



Mayor: Alan Galbraith
Vice Mayor: Peter White
City Council: Sharon Crull
Paul Dohring
Greg Pitts

ST. HELENA CITY COUNCIL
REGULAR MEETING
JANUARY 13, 2015

4:00 PM CLOSED SESSION
CITY HALL CONFERENCE ROOM,
1480 MAIN STREET, ST. HELENA

6:00 PM REGULAR MEETING
VINTAGE HALL BOARD ROOM – SECOND FLOOR
465 MAIN STREET, ST. HELENA

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. PUBLIC COMMENTS PERTAINING TO THE CLOSED SESSION

2. CLOSED SESSION

- a. Conference with Legal Counsel—Anticipated Litigation; Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (One potential case)
- b. Conference with Legal Counsel—Existing Litigation; Government Code § 54956.9, subdiv. (d)(1):
Citizen’s Voice St. Helena, Susan Kenward, and Geoff Ellsworth v. City of St. Helena, City Council of St. Helena, Napa County Superior Court Case No. 26-65618
- c. Conference with Legal Counsel—Anticipated Litigation; Government Code § 54956.9, subdiv. (d)(2):
Significant exposure to litigation (one potential case)

3. **OPEN SESSION – COUNCIL WILL RETURN TO OPEN SESSION AND ANNOUNCE ACTIONS TAKEN IF ANY (6:00 P.M.)**
4. **PLEDGE OF ALLEGIANCE**
5. **ROLL CALL**
6. **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.
7. **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.

PRESENTATIONS AND PUBLIC RECOGNITIONS

8. Presentation – Tree Committee update by Committee member Kacey Stotesbery
9. Presentation – Cal Trans Hwy 29 channelization tree removal

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)

10. Consideration of a Resolution reducing the membership of the Sustainability Committee from 7 members and 2 alternates to 5 members and 2 alternates
CEQA Status: Not a CEQA project
Lead Staff: Cindy Black, City Clerk
Recommendation: Adopt
11. Consideration of Resolution approving the Chamber of Commerce request to display flags on Main Street for Premier Napa Valley event
CEQA Status: Categorically Exempt, Section 15301, Existing Facilities
Lead Staff: Steve Palmer, Public Works Director
Recommendation: Adopt
12. Consideration of a Resolution amending the Library Hours of Operation
CEQA Status: Not a CEQA project
Lead Staff: Jennifer Baker, Library Director
Recommendation: Adopt

13. Consideration of Resolution approving an agreement with MarinIT to provide information technology services for a total not to exceed amount of \$60,000

CEQA Status: Not a CEQA project

Lead Staff: April Mitts, Finance Director

Recommendation: Adopt

14. Consideration of Resolution Authorizing the City Manager to Sign a Lease Termination Agreement with Nextel of California, Inc.

CEQA Status: Not a CEQA project

Lead Staff: Aaron Hecock, Planner

Recommendation: Adopt

PUBLIC HEARING

15. Consider amendments to the City's Zoning Ordinance Section 17.144 (Affordable Housing) incorporating, among other changes, the following key amendments:

- a. "Purpose" (Section 17.144.010); wording is added clarifying that the purpose of this Section of the Code is to encourage the development of housing for all segments to the community, and to provide incentives for affordable housing for very low, low, and moderate income households in the City.
- b. "Definitions" (Section 17.144.020); wording is added to explicitly include senior housing and age restricted mobile home parks as eligible to receive a density bonus,
- c. "Application" (Section 17.144.050); added wording stating that a project that conforms to the requirements of the Municipal Code can qualify for an additional density bonus or a concession if the project includes on-site child care.
- d. Clarifies that a developer may elect to receive a lesser percentage of density bonus than the maximum required, and includes provisions whereby a developer may at their option request a waiver or reduction of City development standards, in addition to a density bonus or other concessions or incentives.
- e. Wording is proposed to be removed (Section 17.144.060.F) that currently limits the applicability of density bonuses in the case of affordable housing projects that are either built on donated land, or on land required to be dedicated by City ordinance or General Plan policy.
- f. Added a provision titled "Priority for Water and Sewer Services" (Section 17.144.080) stating that the City in certain specific circumstances shall grant priority for the provision of water and sewer services to affordable housing units.

