



Mayor: Ann Nevero
Vice Mayor: Sharon Crull
City Council: Greg Pitts
Mario Sculatti
Peter White

**REGULAR MEETING
ST. HELENA CITY COUNCIL
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA
AUGUST 27, 2013
6:00 PM REGULAR MEETING**

PLEASE NOTE: Any person who wishes to speak regarding an item on the agenda or make a comment under the “Oral Communication” portion of the agenda may voluntarily complete a “Speaker Card” and submit it to the City Clerk **BEFORE** that portion of the agenda is called. Speaker cards are available on the table in back of the room. Please observe the time limit of three minutes.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

- 3. PUBLIC FORUM:** Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person’s comments shall be limited to 3 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with State Law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.

- 4. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:** Reports by staff and/or Councilmembers on items of general interest. Brief questions for clarification may be posed and answered, and Councilmembers may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.

- Police Department Monthly Crime Report (Police Chief)

5. PRESENTATIONS AND PUBLIC RECOGNITIONS

CONSENT ITEMS: Members of the Council 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)

- 6. City Council Minutes of July 9, 2013**
Recommended Action: Approve

7. City Council Minutes of July 23, 2013
Recommended Action: Approve
8. City Council Minutes of August 8, 2013
Recommended Action: Approve
9. City Council Minutes of August 11 2013
Recommended Action: Approve
10. Introduction of an ordinance prohibiting advertisement, possession, use, purchase, or distributing of substituted cathinones (commonly called “bath salts”, jewelry cleaner,” and “glass cleaner”) synthetic cannabinoids (commonly known as “spice” or “K2”), and certain other synthetic drugs and waiving the reading of the full text of the ordinance.
Recommended Action: Introduce ordinance by title only and waive further reading of the ordinance
11. Resolution rescinding Resolution No. 2012-18 thereby removing a water shortage emergency condition based on the annual water supply/deficit calculation
Recommended Action: Adopt
12. Resolution approving agreement to fund and administer the Napa Countywide Stormwater Management Program
Recommended Action: Adopt
13. Resolution approving temporary closure of Oak Avenue and Adams Street and authorizing possession of open alcoholic beverages on those streets for the October 19 Hometown Harvest Festival
Recommended Action: Adopt
14. Settlement agreement with the County of Napa for release of overpaid administrative fees for property taxes
Recommended Action: Approve
15. Resolution establishing a tax rate for servicing debt obligations incurred by the issuance of 1996 General Obligation Fire Bonds to be effective for Fiscal Year 2013-2014
Recommended Action: Adopt
16. Resolution awarding informal bid for construction of a biofilter in Pond 4 at the wastewater treatment plant, CIP Project No. S-50
Recommended Action: Adopt

PUBLIC HEARINGS - None

SCHEDULED MATTERS

17. Discussion/approval of matching fund process for Renaissance Committee funding in St. Helena FY 2013-14 Budget (City Manager)

18. Presentation on services provide by Napa/Solano Area Agency on Aging to older Americans (Harriet Dietz)
19. Discussion/possible next steps for a St. Helena citywide anti-speeding campaign (Mayor)
20. Presentation and discussion on proactive City support of non-auto transportation in St. Helena. Consideration/action on next steps to begin coordinated effort (Mike Costanzo, Executive Director of Napa Bike)
21. Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements (Interim Planning Director) (To be continued to September 10, 2013)

ADJOURNMENT

The next Regular City Council meeting is scheduled for September 10, 2013 at 6:00 p.m. in the Vintage Hall Board Room located at 465 Main Street. This agenda was posted at City Hall, 1480 Main Street, and at Vintage Hall, 465 Main Street, St. Helena, California on August 22, 2013.



Delia Guijosa, City Clerk

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 City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk'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://cityofsthelena.org> and will be available for public review at the respective meeting.

**REGULAR MEETING
ST. HELENA CITY COUNCIL
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA
JULY 9, 2013
5:00 P.M. CLOSED SESSION
6:00 P.M. REGULAR MEETING**

A complete video recording of this meeting can be found at www.cityofstheleena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

Vice Mayor Crull called the meeting to order at 5:05 p.m. and the flag was saluted.

ROLL CALL

Present: Councilmembers Sculatti, White, Pitts, Vice Mayor Crull

Absent: Mayor Nevero

PUBLIC COMMENTS PERTAINING TO THE CLOSED SESSION

Vice Mayor Crull asked if there were any public comments regarding the Closed Session matters listed below. There being none, the Council convened into Closed Session.

CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: The portion of APN: 009-211-016, 1480 Main Street, containing the existing City Hall facility (Multiple Offers)

Property Owner: City of St. Helena

City Negotiator: City Manager Gary Broad

Offer Number One: Lux Forum

Offer Number One Negotiator: William J. Agee

Offer Number Two: St. Helena Investors

Offer Number Two Negotiator: Andy Bartlett

Under Negotiation: Price and terms for potential sale or lease of property

**OPEN SESSION – COUNCIL WILL RETURN TO OPEN SESSION AND
ANNOUNCE ACTIONS TAKEN IF ANY**

The Regular Meeting was reconvened at 6:02 p.m. Vice Mayor Crull stated there was no reportable action.

PUBLIC FORUM

Council Appointments to Boards and Commission – Jay Greene

Commended the Council on the recent board and commission appointments.

Hospitality Industry – Mary Stephenson

Presented a power point regarding the hospitality industry's impact on housing.

**REPORTS BY STAFF AND CITY COUNCIL AND FUTURE AGENDA ITEMS
and AB 1234 REPORTS:**

Mayor Nevero Absent - Vice Mayor Crull

Stated that she is running the meeting as a result of Mayor Nevero's absence.

PRESENTATIONS AND PUBLIC RECOGNITIONS - None

CONSENT ITEMS

Councilmember White moved to approve Consent Items 9-13. The motion was seconded by Councilmember Sculatti and on roll call carried by the following vote:

AYES: Councilmembers White, Sculatti, Pitts, Vice Mayor Crull

NOES: None

ABSENT: Mayor Nevero

Those items approved were as follows:

9. Approved City Council minutes of Special Meeting of June 25, 2013;

10. Approved City Council minutes of Regular Meeting of June 25, 2013;

11. Adopted Resolution No. 2013-48 establishing an appropriation limit for FY 2013-14 and the selection of current fiscal year adjustment factors;

12. Approved Agreement between Napa County and the City of St. Helena approving Joint Powers Agreement (Amendment No. 1) use of medical cache trailer;

13. Adopted Resolution No. 2013-49 approving request from Calistoga Affordable Housing (CAH) for waiver of all application processing fees for the Turley Flats 8-unit 100% affordable housing at 1105 Pope Street pursuant to Municipal Code Section 17.08.190 (D.)(1.) resulting in a waiver of \$6,300 (\$3,700 Design Review; \$2,000 Use Permit, \$400 noticing and \$200 labels).

PUBLIC HEARINGS

14. Council consideration/introduction of an ordinance to prohibit advertisement, possession, use, purchase, or distributing of substituted cathinones (commonly called "bath salts", jewelry cleaner," and "glass cleaner") synthetic cannabinoids (commonly known as "spice" or "K2"), and certain other synthetic drugs

The Council agreed with pursuing the establishment of an ordinance prohibiting advertisement, possession, use, purchase, or distributing of substituted cathinones (commonly called “bath salts”, jewelry cleaner,” and “glass cleaner”) synthetic cannabinoids (commonly known as “spice” or “K2”), and certain other synthetic drugs.

At the request of the City Attorney, counsel was directed to review the ordinance and bring in back for introduction at a future meeting.

SCHEDULED MATTERS

15. Resolution 2013-50 Napa County Transportation & Planning Agency (NCTPA) Report “St. Helena Vine Community Bus Service Assessment and Recommendations” for the St. Helena VINE Shuttle route operation and consideration/adoption of Resolution approving a Memorandum of Understanding (MOU) with the NCTPA

Councilmember Sculatti moved to adopt Resolution No. 2013-50 approving a Memorandum of Understanding (MOU) with the NCTPA for managing and operating the St. Helena Vine Shuttle. The motion was seconded by Councilmember White and on roll call carried by the following vote:

AYES: Councilmembers Sculatti, White, Pitts, Vice Mayor Crull

NOES: None

ABSENT: Mayor Nevero

16. Review and direction on revisions to the General Plan Update Circulation and Land Use Elements

Upon review of this matter it was the Council’s consensus to continue this matter to the next meeting due to Mayor Nevero absence.

ADJOURNMENT

Mayor Nevero adjourned the meeting at 8:08 p.m.

APPROVED:

ATTEST:

Sharon Crull, Vice Mayor

Delia Guijosa, City Clerk

**REGULAR MEETING
ST. HELENA CITY COUNCIL
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA
JULY 23, 2013
5:00 P.M. CLOSED SESSION
6:00 P.M. REGULAR MEETING**

A complete video recording of this meeting can be found at www.cityofstheleena.org or by calling the City Clerk at (707) 967-2792. The City Council video is the official record of the Council meeting.

Mayor Nevero called the meeting to order at 5:03 p.m. and the flag was saluted.

ROLL CALL

Present: Councilmembers Sculatti, White, Crull, Mayor Nevero

Absent: Councilmember Pitts

CLOSED SESSION

Mayor Nevero asked if there were any public comments regarding the Closed Session matters listed below.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Government Code Section 54956.8)

Property: The portion of APN: 009-211-016, 1480 Main Street, containing the existing City Hall facility (Multiple Offers)

Property Owner: City of St. Helena

City Negotiator: City Manager Gary Broad

Offer Number One: Lux Forum

Offer Number One Negotiator: William J. Agee

Offer Number Two: St. Helena Investors

Offer Number Two Negotiator: Andy Bartlett

Offer Number Three: Corton Partners

Offer Number Three Negotiator: Jonathan Hibma

Under Negotiation: Price and terms for potential sale or lease of property

Joice Beatty, Voorhees Circle, addressed the Council expressing concern about selling the City Hall property zoned public quasi and questioned where City Hall would be located. She expressed dissatisfaction that the Council was discussing selling the property without talking to the public first.

Pat Del, San Juan Court, also expressed concern that the Council had not discussed this matter openly stating it reminded her of the recent McCorkle property purchase. She said the Council needs to hear from the public before negotiating a sale. She also urged the Council to arrange to have the comments regarding closed session matters streamed.

Arrival of Councilmember Pitts

Councilmember Pitts arrived at this time (5:07 p.m.).

The Regular Meeting was reconvened at 6:07 p.m. The City Attorney stated there was no reportable action as a result of the Closed Session.

PUBLIC FORUM

Comments Re: Closed Session

The following individuals addressed the Council with regard to the Closed Session topic:

Lorraine Stuart stated that she had gathered 123 signatures from residents concerned about the use of the Carnegie Building. She expressed concern that there has been no opportunity for public discussion or feedback on this matter. She said she had many questions such as renovation of City Hall, value of City Hall, use of Adams Street for administration office, consideration of a bond, appraisal, and GPA.

Mayor Nevero suggested the Council schedule a Town Hall meeting to discuss public facilities. The Council agreed and staff was directed to schedule a Town Hall meeting.

Bob Steinhauer, Vineyard Avenue, agreed with Ms. Stuart and questioned how much the City Hall property would be sold for and said the public needs details as to the Council's proposal.

Norma Ferris, Crinella Avenue, was of the opinion that recent council and staff decisions are money driven and she asked that decisions be based on the common good of the public.

Jim Hassel, Sylvaner Avenue, stated that he was confused about the vision for a long term administrative facility. He said using the Carnegie on a temporary basis makes no sense to him without an understanding of the options and consequences.

Jeff Ellsworth, Sylvaner Avenue, stated that he has been to all 50 states and wanted to emphasize that St. Helena is a gem.

Faith Echtermeyer, Hudson Avenue, said that the three hotel applications have been submitted to City Hall and she asked what could be done to get them moving forward.

David Cummings, White Hall Lane, stated that replacing City Hall with another hotel is of no value to the residents stating another hotel is not needed.

Kathy Carrick, Stockton Street, was pleased that a Town Hall meeting would be scheduled and questioned if until then the closed session negotiations would cease.

Pat Del readdressed the Council expressing annoyance with her observation that when Council was asked a question they all turned to the City Manager and City Attorney. She said the community does not want the City Manager and City Attorney making its decisions; they want the Council to make its decisions.

Joice Beatty readdressed the Council stating that the Council would not be in this situation had they brought this item to the public first. She said the Council should be ashamed of themselves.

Soccer Field - Salvador Ramirez

Stated that a few years ago he had submitted a petition signed by residents interested in a soccer field. He said the council indicated that Phase 2 of the soccer field at Montessori School would occur. The Council directed staff to provide an update at a future meeting regarding this matter.

**REPORTS BY STAFF AND CITY COUNCIL AND FUTURE AGENDA ITEMS
and AB 1234 REPORTS:****Upcoming Bids – Public Works Director**

Stated that the city had released bids for the library HVAC replacement and for street repairs. Bids will be opened on July 31st.

Leaf Blowers – Mayor Nevero

Encouraged residents to obey the new leaf blower regulations and to respect their neighbors by adhering to the regulations. She pointed out that staff had prepared a fact sheet on the regulations and it is printed in English and Spanish.

PRESENTATIONS AND PUBLIC RECOGNITIONS - None**CONSENT ITEMS****9. Adopted Resolution No. 2013-51 authorizing Professional Services Agreement with Napa Design Partners (NDP) for architectural services and construction document preparation of the structural repair of Signorelli Barn CIP No. C09**

This item was removed from consent. Councilmember Sculatti expressed an interest in considering leasing and fully restoring the Signorelli Barn.

Councilmember Crull noted that some years ago students had taken on a project in which they identified the best use and cost of restoring the Signorelli Barn. She suggested this rendition be added to the upcoming Town Hall meeting agenda.

Councilmember Crull moved to adopt Resolution No. 2013-51 authorizing a professional services agreement with Napa Design Partners (NDP) for architectural services and construction document preparation of the structural repair of Signorelli Barn CIP No. C09. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers Crull, Pitts, Sculatti, White, Mayor Nevero

NOES: None

PUBLIC HEARINGS – None**SCHEDULED MATTERS****11. Presentation by Napa Valley CanDo on single-use carry out bags and Council direction to the Sustainability Committee on drafting a single-use plastic bag ban ordinance for future Council consideration**

Grania Lindberg presented a power point on behalf of Napa Valley CanDo regarding the effects of plastic bags.

Councilmember Pitts moved to direct staff to draft an ordinance regarding single-use plastic bags with input from the Sustainability Committee. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers Pitts, Crull, Sculatti, White, Mayor Nevero

NOES: None

12. City Council discussion and direction on the City of St. Helena Protocol for Committees, Commissions and Boards

Council provided direction to Consultant O'Rourke with regard to protocol for committees, commissions and boards.

Council supported committees/boards being comprised of 5 – 7 members; requiring all committee board and commission members to reside in the St. Helena's sphere of influence and applicants outside of the area would be considered on a case by case basis; all terms, including Planning Commission members, would be two year terms; and the Council can impose staggered terms of one and two years as necessary to achieve a balance of term expirations; reduce MCC membership from 11 to 7 with two alternates and reappoint members to the committee (four of the MCC member expirations would occur in two years and 3 would occur in one year); City Manager to appoint staff liaison to MCC; consensus that MCC bylaws comply with committee board and commission protocols; staff to consider whether or not a resolution is necessary to disband the Safe Yield Committee and agendaize for a future meeting; staff to look at appeal process for all committees.

Consultant O'Rourke stated that she would make the changes directed by Council and bring back appropriate resolutions and an ordinance for council consideration.

RECESS

At 8:24 Mayor Nevero called for a recess. The meeting was reconvened at 8:40 p.m.

13. Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements

The following individuals addressed the Council with regard to the General Plan Update matter:

Chuck Vondra questioned how many people the City of St. Helena could support stating he felt it was close to the current population. He expressed concern with medium density being built out and suggested the Council revisit the "cut-throughs" to the Silverado Trail. Mr. Vondra read a letter from his nine year old daughter, Clare Elyse, stating she "loves to ride her bike but her backyard is too small and she can't ride it anywhere else because cars drive too fast down the hill."

Ron Sprout encouraged the Council to preserve open space and parks and to adjust the zoning to do so.

Wendell Laidley stated that construction behind the flood wall should not be allowed. His wife, Ingrid, expressed concern with cars driving too fast.

Peter Scott expressed concern with the increased activity from Harold Smith & Sons and the impact to the residential neighborhood. He questioned if the business was in compliance with its hours of operation and storage of equipment noting that the business no longer mines gravel. He also suggested an attempt to divert non delivery truck traffic to use the Silverado Trail during certain hours.

Kathleen Forni concurred with cars traveling too fast in the Stare neighborhood and also was concerned with long term availability of Napa water.

Bernie Buckley felt the city was maxed out and asked that the Council stop extensions. Carol VanKonynenburg agreed.

Council reviewed land use, circulation and community design elements.

MOTION TO EXTEND MEETING

Councilmember Pitts moved to continue the meeting until 10:30 p.m. The motion was seconded by Councilmember Sculatti and on roll call carried by the following vote:

AYES: Councilmembers Pitts, Sculatti, White, Crull, Mayor Nevero

NOES: None

It was Council's consensus that Councilmember Pitts and White would work on circulation, Councilmember Crull on community design and Councilmember Sculatti and Mayor Nevero on land use and each would submit their comments to staff and the matter would be re-visited at the August 13, 2013 Council meeting.

ADJOURNMENT

Mayor Nevero adjourned the meeting at 10:30 p.m.

APPROVED:

ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk

**SPECIAL MEETING
ST. HELENA CITY COUNCIL
CITY HALL CONFERENCE ROOM
1480 MAIN STREET, ST. HELENA
AUGUST 8, 2013
8:30 A.M.**

Mayor Nevero called the meeting to order at 8:34 a.m. and the flag was saluted.

ROLL CALL

Present: Councilmembers Sculatti, White, Pitts, Mayor Nevero

Absent: Councilmember Crull

PUBLIC FORUM

Brown Act – Jeff Ellsworth

Stated that at a recent council meeting much reference was made to the Brown Act. He read the introductory to the Brown Act and stated that the Council should have advised the public “about the city hall sale ahead of time versus after the wheels started turning”. He felt this was a breakdown in communication.

SCHEDULED MATTERS

Consideration/cancellation of August 13, 2013 City Council Meeting

Councilmember Sculatti moved to cancel the August 13, 2013 City Council meeting. The motion was seconded by Councilmember White and on roll call carried by the following vote:

AYES: Councilmembers Sculatti, White, Pitts, Mayor Nevero

NOES: None

ABSENT: Councilmember Crull

Resolution No. 2013-52 awarding construction contract for St. Helena Library HVAC

Councilmember White moved adopt Resolution No. 2013-52 awarding a construction contract for the St. Helena library HVAC to R-E Corporation with the contingencies of staff checking contractor and subcontractor’s references and litigation history. The motion was seconded by Councilmember Sculatti and on roll call carried by the following vote:

AYES: Councilmembers White, Sculatti, Pitts, Mayor Nevero

NOES: None

ABSENT: Councilmember Crull

Resolution No. 2013-53 awarding construction contract for street repair and rehabilitation 2013

Councilmember White moved to adopt Resolution No. 2013-53 awarding a construction contract for the St. Helena street repair and rehabilitation project to Argonaut Constructors with the contingencies of staff checking subcontractor's references and litigation history. The motion was seconded by Councilmember Pitts and on roll call carried by the following vote:

AYES: Councilmembers White, Pitts, Sculatti, Mayor Nevero

NOES: None

ABSENT: Councilmember Crull

**Initial review and direction on revisions to the Draft General Plan Update
Community Design Element**

Due to time constraints, no action was taken on this matter.

ADJOURNMENT

Mayor Nevero adjourned the meeting at 9:30 a.m.

APPROVED:

ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk

**SPECIAL MEETING
TOWN HALL MEETING
ST. HELENA CITY COUNCIL
ST. HELENA PUBLIC LIBRARY
1492 LIBRARY LANE, ST. HELENA
AUGUST 11, 2013 3:00 – 5:00 P.M.**

Mayor Nevero called the meeting to order at 3:04 p.m.

ROLL CALL

Present: Councilmembers Sculatti, White, Crull, Pitts, Mayor Nevero

Absent: None

TOWN HALL MEETING

Mayor Nevero stated the purpose of the Town Hall meeting was to have an open dialog regarding city facilities and in particular regarding lease/sale of City Hall. She summarized the staff report prepared for the Town Hall Meeting.

City Attorney Brown provided an overview of the Ralph M. Brown Act's intent and summarizing two key parts: stating that public commissions, boards and councils and public agencies in the State exist to aid in the conduct of the people's business and that the people of the State do not yield their sovereignty to the agencies which serve them.

Discussion ensued regarding an unsolicited offer to purchase City Hall.

Faith Echtermeyer questioned how interested parties became aware of the potential sale of City Hall.

Gene Armstead stated he partook in the tour and agreed that City Hall is in poor condition. He said he was concerned about the process and timing. He questioned where City Hall would go stating that a space study should come before a discussion regarding the sale of City Hall. He also questioned the idea of a temporary move to the Carnegie Building.

Bob Steinhauer stated a three step process was necessary beginning with a needs assessment, plan of action and a financial plan.

Councilmember Crull said no decisions have been made and there have been no studies because the issue arose as a result of an unsolicited offer.

Councilmember White noted that in recent budget discussions, the Council did allocate funds to study the matter.

Jay Greene questioned the property line of 1480 Main Street and impacts to the Fire Department, Lyman Park and the soon to be "Britton Way".

Councilmember Crull stated that Lyman Park is not part of the proposal.

Chuck Duke stated that entering into negotiations at this time was premature.

Mayor Nevero stated that the Council is continuing to discuss and consider offers. Councilmember Crull stated that the Council halted said discussions for the purpose of conducting this Town Hall meeting.

Lorraine Stuart stated that she felt the process being undertaken is wrong.

Greta Ericson felt there were two issues. One being the sale in closed session and the second being whether to sell or not. She felt the process thus far was putting the cart before the horse.

