods and requirements, including timely service in addition to filing.

If a person wishes to challenge the above actions in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of St. Helena, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the Planning Commission regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the Planning Department's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such writings or documents will be made available on the City's web site at <http://cityofsthelelena.org> and will be available for public review at the respective meeting.

THE CITY OF ST. HELENA ENCOURAGES ONLINE PUBLIC PARTICIPATION IN VIRTUAL PLANNING COMMISSION MEETINGS

St. Helena, CA– The City of St. Helena is committed to public participation in City government in a manner that is consistent with guidance provided by the Napa County Public Health Official and Governor Newsom's Executive Order N-25-20. These guidelines relate to social distancing, and are intended to protect everyone by limiting the spread of COVID-19 in our community. In adherence to these guidelines, the St. Helena Planning Commission will host a Virtual Planning Commission Meeting on Zoom; a free teleconferencing tool that enables users to watch and/or call into the meeting from their computers or phones. This meeting will be open to public and allows for live public comment. The meeting will also be recorded, livestreamed, and posted on the City's website after the adjournment of the meeting if technical difficulties occur: <https://sthelelena.civicweb.net/Portal/>

The ZOOM web link, meeting ID, and phone number will be listed at the

top of the Planning Commission Meeting Agenda. You will be required to enter the meeting ID, but there will be no password or participant ID.

How to Watch or Listen to Planning Commission Meetings:

1. Watch on Comcast Channel 28
2. Watch the livestreaming video on the City's website
3. Watch and Listen on Zoom.us by clicking on the link in the Planning Commission Agenda
4. Listen only by calling the Zoom number listed on the Planning Commission Agenda

Watch Planning Commission Meetings by Joining the Zoom Meeting:

1. By Computer, Tablet, or Smart Phone:

- a. Before joining the virtual Planning Commission Meeting, it is highly encouraged that you download the Zoom App. To sign up for your own free account, visit zoom.us/signup and enter your email address. You will receive an email from Zoom (no-reply@zoom.us). In this email, click Activate Account.
- b. If you are logged into your account, Enter the **Meeting ID** listed on the Planning Commission Agenda. If you have not created an account go to: <https://zoom.us/join> and enter the **Meeting ID**
- c. Select if you would like to connect audio and/or video and tap **Join Meeting**.
- d. For specific instructions for your device, go to: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>

1. Listen Only by Telephone:

- a. **Dial** the number listed on the Planning Commission Agenda.
- b. At the prompt, enter the **Meeting ID** provided on the top of the Planning Commission Meeting Agenda and **Press #. A participate ID is not required.**
- c. To disconnect from the meeting, hang up the phone.

Ways to Provide Public Comment:

While attending the virtual Planning Commission Meeting, the public will have the opportunity to provide live public comment during Public Forum and after each agenda item. When it is the appropriate time for public comment the Chair will verbally open public comment. At this time each individual is permitted 4 minutes to speak.

1. Send a Public Comment in by 4:00 PM Prior to the Meeting to: publiccomment@cityofsthelena.org

The easiest way to provide public comment is to email your public comment. Public comments may be emailed to publiccomment@cityofsthelena.org. Please include in the subject line "COMMENT TO PLANNING COMMISSION and the AGENDA ITEM". Any public comment is required to be submitted no later than 2 hours before the scheduled meeting and will be included as an attachment to the agenda. All public comments will be made publicly available and attached to the agenda item and will not be read out loud. All public comments that are received after 4:00 PM will be attached to the agenda the

following day.

2. Provide Comment through Zoom meeting from a computer, tablet, or smart phone

This option allows the public to virtually attend the meeting as a muted 'attendee' with no video or screen sharing capabilities. You will be able to see and hear those participating in the meeting, but they will not be able to hear you until the host unmutes you.

If you wish to provide public comment during a specific agenda item or during public forum, you can use the **"raise hand"** feature located in the control panel at the bottom of your screen. The icon is a small blue hand. In Windows you can also use the Alt+Y keyboard shortcut to raise or lower your hand. In Mac you can also use the Option+Y keyboard shortcut to raise or lower your hand.

The host will be notified that you've raised your hand and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. To be removed from the queue, just click the **'raise hand'** button again.

3. Call in to the ZOOM meeting from a cell phone or landline phone only

This option allows the member of the public with the opportunity to verbally participate in public comment.

If you wish to speak during public comment time dial ***9** on your telephone.

The host will be notified that you would like to speak and you will be placed in a queue with all incoming requests.

When it is your turn to speak, you will be notified that the host has unmuted you. You may press ***9** again if you wish to be removed from the queue.

You will be notified at the end of your statement that you have been muted.



City of St. Helena

Planning Commission

Brown Act Training

Martin de los Angeles



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Overview

- 1. Purpose of Brown Act**
- 2. Brown Act Requirements for:**
 - Regular Meetings, Special Meetings, Closed Sessions, Teleconferencing, and Off-Site Meetings
- 3. Exceptions**
- 4. Meeting Agenda Items and Notice Requirements**
- 5. Public Comments**
- 6. Public Recording of Meetings**
- 7. Penalties and Remedies**



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The Brown Act

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend such meetings, except as otherwise provided in this chapter.
(Gov. Code § 54953)



The Brown Act – Application

To whom does the act apply?