The Planning Commission on November 18, 2014 recommended approval to the City Council of the proposed changes to the Affordable Housing Chapter of the City Zoning Ordinance. These proposed changes to the Municipal Code is project are deemed to be categorically exempt from the requirements of CEQA.

CEQA Status: Categorically Exempt per Section 15061.b.3

Lead Staff: Victor Carniglia, Planning Consultant

16. Consider the first reading of amendments to the City's Zoning St. Helena Municipal Code ("SHMC") Chapter 17: "Zoning" of the City's Municipal Code in order to bring the relevant sections of the City's Zoning Code into compliance with State requirements which includes:
- a. Add the following definitions to the "General Provisions and Definitions" Section 17.04 of the Municipal Code; "Emergency Shelter, Supportive Housing, and Transitional Housing."
 - b. Modify the "Agricultural (A-20)" and the "Agricultural Preserve (AP)" Zoning Districts to allow as Permitted Uses the following: Supportive Housing, Transitional Housing, and Agricultural Employee Housing consisting of up to 36 beds/or 12 units.
 - c. Modify the "Low Density Residential (LR)", the "Low Density Residential 1 Acre Minimums (LR-1A)", the "Medium Density Residential (MR)", the "High Density Residential (HR)", and the "Woodland and Watershed (WW)" Zoning Districts to allow as Permitted Uses the following: Supportive Housing, Transitional Housing, Agricultural Employee housing for 6 or fewer employees, and allow Single Room Occupancy Housing as a permitted use in the High Density Residential (HR) District.
 - d. Modify the "Service Commercial (SC)" Zoning District to allow as Permitted Uses the following: Supportive Housing (limited to upper floors only within a Mixed Use project), and Transitional Housing (limited to upper floors only within a Mixed Use project).
 - e. Modify the "Business and Professional Office (BPO)" and the "Central Business (CB) District" to allow as Permitted Uses the following: Supportive Housing (limited to upper floors only) and Transitional Housing (limited to upper floors only).
 - f. Modify the "Industrial" (I), "Business and Professional Office (BPO)", and "Service Commercial (SC)" Zoning Districts to allow Emergency Shelters as a Permitted Use.
 - g. Add Chapter 17.200 to the Zoning Code providing a procedure to allow for "Reasonable Accommodation" for persons with disabilities seeking equal access to housing under Federal and State fair housing requirements.

The Planning Commission on December 16, 2014, recommended adoption of the proposed amendments.

CEQA Status: Categorically Exempt per Section 15061.b.3

Lead Staff: Victor Carniglia, Planning Consultant

NEW BUSINESS

17. Consideration of appeal from David and Ellen Deal for their April 14, 2014 water meter read billing in the amount of \$888.24 and a reimbursement for leak detection services for \$345.00 at 2260 Spring Mountain Road

CEQA Status: Not a CEQA project

Lead Staff: April Mitts, Finance Director

18. Consideration of a Resolution per Mayor appointment and Council majority vote appointing one applicant to fulfill the Planning Commission vacancy left by Brian Russell's resignation with the term ending June 30, 2017

CEQA Status: Not a CEQA project

Lead Staff: Cindy Black, City Clerk

19. 2015 City Council assignments to various City and Napa County Boards and Commissions

CEQA Status: Not a CEQA project

Lead Staff: Cindy Black, City Clerk

20. Consideration of Resolution entering into a Contract with Kaizen InfoSource LLC for Records and Information Management services which encompasses \$15,000 to conduct an extensive citywide assessment

CEQA Status: Not a CEQA project

Lead Staff: Cindy Black, City Clerk

ADJOURNMENT The next Regular City Council meeting is scheduled for January 27, 2015, 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 January 8, 2015.



Cindy Black, 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.

THIS PAGE
INTENTIONALLY
BLANK

St Helena Tree Ordinance Revisions 2014



"I am the Lorax. I speak for the trees.
I speak for the trees, for the trees have no tongues."

Why Make Changes?