In response to an inquiry, Mayor Nevero clarified that a hotel is not part of the transaction.

Dave DiSanti said the Council needs a long term solution and a well thought out process.

Larry Vermeulen agreed with the statement that this was the cart before the horse.

Pat Del suggested the City consider using the trailers that the Montessori School will be giving up and stay at City Hall until a plan is outlined.

Jack Stuart noted that the public needs to pay more attention to city agendas but agreed that a master plan was lacking.

Bonnie Schoch stated that the issue of whether or not to sell City Hall should have been placed on the agenda.

Bill Ryan recommended a consensus and moving forward.

Jeff Ellsworth stated that whatever goes at 1480 Main Street needs to be a part of a long term plan.

Jay Greene encouraged the Council to inform the four interested parties that at this time the City will not be considering offers.

Michael Calderola stated that community consensus is needed.

Ana Canales was of the opinion that the Council should consider moving City Hall to Adams Street not to the Carnegie Building.

Mayor Nevero asked the public to raise their hands if they supported tearing down the existing City Hall and building a new one on the same site. Many raised their hands. She asked how many supported a City Hall at Adams Street along with a comprehensive plan, many raised their hands.

Many attendees asked that the Council stop negotiations.

Councilmember Pitts suggested exploring City Hall at Adams Street and leasing property for long term income.

Susan McWilliams questioned the cost of City Hall at Adams Street.

Skip Lane encouraged the Council to stop what is going on now and seek community involvement.

Sandy Ericson said the show of hands of the 40 -50 people in attendance was not governing.

Matt Harris agreed that knowing the costs of both locations (Main Street and Adams Street) was important to know.

ADJOURNMENT

Mayor Nevero adjourned the meeting at 5:10 p.m.

APPROVED:

ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk

STAFF REPORT



DATE: August 27, 2013

TO: Mayor and City Council

FROM: Jacqueline Rubin, Chief of Police
Officer Steve Peterson

Item No: 10

RE: Introduction of an Ordinance Banning Possession of Synthetic Spice and Synthetic Bath Salts

BACKGROUND:

Synthetic marijuana (often known as “K2” or “Spice”) and ‘bath salt’ products are often sold in legal retail outlets as “herbal incense” and “plant food,” respectively. They are labeled “not for human consumption” to mask their intended purpose and avoid FDA regulatory oversight of the manufacturing process.

Synthetic marijuana consists of plant material that has been laced with substances (synthetic cannabinoids) that users claim mimics $\Delta 9$ -tetrahydrocannabinol(THC), the primary psychoactive active ingredient in marijuana and are marketed toward young people as a “legal” high.

Use of synthetic marijuana is alarmingly high. According to data from the 2011 Monitoring the Future survey of youth drug-use trends, 11.4 percent of 12th graders used Spice or K2 in the past year, making it the second most commonly used illicit drug among high school seniors.

‘Bath Salts’ is a moniker/name for a substance that contains manmade chemicals related to amphetamines that often consist of methylenedioxypyrovalerone (MDPV), mephedrone, and methylone, also known as substituted cathinones. The term ‘Bath Salts’ being used in this ordinance does not have any relation to a type of bath salt that you would use while taking a bath.

The Drug Enforcement Administration has been working over the past 24 months with Federal, Congressional, State, local, and non-governmental partners to put policies and legislation in place to combat this threat, and to educate people about the tremendous health risk posed by these substances.

Synthetic cannabinoids in herbal incense products were first detected in the United States in November 2008, by the Drug Enforcement Administration’s (DEA) forensic laboratory. These products were first encountered by U.S. Customs and Border Protection.

DISCUSSION/ANALYSIS:

Under California's Health and Safety Code 11357.5, a person may possess synthetic spice and or bath salts; however:

11357.5. (a) Every person who sells, dispenses, distributes, furnishes, administers, or gives, or

offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.

(b) As used in this section, the term "synthetic cannabinoid compound" refers to any of the

- (1) 1-pentyl-3-(1-naphthoyl)indole (JWH-018).
- (2) 1-butyl-3-(1-naphthoyl)indole (JWH-073).
- (3) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200).
- (4) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497).
- (5) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol(cannabicyclohexanol; CP-47,497 C8 homologue).

Due to a 'loophole' in the above Health and Safety Code Section, it is NOT illegal to 'possess' synthetic spice or bath salts. Therefore creating an ordinance to ban possession of the substances will allow law enforcement the ability to confiscate any person possessing the substances prior to any sales taking place.

According to the American Association of Poison Control Centers, 2,906 calls relating to human exposure to synthetic marijuana were received in 2010. Twice that number (6,959) were received in 2011, and 639 had been received as of January 2012.

According to the American Association of Poison Control Centers, the number of calls related to bath salt exposure received by poison control centers across the country increased by more than 20 times in 2011 alone, up from 304 in 2010 to 6,138.

Napa Register - October, 2011 (Dr. Paul Kivala, M.D.) - " As an emergency physician at Queen of the Valley Medical Center, I see a lot of patients come and go out who unknowingly put themselves in harm's way. I recently finished a string of weekend shifts in which, I had several patients come in with severe health complications due to smoking "spice" cigarettes.

None of them suspected these cigarettes would put them in the hospital with problems ranging from anxiety and racing heartbeats to seizures. Most of these patients were underage and neither the patient nor their parents seemed to be aware of the complications from smoking these seemingly harmless cigarettes. My goal is to increase awareness and to make sure that people know the hidden dangers of these not so innocent "spice" or "herbal" cigarettes that can be found just about anywhere."

Napa Register - March, 2011 (Register Staff) - " Products advertised as herbal incense such as "Spice," "K-2," "Blaze," "Red X Dawn," and others that contain chemicals used to make "fake pot" or legal alternatives to marijuana are now illegal under a new temporary federal ban."

Napa Register - March, 2013 (Register Staff) - " A jail inmate died at 5 p.m. Monday at Queen of the Valley Medical Center about a day after he was booked into the Napa County jail on suspicion of resisting arrest, according to the Napa County Sheriff's Office. Brandon Whiteley, 25, of Napa, was arrested Saturday after police responded at 10:55 p.m. to a report of a fight in the 700 block of Lincoln Avenue, said Sheriff's Capt. Tracey Stuart. Whiteley was arrested and booked into the Napa County jail at 11:33 p.m. that night. He admitted drinking and smoking synthetic marijuana, Stuart said. At 4:15 a.m. Sunday, jail staff called American Medical Response ambulance after Whiteley was found "shaking" and "agitated" and in need of medical attention, Stuart said. He was transported to Queen of the Valley Medical Center, where a friend reported seeing him unresponsive Monday at the intensive care unit. Stuart said Whiteley was still in custody when he died."

Napa Register - March, 2013 (Register Staff) - "At least two deputies with the Napa County Sheriff's Office were injured Sunday night while trying to confront a man in Rutherford who witnesses had said was acting crazy and threatening to fight, authorities said. The sheriff's office was called around 7:30 p.m. Sunday to the area of Highway 29 and Rutherford Road on report of a man exhibiting threatening behavior, the sheriff's office said. Deputies confronted the man on the street, who proceeded to punch and fight them, officials said. Dilan Pineda Crispin, a 20-year-old Rutherford resident, allegedly caused scrapes and bruises to at least two deputies, one of whom also sustained a concussion during the altercation, the sheriff's office said. Crispin was arrested on suspicion of felony battery on a police officer causing injury and on suspicion of resisting arrest.

Capt. Tracey Stuart said Crispin may have been under the influence of some kind of substance."

Synthetic drugs are extremely dangerous and, as the foregoing statistics demonstrate, are gaining popularity at an alarming rate among high school and college-aged individuals. These illicit drugs are widely available in stores throughout the City, despite the State of California's attempt to ban such drugs under Health & Safety Code sections 11375.5 (banning synthetic stimulant compounds and derivatives) and 11401 (banning "analogs" of controlled substances) and the Federal Government's attempt to ban such drugs under the Controlled Substances Act (the "CSA") (21 U.S.C. § 81, *et seq.*). The dangers of synthetic drugs, which have been documented to cause hallucinations, agitations, psychosis, aggression, suicidal and homicidal ideations, cannibalism, and death, require regulation. In order to ensure that the City's law enforcement personnel have the tools necessary to combat this growing problem, staff recommends that the Council consider the draft ordinance attached to this report.

The proposed ordinance allows the City to plug the loophole left by existing federal and state regulation, and provides an effective tool to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution, and sale of Synthetic Drugs in manners that brazenly seek to circumvent State and Federal Law is through the administrative, civil and criminal enforcement procedures.

FISCAL IMPACT:

No impact.

ALTERNATIVES:

None.

RECOMMENDED COUNCIL ACTION:

Staff recommends the Council introduce the ordinance, waive the reading of the ordinance, and schedule adoption of the ordinance for the council meeting scheduled on July 23, 2013.

ATTACHMENTS/EXHIBITS:

1. Proposed Ordinance

Cc: City Attorney
City Council

CITY OF ST. HELENA

ORDINANCE NO. ____

ADDING NEW CHAPTER 9.22 “SUBSTITUTED CATHINONES, SYNTHETIC CANNABINOIDS, AND OTHER SYNTHETIC DRUGS” TO THE ST. HELENA MUNICIPAL CODE

The City Council of the City of St. Helena does hereby ordain as follows:

SECTION 1: Findings. The City Council hereby determines that:

A. Recreational use of substituted cathinones (commonly called “Bath Salts”, “Jewelry Cleaner”, and Glass Cleaner”), synthetic cannabinoids (commonly known as “Spice” or “K2”), and similar products collectively known as “synthetic drugs” has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism, and death. While state and federal laws and regulations prohibit some synthetic drugs, the makers of these drugs continually alter the composition of the compounds in their products so as to escape the scope of those laws and regulations. The purpose and intent of this ordinance is to provide the City with measures to address the dangers to the community posed by synthetic drugs that are not regulated by state or federal law.

B. Synthetic drugs are extremely dangerous, and available statistics demonstrate that these drugs are gaining popularity at an alarming rate among high school and college-aged individuals, as well as among parolees and probationers. Synthetic drugs are widely available in stores throughout the City, despite the State of California’s attempt to ban such drugs under Health & Safety Code sections 11375.5 (banning synthetic stimulant compounds and derivatives) and 11401 (banning “analogs” of controlled substances) (collectively “State Synthetic Drug Laws”), and the Federal Government’s attempt to ban such drugs under the Controlled Substances Act (the “CSA”) (21 U.S.C. § 81, *et seq.*). The City Council further finds that the dangers of synthetic drugs, which have been documented to cause hallucinations, agitations, psychosis, aggression, suicidal and homicidal ideations, cannibalism, and death, require regulation.

C. While the State Synthetic Drug Laws and the CSA prohibit certain compounds that are used to create synthetic drugs, they are not comprehensive enough to eliminate the distribution and sale of all synthetic drugs in the City. Specifically, the City Council finds that the makers of synthetic drugs continually alter the composition of the compounds in their products so as to not come under the prohibition of the State Synthetic Drugs Laws, the CSA, and other laws and regulations that attempt to prohibit the sale of synthetic drugs. In fact, products which plainly are being marketed for use as synthetic drugs are now being packaged with advertisements stating that the product does not contain compounds specifically banned by the State Synthetic Drug Laws. Thus the City Council finds that in order to implement an effective measure prohibiting the distribution to and sale of synthetic drugs, it is necessary to look at all factors related to the sales and marketing of synthetic drugs. These factors will help City law enforcement officials determine whether a product that does not come under the purview of State Synthetic Drug Laws or the CSA is nevertheless a synthetic drug because it is intended for recreational drug use.

D. While the question of whether a given product is being possessed, distributed, or sold for use as a recreational drug must be determined on a case-by-case basis, the City Council finds that the following evidentiary factors are helpful in determining whether a given product is in fact a synthetic drug:

(1) Marketing: Synthetic drugs are rarely, if ever, suitable for their marketed uses. For example, a synthetic drug in the form of a powder might be marketed as a “glass cleaner,” even though the powder cannot reasonably be used to clean glass.

(2) Sales Location: Synthetic drugs are typically sold in liquor stores, smoke shops and gas stations, yet synthetic drugs are marketed as products that are not typically sold by these businesses. For example, synthetic drugs are often marketed as bath salts, spice, incense, potpourri, skin treatments, cleaning products and plant food; however, these types of products are typically not sold in liquor stores, smoke shops or gas stations.

(3) Warning Labels: Synthetic drugs often use warning labels such as: “not for human consumption” and “not for purchase by minors.” Bona fide bath salts, incense, cleaning products and the like do not typically bear such labels. Of particular relevance are labels that indicate a given product does not contain chemical compounds banned by State Synthetic Drug Laws, which bona fide bath salts, incense, cleaning products and the like would not have any reason to advertise.

(4) Price: Synthetic drugs are typically more expensive than products that are used for the synthetic drug’s marketed use. For example, a synthetic drug marketed as “glass cleaner” might be priced at \$50.00 for an eighth of an ounce, while bona fide glass cleaner is priced at approximately \$5.00 for 26 ounces.

(5) Similarity to Illicit Street Drugs: Synthetic drugs often resemble illicit street drugs and/or use brand names and packaging that are designed to make the product appear similar to illicit drugs. For example, many synthetic drugs are sold as white powders packaged in vials (resembling cocaine) or dyed green to appear similar to marijuana. Additionally, brand names are often similar to street slang for illicit drugs and have no relation to the products that are purportedly being sold. These brand names are always changing, but include “Eight Ballz,” “Spice,” “Black Mamba,” “K-2,” “Puff,” “Sugar Sticks,” “Green Buddha,” “Diable Botanical Incense,” “Scooby Snax Potpourri,” “Grape Ape Herbal Incense,” “Three Monkey Incense,” “Mr. and Mrs. Marley,” “Cloud 9 Incense,” and a group of Synthetic Drugs marketed as from “The Spice Guy.”

E. Effective Abatement: An effective way to prevent and abate the health, safety and welfare concerns that exist as a result of the marketing, distribution, and sale of Synthetic Drugs in manners that brazenly seek to circumvent State and Federal Law is through the administrative, civil and criminal enforcement procedures set forth in Chapters 1.12 of the St. Helena Municipal Code and the additional procedures being enacted by this ordinance.

SECTION 2: Amendment to Municipal Code. Title 9 of the St. Helena Municipal Code is hereby amended to add a new Chapter 9.22, “Synthetic Stimulants and Synthetic Cannabinoids,” to read as follows:

"Chapter 9.22

SUBSTITUTED CATHINONES, SYNTHETIC CANNABINOIDS, AND OTHER SYNTHETIC DRUGS

Sections:

- 9.22.010 Purpose.**
- 9.22.020 Definitions.**
- 9.22.030 Possession, Storage, Provision, Sale, Advertisement, Use, Purchase, and/or Distribution of Synthetic Drugs Prohibited.**
- 9.22.040 Declaration of Public Nuisance.**
- 9.22.050 Summary Abatement.**
- 9.22.060 Penalties.**
- 9.22.070 Seizure of Evidence.**
- 9.22.080 Exclusions.**
- 9.22.090 Severability.**

9.22.010 Purpose.

The purpose of this Chapter is to protect the public health and safety of the citizens of St. Helena from the dangers and ill effects of substituted cathinones (commonly called “Bath Salts”, “Jewelry Cleaner”, and Glass Cleaner”), synthetic cannabinoids (commonly known as “Spice” or “K2”), and other synthetic drugs by declaring certain activities involving these drugs to be a public nuisance and subject to all available civil and criminal remedies. Without the prohibitions enacted by this chapter, these synthetic drugs can be possessed by individuals without the city’s ability to control the negative effects to the health, safety and welfare of the citizens of St. Helena. These negative effects include, but are not limited to, psychoactive behavior and reactions, serious injury, and death caused by its consumption. This chapter is not intended to apply to any activity already regulated by the State Synthetic Drug Laws (California Health & Safety Code sections 11375.5 and 11401), the Federal Controlled Substances Act (21 U.S.C. sec. 81, *et seq.*), or any other applicable state or federal law or regulation that would preempt local regulation.

9.22.020 Definitions.

As used in this chapter, the following definitions shall apply, unless the context clearly indicates otherwise. If a word is not defined in this section, the common and ordinary meaning of the word shall apply.

“Business” shall have the same meaning ascribed to that term by Section 5.04.010 of this code.

“City” shall mean the City of St. Helena, California.

“Distribute,” “distributing,” and “distribution” shall mean to furnish, give away, exchange, transfer, deliver, or supply, whether for monetary gain or not, other than by lawfully administering or dispensing a controlled substance.

“Person” shall mean any individual, group of two or more individuals, collective as defined in the Compassionate Use Act, business, company, corporation, firm, public corporation, partnership, association, club, or any other similar organization or entity.

“Possess,” “possessing,” and “possession” shall mean to have for consumption, distribution, or sale in one’s actual or constructive custody or control, or under one’s authority or power, whether such custody, control, authority and/or power be exercised solely or jointly with others.

“Provide,” “providing,” and “provision” shall mean offering to distribute or sell a product or substance to any person.

“Psychoactive or psychotropic stimulant effects” shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition, and/or behavior in ways that are similar to the effects of cocaine, methylphenidate or amphetamines.

“Psychoactive or psychotropic euphoric effects” shall mean affecting the central nervous system or brain function to change perception, mood, consciousness, cognition, and/or behavior in ways that are similar to the effects of cannabis.

“Sell,” “selling,” and “sale” shall mean to furnish, exchange, transfer, deliver, or supply for monetary gain.

“Substitued Cathinones (Bath Salts, Jewelry Cleaner, Glass Cleaner)” shall mean any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1one by substitution at the 1-position with either phenyl, naphthyl, or thiophene rings systems, whether or not the compound is further modified in any of the following ways:

- (a) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents; or
- (b) by substitution at the 3-position with an acyclic alkyl substituent; by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
- (c) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

“Synthetic Cannabinoids (Spice or K2)” shall mean any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically expected, whenever the existence of these salts:

1. Naphthoylindoles: Any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
2. Naphthylmethylindoles: Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
3. Naphthoylpyrroles: Any compound containing a 1H-indol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.
4. Naphthylmethylindenenes: Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl

- group whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent.
5. Phenylacetylindoles: Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent.
 6. Cyclohexylphenols: Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring extent.
 7. Benzoylindoles: Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.
 8. 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de]-1, 4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other names: WIN 55,212-2.
 9. 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methylcatan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210, HU-211
 10. Adamantoylindoles: Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring system to any extent.

“Synthetic drug” shall include substituted cathinones and synthetic cannabinoids, as those terms are defined by this section.

9.22.030 Possession, Storage, Provision, Sale, Advertisement, Use, Purchase, and/or Distribution of Synthetic Drugs Prohibited.

- A. It is unlawful and a threat to public safety for any person to possess, store, provide, sell, advertise, use, purchase, or distribute any synthetic drug within the city.
- B. The fact a synthetic drug is marketed, sold, distributed, delivered, traded, bartered, or labeled as “Not for Human Consumption” (or words of similar effect) or identified as having a lawful use does not exempt a person from the application of this chapter.
- C. It is unlawful for any person to store, provide, sell, or distribute or to permit the storage, provision, sale or distribution of synthetic drugs from any real property owned, possessed, managed, or controlled by that person in the city.
- D. The law enforcement personnel enforcing this section may consider any of the following evidentiary factors to determine if the product is a synthetic drug:
 - (1) The product is not suitable for its marketed use (such as crystalline or powder being marketed as “glass cleaner”);

- (2) The business providing, distributing, or selling the product does not typically provide, distribute, or sell products that are used for that product's marketed use (such as a liquor store selling "bath salts" or "plant food");
- (3) The product contains a warning label that is not typically present on products that are used for that product's marketed use (such as "not for human consumption," "not for purchase by minors," or "does not contain chemicals banned by Health & Safety Code section 11357.5");
- (4) The product is significantly more expensive than products that are used for that product's marketed use (such as a half of a gram of a substance marketed as "glass cleaner" costing \$50.00);
- (5) The product resembles an illicit street drug (such as cocaine, methamphetamine or marijuana); or
- (6) The product's name or packaging uses images or slang referencing an illicit drug (such as "Spice," "K-2," "Eight Ballz," or "Green Buddha").

9.22.040 Declaration of Public Nuisance.

A. The storage, provision, sale, advertisement, purchase, or distribution of any synthetic drug from any property, structure, or building in the city is declared to be a public nuisance.

B. Civil Remedies Available; Remedies Cumulative. In addition to the penalties provided in Section 9.22.060 of this chapter, any property used in violation of any provision of this chapter shall constitute a public nuisance and may be abated by the city by civil process by means of a restraining order, a preliminary or permanent injunction, or in any manner provided by law for the abatement of such nuisance. All remedies herein are cumulative and non-exclusive.

9.22.050 Summary Abatement.

Because the use of Synthetic Drugs has been documented to cause hallucinations, agitation, psychosis, aggression, suicidal and homicidal ideations, cannibalism and death, any violation of this chapter presents a grave and imminent danger not only to the person consuming the synthetic drug, but also to the public at large. If the law enforcement personnel, based on the facts then known, determines that a violation of this chapter presents an imminent danger or hazard or is imminently injurious to the public health or safety, that violation shall be punishable by the summary abatement procedures set forth Section 1.12.130 of this code, including the immediate seizure of any synthetic drugs. If law enforcement personnel confiscate any synthetic drugs pursuant to this section, such synthetic drugs shall be stored pending the conclusion of a post seizure hearing pursuant to Section 1.12.130 and the conclusion of any related criminal case. Law enforcement personnel shall give notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by law enforcement. The citation shall also give notice of the right to request an administrative hearing to challenge the validity of the citation and the time for requesting that hearing.

9.22.060 Penalties.

A. Misdemeanor Violation. Failure to comply with any of the requirements of this chapter is a misdemeanor punishable by imprisonment in the city or county jail for a period not exceeding six (6) months or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment, provided that where the city attorney determines that such action would be in the interest of justice, he/she may specify in the accusatory pleading that the offense shall be an infraction. Law enforcement personnel shall give

notice of a violation of this chapter by issuing a citation to any and all responsible persons identified by law enforcement.