- Governing body
- Appointed bodies
- Standing Committees, but not Ad Hoc Committees
- Persons elected to legislative bodies, even prior to assuming office



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The Brown Act – Application

Meeting:

- Any gathering of a majority of the members at the same time and place to hear, discuss or deliberate upon any matter under their jurisdiction.
- No action needs to be taken for a meeting to occur; conversations between members of a legislative body about issues confronting the agency is sufficient.



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Regular Meetings

- Agenda must be posted 72 hours in advance of the meeting.
- Must include the time and location of the meeting.
- Must contain a brief general description of each item to be discussed or addressed, including closed-session items.
- Notices available in alternative ADA formats and distributed in advance to those who request copies.



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Special Meetings

- Agenda must be posted at least 24 hours prior to the meeting.
- Notice to be delivered to each member and to each local newspaper of general circulation and radio or television station requesting notice in writing and to those who request copies.



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Closed Sessions



- Must be expressly authorized –
 - Conference with Legal Counsel – existing litigation or anticipated litigation
 - Public Employee Appointment
 - Public Employee Performance Evaluation
- Must be briefly described in agenda
- If action is taken, may need to report to the public



Teleconferencing

- Posted no later than 24 hours prior to the special meeting and 72 hours prior to the regular meeting and posted at the teleconference location.
- Must have roll call vote on all items.
- Quorum must participate from locations within the local agency's jurisdiction.



Off-Site Meetings

- Must be accessible to the public without making payment or purchase.
- Must be within the boundaries of the local agency with certain exceptions.



Brown Act in Light of COVID-19

- Remote Participation: Must be connected to the main meeting site via telephone, audio or both.
- Location:
 - May hold via teleconference and make meetings accessible telephonically or otherwise electronically to all members of the public.
 - Timely compliance with the Brown Act is still required and must specifically list the location that will be publicly accessible.
- Voting: Votes must be by roll call.
- Remote Locations: Need not be identified in the agenda, and the remote location need not be accessible to the public.
- Quorum: Need not be physically present within the agency's boundaries.



The Brown Act – Exceptions

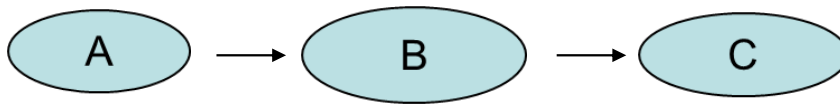
Meeting: When does the Brown Act not apply?

- Individual contacts and conversations
- Conferences and seminars open to the public (e.g., annual association conferences)
- Open and publicized community meetings (e.g., local service club)
- Other legislative bodies (e.g., members of city council attending meeting of planning commission) – *a majority of the governing body may attend as long as they do not discuss among themselves issues related to the agency*
- Social/ceremonial events (e.g. football game, wedding, retirement party, etc.)

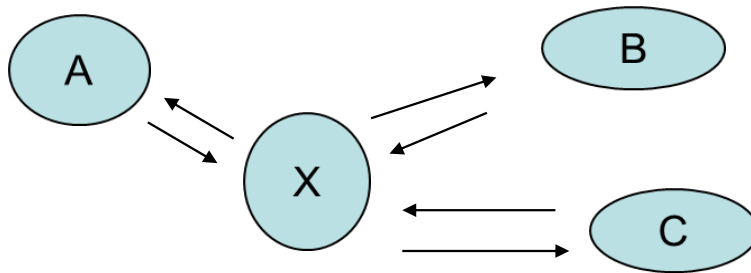


Serial Meetings

- Chain



- Hub and spoke



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Meeting Agenda Items

No action or discussion allowed for any item not listed on agenda except for:

- Urgency Items – Adding items by 2/3 vote because of need for immediate action that came to the attention after the agenda is posted
- Brief responses to statements or questions from public
- Questions to staff to clarify matters based on public comments
- Brief announcements or reports on member's/staff's activities
- Asking staff to report back at a future meeting on any matter



The Public's Right to Comment

Every agenda must provide opportunity for the public to speak:

- **Before/during consideration of item**
- **On items not on agenda (but within jurisdiction of agency)**
- **Not required to register**
- **Rules of decorum are permitted (i.e., 3 minute time limit)**



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Public Recording of Meetings

- The public must be allowed to audio or video tape a meeting unless the local agency can make a reasonable finding that the recording would constitute a persistent disruption of the proceedings
- Recordings of public meetings by the local agency are public records



Penalties and Remedies

- Violations may be prevented/stopped by court order
- Actions not in compliance may be invalidated; however, there is an opportunity for the governing body to cure upon notification
- Court costs and attorneys' fees are recoverable
- Misdemeanor



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Questions?



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