- Clarify existing rules and regulations for public and city staff
- Update tree protections to match that of neighboring towns in Napa Valley and the Bay Area
- Increase outreach and educational programs
- Clarify/expand city oversight of tree removal in light of increasing construction projects in town
- Clarify and increase financial penalties, enabling city staff to reduce unlawful activity

Goals

- Allow for Citizen input at all stages
- Allow open communication between City Council, City Staff and Tree Committee to design an Ordinance that serves the community as a whole while empowering the City Staff to enforce applicable laws
- Create a simple one page fact sheet for citizens

Role of Tree Committee

- Work to ensure that all approved permits benefit the Citizens of St Helena as a whole
- Job is to conserve the urban forest, promote the health of all trees, and encourage new plantings
- Educate citizens through outreach programs
- Assist citizens throughout the permitting process by providing viable options for tree care and/or removal and replacement
- Ensure that all protected trees receive the full consideration and protections given by city law
- The Committee has approved almost all permits in the past year in some form or worked with the property owner to find an alternate solution. Common changes include: shifting the date of work to protect nesting animals, surrounding trees or replacement trees; altering the type/size of replacement tree; requiring the City Arborist to be on-site to oversee the tree work; or changes to the type of sidewalk materials approved for root zones

Overview of Revised Tree Ordinance

“Why can’t it be shorter?”

- May seem long, but first 6 pages are all legal definitions as required for legal clarity and enforcement
- The 1-2 page “ordinances” available on other city’s websites are not the legal city code, but rather a guide for citizens. Along these lines, we have completed a 1 page brochure to guide citizens of St Helena on basic tree ordinance provisions
- Changes made to this draft have been done with the intention of clarifying rules and increasing specificity as to the roles of city staff, tree committee and the public, which necessitates additional verbiage
- Legal requirements make it impossible to reduce this ordinance to a few pages without significantly reducing the City’s ability to enforce the included provisions

Changes in the 2014 Draft

- Clarification of numerous “definitions” for either legal, practical, or enforcement reasons
- Definitions of “Protected Trees”
- Changes to provisions for tree removal and “Replacement Trees”
- Increase penalties for damage to “Protected Trees”
- Protection of trees before, during and after construction
- Planting of street trees for all construction
- Violations, Enforcement, Penalties and Fines

Changes in Definitions of “Protected Trees”

- Why protect trees on private property?
 - Most cities in the Napa Valley provide protection for some trees on public property. St Helena is the only city that protects NO trees on private property outside of Woodlands and Watershed zoning.
 - Protect the rights of all citizens to live in a vibrant ecosystem
 - Recognize that an increase in construction projects often results in the wholesale razing of residential and commercial properties, resulting in gaping holes in the St Helena ecosystem. The planting of new, younger, non-native trees after the construction is finished does not restore the benefits lost when removing older trees or large groups of trees.
 - Recognize that removing large and/or significant trees impacts both adjacent property owners, animal and plant ecosystems, and local citizens who enjoy the shade, visual impacts, and other benefits provided by large trees. (look in ordinance)
- Why include specific species/sizes?
 - Common practice among Bay Area Ordinances
 - Designed to protect older trees of native species and other mature significant trees
- How did we pick sizes
 - Comparable to other Bay Area ordinances
 - Under advisement from the City Arborist
- Why use DBH “Diameter at Breast Height”
 - Is the international standard recognized for measuring trees
 - Used for the estimation of tree age given diameter increment is the only constant and non-reversible feature of tree growth

Examples of Protected Street Trees



Page 14



Protected Trees

Currently Protected Trees

- Heritage Trees- 15 currently in City
- “Replacement Tree” as defined by an approved Tree Permit
- City Tree (tree on City property or located within the City’s right of way)
- All trees in Woodland and Watershed Zoning