B. Infraction Violation. Where the city attorney determines that, in the interest of justice, a violation of this chapter is an infraction, such infraction is punishable by a fine not exceeding one hundred dollars (\$100.00) for a first violation, a fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision within one (1) year, and a fine not exceeding five hundred dollars (\$500.00) for each additional infraction violation of the same provision within one (1) year. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to a trial by jury and shall not be entitled to have the public defender or other counsel appointed at public expense to represent him/her, unless he/she is arrested and not released on his/her written promise to appear, his/her own recognizance, or a deposit of bail. However, any person who has previously been convicted two (2) or more times during any twelve (12) month period for any violation of this chapter for a crime made punishable as an infraction shall be charged with a misdemeanor upon the third violation.

C. Separate Offense. Each person committing, causing or maintaining a violation of this chapter or failing to comply with the requirements set forth herein shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed, continued, maintained or permitted by such person and shall be punishable accordingly.

D. Civil Remedies Available; Remedies Cumulative. In addition to the penalties provided in this section, any condition caused or permitted to exist in violation of any of the provisions of this chapter shall constitute a public nuisance as provided in Section 9.22.040 and may be abated by the city by civil process by means of a restraining order, preliminary or permanent injunction or in any manner provided by law for the abatement of such nuisance. All remedies herein are cumulative and non-exclusive.

E. Additional Penalties; Costs of Abatement. Nothing in this chapter shall preclude the city from pursuing the remedies made applicable hereto elsewhere in this code or under state law, including but not limited to, as applicable, denial or revocation of certificates of occupancy and injunctive relief. In any administrative or criminal proceeding involving the abatement of a public nuisance, the city shall also be entitled to recover its full reasonable costs of abatement, including, but not limited to, investigation, analysis and prosecuting the enforcement against the guilty party, upon submission of proof of such cost by the city.

F. Public Nuisance Remedies. The prevailing party in any proceeding associated with the abatement of a public nuisance as provided herein, shall be entitled to recovery of attorneys' fees incurred in any such proceeding, where the city has elected, at the initiation of that individual action or proceeding to seek recovery of its own attorneys' fees. In no action, administrative proceeding or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the City in the action or proceeding.

9.22.070 Seizure of Evidence.

Any products or substances stored, possessed, provided, distributed, or sold in violation of any provision of this chapter shall be seized and stored in accordance with law.

9.22.080 Exclusions.

A. This chapter shall not apply to drugs or substances lawfully prescribed or to intoxicating chemical compounds that have been approved by the Federal Food and Drug Administration or are specifically permitted by California law.

B. This chapter shall not apply to drugs or substances that are prohibited by State or Federal law, including without limitation, the State Synthetic Drug Laws (California Health & Safety Code sections 11375.5 and 11401), and the Federal Controlled Substances Act (21 U.S.C. sec. 81, *et seq.*).

C. This chapter shall not be deemed to prohibit any act that is permitted, prohibited, or preempted by any state or federal law or regulation.

9.22.090 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section or part of this chapter be declared by the courts to be unconstitutional, void or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the part or section declared to be unconstitutional, void or invalid."

SECTION 3: Compliance with CEQA. The City Council hereby finds that the action to adopt this ordinance to add Chapter 9.22 to Title 9 of the Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, *et seq.*) (CEQA) because the action is exempt from environmental review pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The ordinance regulates certain behavior to protect the health, safety, and public welfare, and does not authorize activities or development that could potential have a physical impact on the environment. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of the proposed ordinance may have a significant effect on the environment.

SECTION 4: Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 5: Inclusion in the St. Helena Municipal Code. It is the intention of the St. Helena City Council that the text in Section 2 of this ordinance be made a part of the St. Helena Municipal Code and that the text may be renumbered or relettered and the word "Ordinance" may be changed to "Section," "Chapter," or such other appropriate word or phrase to accomplish this intention.

SECTION 6: Effective Date. This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ____ day of August, 2013, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of _____, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

STAFF REPORT

OFFICE OF THE DIRECTOR OF PUBLIC WORKS



DATE: August 27, 2013

TO: Mayor and City Council

Item No: 11

FROM: John Ferons, Director of Public Works/City Engineer

RE: Resolution rescinding Resolution No. 2012-18 thereby removing a water shortage emergency condition based on the annual water supply/deficit calculation

BACKGROUND

St. Helena Municipal Code Section 13.04.010 establishes that the city shall calculate the water supply/usage balance as soon as practicable after the end of each fiscal year. The supply/usage balance is the difference between the safe annual yield of the City's water supply and the total current usage with total current usage being the average usage over the last five fiscal years. The balance is positive, or in surplus, when the safe annual yield exceeds total current usage. The balance is negative, or in deficit, when the safe annual yield is less than total current usage.

The annual Water Shortage Emergency (WSE) is determined pursuant to the analytical methodology created by the Safe Yield Committee as identified in its report dated March 17, 2011. This calculation requires compilation and evaluation of multiple data sources including: annual production volumes for Louis Stralla Water Treatment Plant, Stonebridge Wells & Napa Water; monthly Bell Canyon water levels; monthly groundwater use; production water at the treatment plant; operational water in the distribution system; water loss; and delivery to the water enterprise customers. The result of this analysis is the annual water supply/usage balance which then dictates if a water shortage emergency exists.

DISCUSSION/ANALYSIS

The current five-year average of metered usage is 1806 acre-feet. Adding in the percentage water loss of 8.3% gives an estimate of total average water usage of 1870 acre-feet. The total average water usage of 1870 acre-feet is below the safe yield of the St. Helena water supply system of 1950 acre-feet. Therefore the water supply/usage balance for July 1, 2012 through June 30, 2013 is an 80 acre-foot surplus.

St. Helena Municipal Code Section 13.04.270 establishes that water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in St. Helena Municipal Code Section 13.04. One of the criteria for establishing a Phase I Water Shortage Emergency is the supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit.

With the supply/usage balance in surplus the Phase I Water Shortage Emergency may be lifted.

RECOMMENDED COUNCIL ACTION

Council adopt the attached resolution rescinding Resolution No. 2012-18 removing a water shortage emergency condition based on the annual water supply/deficit calculation.

Council may then direct staff to agendize for a future meeting implementation of St. Helena Municipal Code Chapter 13.10, Water Management Code, which establishes a process for determining the broad land use categories to be served through allocations of water resources during periods when the city is not by resolution of the city council in any water shortage emergency phase.

ATTACHMENTS/EXHIBITS

1. Resolution 2013-_____ Rescinding Resolution No. 2012-18 thereby removing a water shortage emergency condition based on the annual water supply/deficit calculation

CITY OF ST. HELENA

RESOLUTION NO. 2013-

ADOPTING RESOLUTION RESCINDING RESOLUTION NO. 2012-18 THEREBY REMOVING A WATER SHORTAGE EMERGENCY CONDITION BASED ON THE ANNUAL WATER SUPPLY/DEFICIT CALCULATION

RECITALS

- A. St. Helena Municipal Code Section 13.04.010 establishes that the city shall calculate the water supply/usage balance as soon as practicable after the end of each fiscal year.
- B. The water supply/usage balance for July 1, 2012 through June 30, 2013 resulted in an 80 acre-foot surplus.
- C. St. Helena Municipal Code Section 13.04.270 establishes that water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in St. Helena Municipal Code Section 13.04. One of the criteria for establishing a Phase I includes the supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit.
- D. With the supply/usage balance in surplus the Phase I Water Shortage Emergency may be lifted.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. Adopt this resolution rescinding Resolution No. 2012-18, thereby removing a water shortage emergency condition based on the annual water supply/deficit calculation.

Approved at a Regular Meeting of the St. Helena City Council on August 27, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Ann Nevero
Mayor

Delia Guijosa
City Clerk

STAFF REPORT

OFFICE OF THE DIRECTOR OF PUBLIC WORKS



DATE: August 27, 2013

TO: Mayor and City Council

Item No: 12

FROM: John Ferons, Director of Public Works/City Engineer
Debra Hight, Assistant Director of Public Works

RE: Resolution Approving the Agreement to Fund and Administer the Napa Countywide Stormwater Management Program

BACKGROUND

The City of St. Helena participates in the federally mandated National Pollution Discharge Elimination System (NPDES) by obtaining and maintaining permit coverage under the State Water Resources Control Board (SWRCB) Waste Discharge Requirements, Water Quality Order No. 2003-0005-DWQ (WQO) for Phase II Small Municipal Separate Storm Sewer Systems (MS4) permits. To comply with the WQO, Napa County prepared the Napa Countywide Stormwater Management Program (NCSMP) implemented by the County and cities of American Canyon, Calistoga, Napa, St. Helena, and Yountville through a Joint Powers Authority (JPA) established to combine resources and facilitate the implementation of stormwater management requirements. The City of St. Helena entered into the original agreement for a JPA for the NCSMP with Resolution 2003-82.

Countywide programs and budgets are approved annually by the NCSMP agencies. The City approved budget amendments to the original JPA agreement with Resolutions 2004-60, 2005-117, 2007-104, 2009-14, 2010-42 and 2012-68. The Napa County Flood Control District is responsible for administering the countywide program and provides funding from the Maintenance and Watershed Programs Project funds to cover a portion of the program costs. The NCSMP agencies pay the remaining cost of the Countywide Program through the JPA according to a cost-share formula based 50% on population and 50% on Benefit Assessment Units (BAU). BAUs are calculated based on the properties' proportionate share of storm water runoff and the amount of sediment that has the potential to erode off the property.

DISCUSSION/ANALYSIS

The SWRCB adopted a new Phase II MS4 permit which became effective on July 1, 2013. The new Phase II MS4 permit builds upon the WQO and provides for enhanced water quality measures and monitoring from municipal agencies. To initially comply with the new Phase II MS4 permit, the City completed the filing a Notice of Intent (NOI) with the SWRCB on June 21, 2013.

The JPA Agreement for the NCSMP has been updated to reflect the changes mandated by the SWRCB and to reflect projected funding and staffing needs. To accomplish this task, the County and Cities agree to continue the proportional cost reimbursement obligations set forth in our Agreement in order to fund staff time for the development of a new NCSWMP and to increase countywide stormwater pollution prevention efforts. The total annual funding for the NCSMP is

\$284,308 for FY13-14. The City of St. Helena's maximum contribution for FY13-14 under the proposed agreement is \$9,191.

FISCAL IMPACT

Modest cost contribution for the City of St. Helena included in the approved budget. No costs outside budgeted funds.

RECOMMENDED COUNCIL ACTION

Adopt Resolution 2013-__ approving the Agreement to Fund and Administer the Napa County Stormwater Management Program.

ATTACHMENTS/EXHIBITS

1. Resolution to Approve the Agreement to Fund and Administer the Napa Countywide Stormwater Management Program
2. Agreement to Fund and Administer the Napa Countywide Stormwater Management Program

**NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
AGREEMENT NO. _____**

COUNTY OF NAPA AGREEMENT NO. _____

CITY OF NAPA AGREEMENT NO. _____

CITY OF ST. HELENA AGREEMENT NO. _____

CITY OF CALISTOGA AGREEMENT NO. _____

CITY OF AMERICAN CANYON AGREEMENT NO. _____

TOWN OF YOUNTVILLE AGREEMENT NO. _____

**AGREEMENT TO FUND AND ADMINISTER
THE NAPA COUNTYWIDE STORMWATER MANAGEMENT PROGRAM
(NAPA COUNTYWIDE STORMWATER
POLLUTION PREVENTION PROGRAM)**

THIS AGREEMENT (“Agreement”), is entered into as of this ____ day of _____ 2013 by and between the Napa County Flood Control and Water Conservation District, a special district of the State of California, (“DISTRICT”), the City of American Canyon, the City of Napa, the City of St. Helena, the City of Calistoga (collectively, “CITIES”), and the Town of Yountville (TOWN), and the County of Napa, a political subdivision of the State of California, (“COUNTY”). DISTRICT, CITIES, TOWN, and COUNTY are also referred to herein as “Party” individually and “Parties” collectively.

RECITALS

WHEREAS, as public agencies, COUNTY, CITIES, TOWN, and DISTRICT are authorized by Government Code section 6500 *et seq.* to enter into a joint exercise of powers agreement for the funding and performance of functions within each others’ jurisdictions which each agency is individually authorized to conduct within its own jurisdiction; and

WHEREAS, the Federal Clean Water Act requires COUNTY, CITIES, and TOWN (hereinafter also referred to as Permittees) to comply with the National Pollutant Discharge Elimination System (“NPDES”) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (General MS4 Permit) as ordered by the United States Environmental Protection Agency; and

WHEREAS, COUNTY, CITIES, and TOWN are required to operate as a Permittees under the State of California’s General MS4 Permit; and

WHEREAS, COUNTY, CITIES, and TOWN filed a Notice of Intent to comply with the terms of the General MS4 Permit; and

WHEREAS, DISTRICT has sponsored and developed the Napa Countywide Stormwater Management Program, commonly referred to as the Napa Countywide Stormwater Pollution Prevention Program (“NCSPPP”), to facilitate compliance by COUNTY, CITIES, and TOWN with the General MS4 Permit requirements; and

WHEREAS, COUNTY, CITIES, and TOWN each shall reimburse the DISTRICT for a proportional percentage of the costs for the DISTRICT’S administration of the NCSPPP; and

WHEREAS, the Parties acknowledge that the NCSPPP responsibilities, yearly budget, and the calculation of the Parties’ proportional cost reimbursement and Party-specific stormwater program implementation responsibilities may change each year; and

WHEREAS, the State has recently issued a new General MS4 Permit which includes increases in cost of compliance for Permittees and the Parties agree to certain increases in the scope of responsibilities to be undertaken by the NCSPPP in support of the Permittee’s compliance activities; and

WHEREAS, the Parties agree to make a good faith effort to negotiate agreements to extend the term of this Agreement on a yearly basis until fiscal year 2017-2018 and in light of the increased costs and responsibilities of the new General MS4 Permit, the Parties acknowledge that future agreements for Fiscal Year 2014 – 2015 (and beyond) may include revisions to the historical calculation of the Parties’ proportional cost reimbursement that will reflect the cost of services provided by the DISTRICT that are attributable to each Party;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, the Parties agree as follows:

TERMS

1. **Term of the Agreement.** The term of this Agreement commences on July 1, 2013 or after this Agreement is signed by DISTRICT, CITIES, TOWN, and COUNTY whichever is later and terminates on June 30, 2014. The term of this Agreement shall be automatically renewed for an additional one year at the end of each fiscal year, under the terms and conditions then in effect, unless any of the parties gives the other parties written notice of intention not to renew in accordance with the provisions set forth in paragraph 7(a) or 7(b).

2. **The Parties’ Obligations.** DISTRICT shall administer certain necessary actions in connection with the NCSPPP to facilitate Parties’ compliance with the General MS4 Permit requirements on behalf of CITIES, TOWN and COUNTY, as more particularly described in Exhibit A, attached hereto and incorporated by this reference. CITIES, TOWN, and COUNTY shall be responsible for those tasks specifically required of them to facilitate compliance with the General MS4 Permit requirements on the local level.

3. CITIES', TOWN's, AND COUNTY's Proportional Cost Reimbursement Obligations.

(a) **Fiscal Year 2013 – 2014.** During the term of this agreement (Fiscal Year 2013 – 2014), CITIES, TOWN, and COUNTY shall reimburse DISTRICT for the proportional costs of administering the NCSPPP to comply with the General MS4 Permit requirements in accordance with the method described in Exhibit B, attached hereto and hereby incorporated by reference. The Parties agree to consider and negotiate in good faith a new methodology for subsequent fiscal years that will reflect the cost of services provided by the DISTRICT that are attributable to each Party and that it will generally include the following concepts:

(1) **Program Administration.** DISTRICT staff support, supplies, membership dues, travel and event expenses, permit tracking software and miscellaneous expenses that will be a baseline of costs to be shared amongst all of the CITIES, TOWN, and COUNTY according to a new apportionment methodology.

(2) **Optional Permit Implementation Services.** Optional permit implementation services to be provided by DISTRICT at the request of one or more of the CITIES, TOWN, and/or COUNTY that will be an additional cost beyond the baseline Program Administration to be borne only by those Permittees who expressly request such services in accordance with a new separate apportionment methodology to be negotiated by the Parties who request such additional service at the time of that request.

4. Method and Timing of Reimbursement. DISTRICT shall provide for strict accountability of all funds and report all receipts and disbursements, upon request. Each Party to this Agreement shall be invoiced regularly by the DISTRICT for the proportional costs described in Section 3 hereof. Payment by each Party of the invoice shall be made and received in DISTRICT's administrative offices on or before the close of business within 45 days of the date of invoice. The due date shown on the invoice shall not be less than 30 calendar days after the date of issuance of the invoice. If any Party fails, without reasonable cause, to make payment within the prescribed time, the costs so invoiced shall be increased by the amount of a late penalty. Such penalty on the unpaid balance shall be calculated at the rate earned by DISTRICT's Treasurer for pooled funds invested.

5. Insurance.

(a) **Liability Insurance.**

(1) **General Liability.** Each Party shall obtain and maintain in full force and effect during the term of this Agreement commercial or comprehensive general liability insurance coverage (personal injury and property damage) of not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit per occurrence, issued by a company duly and legally licensed to transact business in the State of California, covering liability for any personal injury, including death, to any person and/or damage to the property of any person arising from the acts or omissions of that Party to any officer, agent, or employee of that Party under this Agreement except for acts or omissions performed in strict compliance with express direction of the other Parties' governing boards, officers or personnel.

(2) **Comprehensive Automobile Liability Insurance.** Each Party shall obtain and maintain in full force and effect during the term of this Agreement a comprehensive automobile liability insurance policy (Bodily Injury and Property Damage) on owned, hired, leased and non-owned vehicles used in conjunction with that Party's activities under this Agreement of not less than THREE HUNDRED THOUSAND DOLLARS (\$300,000) combined single limit per occurrence.

(b) **Certificates of Coverage.** Where the foregoing coverages are provided by insurance rather than by self-insurance (written proof of which shall be provided to the other Parties), the coverages shall be evidenced by one or more certificates of coverage which shall be filed with the DISTRICT's Secretary or Clerk prior to payment for performance of any of the Parties' duties under this Agreement; shall name the other Parties, their officers, employees, and agents as additional insureds; shall be kept current during the term of this Agreement; and shall provide that the other Parties shall be given no less than thirty (30) days prior written notice of any non-renewal, cancellation, other termination, or material change. Upon request by the other Parties, the Party shall provide or arrange for the insurer to provide the other Parties with certified copies of the actual insurance policies or relevant portions thereof within thirty (30) days of the request.

6. **Hold Harmless/Defense/Indemnification.** Each Party shall defend, release, indemnify, and hold harmless each other Party as well as their respective officers, agents, and employees from any claim, loss, liability penalty, demand, or expense including without limitation, those for personal injury (including death), damage to property or for costs of remediation or other actions needed to correct or abate any violation of federal, state, or local law, regulation, or permit provision arising out of, or connected with, any acts or omissions of that Party or its officers, agents, or employees when performing any obligations or exercising any rights under this Agreement, the NCSPPP or General Permit.

7. **Termination for Cause and Non-Appropriation.**

(a) **Termination for Cause.** If any Party shall fail to fulfill in a timely and proper manner that Party's obligations under this Agreement, including each Party's Proportional Cost Reimbursement Obligation, that Party's obligations under the NCSPPP or General MS4 Permit or otherwise breach this Agreement and fail to cure such failure or breach within thirty (30) days of receipt of written notice from the other Party describing the nature of the failure or breach, the non-defaulting Party may, in addition to any other remedies it may have, terminate this Agreement as to the defaulting Party by giving thirty (30) days written notice to the defaulting Party in the manner set forth in Paragraph 9 (Notices).

(b) **Termination for Non-Appropriation.** This Agreement may be terminated by any of the CITIES, TOWN, or by COUNTY as to that Party only if despite that Party's best efforts, that Party is unable to appropriate sufficient funds in any fiscal year to meet its financial obligations under this Agreement. Termination under this paragraph shall be effective only after the terminating Party has given no less than thirty (30) days written notice of such termination to all other Parties specifying the effective date thereof. Upon termination by any Party, that Party's share of any administrative costs borne by DISTRICT shall be shared by the remaining parties pursuant to the formula described in Exhibit B.

8. **No Waiver.** The waiver by any Party of any breach or violation of any requirement of this Agreement shall not be deemed to be a waiver of any such breach in the future, or of the breach of any other requirement of this Agreement.

9. **Notices.** All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in the United States mail, by certified mail, postage prepaid, return receipt requested. Any mailed notice, demand, request, consent, approval, or communication that any Party desires to give the other Parties shall be addressed to the other Parties at the address set forth below. Any Party may change its address by notifying the other

Parties of the change of address. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following the date of deposit, whichever is earlier.

COUNTY

Hillary Gitelman, Director
County of Napa
Department Planning, Building & Environmental Services
1195 Third Street, Room 210
Napa, CA 94559

DISTRICT

Richard Thomasser
Operations Manager
Napa County Flood Control and Water Conservation District
804 First Street
Napa, CA 94559

CITIES

Dana Shigley
City Manager
City of American Canyon
4381 Broadway, Suite 201
American Canyon, CA 94503

Jacques LaRochelle
Public Works Director
City of Napa
Department of Public Works
P.O. Box 660
Napa, CA 94559

John Ferons
Public Works Director/City Engineer
City of St. Helena
Department of Public Works
1480 Main Street
St. Helena, CA 94574

Michael Kirn
Public Works Director/City Engineer
City of Calistoga
414 Washington Street
Calistoga, CA 94515

TOWN
Graham Wadsworth
Director of Public Works and Town Engineer
Town of Yountville
Town Hall
6550 Yount Street
Yountville, CA 94599-1271

10. **Interpretation; Venue.**

(a) **Interpretation.** The headings used herein are for reference only. The terms of the Agreement are set out in the text under the headings. This Agreement shall be governed by the laws of the State of California without regard to the choice of law or conflicts.

(b) **Venue.** This Agreement is made in Napa County, California. The venue for any legal action in state court filed by a Party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement shall be in the Superior Court of California, County of Napa, a unified court. The venue for any legal action in federal court filed by a Party to this Agreement for the purpose of interpreting or enforcing any provision of this Agreement lying within the jurisdiction of the federal courts shall be the Northern District of California. The appropriate venue for arbitration, mediation, or similar legal proceedings under this Agreement shall be Napa County, California; however, nothing in this sentence shall obligate a Party to submit to mediation or arbitration any dispute arising under this Agreement.

11. **Authority to Contract.** Each Party warrants hereby that it is legally permitted and otherwise has the authority to enter into and perform this Agreement.

12. **Conflict of Interest.** Each Party covenants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of its services hereunder. Each Party further covenants that in the performance of this Agreement, no person having any such interest shall be employed.

13. **Non-Solicitation of Employees.** Each Party agrees not to solicit for employment the employees of the other Parties who were directly involved in the performance of the services hereunder for the term of this Agreement and a period of six (6) months after termination of this Agreement except with the written permission of the other Parties, except that nothing in this Paragraph shall preclude any Party from publishing or otherwise distributing applications and information regarding the Party's job openings where such publication or distribution is directed to the general public.

14. **Mutual Agreement to Terminate Prior Joint Powers Agreement.** By executing this Agreement, the Parties hereby terminate their prior Joint Powers Agreement entitled "Agreement to Fund and Administer the Napa County Stormwater Management Program" approved by the Parties which became effective on July 1, 2009, except that the obligations of the Parties under Paragraphs 5 (Insurance) and 6 (Indemnification) of that Agreement shall continue in full force and effect after said termination in relation to acts or omissions occurring prior to this termination of that Agreement.

15. **Third Party Beneficiaries.** Nothing contained in this Agreement shall be construed to create any rights in third Parties and the Parties do not intend to create such rights.

16. **Attorney's Fees.** In the event that a Party commences legal action of any kind or character to either enforce the provisions of this Agreement or to obtain damages for breach thereof, the prevailing Party in such litigation shall be entitled to all costs and reasonable attorney's fees incurred in connection with such action.

17. **Severability.** If any provision of this Agreement, or any portion thereof, is found by any court of competent jurisdiction to be unenforceable or invalid for any reason, such provision shall be severable and shall not in any way impair the enforceability of any other provision of this Agreement.

18. **Entirety of Contract.** This Agreement constitutes the entire agreement between the Parties relating to the subject of this Agreement and supersedes all previous agreements, promises, representations, understandings and negotiations, whether written or oral, among the Parties with respect to the subject matter hereof.

19. **Execution by Counterparts.** This Agreement may be executed on behalf of the respective Parties in one or more counterparts all of which collectively shall constitute one document and agreement.

[Signature Pages Follows]

IN WITNESS WHEREOF, this Agreement was executed by the Parties hereto as of the date first above written.

COUNTY OF NAPA

By: _____
BRAD WAGENKNECHT, Chairman
of the
Board of Supervisors
"COUNTY"

ATTEST: GLADYS I. COIL
Clerk of the Board of Supervisors

By: _____

APPROVED AS TO FORM:
MINH C. TRAN
County Counsel

By:
Date: June 21, 2013

CITY OF NAPA

By: _____
JILL TECHEL, Mayor
"CITY"

ATTEST: DOROTHY ROBERTS
City Clerk

By: _____

COUNTERSIGNED:
DESIREE BRUN, City Auditor

By: _____

APPROVED AS TO FORM:
MICHAEL BARRETT, City Attorney

By: _____

CITY OF ST. HELENA

By: _____
ANN NEVERO, Mayor
"CITY"

ATTEST: DELIA GUIJOSA
City Clerk

By: _____

APPROVED AS TO FORM:
THOMAS B. BROWN,
City Attorney

By: _____

CITY OF CALISTOGA

By: _____
CHRIS CANNING, Mayor
"CITY"

ATTEST: AMANDA DAVIS,
Deputy City Clerk

By: _____

APPROVED AS TO FORM:
MICHELLE KENYON,
City Attorney

By: _____

CITY OF AMERICAN CANYON

By: _____
LEON GARCIA, Mayor
"CITY"

ATTEST: REBEKAH BARR
City Clerk

By: _____

APPROVED AS TO FORM:
WILLIAM D. ROSS,
City Attorney

By: _____

TOWN OF YOUNTVILLE

By: _____
JOHN F. DUNBAR, Mayor
"TOWN"

ATTEST: MICHELLE DAHME,
Town Clerk

By: _____

APPROVED AS TO FORM:
ARNOLD ALVAREZ-GLASMAN, Town
Attorney

By: _____

NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT, as
special district of the State of California

By: _____
JILL TECHEL, Chair of the
Board of Directors
"DISTRICT"

ATTEST: GLADYS I COIL
Secretary of the District Board

By: _____

APPROVED AS TO FORM:
Counsel for Napa County Flood Control and
Water Conservation District

By: Robert C. Martin (By E-Sign)
Date: June 21, 2013

APPROVED BY THE NAPA COUNTY
FLOOD CONTROL AND WATER
CONSERVATION DISTRICT

Date: _____
Processed by: _____

Deputy Secretary of the District Board

EXHIBIT A

Napa Countywide Stormwater Pollution Prevention Program

ADMINISTRATION, PLANNING, AND FUNDING

Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) refers to the Countywide and Local Programs implemented by the County of Napa; Cities of American Canyon, Napa, Calistoga and St. Helena; and the Town of Yountville. Each NCSPPP agency is implementing a Local Program and contributes financial and in-kind support to the Countywide Program. The agencies use an existing institutional arrangement, the Napa County Flood Control and Water Conservation District (NCFCWCD), to make decisions regarding the Countywide Program. NCSPPP agencies have entered into a Joint Powers Agreement (JPA) to fund the Countywide Program based on the agency's population size/assessed value.

COUNTYWIDE PROGRAM

Program Administration

The NCFCWCD will be the lead agency responsible for administering the NCSPPP. Administrative duties include fostering continued implementation of the permit-required stormwater management plan (SMP), annual reports provided by the Parties, coordinating meetings with local programs, and managing the financing of NCSPPP activities and contracts with outside agencies and organizations.

NCFCWCD Staffing

The NCFCWCD has a Stormwater Program Manager on staff to administer and coordinate the Countywide Program. The Stormwater Program Manager will also implement many Countywide Program activities.

NCFCWCD Staff Duties

Specific administrative and planning functions of the Countywide Program include:

➤ Coordinate with other city, county, regional, and state agencies to stay abreast of stormwater technology and the development of stormwater regulations. Examples include the San Francisco Regional Water Board, California State Water Resource Control Board, Bay Area Stormwater Management Agencies Association, and the California Association of Stormwater Quality Agencies.

- Implement Countywide Program measurable goals.
- Coordinate with Local Programs through the Agency Staff Committee (ASC). The ASC includes representatives from all NCSPPP agencies who meet regularly to discuss common issues and identify solutions.
- Coordinate meetings between Local Program and Regional Water Board staff.
- Compile and organize the Annual Report.

Countywide Program Structure

Public Education and Outreach – The Countywide Program implements a number of education and outreach activities. These activities include holding workshops, distributing brochures and other materials on water quality pollution prevention practices, attending community events, conducting public surveys and presentations, outreach to the business community, developing a stormwater website, and implementing a school outreach program.

Public Involvement/Participation – The Countywide Program will be responsible for ensuring the public has the opportunity to participate in the development and implementation of activities related to the program, coordinating a volunteer water quality monitoring program, and promoting and facilitating creek cleanup events and stewardship groups.

Illicit Discharge Detection and Elimination - The Countywide Program has developed an illicit discharges detection and elimination program, including outreach materials. Municipal staff will be trained on how to recognize and respond to illicit discharges. The Countywide Program will be responsible for developing a countywide IDDE ordinance for JPA use.

Construction Site Runoff Control and Post-Construction Stormwater Management in New Development and Redevelopment – The Countywide program will be responsible for developing outreach materials and holding workshops on the stormwater requirements for construction sites. The Countywide Program will also train city, town, and county inspectors on how to inspect construction sites for compliance with clean water regulations. The Countywide Program will be responsible for developing a countywide ordinance for JPA use.

Pollution Prevention/Good Housekeeping Municipal Operations – The Countywide program will be responsible for developing Best Management Practices (BMP) fact-sheets for municipal activities like road, creek, and park maintenance, fuel dispensing, and use of chemicals. The Countywide Program will also provide training for municipal staff on the use of BMPs.

EXHIBIT B

PROPORTIONAL COST REIMBURSEMENT

COST-SHARE TOWARD ASSESSMENT FUND

DISTRICT shall contribute \$81,034 from its Maintenance and Watershed Programs Project No. 96-1 fund. In addition, the City of American Canyon will contribute \$3,980 to compensate for its share of assessments not collected for Maintenance and Watershed Programs Project No. 96-1. American Canyon's share toward the assessment fund is based upon its percentage of BAU's (8%) in Napa County.

COST-SHARE TOWARD REMAINING BALANCE

CITIES, TOWN, and COUNTY shall each reimburse DISTRICT for a proportional percentage of the costs for DISTRICT'S administration of the NCSPPP based upon the following formula: Cost share = (% of the DISTRICT population) (0.50) + (% Total Number of Benefit Assessment Units)(0.50).

TOTAL JPA BUDGET

\$284,308

MAXIMUM COST-SHARE TOWARD ASSESSMENT FUND

City of American Canyon	\$3,980
Napa County Flood Control and Water Conservation District	\$81,034
Total Share of Assessment fund	\$85,014

REMAINING BALANCE

\$199,294

MAXIMUM COST-SHARE TOWARD REMAINING BALANCE

	Population (2010)	Population %	BAU%	Combined %	FY13/14 Cost
City of American Canyon	19,454	14.25	7.57	10.9102	\$21,743
City of Napa	76,915	56.35	41.88	49.1160	\$97,885
Town of Yountville	2,933	2.15	1.4	1.7389	\$3,466
City of St. Helena	5,950	4.36	5.0	4.6119	\$9,191
City of Calistoga	5,155	3.78	3.0	3.3898	\$6,756
Napa County	26,077	19.11	41.36	30.2331	\$60,253
Totals	136,484	100	100	100	\$199,294

CITY OF ST. HELENA

RESOLUTION 2013-__

**APPROVING AGREEMENT TO FUND AND ADMINISTER THE NAPA
COUNTYWIDE STORMWATER MANAGEMENT PROGRAM**

RECITALS

- A. With Resolution 2003-82, the City of St. Helena entered into the original agreement for a Joint Powers Authority (JPA) for the Napa County Stormwater Management Program (NCSMP); and
- B. With Resolutions 2004-60, 2005-117, 2007-104, 2009-14, 2010-42 and 2012-68, the City approved amendments to the original JPA agreement; and
- C. With the July 2013 adoption of the State's new stormwater General MS4 Permit which includes increased compliance and cost of compliance for all permittees in the coming years, the NCSMP envisions increases in the scope of responsibilities in support of the permittees; and
- D. The NCSMP has revised the JPA Agreement to reflect the changes and calculated a proportional percentage of the costs to administer the NCSMP by population and benefit assessed; and
- E. The City Attorney has reviewed and approved the agreement; and
- F. The City of St. Helena's maximum cost-share for FY13-14 under the attached agreement is \$9,191.00.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. To approve the attached Agreement to Fund and Administer the Napa Countywide Stormwater Management Program.

Approved at a Regular Meeting of the St. Helena City Council on August 27, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Ann Nevero
Mayor

ATTEST:

Delia Guijosa
City Clerk

CITY OF ST. HELENA

RESOLUTION NO. 2013-__

APPROVING TEMPORARY CLOSURE OF OAK AVENUE AND ADAMS STREET AND AUTHORIZING POSSESSION OF OPEN ALCOHOLIC BEVERAGES ON THOSE PUBLIC STREETS FOR THE OCTOBER 19, 2013 HOMETOWN HARVEST FESTIVAL

RECITALS

- A. The St. Helena Hometown Harvest Festival Committee has requested temporary closure of Oak Avenue and Adams Street for the October 19, 2013 Hometown Harvest Festival.
- B. The St. Helena Boys and Girls Club and the St. Helena Historical Society have requested authorization to sell beer and wine at the event. St. Helena Municipal Code Section 9.04.010 authorizes the Council, by permit, to allow possession of open alcoholic beverages on public streets or any private or public off-street parking lot.
- C. Section 21101(e) of the California Vehicle Code provides the local authorities may, by resolution, temporarily close a portion of a City street for a celebration.
- D. Closure of City streets in the area will provide space for Harvest Festival activities and are situated adjacent to where event will take place.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. The City Council finds that the benefits derived from the temporary closing of portions of City streets for the Hometown Harvest Festival outweigh the anticipated inconvenience to the neighborhood and citizens generally, and authorize closure of:
 - Oak Avenue between Tainter Street and Adams Street on October 19, 2012 from 6:00 a.m. to 6:00 p.m.
 - Adams Street between Oak Avenue and Kearney Street on October 19, 2013 from 6:00 a.m. to 6:00 p.m.
2. The possession of open container of beer and wine is permitted on public streets and parking lots encompassed by this event.
3. Temporarily closing a portion of the subject streets is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

4. The St. Helena Hometown Harvest Festival shall provide the City Manager with documentation that the City has been designated a co-insured under a general liability policy of no less than \$2,000,000.
5. The City Manager is directed to provide reasonable levels of City staff support to accomplish to closure of streets and related activities.

Approved at a Regular Meeting if the St. Helena City Council on August 27, 2013 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

ATTEST:

Ann Nevero, Mayor

Delia Guijosa, City Clerk

STAFF REPORT



DATE: August 27, 2013

To: Mayor and City Council

FROM: Karen Scalabrini, Finance Director

Item 14

RE: Settlement Agreement with County of Napa for release of overpaid administrative fees for property taxes

BACKGROUND: The County of Napa charges cities within the county a property tax administration fee for assessing, collecting, and allocating property tax revenues.

In 2004 the State of California “switched”(also known as the triple flip) revenue funding from vehicle license fees and sales tax and provided payments through property taxes in lieu of the other funding sources. The State Board of Equalization takes an administrative fee for vehicle license fees and sales tax fees in order to collect and allocate the revenues.

When the State of California “switched” vehicle license fees and a portion of sales tax payments with property taxes the City was charged administration fees by the State Board of Equalization and the County of Napa for the same revenues.

Finance officers from the five cities within the county began discussions about the validity of the administration fee with the County Auditor/Controller on the “swapped” revenues and agreed to wait for a case already in the court system (*City of Alhambra v. County of Los Angeles*) to resolve the issue.

DISCUSSION/ANALYSIS: The Courts ruled in favor of the City of Alhambra in November of 2012. The settlement agreement before you reimburses the City going back three years (statute of limitations) and corrects the way the County calculates the administrative fee in the future.

The City will receive approximately \$12,000 for each of the three years. The total refund from the County is \$36,868.21.

The City Attorney has reviewed and approved the settlement agreement.

RECOMMENDED COUNCIL ACTION: Staff recommends Council approve the settlement agreement with the County in order to correct the overpayment of administrative fees to the County.

ATTACHMENTS & EXHIBITS:

Settlement Agreement

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (the "Settlement Agreement") is made and entered into by and between the City of St. Helena a municipal corporation ("City") and the County of Napa County, a political subdivision of the State of California ("County") and is effective as of the date of full execution by the parties as indicated below ("Effective Date"). City and County are also collectively referred to herein as "the Parties."

RECITALS

A. Pursuant to state law, the County charges cities within the County a property tax administration fee for assessing, collecting, and allocating property tax revenues.

B. A dispute has arisen between the City and County (the "Administrative Fee Dispute") regarding how County treated property tax revenue diverted from the County's Educational Revenue Augmentation Fund pursuant to Revenue & Taxation Code sections 97.68 and 97.70 ("Diverted Revenue") as a form of property tax, subject to the property tax administration.

C. The legal issues germane to the diverted revenue were the subject of ongoing litigation recently decided by the Supreme Court of California in *City of Alhambra v. County of Los Angeles*, Supreme Court of California, Case No. S185457, in which the Supreme Court held that Diverted Revenue paid to cities was exempt from the property tax administration fee, and that counties had incorrectly included such revenue in the calculation of property tax administration fees due from cities (the "Administrative Fee Litigation").

D. Pending the outcome of the aforementioned litigation, County Auditor-Controller had no authority to revise the property tax administration fee calculation until the Administrative Fee Litigation was resolved. Auditor agreed to hold the diverted revenue from City's Property Administrative Fee for fiscal years 2009-2010 and 2010-2011 in reserve. Auditor placed the diverted revenue in a separate interest bearing account,

E. In light of the Supreme Court's ruling in the Administrative Fee Litigation, the Parties desire to enter into this Settlement Agreement, going back three years, in order to completely and finally resolve the Administrative Fee Dispute. This Settlement Agreement authorizes the refund of collections, with interest, from the fiscal year 2008-2009 fee and the release of the diverted revenue held in reserve, including all interest earned, for fiscal years 2009-2010 and 2010-2011. The property tax administration fee for fiscal year 2011-2012 will be calculated using the revised methodology.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth below, City and County agree as follows:

1.0 Compromise and Settlement.

The Parties to this Agreement, in consideration of the promises and concessions made by each Party, agree that the foregoing recitals are true and correct, and agree to mutually compromise and settle the Administrative Fee Dispute upon all of the terms and conditions in this Agreement.

2.0 Current Year and Future Collection.

Commencing with fiscal year 2012-2013, and each year thereafter, the County will cease collection of property tax administrative fee on the Diverted Revenue unless and until authorized by statute or subsequent court order to collect same.

3.0 Payment.

In consideration of the release set forth below, the County agrees to pay to the City the Diverted Revenue as described in Exhibit "A" attached hereto and incorporated herein. In Consideration of the release set forth below, City agrees to release County from payment of any property tax administration fees collected before fiscal year 2008-2009

Total Amount Due: \$36,868.21

4.0 Release and Discharge.

4.1 In consideration of the payment set forth in Section 3.0, City/Town, for itself, its elected and appointed officers, employees, agents, administrators, successors and assigns, does hereby release, acquit and forever discharge the County, its elected and appointed officials, officers, employees, agents, administrators, successors and assigns, from and against any and all past, present or future claims, demands, obligations, actions, causes of action, subrogation rights, reimbursement rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract, or any other theory of recovery, which said parties now have, or which may hereafter accrue or otherwise be acquired or asserted on account of, or may in any way grow out of the Administrative Fee Dispute, including, without limitation, any and all known or unknown claims for damages, tax or fee refunds, interest, breach of contract, or any and all known or unknown claims for subrogation and/or reimbursement which have resulted or may result from the alleged acts or omissions of the County, its elected or appointed officials, officers, employees, agents, administrators, successors or assigns related to the Administrative Fee Dispute. This release shall be a fully binding and complete settlement between the parties.

4.2 It is understood and agreed to by the Parties hereto that this settlement is not to be construed as an admission of liability on the part of County, by whom liability is expressly denied and that this Agreement is entered into solely to resolve the Administrative Fee Dispute and avoid the time and expense of litigation.

4.3 The City acknowledges and agrees that the release and discharge set forth above is a general release and expressly waives any and all claims for damages related to the Administrative Fee Dispute which exist as of this date, whether known or unknown. The parties further agree they have agreed to exchange payment of the sum specified herein as a complete compromise of matters involving disputed issues of law and fact and mutually assume the risk that the facts or law may be other than they believe and which facts, if known, would materially affect their decision to enter into this Settlement Agreement. The parties hereby acknowledge and expressly waive any and all rights based upon the provisions of California Civil Code Section 1542, which reads as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which, if known to him or her, must have materially affected his or her settlement with the debtor.”

5.0 Attorney Fees.

Each Party hereto shall bear all attorney fees and costs arising from the actions of its own counsel in connection with this Settlement Agreement, the incidents described in the above Recitals and referred to herein, and all related matters.

6.0 Representation of Comprehension of Document.

6.1 In entering into this Settlement Agreement, each Party represents that they have relied upon the advice of their attorney, who is the attorney of their own choice, concerning the legal consequences of this Settlement Agreement, that the terms of this Settlement Agreement have been completely read and explained to them by their attorney, and that the terms of this Settlement Agreement are fully understood and voluntarily accepted by each Party.

6.2 The Parties declare and represent that each Party and counsel for each Party has reviewed and revised, or had the opportunity to revise, this Agreement and therefore the normal rules of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or any amendment of it.

6.3 The Parties further declare and represent that no promise, inducement or agreement not herein expressed has been made to the other Party, that the Parties are not executing this Agreement in reliance on any promises, representations, or inducements other than those contained herein, that the terms of this release are contractual and not a mere recital, and that the parties sign this release voluntarily, free of any duress or coercion.

7.0 Warranty of Capacity to Execute Agreement.

The City represents and warrants that no other person or entity has, or has had, any interest in the claims, demands, obligations, or causes of action referred to in this Settlement Agreement, except as otherwise set forth herein, that it has the sole right and exclusive authority to execute this Settlement Agreement and receive the sums specified in it, and that it has not sold, assigned, transferred, conveyed, or otherwise disposed of any of the claims, demands, obligations or causes of action referred to in this Settlement Agreement.

8.0 Governing Law.

This Settlement Agreement shall be construed and interpreted in accordance with the laws of the State of California.

9.0 Additional Documents.

All Parties agree to cooperate fully and execute any and all supplementary documents and to take all additional actions which may be necessary or appropriate to give full force and effect to the basic terms and intent of this Settlement Agreement.

10.0 Entire Agreement and Successors in Interest.

This Settlement Agreement contains the entire agreement between County and City/Town, with regard to the matters set forth in it and shall be binding upon and inure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each. This Settlement Agreement may be modified only by an agreement in writing executed in the same manner as this Settlement Agreement.

11.0 Captions.

All captions to the provisions of this Settlement Agreement are solely for the convenience of the Parties, are not a part of the Agreement, and shall not be used to interpret or determine the validity of this Agreement or any of its provisions.