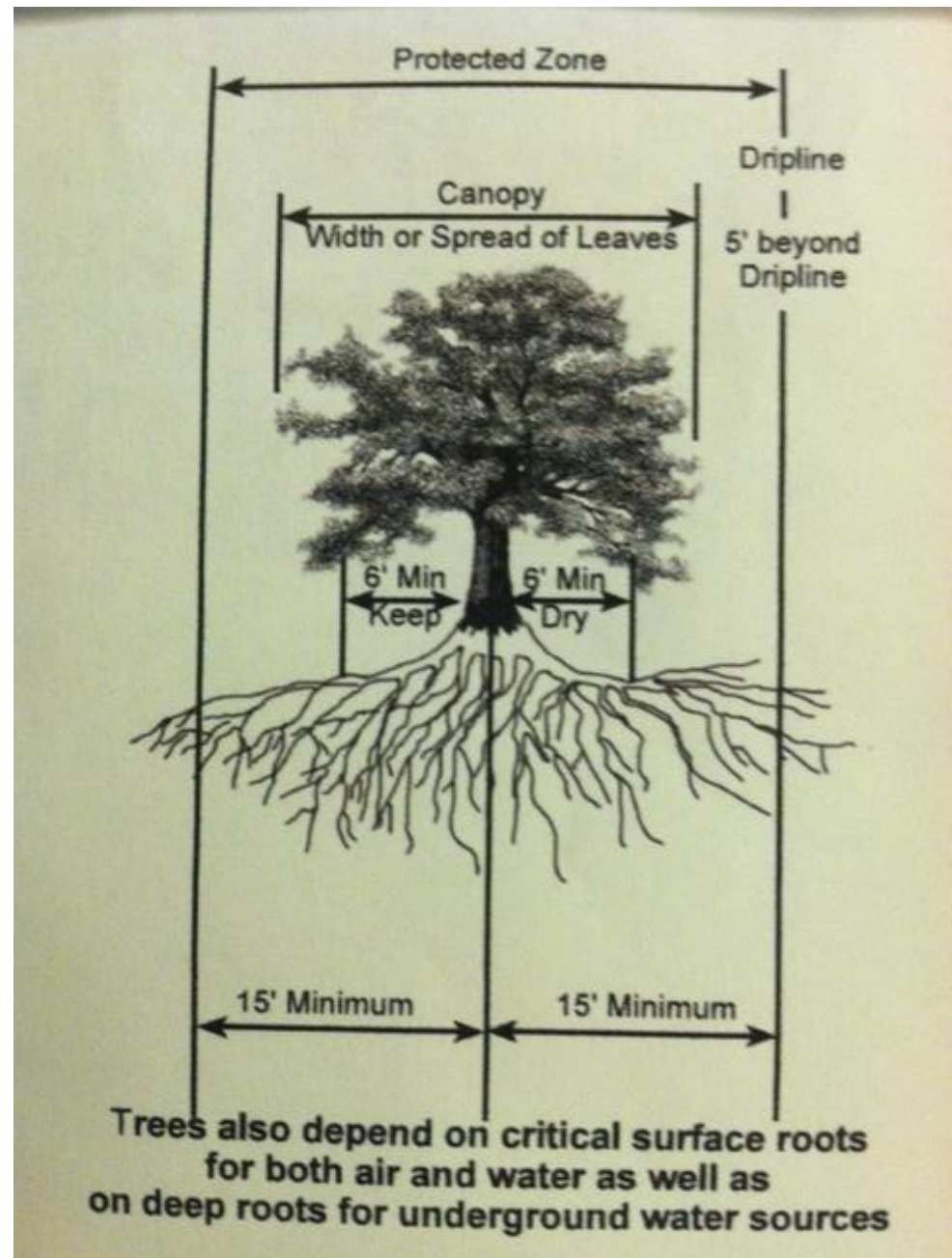
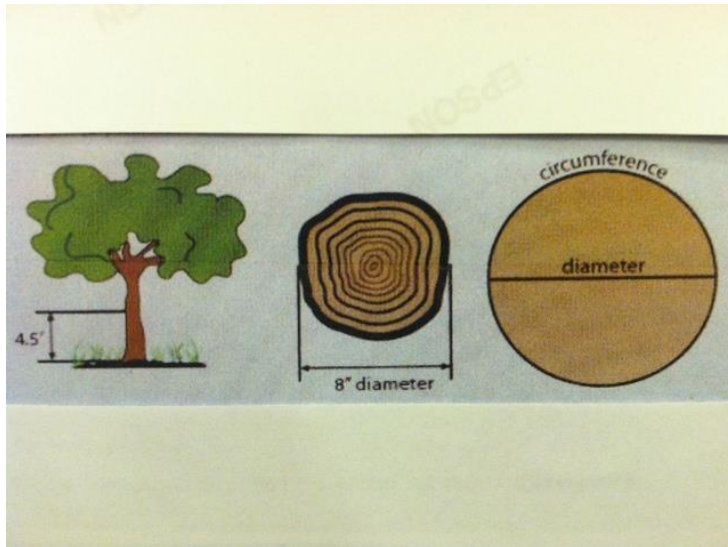
Newly Protected Trees