12.0 Counterpart Execution.

This Agreement may be executed in counterparts, each of which shall be deemed to be an

original and said counterparts shall constitute one and the same instrument.

IN WITNESS WHEREOF, the County of Napa a political subdivision of the State of California, has authorized the execution of this Agreement in duplicate by the Chair of the Board of Supervisors and attestation by the Clerk of the Board, and the City of St. Helena, a municipal corporation, has authorized the execution of this Agreement in duplicate by its _____, and attestation by _____, its City Clerk.

County of Napa

DATED: _____

Brad Wagenknecht, Chair
Napa County Board of Supervisors

ATTEST:

By: _____
Gladys Coil, Clerk of the Board

City of St. Helena

DATED: _____

[Name]
[Title], City/ of _____

ATTEST:

By: _____
_____, City Clerk

APPROVED AS TO FORM:

City Attorney

Minh Tran, County Counsel

By: _____
[Name]

By: _____
Susan B. Altman
Deputy County Counsel

STAFF REPORT



DATE: August 27, 2013

To: Mayor and City Council

FROM: Karen Scalabrini, Finance Director

Item No: 15

RE: Establishing a tax rate for servicing debt obligations incurred by the issuance of 1996 general obligation fire bonds, to be effective for the 2013-2014 fiscal year.

BACKGROUND: Each year in August the Council reviews and adopts a resolution that sets the rate to be charged on property tax bills for the 1996 General Obligation Bonds passed by the voters. These assessments are required to generate revenues to pay for debt service on the City's General Obligation bonds over the current fiscal year.

DISCUSSION/ANALYSIS: This is the seventeenth year of the assessment after the voters approved the 1996 Fire Station General Obligation Bonds which mature in 2016. The original estimate was that the rate would not be more than \$40 per \$100,000; the rate will remain the same this year at \$12.40 per \$100,000.

Pursuant to prior Council direction, the schedule below reflects the subsequent year's history of tax rates that is provided for information purposes. Property tax valuation remains steady in St. Helena. The stable rate of 0.0124 reflects the assessed valuations from the County of Napa.

RATE HISTORY	
Fiscal Year 96/97	0.0349
Fiscal Year 97/98	0.0293
Fiscal Year 98/99	0.0219
Fiscal Year 99/00	0.0205
Fiscal Year 00/01	0.0161
Fiscal Year 01/02	0.0134
Fiscal Year 02/03	0.0202
Fiscal Year 03/04	0.0150
Fiscal Year 04/05	0.0146
Fiscal Year 05/06	0.0112
Fiscal Year 06/07	0.0115
Fiscal Year 07/08	0.0102
Fiscal Year 08/09	0.0077
Fiscal Year 09/10	0.0077
Fiscal Year 10/11	0.0077
Fiscal Year 11/12	0.0124
Fiscal Year 12/13	0.0124
Fiscal Year 13/14	0.0124

RECOMMENDED COUNCIL ACTION:

Adopt the resolution setting the rate for the Fire Station Bonds.

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**CITY OF ST. HELENA
RESOLUTION NO. 2013-**

**ESTABLISHING A TAX RATE FOR SERVICING DEBT OBLIGATIONS
INCURRED BY THE ISSUANCE OF 1996 GENERAL OBLIGATION
FIRE BONDS, TO BE EFFECTIVE FOR THE 2013-2014 FISCAL YEAR**

RECITALS

- A. Each year the City must determine and set the tax rate necessary to generate sufficient revenues from property taxes to pay debt service for the subject fiscal year. The City has determined that during fiscal year 2013-2014, \$240,026 must be raised by taxation for the purpose of servicing debt incurred by the issuance of the 1996 General Obligation Fire Station Bonds.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

The City Council determines that the tax rate for fiscal year 2013-2014 for servicing debt obligation incurred by the issuance of the 1996 Fire Station Bonds shall be .0124 per \$100 of assessed valuation for all properties on the City's Tax Roll.

Approved at a Regular Meeting of the St. Helena City Council on August 27, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Ann Nevero
Mayor

Delia Guijosa
City Clerk

STAFF REPORT

OFFICE OF THE DIRECTOR OF PUBLIC WORKS



DATE: August 27, 2013

TO: Mayor and City Council

Item No: 16

FROM: John Ferons, Director of Public Works/City Engineer
Kathy Robinson, Senior Management Analyst

RE: Resolution Awarding Informal Bid for construction of a Biofilter in Pond 4 at the wastewater treatment plant, CIP Project No. S-50

BACKGROUND

Organic loading to the waste water plant has gradually increased over 46 years of operation and our current permit by the State Regional Water Quality Control Board requires improved disinfection processes. Construction of a biofilter in Pond 4 will remove algae as the wastewater moves to Pond 5 and greatly improve the final disinfection process where chlorine is applied.

DISCUSSION/ANALYSIS

Pursuant to St. Helena Municipal Code Chapter 3.04; Article 3 Public Works Projects; Section 3.04.220, a notice inviting bids was posted and mailed to contractors inviting informal bids for construction of a biofilter in Pond 4 at the wastewater treatment plant. Informal bidding procedures require a 10 calendar day notice period. The informal bid notice and invitations are dated August 13, 2013.

The informal bid submittals are due Friday, August 23, 2013 at 4:00 pm after the publication of this staff report. Public Works staff will open and review the bids and make a recommendation on or before the City Council August 27, 2013 meeting.

FISCAL IMPACT

Funds are identified and available from FY 2013-14 CIP Project S-50.

RECOMMENDED COUNCIL ACTION

Adopt resolution awarding the contract.

ATTACHMENTS/EXHIBITS

Resolution No. 2013-___ Awarding Bio Filter for CIP Project No. S-50.

CITY OF ST. HELENA

RESOLUTION No. 2013-

**AWARDING INFORMAL BID FOR CONSTRUCTION OF
A BIOFILTER IN POND 4 AT THE WASTEWATER
TREATMENT PLANT, CIP PROJECT NO. S-50**

RECITALS

- A. Organic loading to the waste water plant has gradually increased over 46 years of operation and our current permit by the State Regional Water Quality Control Board requires improved disinfection processes; and
- B. Construction of a biofilter in Pond 4 will remove algae as the wastewater moves to Pond 5 and greatly improve the final disinfection process where chlorine is applied; and
- C. On August 13, 2013 pursuant to St. Helena Municipal Code Chapter 3.04.230 Informal Bidding Procedures, a notice inviting bids was posted and mailed to contractors inviting bids; and
- D. By 4:00 pm, August 13, 2013, one bid was received and evaluated by the Department of Public Works; and
- E. The Department of Public Works found that the bid received was responsive and submitted by responsible bidder whose bid or proposal fulfilled the purpose intended according to criteria designated in the solicitation; and
- F. The sole bidder was Wetland Construction with a bid base amount of \$65,195; and
- G. Resources available from budgeted FY 2013-14 CIP No. S-50.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena resolves as follows:

1. Award a contract to Wetland Construction for CIP Project No. S-50, in the amount not to exceed \$65,195.

Approved at a Regular Meeting of the St. Helena City Council on August 27, 2013 by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

Ann Nevero
Mayor

ATTEST:

Delia Guijosa
City Clerk

STAFF REPORT



DATE: August 27, 2013

TO: Mayor and City Council

FROM: Gary Broad, City Manager

Item: 17

RE: Discussion/approval of matching fund process for Renaissance Committee funding in St. Helena FY 2013-14 Budget

Background

The City Council approved \$100,000 in funding to the Renaissance Committee in the City's FY 2103-14 budget. The Council stipulated that this \$100,000 needed to be brought back to Council to set guidelines for matching funds before expenses could be incurred.

Discussion

There are many different ways the Council could structure a matching funding program with the Renaissance Committee, with varying degrees of stringency.

The Renaissance Committee is actively working on a project to construct public restrooms within the parking lot on Oak Street. The anticipated budget for this project is \$50,000.

The City has long had an interest in effectuating public restrooms in the downtown area. The Renaissance Committee restroom project would not be able to move ahead until the committee raised \$25,000 in matching funding if the Council were to select a matching grant program requiring an upfront dollar for dollar match.

Staff would recommend the Council consider a more liberal matching grant program in which the City would provide the first \$50,000 of funding for the restroom project and the Renaissance Committee would be responsible for raising the next \$50,000 of funding for downtown improvements. City funds would be paid out only as progress payments for this project.

The Renaissance Committee is working on a fundraising event. Completion of the restroom project would provide the Renaissance Committee with a tangible accomplishment to use as a basis for additional fund raising.

Financial Impact

The Council has already approved \$100,000 of funding for the Renaissance Committee in the budget. No additional monies are being requested.

Council Action:

The Council should discuss and approve a matching grant program of its choosing related to the Renaissance Committee funding.

STAFF REPORT



DATE: August 27, 2013

TO: Mayor and City Council

FROM: Greg Desmond, Interim Planning Director

Item: 21

RE: Review and direction on revisions to the Draft General Plan Update Land Use, Circulation and Community Design elements.

BACKGROUND

On July 9, 2013, after a brief review of the Draft General Plan Update Growth Management and Land Use element, the Council moved to continue the item to allow Mayor Nevero to participate in the discussion.

At this time it was agreed that Mayor Nevero and Council member Sculatti would review and provide comments to the Growth Management and Land Use element. Council members Pitts and White would review and comment on the Circulation element and Council member Crull would review and provide comments on the Community Design element.

DISCUSSION: ELEMENT REVIEW

The Land Use element may be downloaded via the following link:

- http://www.cityofsthelena.org/sites/default/files/02_land_use_%26_growth_management_revised_07311_0.pdf

The Circulation element may be downloaded via the following link:

- http://www.cityofsthelena.org/sites/default/files/05_circulation_revised_073112.pdf

The Community Design element may be downloaded via the following link:

- http://www.cityofsthelena.org/sites/default/files/07_community_design_revised_073112.pdf

NEXT STEPS

The Council should review and approve revisions to the elements and provide direction to staff regarding the next steps.

ATTACHMENTS:

Circulation Comments – White/Pitts

Land Use Comments – Nevero/Sculatti

Letter from Sheri & Frank Borges re: Land Use

Letter from John Milliken re: Land Use

Circulation Element

5.1 Purpose of the Element

The Circulation Element provides the framework for a comprehensive and multimodal transportation network that supports and integrates with the other elements of the General Plan, especially Land Use and Growth Management. The element identifies the principal components of the circulation system, as well as issues relating to parking, transit, and pedestrian and bicycle routes. Standards and guiding principles for the implementation of transportation facilities are also included.

An increasing demand for non-vehicular alternative modes of transportation has been expressed and demonstrated by citizens of all ages in St. Helena. An increasing number of citizens are interested walking, biking and moving throughout St. Helena in golf carts and other electric non-automobile vehicles. Given the flat topography of St. Helena, the City provides ideal conditions for such alternative modes of transportation. A shift from traditional automobile based transportation to alternative modes of transportation within St. Helena will create many important positive impacts on the community, including but not limited to:

- Decreased automobile traffic throughout the City due to an increased number of citizens choosing to walk or bike within the City
- Increased overall health of the citizens of St. Helena by walking and biking more
- Decreased air pollution due to less automobile operation throughout the City
- Decreased impact and degradation of the streets within St. Helena

The City of St Helena has just recently completed and approved a citywide bicycle and multimodal plan which will be integrated with the Napa County Bicycle Plan and the Napa Vine Trail. The approved plan will provide safe and convenient bicycle, pedestrian and multi-modal access to schools, parks, open spaces, commercial areas, residential neighborhoods and community facilities. With this plan and vision in place, the foundation to create a safer and healthier pedestrian and bicycle environment have been established and the City is focused and committed to turning this plan into reality.

The Circulation Element includes the following sections:

5.2 Circulation and Mobility Framework for St. Helena. Describes a framework for circulation and mobility (p. 5-3).

5.3 Key Findings and Recommendations. Identifies key findings and recommendations based on an existing conditions analysis (p.5-5).

5.4 Goals. Defines goals that focus the direction of changes to St. Helena's transportation infrastructure and mobility and circulation-related policies and programs (p. 5-12).

5.5 St. Helena's Circulation and Mobility Future. Describes St. Helena's transportation future, including the proposed street typology system and network, pedestrian and bicycle network, transportation performance measures, and transportation demand management (TDM) program (p. 5-13).

5.6 Policies and Implementing Actions. Identifies policies and implementing actions to develop an efficient, multimodal transportation network that minimizes impacts to the environment d neighborhoods (p. 5-28).

5.2 Circulation and Mobility Framework for St. Helena

Transportation planning in California is undergoing a broad transformation. A changing demographic, the growing movement to combat climate change, and an increasing focus on the public health benefits of biking and walking all highlight the need to provide greater choice in local and regional travel. Multimodal transportation and the integration of land use and transportation planning, while always important, are central components of this paradigm shift [which has occurred within St. Helena](#). These concepts are widely accepted as essential to creating lasting circulation and mobility improvements. As municipalities and agencies plan for change, individuals too seek to minimize travel costs, and learn more every day about how decreasing their reliance on the automobile can reduce their carbon footprint and improve their physical health and well-being.

Mobility is no longer only about the private automobile and public transit. Increasingly, it is defined by how community members can use alternate modes of transportation efficiently. The size, topography and climate of St. Helena make it an ideal city for both walking and biking. According to the 2000 U.S. Census, approximately seven percent of St. Helena residents walk to work. This is a substantially higher rate than the countywide average of four percent and reflects the City's continuing efforts to create and preserve safe walking environments and a pedestrian-friendly community. At the same time, less than one percent of St. Helena residents travel to work by bike and only 1.3 percent commute by public transit. This reality underscores the importance of continued efforts to build a comprehensive circulation network in support of multiple travel modes (see Table 5.1).

Past transportation planning methods have relied heavily on a traditional street classification and performance measurement system that focuses solely on the capacity of streets to accommodate automobile traffic volume, improve traffic speed and reduce delay time. This narrow approach fails to consider overall mobility, the existing and desired land use character of the community, or conditions for

non-automobile users and must be altered to reflect and promote the paradigm shift towards non-automobile based transportation within St. Helena. Efforts to improve the City's network of streets, sidewalks and services must meet important circulation and mobility goals and also contribute to broader efforts to create safe and attractive environments for human interaction.

In support of these concepts, the General Plan establishes new street typologies and performance measurement system that reflects a balanced approach to maintaining vehicular access and connectivity, while tailoring improvements and mitigations to support multiple modes of travel and enhance surrounding land uses. The Circulation Element sets forth goals, policies and implementing actions that ~~that~~ bolster this place-based approach and will guide decisions about improvements to the public right-of-way to best meet the community's vision.

5.3 Key Findings and Recommendations

There are several challenges and opportunities facing St. Helena related to circulation. The following key findings and recommendations are based upon comprehensive existing conditions analysis and community input.

Street Classification System and Network

St. Helena's street network has largely been developed on a grid. However, some sections of the network, particularly on the east side of State Route 29, are not connected. The lack of a complete traffic circulation system encourages the majority of local trips onto a few streets, particularly when State Route 29 is heavily congested. The 1993 General Plan included plans for multiple street extensions on local roadways to accommodate future development. While a handful of projects have been implemented, ~~most many~~ have not been ~~feasible~~ and given the shift towards non-automobile based transportation, these extensions are an opportunity to create bicycle and pedestrian connections (as well as emergency vehicular access where appropriate and beneficial) to improve the non-automobile circulation and routes throughout the City.

St. Helena residents have raised traffic safety concerns, such as speeding on residential streets. Development of a comprehensive traffic calming program will preserve and enhance the livability of neighborhoods.

Pedestrian and Bicycle Network

According to U.S. Census data, the mode share for bicycle and pedestrian commute trips from St. Helena decreased between 1990 and 2000 (by 1.0 percent and 1.2 percent respectively). In addition, the City of St. Helena ~~does not have a current~~ recently completed and approved a pedestrian ~~and/or~~ bicycle master plan. Developing a comprehensive, safe and accessible pedestrian and bicycle network will promote non-motorized trips and reduce single-occupancy vehicle trips.

St. Helena's senior population will increase substantially by 2030. A pedestrian network that

Comment [GP1]: Do we have more recent data??

accommodates the City's most vulnerable users, such as seniors, children and individuals of limited mobility, will ensure that St. Helena's streets are safe and accessible for all. As of January 2010, the City is creating a transition plan to study Americans with Disabilities Act (ADA) accessibility throughout the City.

Many families live within walking distance of St. Helena's schools. Safe Routes to School is a national program that improves safety and encourages students to walk and bicycle to school. Such programs work to reduce traffic congestion and improve the health of both children and the environment. The City of St. Helena ~~will~~^{may} pursue funding for these efforts through the state and federal Safe Routes to School programs.

Several open spaces and parks located within St. Helena and in the surrounding area, including agricultural areas and the Napa Valley Vine Trail, lack well-defined and accessible connections for both pedestrians and bicyclists. The City also finds a need to explore funding sources for the rehabilitation of existing sidewalks to ensure the safety of our residents and visitors. Future opportunities for the development of multi-use paths with an emphasis on access, wayfinding, signage and parking locations at trailheads should be considered. Similarly, opportunities to provide pedestrian and bicycle access through the Napa Valley are being pursued and will create recreational and commuting opportunities for both visitors and local residents.

Transportation Performance Measures

St. Helena has used traditional Level of Service (LOS) standards for measuring transportation impacts from new development, which account for auto vehicle delay at intersections and roadway segments. This approach does not consider impacts to transit, or the walking and bicycling environment. This General Plan includes policies supporting consideration of all modes of travel when measuring transportation impacts.

To reduce greenhouse gas emissions, regional policies¹ anticipate a continued emphasis on shifting travel from single-occupancy vehicles to carpooling, transit use, and increasing bicycle and pedestrian trips. As part of this regional effort towards sustainable transportation, the City of St. Helena ~~will~~^{should} set targets related to mode shift and vehicle trips (see Table 5.1).

According to U.S. Census data, many more workers are commuting into St. Helena than are living within the City. This suggests a mismatch between the type of employment and residential units in St. Helena. A balanced ratio between jobs and housing can reduce travel times and traffic congestion in a given area (see Tables 5.2 and 5.3).

Transportation Demand Management

¹ The Napa County Transportation and Planning Agency (NCTPA) has adopted five sustainable transportation goals in Napa's Transportation Future Strategic Transportation Plan (2009).

Comment [GP2]: Make certain most up to date info

The primary transit option in the Napa Valley is the VINE bus service. Development and land use patterns in the Napa Valley have resulted in low rates of transit ridership. According to the 2000 Census, 1.4 percent of St. Helena residents commute by transit as compared to 5.0 percent statewide. Additional funding and support for increasing bus service will enhance long-term strategies for a sustainable transportation system.

Parking is a concern in downtown St. Helena. In general, there are few on-street parking restrictions within the City. Creating a Parking Management Program that will include a study of parking demand and turnover in downtown St. Helena can ensure that strategies for optimal use are in place.

A significant portion of Napa County's traffic congestion results from tourists traveling throughout the region. Support for car-free tourism options, including development of the Vine Trail, will help manage congestion in the area.

Regional Coordination

Regional trips to and from St. Helena typically begin or end within Napa County.² The majority of these trips originate and/or terminate in the City of Napa, Calistoga, Yountville and Angwin. Developing viable transportation alternatives to single-occupancy vehicle trips for these regional trips will help to reduce vehicle miles traveled (VMT).

Because State Route 29 is the main route for vehicles traveling from Lake County or Northern Sonoma County to the City of Napa and destinations to the south, inter-county travel results in significant congestion along Main Street. During peak travel times, less than half of all vehicles on State Route 29 are traveling to or from destinations within St. Helena. While intra-city circulation may be improved with the policies and implementing actions recommended in this General Plan, other region-wide housing, employment and public transit policies should be investigated to limit further growth in interregional travel.

Although there is rail service for tourists on the Wine Train, no commuter rail service exists at this time. According to the Napa County Transportation and Planning Agency (NCTPA) 2003 Napa/Solano Passenger/Freight Rail Study, commuter rail and light rail service in the area is not viable due to high costs, a small service population and lack of adequate rail infrastructure to support higher speeds.

(The Napa Valley Wine Train, which operates on the former Southern Pacific Rail line, is a tourist-oriented, recreational ride which carries customers on a round trip between Napa and St. Helena. Due to an agreement with the California Public Utilities Commission (CPUC), though not regulated by the CPUC, the train does not currently stop to board or disembark passengers at any location other than the point of origination in Napa. The City should explore opportunities to integrate the Wine Train into a car-free tourism strategy for St. Helena. If passengers are able to board and disembark in St Helena, this could potentially decrease automobile traffic demand along the Wine Train Corridor.) let's have

Formatted: Highlight

² The Napa County Transportation and Planning Agency (NCTPA). Napa's Transportation Future Strategic Transportation Plan (2009).

[a discussion regarding the pro's and con's of the Wine Train disembarking passengers.](#)

5.4 Goals

Meet Current and Future Transportation Needs.

Meet the current and future mobility needs of residents, businesses and tourists with a balanced, multimodal transportation system. Transportation performance measures aim to reduce greenhouse gas emissions, manage vehicle congestion along the citywide street network and increase [non-automobile and emergency multimodal](#) connections throughout St. Helena. The City plans and manages the transportation network to achieve the following objectives:

Provide a complete bicycle and pedestrian network between residential areas, downtown and other major activity centers identified by the City.

Reduce transportation-based GHG emissions from City-controlled sources by 30 percent from projected 2020 levels by 2020.

Increase the current mode split for transit, bicycling and walking (as measured by the American Community Survey).

Reduce current peak hour vehicle travel times on Main Street.

Create an Interconnected Multimodal Circulation System.

Increase the City's share of walking, bicycling, transit and carpooling trips, in accordance with NCTPA 2035 goals. As a major part of this effort, the City will continue to develop and maintain a safe and integrated bicycle and pedestrian system throughout St. Helena for people of all ages and abilities.

Provide a Safe, Efficient and Well-Maintained Circulation System.

Develop and manage a transportation network that supports safe and efficient travel for all modes and users.

Ensure a Sustainable Transportation Network.

Reduce congestion and greenhouse gas emissions and increase the mode share for all non-single-occupancy trips. To achieve this goal, the City supports the use of transportation demand management (TDM) strategies that promote sustainable transportation practices through encouragement, education and incentives.

5.5 St. Helena's Circulation and Mobility Future

The existing transportation infrastructure and compact development pattern of St. Helena enable the City

to remain a relatively walkable community in a predominantly rural area, while providing direct access to regional destinations throughout the Napa Valley. However, key constraints include congestion along State Route 29 and regional land use patterns that are not conducive to efficient transit service.

Increasingly, the City of St. Helena and Napa County have expressed the goal of reducing traffic congestion in the region by encouraging the development of a multimodal transportation network, supported by land use decisions that encourage alternatives to single-occupancy vehicle trips. The Circulation Element identifies the key components of a sustainable transportation system, including the following:

Street Typology System and Network;

Pedestrian and Bicycle Network;

Transportation Performance Measures; and

Transportation Demand Management Program.

STREET TYPOLOGY SYSTEM AND NETWORK

Street Typology System

The St. Helena General Plan Circulation Element introduces a new street typology system. The new system of street typologies replaces the previous street classifications, which established one set of design and operation standards based on a rigid, hierarchical classification of roadways. Street typologies consider the street context and alternate travel modes. This helps to ensure that street standards are not uniformly applied, but that they instead consider a roadway's relation to surrounding land uses, appropriate travel speeds and the need to accommodate multiple travel modes.

The streets of a given neighborhood or district have characteristics that generally follow the land use character of that area and the role that its streets play in the greater street network of the surrounding community. For example, a residential street that serves as a collector will have different characteristics and design features than a residential street that provides local access. Similarly, a downtown/mixed-use street and an industrial collector street are different in function. A downtown/mixed-use street emphasizes accommodating several transportation modes, while an industrial collector emphasizes accommodating heavy trucks and automobiles. Consequently, the design features and overall user experience may differ greatly.

The following street typologies are part of the City's new street typology system. Application of these standards should be considered for any new development, street repaving or redevelopment projects.

Open Space/Rural Street – Provides access to open space, vineyard and agricultural areas, and rural residential uses. Sidewalks and curbs are not typically present on rural street types, though bicycle

boulevards and low speed limits may be present on some open space or rural streets.

Industrial Collector Street – Supports truck access to manufacturing and industrial land uses. While sidewalks are present on all streets, bicycle and transit facilities are not typically present for this street typology.

Residential Street – Provides access to neighborhoods. This street type supports local trips, with an emphasis on pedestrian and bicycle amenities and slow driving speeds.

Downtown/Mixed-Use Street – Supports all travel modes. It includes specific design features that promote livable streets and multimodal access such as wide sidewalks, traffic calming features and bicycle boulevards.

Regional Connector Street (Main Street) – Supports all modes, but is primarily designed to provide citywide and regional access for cars, transit and trucks trips. As Main Street/State Route 29 is the key commercial center for St. Helena, specific design features that foster livable streets and multimodal access may be applied, including wide sidewalks with regular street crossings, high-quality pedestrian amenities and enhanced bus transit facilities. At the edge of the downtown area, Main Street/State Route 29 transitions into a more suburban and rural environment. These sections have higher vehicle speeds and less walking and bicycling activity than the center of downtown.

Table 5.4 provides a summary of the features of each street typology. Figure 5.1 provides cross sections of typologies.

Circulation Study Alternatives

In order to manage congestion and provide new connections within the City, several new extensions are proposed as non-automobile connections to promote the increased use of non-automobile based transportation in an effort to reduce auto congestion within the City as part of the General Plan update for further study. These extensions may also serve as emergency vehicular routes to increase the safety of St. Helena. ~~In most cases, the proposed connections will provide alternate routes for residents to travel from one part of town to another without having to travel on State Route 29, which is frequently congested due to high regional traffic demand.~~

In order to manage traffic on local streets, proposed new streets provide for the study ~~street extensions~~ provide for various levels of access to accommodate ~~different modes of travel~~ bicycle, pedestrian, golf cart and other non-automobile electric vehicles. Proposed street ~~The study street~~ extensions, shown in Figure 5.2, include the following:

1. Starr Avenue extension north to Adams Street (concurrent with any potential future extension of Adams Street to the Silverado Trail);

2A/2B/2C. Extension to Mills Lane, by extending either Starr Avenue, College Avenue or Allison Avenue;

3. Oak Avenue from Charter Oak Avenue to Grayson Avenue ~~with limited access (bike, pedestrian and scooters)~~ from Mitchell Drive to Charter Oak Avenue ~~with the intention to build/allow automobile access;~~

4. Adams Street from its current eastern terminus to Starr Avenue; and

5A/5B. Alternative extensions to access the Silverado Trail, by studying potential extensions of Adams Street or Mills Lane or increasing the accessibility to the Silverado Trail via Pratt Avenue from downtown by creating an emergency route through the Crinella area.

~~To reduce the attractiveness of the new streets as cut-through routes, vehicle turn restrictions may be implemented at particular locations.~~ In some locations, new bridges may also be constructed to replace bridges at the end of their design life, or as part of new street connections.

In addition to limiting traffic access, traffic calming strategies are important for ~~both~~ existing ~~and proposed~~ streets and are strongly encouraged. Definitions of traffic calming vary, but they all share the goal of changing driver behavior to reduce vehicle speeds, improve safety and enhance quality of life. Traffic calming design elements include roundabouts and traffic circles, landscaped medians, and curb extensions.

PEDESTRIAN AND BICYCLE NETWORK

Pedestrian Circulation

The Central Business District surrounding Main Street is St. Helena's core pedestrian district. Downtown was originally developed with a grid of streets that includes a comprehensive network of sidewalks. Older neighborhoods surrounding the downtown core generally have well-maintained sidewalks that provide pedestrian access between residential areas and schools, community centers and other walkable destinations. Efforts to maintain and improve the pedestrian environment should be prioritized in this area, where the greatest number of pedestrians will be served.

Neighborhoods near the City's periphery have fewer pedestrian amenities, and many lack sidewalks. Some of these neighborhoods have a rural character where sidewalks may not be appropriate, whereas other post-World War II suburban developments were designed primarily for vehicular access and would benefit from improved pedestrian access.

Bicycle Circulation

St. Helena has an extensive network of Class III bicycle routes, which are routes marked for shared use with motor vehicles. However, bike lanes and multi-use paths that provide dedicated space for bicyclists have not yet been developed in St. Helena, and bicycle support facilities, such as bicycle parking, are lacking in many areas. Additionally, both pedestrian and bicycle access to open space and regional destinations throughout the Napa Valley could be improved through a system of off-street multi-use

paths.

Reducing local vehicle trips into downtown St. Helena by shifting those trips to biking or walking would help alleviate congestion and parking concerns and promote increased health. Implementation of a citywide bikeway network that includes the construction of bicycle facilities at activity centers throughout the City could greatly increase the mode share of bicycling. Key activity centers that could be conducive to increased rates of bicycling include the downtown area, bus stops, schools, parks, hotels and local wineries. Development of the Vine Trail and a shared use path along Sulphur Creek will provide greater recreational, tourist and commuting choices by bicycle.

Bicycle Classifications

The City's bikeways include three classifications: bike paths, lanes and routes. These classifications are described below.

Class I Bike Paths (Shared Use Path) are completely separated from motor vehicle traffic, as in the case of an off-street path along a river or railroad corridor, and may be shared with pedestrians. These are often found in park-like or scenic settings. Trails are typically 10 to 12 feet wide. The American Association of State Highway and Transportation Officials (AASHTO) provides dimensional, signage and pavement marking standards.

Class II Bike Lanes are located on streets and allow bicyclists to utilize a separate lane of travel, usually five feet wide, separated from motor vehicle traffic by a six-inch white stripe. Class II lanes include bike lane stencils and signs.

In some cases, a curbside parking lane can be striped to allow a shared parking lane and bicycle travel. This is typically done in areas where a full bicycle lane is not feasible. However it is discouraged where alternative means of providing a bicycle lane are possible.

Class III Bike Routes are designated by signs or pavement markings for shared use with motor vehicles. Cyclists share the travel lane with motor vehicles on these routes. These are often located along roadways where dedicated bicycle lanes cannot fit or are not needed (for example, on a low-volume street), but where providing continuity in a bicycle system is nevertheless important. A shared-use arrow (or "sharrow") can be marked in the outside lane on a Class III route to show the suggested path of travel for bicyclists. This is often done when the route has on-street parking, in order to encourage cyclists to ride a safe distance away from the parked vehicles' "door zone."

Bicycle Boulevards are modified Class III routes that have special treatments such as distinctive signage, traffic calming and vehicle barriers.

~~Proposed~~ Approved Bicycle Network

St. Helena's ~~approved~~proposed bicycle network includes bikeways within all three bicycle path classifications in order to maximize connectivity throughout the City (see Figure 5.3). The ~~proposed~~ network has been planned to provide safe and convenient bicycle access to parks, open spaces, commercial areas, residential neighborhoods and community facilities. Once completed, the network will play a key role in bolstering the City's efforts to increase the use of bicycles as non-auto modes of transit, and to reduce overall vehicle miles traveled in the City.

Proposed Class I bicycle pathways cross the City, connecting parks and open spaces with multimodal trails that are completely separate from auto traffic. These shared-use pathways provide key cross-City connections, and include the proposed Napa Valley Vine Trail and a shared-use path along Sulphur Creek and the Napa River. Additional Class I pathways connect the Lower Reservoir Park to Spring Mountain Road and Crane Park to Grayson Avenue. Shared-use paths should accommodate all pedestrians, including persons that use an assistive mobility device for a disability or medical condition.

Class II bicycle pathways that provide a designated lane for bicycle travel are proposed along many of St. Helena's streets. Key east-west routes include: Madrona Avenue between Main Street and Sylvaner Avenue; Spring Street between Oak Avenue and Sulphur Creek; Pope Street between Main Street and Silverado Trail; and Grayson Avenue and Sulphur Springs Avenue, between Main Street and Crane Avenue. Key north-south routes are located on Spring Mountain Road, Valley View Street, Crane Avenue, and State Route 29 between Deer Park Road and Pratt Avenue.

The ~~proposed~~ network includes a series of Class III pathways designated for shared-use of vehicles and bicycles. Some of these pathways have an additional designation for use as Bicycle Boulevards. Key Class III pathways include Chaix Lane, Pratt Avenue, and State Route 29 between Pratt and Grayson avenues. Bicycle Boulevards are primarily located in the residential neighborhoods directly east and west of Main Street. Key Bicycle Boulevards include Mitchell Drive, Adams Street and Oak Avenue.

Bicycle Parking and Support Facilities

Every bicycle trip has two main components: the route selected by the bicyclist and the "end-of-trip" facilities at the destinations. The availability of safe bicycle routes and secure and convenient facilities is critical to promoting greater bike usage in St. Helena. Bicycle facilities can include short- and long-term bicycle parking, showers, lockers and good lighting.

Providing short- and long-term bicycle parking at key destinations, such as downtown St. Helena, parks, schools, community facilities, transit stops and shopping areas, will be essential to the development of a complete bicycle network. Parking should be highly visible, accessible and easy to use. In addition, facilities should be located in well-lit areas and covered where possible.

Support facilities for bicyclists should also be provided. Showers are an important amenity for those

bicycle commuters with a rigorous commute and/or formal office attire. Lockers provide a secure place for bicyclists to store their helmets and other gear.

TRANSPORTATION PERFORMANCE MEASURES

The City of St. Helena is considering new transportation performance measures to ensure that the General Plan reflects a balanced perspective on transportation that reflects the full set of community values and interests. As such, the City is considering replacing the traditional automobile Level of Service (LOS) threshold with measures that capture transportation system performance from the perspective of all users and incorporate the environmental consequences of transportation decisions, especially with regard to climate change. A key part of this effort is to better understand how vehicle trips and vehicle-miles-traveled (VMT) relate to greenhouse gas (GHG) emission reduction goals.

A new approach is designed to achieve the following objectives:

Develop an alternative way of evaluating new land use development impacts for automobiles, pedestrians, bicycles and transit.

Develop a quantifiable way of measuring the transportation-related GHG impacts and benefits of new land use development and transportation infrastructure improvements.

The purpose of establishing new transportation performance measures is to develop a meaningful nexus between transportation-related development impacts and the City's desired mitigations. The proposed performance measures aim to reduce GHG emissions, improve multimodal circulation and manage traffic congestion in St. Helena. The reasons for adopting new standards include:

Traditional automobile LOS measures are based largely on driver comfort and convenience, without consideration for other roadway users, including bicyclists, pedestrians and transit riders.

Mitigation measures based on traditional LOS can result in widening roads and intersections in a way that conflicts with community character or other values established in this General Plan. Additionally, such measures can encourage additional vehicle trips and have a negative impact on other travel modes.

Thresholds for traditional LOS standards are not necessarily linked to the City's vitality and quality of life, and can make smart growth projects, such as mixed-use infill development in downtown St. Helena, more difficult.

Several targets, including operating standards for vehicular travel times on Main Street, standards for new auto trips generated by new development, as well as targets for increasing pedestrian and bicycle trips have been set forth in the goals, policies and implementing actions of this element.

TRANSPORTATION DEMAND MANAGEMENT PROGRAM

Transportation Demand Management (TDM) strategies aim to reduce the amount of motor vehicle traffic and manage parking to make travel behaviors more sustainable. TDM policies and programs also encourage the use of modes other than single-occupancy vehicles for travel. Strategies may include carpooling and car-sharing, transit subsidies or reimbursements, paid parking, and the provision of bicycle support facilities at workplaces.

The General Plan supports the establishment of a citywide TDM program to help reduce peak period motor vehicle traffic and manage vehicle parking within St. Helena. NCTPA's Strategic Transportation Plan identifies a number of TDM strategies that are applicable to reducing motor vehicle traffic congestion in St. Helena. Funding for a citywide TDM program should be provided through traffic mitigation fees and in-lieu parking fees. In addition, the City should encourage existing employers to participate in the TDM program.

5.6 Policies and Implementing Actions

A range of policies and implementing actions are outlined below and organized into the following topic areas:

Balanced and Multimodal System;

Safe, Accessible and Comprehensive Bicycle and Pedestrian Network;

Sustainable Mobility Practices;

Safe and Well-Maintained Circulation System;

Parking; and

Improvements and Phasing.

The policies mandate, encourage or allow certain actions to be pursued throughout the duration of the General Plan. Together they provide strategic directions for City staff and partners, high-lighting where time and resources should be focused.

Policies

CR1.1 Promote a connected street and bicycle and pedestrian network within the City to provide better internal automobile, bicycle and pedestrian connections for residents. ~~Where new streets are constructed, ensure they connect to dead-end roads and other streets to create a flexible network for residents.~~

CR1.2 Provide complete streets that balance the diverse needs of users of the public right-of-way, in accordance with the California Complete Streets Act of 2008.

CR1.3 Pursue appropriate funding for the development of a balanced transportation system.

CR1.4 Use performance measures that consider all road users to determine transportation impacts of new development.

CR1.5 Avoid mitigation measures that negatively impact the walking and bicycling environment and encourage driving, such as roadway and intersection widenings.

CR1.6 Continue to support NCTPA in the provision of convenient transit, including regional and local service. Support more frequent and reliable transit service between communities to reduce the number of people traveling to or from St. Helena to work by private vehicle. Promote and encourage use of the St. Helena Vine Shuttle.

CR1.7 Encourage use of the rail corridor to reduce traffic on State Route 29.

CR1.8 Reduce transportation-based GHG emissions from City-controlled sources by employing the following strategies:

Complete the City's bicycle and pedestrian network, which will increase transportation choices in the City and reduce the demand for vehicle travel;

Maximize the overall efficiency of the transportation system, including managing the transportation network through a citywide transportation system management program;

Implement "smart growth" and sustainable planning principles as defined in the Land Use Element;

Encourage jobs/housing match, as defined in the Housing Element; and

Encourage/provide incentives for employee car pools.

CR1.9 Promote a walking and bicycling environment that is comfortable and convenient. Ensure that all St. Helena streets have no more than a single through-automobile lane in each direction, plus a single left-hand turning lane where appropriate, even if this requirement increases vehicle travel times. Allow exceptions if an extra lane would reduce the possibility of collisions.

CR1.10 Strive to maintain a ten minute or less travel time during peak periods along State Route 29, from the northern and southern City boundaries.

CR1.11 Establish a multimodal transportation impact fee program to finance and implement project mitigations that help achieve GHG reduction goals. As part of the impact fee program, require new

development to manage citywide travel demand and finance and construct all off-site circulation improvements necessary to reduce the severity of cumulative transportation impacts to all modes of travel.

Implementing Actions

CR1.A Use the street typologies as defined in the Circulation Element as a basis for improving and managing streets. Improve vehicle, pedestrian and bicycle facilities on streets based on this system.

CR1.B Evaluate Construct the following new ~~roads and connections~~ as any potential new development occurs to promote increased bicycle, pedestrian and non-auto based transportation. Where feasible, preserve existing rights-of-way.

Extend Library Lane concurrent with future development on the Adams Street Property

Starr Avenue extension north to Adams Street

Consider three options for a connection to Mills Lane: a) Starr Avenue extension to Mills Lane; b) College Avenue extension to Mills Lane; or c) Allison Avenue extension to Mills Lane

Oak Avenue from Charter Oak Avenue to Grayson Avenue and limited access from Mitchell Drive to Charter Oak Avenue

Adams Street from its current eastern terminus to Starr Avenue

Consider two options to connect downtown St. Helena to Silverado Trail: a) Adams Street extension to Silverado Trail; b) Mills Lane extension to Silverado Trail

CR1.C Identify streets that should become “more complete,” through consideration of transit priorities, sidewalk gap closures, new bikeways and vehicle traffic calming measures.

CR1.D Use the performance measures defined in the Circulation Element as the basis for evaluating the impacts of development on the street system.

CR1.E Support efforts to secure additional funding for regional transit service to St. Helena for residents, workers and visitors as a viable alternative to travel by private automobile. Focus on improving the bus service for use by commuters.

CR1.F Subject all rail corridor uses to use permit review; locate passenger facilities within zoning districts which minimize impacts to established and proposed land uses.

CR1.G Study the potential for integrating Wine Train activities with car-free tourism strategies to provide an alternative for tourists to visit St. Helena without a car.

CR1.H Measure total automobile trips generated by new developments on a per project basis, to reduce vehicle trips. Maintain a citywide trip generation analysis methodology that evaluates the effects of land use and built environment changes on travel choices and behavior.

CR1.I Evaluate changes to vehicle travel times along State Route 29 on a per-development or per-project basis. Establish significance criteria for determining if an increase in travel time resulting from new development is significant.

CR1.J Ensure that any new land use development provides a continuous path of travel for walking and bicycling from the development site to the center of downtown and other key destinations, as determined by the City. Determine appropriate bicycle and pedestrian routes based on street typologies and the proposed bicycle and pedestrian network. If a path of travel is not continuous, require development to construct improvements and/or contribute to the transportation mitigation fee program.

CR1.K Fund transportation improvements through a citywide, multimodal transportation mitigation fee program. The mitigation fee program will emphasize transportation improvements that reduce citywide automobile trips, including completing the bicycle and pedestrian network, implementing transportation demand and systems management strategies, and improving traffic signal coordination on State Route 29. Ensure that fees are proportional to a development's contribution to changes in net new automobile trips and change in travel time along State Route 29.

CR1.L Work with Caltrans to ensure regional coordination and manage congestion on State Route 29.

Policies

CR2.1 Create a comprehensive bicycle and pedestrian network that enhances neighborhood connectivity. Develop the system as shown in Figure 5.3 to expand and improve the pedestrian and bikeway system.

CR2.2 Promote walking and bicycling as safe and convenient modes of transportation.

CR2.3 Ensure secure, accessible and convenient bicycle parking facilities throughout St. Helena, including downtown, commercial areas, schools and parks.

CR2.4 Preserve and enhance pedestrian connectivity and safety throughout St. Helena.

CR2.5 Improve the pedestrian experience through streetscape enhancements, focusing improvements where there is the greatest need, and by orienting development toward the street.

CR2.6 Encourage walking and bicycling trips to St. Helena schools.

Implementing Actions

CR2.A ~~Develop and adopt a~~Implement the citywide bicycle and pedestrian master plan to improve bicycle and pedestrian safety, and to encourage community members to walk and bike more often. Build on St. Helena's existing partnership with the Napa County Transportation and Planning Agency (NCTPA) to ensure that the City's master plan is consistent with countywide transportation planning efforts. (Also see the following elements: Open Space and Conservation, Topic Area 2; and Parks and Recreation, Topic Area 6)

Note: Subsequent actions in this element may be included in the Bicycle and Pedestrian master plan.

CR2.B Develop guidelines for the design, construction and maintenance of bicycle and pedestrian paths in St. Helena. Coordinate the guidelines with Napa County or regional trail connections.

CR2.C Develop and adopt an ordinance that requires any new development and re-use projects to provide bicycle and pedestrian improvements and amenities.

CR2.D Identify and pursue funding opportunities for bicycle projects on the local, state and federal levels. Update the existing and proposed bicycle system every five years, as required by Caltrans to qualify for Bicycle Transportation Account funds.

CR2.E Allocate funds and/or identify funding sources for pedestrian and streetscape improvements.

CR2.F Improve street crossings and gaps in the sidewalk system through development review and capital improvement projects.

CR2.G Adopt a crosswalk installation policy to promote pedestrian safety and accessibility.

CR2.H Ensure that any new development on collector streets provides sidewalks or walkways to be located with the City's right-of-way for the collector street. Further, unless exempted or deferred by the

City Council, ensure that all residential developments provide sidewalks on all local streets within the development.

CR2.I Review pedestrian-vehicle collision data on an annual basis and identify areas for pedestrian safety improvements.

CR2.J Pursue state and federal grant opportunities to fund a Safe Routes to School program.

CR2.K Consider the feasibility of a citywide bike sharing program for municipal and/or public use.