Following Protected Species:

- California Redwood (24” DBH)
- Blue Oak (6” DBH)
- California Black Oak, Coastal Live Oak, Interior Live Oak, Valley Oak, California Sycamore, London Plane Tree, California Incense Cedar, and Deodar Cedar (12” DBH)
- Canary Island Date Palm (25’ in Height)
- Any tree greater than or equal to 24” DBH

*DBH is “Diameter at Breast Height” the international standard for measuring tree size. It is a measure of the diameter of a tree 54 inches above the natural grade of the ground

Note for Presentation- Some type of visual depiction of 24” DBH



Examples of trees on private property that would be protected by the changes in the tree ordinance



Changes in provisions for tree removal and “Replacement Trees”

- Clarifies that when a permit is approved for tree removal, the property owner is responsible for the full removal of the tree, including stump and debris, and tree replacement. These items have in the past been left to the city to deal with at taxpayer expense, despite the current ordinance assigning responsibility to the property owner
- Clarifies the ratio of “replacement trees” to be planted on different types of zoned properties
- Gives time requirements for planting and guides City Staff on enforcement. There are currently several outstanding permits where property owners have delayed planting replacement trees for a year or longer and staff has little or no means of enforcement
- Makes allowance for property owners to provide compensation for trees when on-site replacement is not feasible

Increase Penalties for Damage to “Protected Trees”

- Clarifies situations in which City Staff may collect punitive damages
- Clarifies role of City Arborist in assigning damage estimates
- Specifies method of determining financial cost of repairing damage or replacing tree(s)
 - Note for presentation: should we include info on the actual fines and/or how the arborist assesses damage

Protection of Trees Before, During and After Construction

- Requires a Tree Protection Plan (TPP) at the discretion of the Director, or when more than 50% of the tree canopy is removed
- Clarifies physical protection requirements (fencing, enclosures, etc.) for designated trees on construction sites
- Clarifies allowable plantings and surfaces under protected trees
- Requires the planting of street trees where applicable for all construction projects, not just new “subdivisions”

Examples of trees improperly protected during construction



Violations, Enforcement, Penalties and Fines

- Some language was changed to reflect current legal standards and verbiage
- Clarifies the maximum financial penalties as allowed by civil law
- Allows the City to rescind an existing business license or permit, or deny an application for a new business license or permit or deny the renewal of a business license or permit to operators who are found in violation of the ordinance
- Clarifies how the cost of damage is to be assessed by the City Arborist

One Page Flyer for Public

The St Helena Tree Committee and City Arborist

We Work for you!

The St Helena Tree Committee consists of 5 members and 2 alternates appointed by City Council and exists to help preserve, protect, and enhance our Urban Forest. The committee welcomes all input from the public at its regularly scheduled meeting the 2nd Thursday of each month or via email.

While the permitting process may seem confusing or drawn out, the committee is here to work WITH our neighbors; and while not every permit is approved in its entirety, the committee approves the majority of permits in some form. Our job is to help find solutions that work for property owners while maintaining the health and vitality of the urban forest and protect viewsheds for all citizens.

The City Arborist is a certified arborist on the city staff in charge of all tree work for the city. He/She is available to citizens for consultation as his/her schedule allows. Please contact the City Arborist at City Hall before performing work on any protected tree, or if you are interested in planting new street trees on your property.

Email: treecomm@cityofstheleena.org

Tree Committee Agendas and

Meeting Minutes

These are available online at

[http://www.ci-st-](http://www.ci-st-helena.ca.us/content/tree-committee)

[helena.ca.us/content/tree-committee](http://www.ci-st-helena.ca.us/content/tree-committee)

Tree Ordinance

The full Tree Ordinance can be viewed under Chapter 12.24 of the City Code.

Copies of the ordinance are available online at

<http://www.codepublishing.com/CA/sthelena/frameless/index.pl?path=../html/StHelena12/StHelena1224.html>

Contact Information

1480 Main Street
St. Helena, CA 94574
(707) 967-2792 Office
(707) 963-7748 Fax

admin@cityofstheleena.org



Tree Ordinance Quick Facts

A guide for Citizens and
Property Owners in
St Helena, California
regarding tree planting,
maintenance and
removal.