Policies

CR3.1 Provide incentives and encourage existing major employers to develop and implement transportation demand management (TDM) programs to increase the number of people who bike and walk to work and reduce peak-period trip generation. Strategies include the following:

Transit subsidies or reimbursement to residents and employees (often referred to as “commuter check” or “EcoPass”);

Car-share, car-pooling and neighborhood electric vehicle programs, to reduce the need to have a car or second car;

Integrated bicycle parking and support facilities, primarily to reduce trips within the City;

Modified parking codes to manage the supply of parking that generates frequent turn-over and serves multiple users; and

Marketing and information programs to encourage alternative transportation modes.

CR3.2 Support the implementation of NCTPA goals to reduce/restrain growth of automobile vehicle miles traveled (VMT).

CR3.3 Shift travel from single-occupancy vehicles to other modes so that by 2030, 45 percent of work trips by St. Helena residents and workers are by carpool, transit, walking or bicycling (see Table 5.5 at the end of this section for 2030 commute mode split targets).

CR3.4 Work with the wine and hospitality industries to manage congestion and create and promote car-free tourism services. (Also see the Environmental Sustainability Element, Topic Area 2)

CR3.5 Work with the school district to increase the use of carpooling and the bus system to reduce drive-alone trips to St. Helena schools.

CR3.6 Support development of the bikeway and pedestrian networks to provide a convenient opportunity for at least 20 percent of commuters to get to work by walking or bicycling.

Comment [GP3]: Should we set goal higher?
Are these commuters in town or arriving from other communities? Feasibility?

CR3.7 Support compact, mixed-use development as outlined in the Land Use and Housing elements.

Implementing Actions

CR3.A Study the feasibility of a citywide TDM program and review the effectiveness of the existing Traffic Impact Mitigation Fee.

CR3.B As part of the municipal code, require TDM measures for all new non-residential development.

CR3.C Regularly monitor progress toward increasing the number of residents and workers walking, biking and using public transit, in order to achieve the mode split targets outlined in Table 5.5.

CR3.D Work with the wine and hospitality industries, including the Wine Train, to manage congestion and create and promote car-free tourism services.

Policies

CR4.1 Ensure adequate maintenance of transportation facilities such as streets, sidewalks and multi-use paths. Emphasize safety considerations, impacts on non-automobile modes of travel and overall impact on long-term resource needs as maintenance priorities.

CR4.2 Ensure safety on residential neighborhood streets to promote walking and bicycling and preserve neighborhood livability.

CR4.3 Continue efforts to calm traffic, and minimize traffic volumes and speeds in residential areas.

CR4.4 Strive to bring all pedestrian facilities into compliance with Americans with Disabilities Act (ADA) specifications.

CR4.5 Improve traffic safety and encourage walking and bicycling trips to St. Helena schools through a Safe Routes to School program.

Implementing Actions

CR4.A Review and update the Capital Improvement Program on a regular basis to identify and prioritize circulation facility improvements. Ensure that improvements support the goals, policies and implementing

actions identified in the General Plan.

CR4.B Develop strategies to calm traffic on streets that experience speeding or cut-through traffic, such as Starr Avenue. Include a range of solutions including enforcement, engineering and education efforts to calm vehicle traffic.

CR4.C Establish a transition plan that identifies prioritization and funding mechanisms for improving street conditions to meet ADA specifications. Transition plans are an important part of meeting ADA standards.

CR4.D Pursue Safe Routes to School grants to improve safety and encourage bicycling and walking trips to St. Helena schools.

CR4.E To reduce the effect of regional traffic on local streets, monitor traffic volumes and speeds on potential regional cut-through routes, including Oak Avenue and Valley View Street and other problematic streets like Spring, Pope, etc. Due to the forecast potential for traffic volumes to increase on Oak Avenue and Valley View Street, the City shall consider installing traffic calming or traffic diverting devices to discourage regional cut-through traffic with the goal of ensuring that, over the duration of the General Plan, traffic volumes on these streets do not increase by more than 50 percent above current (2010) levels.

CR4.F To ensure the multimodal Transportation Mitigation Fee (TMF) program serves as acceptable mitigation for the increase in traffic volumes resulting from buildout of the General Plan, the City shall prepare and adopt the TMF within 6 months of adoption of the General Plan Update. As part of this effort, the City shall conduct a fee study to ascertain whether the fees designated under the existing fee program should be revised. As part of the fee study development, the City should consult with other local agencies, including Caltrans and the California Public Utilities Commission (CPUC), to identify potential improvements to Main Street and to at-grade railroad crossings that could be incorporated into the TMF program.

CR4.G The City shall consider the use of signal preemption for emergency response or evacuation in locations where Fire Departments response times are not met.

Policies

CR5.1 Ensure an adequate balance of parking demand and supply. Closely manage and track parking supply within the downtown area by developing a parking management program and implementing a “park-once” strategy.

Comment [GP4]: Do we really need to do this??
This should be discussed, the purpose and intent of this action!

CR5.2 Maintain on-street parking on Main Street in the Central Business District for the convenience of shoppers and to provide a physical and psychological buffer between Main Street traffic and pedestrians.

Implementing Actions

CR5.A Develop a “park-once” strategy for visitors to improve air quality, reduce congestion, promote alternatives to driving alone, and educate and involve businesses and residents. Work with employers to encourage employees to park on the fringes of downtown, thereby leaving convenient parking spaces open for shoppers.

~~CR5.B Consider a study for the use of paid on-street parking to encourage parking turn-over, customer access and efficient allocation of parking among diverse users. Consider installing longer-term paid on-street parking along the periphery of Main Street where short-term parking demand is low.~~

CR5.BC Develop and maintain an off-street parking program for the Parking Impact Area. The program will identify and prioritize locations where additional off-street parking can be provided. When sufficient funds have accumulated for the acquisition of a site and construction of parking on that site, commence with implementation of providing parking on that site.

Policies

CR6.1 Prioritize and implement improvements to the circulation system, including ~~street extensions~~, bicycle and pedestrian improvements and extensions, and expanded transit service.

CR6.2 Require concurrent infrastructure development for any new development projects that have impacts on the circulation system, including streets, paths, trails, sidewalks and public transit.

CR6.3 Consider requiring dedications and mitigations beyond traffic mitigation fees for any development that occurs adjacent to proposed street corridors in order to reinforce system continuity. Traffic mitigation fees are necessary to mitigate existing traffic congestion and congestion caused by new development. Consider revising fee schedules to appropriately mitigate impacts. The fee schedule must be based on an established “nexus” between new development and the planned improvements.

Implementing Policies

CR6.A Evaluate and prioritize and construct all new ~~streets~~, paths and trails (identified in Section E: St. Helena’s Circulation and Mobility Future) when adequate funding is secured and concurrent with any new, adjacent developments.

CR6.B Update the existing St. Helena Traffic Mitigation Fee program to provide funding for all new connections ~~streets~~ and trails included in the Circulation Element, in order to ensure new connections ~~streets~~ and trails are constructed in a timely manner.

Land Use & Growth Management

2.1 Purpose of the Element

The Land Use and Growth Management Element presents a framework for governing future decisions about allowable, context-appropriate land use and desirable development patterns to maintain the small town character of St Helena character of St. Helena. This framework aims to effectively manage growth ~~while encouraging the use of innovative approaches, quality design and infill strategies for new development.~~ By drawing from and building upon the community's distinct history, walkable and strong neighborhoods, and active downtown, the Land Use and Growth Management Element sets the stage for maintaining an economically, socially and environmentally sustainable St. Helena.

The Land Use and Growth Management Element includes the following sections.

2.2 Community Development Framework. Describes the framework for community development, including the growth management system and land use classifications (p. 2-3).

2.3 Key Findings and Recommendations. Identifies key findings and recommendations based on an existing conditions analysis and extensive community outreach (p. 2-24).

2.4 Goals. Defines overarching goals to guide policies and implementing actions (p. 2-26).

2.5 Policies and Implementing Actions. Identifies policies and implementing actions to manage growth, maintain community character, ~~and revitalize underutilized areas~~ (p. 2-27).

2.2 Community Development Framework

Famous for its scenic Napa Valley location, fine wineries and historic Main Street, St. Helena seeks to protect its small-town, agricultural character through a coordinated approach to growth management and land use planning. The City has developed an urban limit line to control and limit development in order to ensure that prized agricultural and open space lands both inside and outside the ULL remain for future generations. In addition, it has crafted a land use classification system that works in tandem with its growth management goals, while allowing for targeted development in key areas and maintaining the character of its existing neighborhoods and central commercial areas. Following are detailed descriptions of the City's land use classifications, growth management system and holding capacity. (see 93 GP, pp 2,3 pg 2-6. Consider including a similare statement and use the 2007 Visioning Survey as the update.)

LAND USE CLASSIFICATIONS

Land in St. Helena is classified according to four broad land use categories:

Residential Areas;

Commercial and Mixed-use Areas;

Business and Industrial Areas;

~~and~~ Community and Natural Resource Areas.

Within each of these categories, specific land use designations identify uses and the density and intensity of development allowed in each designation. Table 2.1 and Figure 2.1 outline the City's land use designations as described in the General Plan. For quick comparison and reference, Figure 2.2 includes a menu of St. Helena's land use classifications, allowed building intensities and densities, and examples of potential building types for each land use designation.

Residential Areas

St. Helena has a variety of residential areas that include single family, multi-family and secondary residential housing options. These neighborhoods support a range of lifestyles at a broad range of household income levels. Higher density, infill development can expand housing options citywide and create mixed-use areas with retail in the heart of the City. Residential land use designations should encourage the development of accessible and diverse neighborhoods, where appropriate. Figure 2.3 highlights residential areas. [\(see 93GP pg, 2-19\)](#)

Low Density Residential (LDR). The LDR land use designation includes single family detached homes, secondary residential units, limited agricultural uses, and similar and compatible uses. This category permits residential densities between 1.0 and 5.0 dwelling units per acre. The LDR designation applies to limited areas of the City with large, residentially-subdivided parcels, particularly those near the City's perimeter.

Medium Density Residential (MDR). The MDR land use classification includes single family attached and detached homes, secondary residential units, and similar and compatible uses. MDR residential areas can accommodate more intensive development, with densities of 5.1 to 16.0 [\(consider changes with new ABAG growth process and One Bay Area newly adopted Plan.\)](#) [\(see 93 GP p.2-7\)](#) dwelling units per acre. This land use designation is the City's predominant residential designation and is intended to maintain a development pattern in newly developing areas that is consistent with historic development patterns.

Higher Density Residential (HDR). The HDR land use designation includes single family and multi-family residential housing, apartments and group quarters. This category permits residential densities

between 16.1 and 28.0 [\(where would this ever make sense?\)](#) dwelling units per acre.

Commercial and Mixed-Use Areas

St. Helena has a number of commercial areas that include retail and commercial services. Businesses serve tourists, City residents and residents of the unincorporated agricultural areas that have traditionally traveled to St. Helena to shop for goods and services. [\(really?\)](#) In the City's historic Central Business District, a small amount of higher-density, mixed-use development that is context appropriate can expand housing options while also supporting additional retail and commercial services. Figure 2.4 highlights commercial and mixed-use areas.

Mixed-Use (MU). The MU land use category promotes medium-density residential mixed with retail, office, restaurant or other commercial uses. The maximum allowable residential density in MU areas is 20 dwelling units per acre, and the maximum FAR is 1.0. The intent of this land use is to protect the urban limit line by encouraging a mix of uses at infill locations and reduce greenhouse gas emissions by locating housing opportunities within close proximity to commercial and retail.

Central Business (CB). The CB land use classification includes retail and commercial uses that serve local residents and the surrounding area. Typical CB uses include offices, restaurants, specialty retail and lodging, with particular emphasis on pedestrian-oriented retail and service uses on the ground floor level, and offices located on upper floors. Residential uses can be considered for upper floor areas but are subject to discretionary review and approval. The maximum allowable FAR in CB-designated areas is 2.0, with off-site parking. The CB district extends from Sulphur Springs Creek along Main Street to midway between Adams Street and Pine Street, west to Oak Avenue and along the north side of Adams Street east of Main Street.

Service Commercial (SC). The SC land use designation includes service and retail uses that have larger space needs than are available in the Central Business District. Potential SC uses include offices, restaurants, service stations and lodging, with a maximum allowable FAR of 0.50. The SC designation includes areas fronting State Route 29/Main Street south of Sulphur Springs Creek.

Business and Industrial Areas

St. Helena has limited areas designated for business and industrial uses. These uses are important to the community's economic health, serving residents as well as surrounding agricultural businesses. These uses are located along Adams Street and Library Lane east of Railroad Avenue and on the southern end of the City surrounding Dowdell Lane. Figure 2.5 highlights business and industrial areas. [Where is it zoned industrial and business?](#)

Business and Professional Office (BPO). The BPO classification allows for professional and administrative office uses, including medical, financial and similar uses. Residential uses in this designation can be considered for upper floor areas, subject to discretionary review and approval. The maximum allowable FAR is 0.50. BPO areas are located throughout the City and provide a compatible, transitional use between commercial and residential areas.

Industrial (I). The I land use designation includes industrial parks, warehouses, light manufacturing and auto and farm-related uses. The maximum allowable FAR is 0.50. Designated I areas are located along Sulphur Springs Creek between State Route 29 and Valleyview Street and east of State Route 29, south of Mills Lane. An Urban Reserve Area is designated to the east of the existing industrial area south of Dowdell Lane for future expansion of this area.

In general, we need to consider where we want the bulk of new business and Industrial growth to occur. Along the HGWY 20 corridor wher other industrial exists as well as where the likely growth of a hotel and other non residential projects will occur makes the most sense. 'South of town" on Main streeet makes moe sense for growth than anywhere - it is visisible to visitors, already noisy and already set up for businesses along the Hqwy. Neighborhoods should not begin to take on business center looks. In fact, the businesses occupying Pine Street are not optimizing neighborhood enhancement, nor do they maje sense for traffic, speeds, parking or other issues that develop when commercial Invades residential neighborhoods. The goal should be to re-establish that are as residential, and focus businesses along Hqwy 29.

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Community and Natural Resource Areas

St. Helena has a wide range of agriculture, parks, open spaces and civic uses that serve a diverse range of community needs. Natural areas, such as the creeks and hills, offer opportunities for preservation and conservation. Public facilities provide opportunities for social and community development. Land use planning should aim to improve these amenities and enhance accessibility for all City residents. Figure 2.6 highlights community and natural resource areas.

Woodland and Watershed (WW). The WW classification includes very low density residential that ensures the protection of wildlife, vegetation, open space and watershed resources. This designation applies to steep hillsides at the City's westernmost and easternmost boundaries, with the intent to accommodate low-density, estate type development in locations that are less suitable for agricultural use. The minimum allowable parcel size is five acres.

Agriculture (AG). The AG land use designation includes agricultural and winery uses with restricted single family and public/quasi public uses residential. This classification applies to large areas of the valley floor that surround the City's urban core. With the exception of hillside areas designated WW, all lands outside the Urban Limit Line are designated AG regardless of their size or actual use. Minimum parcel sizes for new parcels in AG areas range from 20 to 40 acres. (see 93 GP p. 2-9) Keep pp1 that says " after one unit is built on a 5 acre lot, any additional units would be restricted to .5 acres. That way, wineries can provide a small amount on land onsite to accommodate affordable worker housing for their employees thus alleviating some of the housing concerns while adhering to the 93 GP.)

Public/Quasi-Public (PQP). The PQP land use designation provides for government-owned facilities,

public and private schools, and quasi-public uses such as churches, [community/public serving endeavors](#), and cemeteries. The maximum FAR for the PQP district is 0.50. The PQP designation occurs throughout the City, and includes City Hall, the City library, all of the public schools, some of the private schools, all churches, cemeteries and the wastewater treatment plant.

Parks and Recreation (PR). The PR land use designation includes public parks with recreation uses. It applies to all existing public parks and proposed park sites.

Open Space (OS). The OS classification includes open spaces that are devoted to natural resource preservation and management, passive outdoor recreation, multi-use trails, public health and safety. All OS areas are associated with stream corridors that pass through or are adjacent to the City, including the Napa River, Sulphur Springs Creek, York Creek and Spring Creek. [Roads are part of Open Space, but are not contributors to natural resource, public health, etc. Should reconsider roads as being a part of Open Space. What percentage are roads now?](#)

GROWTH MANAGEMENT

St. Helena aims to contain development and preserve agricultural lands adjacent to the City. Tools for accomplishing this include the Urban Limit Line, designated Urban Reserve Areas and the Residential Growth Management System. Figure 2.7 illustrates St. Helena's Urban Limit Line and Urban Reserve Areas.

Urban Limit Line

The Urban Limit Line is a parcel-specific boundary that marks the limit of where urban development is permitted within the incorporated area. The intent of the Urban Limit Line is to discourage urban sprawl by containing urban development within designated areas during the 2010-2030 planning period (see Figure 2.7).

Land outside the Urban Limit Line, but inside the incorporated area, is designated for agricultural uses.

[Can Ag housing be Ag use?](#) The area within the Urban Limit Line includes land to accommodate projected growth. However, given the long-term nature of the General Plan and the potential for unforeseen circumstances, the Plan anticipates the potential need to expand the urban area by identifying Urban Reserve Areas.

Urban Reserve Areas

Urban Reserve Areas can be considered for urban development after urban sections within the Urban Limit Line are developed and if additional land is needed for urban uses. The Urban Reserve Areas, which are contiguous with the existing urban area, have been carefully located to encourage balanced growth [what does this mean?](#) and to ensure that further urban development will maintain the compact development pattern desired by the community.

Urban Reserve Areas are all designated Agricultural (AG) and are expected to remain in agricultural use or undeveloped for the foreseeable future. Zoning in the Urban Reserve Areas will be the same as in other areas designated for agriculture. Zoning designation changes of any specific Urban Reserve Areas will be determined by the City Council at the time of incorporation within the Urban Limit Line. Such changes will depend upon many factors, including: compatibility with existing or proposed surrounding uses; availability of services; demand for the proposed uses; the availability of other suitable areas; and the agricultural resource value of the land.

Locational suitability and timing will be considered when considering changes to the Urban Limit Line and incorporation of Urban Reserve Areas. Requests for expansion of the Urban Limit Line will be considered in logical groupings that reflect the best long-term interests of the City, and will not be considered on a parcel-by-parcel basis, or in a manner that would permit non-contiguous development.

Residential Growth Management System

The Residential Growth Management System limits the number of building permits available for ~~market residential growth rate homes~~ each year. ~~Affordable housing and second units are exempt from the program. The GMS should reflect the ABAG RHNA number. This will serve to ensure alignment with the larger Bay Area's growth direction which encourages development near transit and service centers (PDA = Preferred Development Area). Development outside the non-targeted PDA's encourages growth and sprawl, contributes to traffic congestion and environmental impacts such as reduced air quality and loss of open space and Agricultural lands.~~

GENERAL PLAN STRATEGY

The General Plan strategy presents an outline for the evolution of the City. This strategy is grounded in a set of planning principles and describes General Plan Change Areas and land use capacity. Each of these topics is described in more detail below.

Growth Strategy Principles

The principles for guiding future growth in St. Helena are based upon the City's unique development pattern, vision for a sustainable future and its growth management. The following planning principles apply to the land use development strategy:

Protect agricultural lands located outside the Urban Limit Line;

Preserve agricultural, green and open space within the ULL to ensure the City maintains a rural and small town character with sufficient "fingers of green", particularly in light of St Helena's inadequate park land.

Focus new residential and commercial growth inward at appropriate infill sites; and

Maintain community character by requiring high-quality design and ~~management of new growth~~. guard against "big box" development patterns and styles for commercial, industrial, and residential growth

General Plan Change Areas

During the General Plan Update process [12](#) sites were identified for land use change, including sites for Mixed-Use, which is a new land use designation. These sites are located within the Urban Limit Line (with some minor shifts) and include parcels with commercial, mixed-use and residential designations. Figure 2.8 shows the land use change areas that correspond to the list below.

Adams Street and Library Lane (5.66 acres): The proposed development program for the Adams Street property includes a mix of public/quasi-public, residential and retail uses. A modification of the Urban Limit Line is also proposed, which will increase the developable area by 0.83 acres and orient development along Adams Street.

Main Street, Spring Street and Oak Avenue (2.61 acres): Mixed-Use is proposed for this area to allow a mix of commercial, office and residential development.

Mitchell Drive and Oak Avenue-Northwest (2.04 acres): High Density Residential is proposed for this area to allow for higher density development within walking distance to downtown.

Mitchell Drive and Oak Avenue-Southeast Side (1.58 acres): Mixed-Use is proposed for this area to allow a mix of commercial, office and residential development.

Main Street and Charter Oak Avenue (12.12 acres): Mixed-Use is proposed for the eastern portion of the parcel and Industrial for the western portion of the property.

Main Street and Vidovich Avenue (14.44 acres): This parcel has a mixed-use General Plan land use designation, and the Vineland Station Hotel Project, a mixed-use project, has been approved for the location.

Spring Street and St. James Drive (4.65 acres): Medium Density Residential is proposed for this area to accurately reflect existing densities.

Grayson Avenue (7.01 Acres): Medium Density Residential is proposed on these parcels to allow more flexibility in density for this area.

West end of Spring Street (14.31 acres): This area includes a modification to the Urban Limit Line and an identical shift expanding the Low Density Residential area by 1.49 acres. This change is made to better reflect the flat portion of this parcel.

Systematically re-zone the area on Pine/Oak from commercial to residential. This area was originally residential, but encroachment of businesses into existing homes has changed the use causing parking, traffic and speeding issues in the proximal residential areas.

Mills Lane and Highway 29. (10.3 acres): Adjust Urban Limit Line, General Plan and Zoning Designations to allow the parcel fronting on to Main Street/Hwy 29 to change from Service Commercial to Agriculture. This change will require that the parcels fronting on to Mills Lane and the Urban Limit Line be reconfigured to allow them to encompass the Service Commercial area (1.58 acres) that was converted to Agriculture. ??? Why???

Neiman Parking Lot Parcels is this the real name? (0.39 acres): Rezone the 4 mid-block parcels adjacent to the railroad from Medium Density Residential to Mixed Use or other designation that would allow the parcels to be developed as a parking lot.

Flood Control Project Site (15.7 acres): Rezone this parcel (the flood control project site) from Medium Density Residential to Open Space. (can't comment here)

Land Use Capacity

Several factors contribute to managing and guiding new growth in St. Helena. The General Plan Land Use and Zoning maps describe where different land uses are permitted and the intensity of development that they allow. The Land Use Change Areas map (Figure 2.8) and Housing Opportunity Site map (see Housing Element Figure 11.1) present locations where there is potential for new development to occur in the next 20 years. Existing approved and pipeline projects represent sites where development is already proposed and/or underway. And finally, the Growth Management System limits the allowed number of new residential permits, ~~with exceptions for affordable and secondary dwelling units.~~ allow secondary units since they are on existing parcels since they often only extend the existing house capacity?

California State requirements also influence how St. Helena considers population growth. The Regional Housing Needs Allocation administered by the Association of Bay Area Governments (ABAG) and the State Housing and Community Development Department (HCD) identifies and allocates the supply of housing necessary to meet the existing and projected growth in population and households in California (also see the Housing Element). Therefore, St Helena has adopted the RHNA numbers as the target for Growth Management.

2.3 Key Findings and Recommendations

There are several challenges and opportunities facing St. Helena related to land use and growth management. The following key findings and recommendations are based upon comprehensive existing conditions analysis and community input.

The Association of Bay Area Governments (ABAG) projects that St. Helena's population will increase by more than 250 (Housing Needs Assessment doc shows 100 people - p25) people to approximately 6,200 by the year 2030 (4.6 percent). The City should be aware of the limitations of long-term population projections when developing General Plan land use policies.

Implemented in 1986, the City's Residential Growth Management System limits residential growth in order to protect agricultural land and ensure that the City can provide adequate public services and infrastructure necessary to meet increased need. The 2000 [new census numbers?](#) Census found that the City had 2,707 total dwelling units. ~~With a limitation of nine building permits for market rate housing per year issued over 10 years, the number of dwelling units will be approximately 2,800 in the year 2010, not including regulated affordable units, guest cottages, accessory dwelling units or second units, all of which are exempt from the Growth Management System.~~ [Following the RHNA numbers, St Helena will increase housing units by 31 through 2022.](#)

St. Helena experiences high commercial rents and, until the 2008 and 2009 recession, relatively high demand for additional commercial and office space in the City. [The demand for office space is again increasing, and commercial rents are increasing as well.](#)

There are a number of light industrial and commercial areas with a potential for development or redevelopment, particularly in the vicinity of State Route 29 south of Sulphur Creek. [\(near Gotts?\)](#)

In February 2005, the City adopted the Highway 29 Specific Plan, which outlines circulation changes, roadways extensions, traffic signal installations and streetscape improvements along the State Route 29 corridor west of the Sulphur Creek bridge. ~~The implementation of the Highway 29 Specific Plan has been controversial during project review and the City may want to revisit the Specific Plan to insure that it contains policies that accurately reflect the community need.~~ [Remove or re-visit this whole thing.](#)

Despite its relatively small population, St. Helena functions as a service center for surrounding towns and unincorporated areas, including [Meadowood](#), Calistoga, [\(really?\)](#) Angwin, Deer Park, Rutherford and the unincorporated area south of St. Helena. Through efficient land use planning, the City can ensure that St. Helena continues to serve this function while meeting the needs of its residents.

Land use conditions and projected changes in the unincorporated areas outside of the City limits can have a significant impact on St. Helena. Maintaining and strengthening collaboration with Napa County will ensure coordinated and effective land use decisions.

St. Helena has been successful in preserving agricultural lands within the City limits. The California Department of Conservation and Farmland Mapping and Monitoring Program identifies only one significant incidence of land converted from farmland to an urbanized use, which was the conversion of eight acres of farmland into an expansion of Crane Park. County-wide, most agricultural land conversions have been from rangeland or lower-value uses, such as orchards, to vineyards for wine production. [We need to map our prime farmland within the City so we know how much we have and where it is - this country is losing tens of thousands of farmland every year, and it is becoming a serious issue for the US.](#)

2.4 Goals

The goals of the Land Use and Growth Management Element are:

Manage Growth and Maintain Community Character. St. Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth, and ensuring that adequate infrastructure and facilities are provided.

Promote High-Quality and Sustainable Development. St. Helena is dedicated to a high standard of quality, economic viability and ecological sustainability with respect to the design, planning and construction of new and renovated public and private facilities.

2.5 Policies and Implementing Actions

A range of policies and implementing actions are outlined below and organized into the following topic areas:

Growth Management;

Residential Neighborhoods;

Commercial Districts;

Industrial Districts;

Agricultural Uses; and

Public Facilities.

The policies mandate, encourage or allow certain actions to be pursued throughout the duration of the General Plan. Together they serve as strategic directions for City staff and partners, highlighting where time and resources should be focused.

Policies

LU1.1 Require new development to occur in a logical and orderly ([what does this imply? - urban or suburbanization of the City?](#)) manner within well-defined boundaries and be consistent with the ability to provide urban services. New development should mitigate infrastructure impacts by using sustainable, best management practices in green building and stormwater management, while minimizing affects on sewer, water and energy resources.

LU1.2 Allow urban development to occur only within the Urban Limit Line. [Consider and exception for worker housing on less than .5 acre of winery Ag lands.](#) Urban services, such as sewer, water and storm drainage will only be extended to development within the Urban Limit Line.

The Urban Limit Line may only expand when the amount of developable land within the Urban Limit Line is insufficient to implement the General Plan policies. Expansion outside the Urban Limit Line should first be considered in Urban Reserve Areas. Expansion into other areas outside the Urban Limit Line should be considered only when the proposed land use is found to further the goals and long-term objectives of the City and does not result in adverse impacts to adjacent uses in either the urban or rural areas. [Not sure about his whole philosophy.](#)

LU1.3 Support agricultural and low-intensity uses beyond the Urban Limit Line.

LU1.4 Encourage infill development ~~and higher densities~~ within currently developed areas ~~wherever possible~~ in order to minimize and postpone the need for expansion of the Urban Limit Line.

LU1.5 ~~Limit the approval of new market rate residential development to a maximum rate of nine dwelling units per year. Regulated affordable units, guest cottages, accessory units or second units are exempt from this limitation.~~ [Use the RHNA number to guide the new GMS for the City.](#)

~~LU1.6 Require new development to occur in a logical and orderly manner within well-defined boundaries and be subject to the ability to provide urban services, including the policies and implementing actions affecting new development as set forth in Chapter 4.~~

LU1.7 Support the redevelopment of vacant and underutilized sites within the downtown area to mixed-use development opportunities. Encouraging infill development with a mix of uses will support a pedestrian-oriented, vibrant retail and commercial district that is centrally located and easily accessible to residents and neighborhoods.

Implementing Actions

LU1.A Allow the construction of second units – also known as “granny flats” or accessory dwelling units – and the division of single family homes into two or more units, in order to increase residential density and housing availability without requiring an extension of the Urban Limit Line. ~~Particular emphasis should be placed on those neighborhoods located within walking and bicycling distance to recreation and commercial areas.~~

LU1.B Rezone appropriate sites with land use designated as Central Business and Service Commercial as Mixed-Use, in accordance with the General Plan Land Use Map. Include provisions to allow for compatible uses on the same site, either in the one structure or adjacent structures. The mix of uses can

be vertical or horizontal, and can include attached residential development in keeping with the integrity of historic structures and historic districts.

LU1.C Adjust the Residential Growth Management System that regulates the issuance of building permits to ~~ensure the dwelling unit count does not exceed 2,840 units in 2015, not including regulated affordable units, guest cottages, accessory dwelling units or second units. follow the ABAG RHNA number.~~ This number shall not be construed as a goal, but as a maximum number of units. ~~When 2010 United States Census data is available, reevaluate the total number of units allowed within the Growth Management System and potentially amend this section based on this data. (Also see the Housing Element, Topic Area 1)~~

LU1.D Continue to update the City's housing inventory to track the status of residential growth by unit type and affordability level.

LU1.E Review the City's housing needs every five years in conjunction with updates to the Housing Element to reassess housing priorities for the future years.

LU1.F Prohibit the use of housing units as short-term rentals except for those in the in order to preserve housing for full-time residents and the city will provide enforcement mechanism.

LU1.G ~~During the next Housing Element adoption cycle, the City shall make changes to the Growth Management System and the Housing Element that would limit the total number of new units to those included in the Regional Housing Needs Allocation (RHNA), with the addition of replacement housing if affordable housing units are lost as part of new project development.~~

Policies

LU2.1 ~~Promote a mix of housing types and price ranges to allow choice for current and future residents. is already the focus of the RHNA percentages.~~

LU2.2 Encourage new residential development that is consistent in design, size, color and footprint with the older residences in the neighborhood. What is the purpose of this?

LU2.3 Protect residential neighborhood views of surrounding vineyards and mountains.

LU2.4 Discourage development at low densities (i.e. one dwelling unit per acre or less), except where

development protects agricultural uses or woodlands and watershed habitat and efficiently uses land.

LU2.5 Encourage the subdivision of larger parcels (three acres or more) as planned unit developments to ensure a more comprehensive and creative approach to planning the development as a single unit.

This is not St Helena style - not representative of older neighborhoods. This conflicts with LU2. 2

LU2.6 Encourage the development of higher density housing in areas near the center of the City and close to recreation and services, such as transit, retail and public facilities.

LU2.7 Allow higher density housing in single family neighborhoods as long as the development character of the single family area is maintained, including lot widths, orientation to street and building heights, parking, traffic, among other considerations.

LU2.8 Promote safe, walkable and bikeable residential neighborhoods and vibrant, livable streets.

LU2.9 Promote walkable and accessible neighborhoods through mixed-use development.

Implementing Actions

LU2.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU2.B Develop and implement residential design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new residential development is consistent with the design, size and footprint of older residences in the neighborhood. Be clear on this - see above comments. Consider the impact of new development on surrounding residences, such as solar access. Explore opportunities to establish a neighborhood categorization system that allows for strict design standards in historic neighborhoods and more relaxed or creative standards in others. We don't want to create a "2-faced" St Helena with one place being old and charming and the other all new modern construction. (Also see the following elements: Community Design, Topic Area 3; and Economic Sustainability, Topic Area 3)

LU2.C Continue to implement watershed protection review for residential development as part of a revised design review process.

LU2.D Continue to require residential developers to contribute to the provision of community facilities and services (e.g. parks, recreation facilities and programs, education facilities, traffic and transportation facilities and services), consistent with State law requiring a nexus between project impacts and required

mitigation.

LU2.E Update zoning standards to encourage the following criteria:

A variety of lot widths and sizes, such as that found in the older areas of town;

Garages at the rear of lots rather than on the street; or are designed to mask the "garage door" frontage appearance.

Lot coverage that is consistent with the scale of historic and older areas; ???

Planting of street trees and planting berms along sidewalks; and

Setbacks, building massing and configuration consistent with older parts of town.

Policies

LU3.1 Strengthen the downtown as the City's social and cultural core, and as the primary center of retail services. Facilitate a healthy mix of retail and commercial uses, residential development, entertainment and lodging.

LU3.2 Enhance the pedestrian-oriented character of commercial areas and provide for convenient pedestrian and bicycle connections to encourage walking and reduce vehicle trips within the commercial area.

LU3.3 Support the redevelopment of auto-oriented commercial areas into pedestrian-friendly commercial uses.

LU3.4 Protect historic resources in the commercial areas, and encourage appropriate rehabilitation and adaptive reuse.

LU3.5 Ensure that new retail and commercial development is compatible with and complementary to St. Helena's small-town image. In addition, within the City's Central Business District, new retail and commercial development should be of a scale and type that complements the historic character.

LU3.6 Continue to work with the County of Napa to review land use and design changes for projects in the unincorporated areas at the City's gateways.

LU3.7 Provide sufficient auto and bicycle parking in order to serve local businesses in the commercial districts. Ensure that all parking areas are well-designed, and that auto parking spaces are hidden from pedestrian view, whenever possible.

LU3.8 Provide sufficient opportunities for offices that support the regional, agricultural-based economy and the local needs of the community.

LU3.9 In Mixed-Use, Service Commercial and Central Business districts encourage residential and office uses in upper-story locations or locations along the periphery of the retail district. This will facilitate active and pedestrian-oriented commercial areas.

LU3.10 Require office development in Mixed-Use, Service Commercial and Central Business districts to complement the pedestrian orientation of surrounding development.

LU3.11 Ensure that new commercial development maintains view corridors to the mountains.

Implementing Actions

LU3.A Identify sites in the Central Business and Service Commercial districts for mixed-use development that are close to services and facilitate walking, bicycling and transit use.

LU3.B Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU3.C Establish an inventory of all non-residential uses in the City and a program for monitoring future non-residential development. Combine this inventory with efforts to balance jobs and housing.

LU3.D Encourage retail services which do not require a consumer base larger than the population of St. Helena and its vicinity. For the purposes of the General Plan, "vicinity" is defined as the surrounding agricultural area for which St. Helena has historically provided goods and services, including Calistoga, Angwin, Deer Park, Rutherford and the unincorporated area south of St. Helena.

LU3.E Develop and implement commercial design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new commercial development is consistent with the City's character, particularly in historic districts. (Also see the Community Design Element, Topic Area 2)

LU3.F Prohibit retail commercial zoning on Main Street north of Pine Street.

LU3.G Limit the floor area and size of buildings in the Central Business and Service Commercial districts to ensure that new buildings are in scale with typical older buildings in the district.

LU3.H The potential for sources of odors that could include restaurants, auto body shops or waste treatment facilities shall be considered when evaluating proposed residential developments and other projects with sensitive receptors. The potential for exposure to odors from sources that could include restaurants, auto body shops, or waste treatment facilities should be considered when evaluating proposed residential developments and other projects with sensitive receptors.

Policies

LU4.1 Maintain a transitional zone around industrial areas to protect the health and safety of residential neighborhoods.

LU4.2 Support the development of industries that are consistent with viticulture and winery support services and similar, compatible uses. Support the role of the City as an agriculturally-based service center for the surrounding area, including Calistoga, Angwin, Deer Park, Rutherford and the unincorporated area south of St. Helena. ??

LU4.3 Ensure that industrial projects are designed and sited to provide a positive image of the community. Landscaping and setbacks should be used to enhance industrial buildings.

LU4.4 Ensure access to and from industrial areas that allows for safe and efficient circulation of goods and people. Use Harold Smith and AJ Vineyard entrances as an example of bad planning affecting neighborhoods.

Implementing Actions

LU4.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU4.B Develop and implement industrial design guidelines and/or form-based codes, to provide oversight and guidance for new buildings and renovations. Guidelines should ensure that new industrial development is consistent with the City's character.

LU4.C Develop alternate automobile, pedestrian and bicycle routes to and from the Industrial District in order to facilitate access to the area and decrease the need to use State Route 29.

LU4.D Implement appropriate traffic improvements to provide safe ingress and egress to the industrial areas from State Route 29. Like what?

Policies

LU5.1 Support and protect agricultural uses within and adjacent to the City. Catalog all ag uses and State classified farmland. Do not give up existing farmland to non-ag uses whenever possible.

LU5.2 Encourage the County to continue to promote agricultural uses and to strictly limit further development in unincorporated areas surrounding the City, and in ag or potentially ag lands within the City.

LU5.3 Limit development on properties existing at the time of the adoption of this General Plan that are designated or used as agricultural land, and are outside of the Urban Limit Line.

LU5.4 Support community-based agricultural uses within the City, including community gardens.

LU5.5 Encourage the use of sustainable agricultural practices.

Implementing Actions

LU5.A Update the zoning ordinance and map to be compatible with the General Plan land use map and designations.

LU5.B Continue to enforce the City's "right to farm" ordinance that protects the right of agricultural operations in agriculturally-designated areas to continue their operations, even though such practices may generate complaints from nearby established urban uses. Consider a "warning" notification system for spraying so proximal residences can close windows before spraying occurs.

LU5.C Initiate studies to explore the feasibility and desirability of implementing permanent agricultural protection for lands within the Urban Limit Line in the form of agricultural preserves.

LU5.D Identify sites for community gardens. Establish a program to maintain public areas within and surrounding community gardens and to administer the assignment of garden spaces and collection of use fees.

LU5.E Encourage local farmers to employ sustainable agricultural practices wherever possible. Support agricultural activities that incorporate best management practices related to sustainable agriculture, including participation in local programs such as the Napa Valley Vintners - Napa Green Program and the California Certified Organic Farmers certification program.

LU5.F Evaluate discretionary, rezonings, or General Plan amendments outside the Urban Limit Line to

determine their potential for impacts on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance mapped by the State Farmland Mapping and Monitoring Program and avoid converting these farmlands where feasible. ~~Where conversion of farmlands mapped by the state cannot be avoided, require long-term preservation of one acre of existing farmland of equal or higher quality for each acre of state-designated farmland that would be rezoned or redesignated to non-agricultural uses. This protection may consist of establishment of farmland easements or other similar mechanism, and the farmland to be preserved shall be located within the City and preserved prior to approval of the proposed rezoning or General Plan amendment.~~ Why would we want to lose our prime farmland so another are can benefit from our loss?

LU5.G Where proposed residential, commercial, or industrial development abuts lands devoted to agricultural use, require the non-agricultural uses to incorporate buffer areas to mitigate potential land use conflicts as a condition of approval for subdivision or use permit. The type and width of buffer areas shall be determined based on the character, intensity, and sensitivity of the abutting land uses.

LU5.H Prepare and adopt guidelines and regulations to assist in the determination of the appropriate type and scope of agricultural buffer areas needed in circumstances that warrant the creation of such buffer areas.

Policies

LU6.1 Provide a wide-range of high-quality public facilities, including parks, multi-use trails, schools, fire and police services, water and wastewater systems, and community centers.

Implementing Actions

LU6.A Pursue sites for future public facilities, including parks, consistent with projected growth.

LU6.B Explore the feasibility and desirability of moving public facilities to the Adams Street property.

LU6.C Install community amenities, such as public restrooms, drinking fountains, benches, and trash and recycling containers in commercial districts. Ensure that community amenities are designed and installed to complement surrounding businesses and support the pedestrian-orientation of the street.

LU6.D Require safe and accessible bicycle and pedestrian access for all newly-developed public facilities.

LU6.E Provide for capital needs of water and wastewater systems.

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Frank & Sheri Borges
1855 Lydia Lane St. Helena, Ca 94574

August 16, 2013

City of St. Helena
City Council Members
1480 Main St.
St. Helena, CA 94574

Re: Land Use & Zoning Section of the General Plan 2030 Update

Dear City Council Members,

We write to you as the property owners of the parcels located along the northwest end of Railroad Avenue here in St. Helena.

In advance of your discussions on land Use and the Zoning section of the General Plan 2030 update, during your upcoming August 27th council meeting, we would like to propose that our homes be summarily rezoned from Medium Density Residential to Mixed Use.

Considering that our properties are in fact the only non-commercial properties on Railroad Avenue, and that the City potentially intends to relocate the police department to the old CDF building that is currently owned by the city, we feel this would be a prudent city planning and more in line with the overall commercial nature of the Railroad Avenue as a whole. Our reference points for this feeling include the Sherry House, Mel Varrelman's office and also the former Morrison buildings.

The reason we are asking for Mixed Use instead of Business Professional zoning however is because we feel while it is good to be able to expand the potential of office space in St. Helena, it is clear that we also need to consider the need for quality and marketable housing needs. Mixed Use zoning therefore lends itself for future remodel or renovations that while potentially adding a commercial element also presents potentially no net loss of livable units too. It just makes sense that the City could benefit by having a more Mixed Use zoning for our properties in the future as the town grows into further commercial and housing needs.

With a potential increase in police vehicle traffic at the old CDF and the existing fire department use of Railroad Avenue a more complete Mix Use atmosphere on Railroad Ave. just seems to fit.

Thank you for your consideration,

Frank & Sheri Borges, owners of 1547 Railroad Ave.

Doug Champaign, owner of 1567 Railroad Ave.

Ron and Gary Menegon, owners of 1569 Railroad Ave.

From: John Milliken [<mailto:jmzin@comcast.net>]
Sent: Monday, August 19, 2013 12:46 PM
To: Delia Guijosa
Cc: Greg Desmond; Gary Broad
Subject: Adjusting Land Use Designations and the Urban Limit Line

August 19, 2013

Land Use Designations for the New General Plan (GP)

To: St. Helena City Council

Since the completion of the Flood Project in the fall of 2010, I have been requesting that the City owned parcel at the end of Starr and the agricultural parcel owned by Dennis Hunter have their land use designations revised from Medium Density Residential (MDR) to Ag/Open Space. In light of the Council's recent recommendation to not include automobile road extensions from the termini of Adams and Starr Avenues in the next GP, there is certainly a stronger case for adjusting the land use designations for both these parcels in the next GP. If there are no plans to extend automobile roads to service these parcels that are currently and historically have been agricultural/open space, then why should the zoning be continue to be MDR in the next GP?

It is important to note that a revised land use designation would be going forward with the new GP. Hunter's current application for development would still be evaluated in terms of 1993 GP that was in effect when his application was accepted as complete. However, if Hunter has to change his project and re-apply, or, he decides to cancel his project and sell the land to another developer (or to a gaming entity, like he did in Rohnert Park), this would no longer be the case, the designations in the new GP would be in effect.

As in my original request (see below) I am also requesting that the Urban Limit Line be pulled back in to reflect the revised land use designations. Protecting open space and agricultural land from needless development should be a primary planning goal for our next GP. Fair analysis will show that the number of opportunity sites for development within an adjusted ULL will still far exceed our anticipated RHNA housing quota for the next seven years by a factor of 25 times or more. Taxpayers should be allowed to realize the environmental and open space benefits promised with the Flood Project and the land use and ULL should be codified in the new General Plan to reflect post project conditions as well as historical uses.

Thank you for attention in this matter.

John Milliken
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