TREE CITY USA®

St Helena is proud to be designated

as a Tree City USA by the

Arbor Day Foundation

To qualify for this status a city must meet several criteria and maintain a viable tree management plan and program. The Tree Committee exists in part to ensure the city's continued good standing in this program. See more at <http://arborday.org>.

Arbor Day Celebration

Each year the city celebrates National Arbor Day with community events. If you would like to join in the planning for next year's festivities, please contact the City Arborist.

Tree Permit FAQs

When is a Tree Permit required?

- Planting of new trees on City property or in the City's right of way. This includes many of the street trees in our neighborhoods. Contact the City Arborist to determine if the City's right of way extends on to your property.
- Altering, Pruning, Staking, or Removing any Protected Tree.
- Designation of New Heritage Trees

Who Needs A Permit?

- Anyone performing tree work inside the city limits on a protected tree.
- This includes:
 - Private Citizens
 - City Staff
 - Licensed Contractors, Landscape, and Tree Companies
 - Public Utility Companies

Permit Details

- Cost \$75
- Available at City Hall or online <http://www.ci.st-helena.ca.us/sites/default/files/Tree%20Permit%20Application%20-%20Electronic.pdf>
- Fees may be waived by the Director of Public Works or the Tree Committee for pruning or staking a protected tree or for planting a new protected tree
- If the tree work requires any part of the street or sidewalk to be blocked and encroachment permit will also be required. The permit is available at City Hall or online within the Tree Permit Application. Encroachment permit fees are waived when the permit application is submitted as part of the tree permit application.
- Penalties may result in fines assessed to both the property owner and/or the operator performing the work. Violations of the Tree Ordinance are misdemeanors and fines of up to \$1,000 plus the cost of replacing the tree at its current age and size may be assessed.

Protected Trees

- All City Trees (street trees and trees in City parks)
- All Heritage Trees on public or private property
- All trees within Woodlands and Watershed zoning
- Any and all trees with a trunk diameter greater than or equal to twenty four inches (24") DBH*
- Any California Black Oak, Coast Live Oak, Interior Live Oak, Valley Oak, California Sycamore, London Plane Tree, Deodar Cedar, or California Incense Cedar greater than or equal to twelve inches (12") DBH*
- Any Canary Island Date Palm greater than or equal to twenty four feet (24') in height
- Any tree host to an active nest of birds, bees or bats

*DBH means diameter at breast height, the accepted standard for tree measurement. This is the diameter of the tree 54" above the soil line.

**See Tree Ordinance for specific scientific names of protected species

Interested in planting new street trees on your property?

The Tree Committee has asked the City Council to provide funds to plant new City Protected Street Trees. We welcome any requests from property owners to consider planting new street trees on their property. When possible the City will purchase and plant the trees. However the property owner will be responsible for providing irrigation and maintenance required for the health of the tree(s).



Heritage Trees

Heritage Trees are trees found to be of significance to the City's Urban Forest. Any person can nominate any tree (on public or private land in the City limits) that has historic, aesthetic, or unique characteristics. It is the City Council that has the authority to approve the nomination for Heritage status and to deliver a proclamation to the property owner. Trees with Heritage designation are eligible for free routine consultation by the City Arborist. For more information please see Chapter 12.24.110 of the City Code.



Report to the City Council Meeting of January 13, 2015

Agenda Section: Consent Calendar

Subject: Consideration of a Resolution reducing the membership of the Sustainability Committee from 7 members and 2 alternates to five members and 2 alternates

CEQA Status: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The Sustainability Committee's membership is 7 members and 2 alternates. At this time, there are 3 vacant positions. The vacancies have left reaching a quorum difficult. No quorum results in the cancellation of meetings. The City Clerk's office has conducted 2 separate recruitments to fill the vacancies. No applications were received through either recruitment despite the public outreach. The recruitments were posted on the City's website, Enews blast and the St. Helena Star publication.

DISCUSSION

This matter was previously brought before the City Council on November 25, 2014, as a discussion item. It was the consensus of the City Council to accept the Sustainability Committee's recommendation to reduce the membership from 7 members and 2 alternates to five members and 2 alternates.

FISCAL IMPACT

None

RECOMMENDED ACTION

The Sustainability Committee unanimously recommends to the City Council to reduce its membership from 7 members and 2 alternates to 5 members and 2 alternates

ATTACHMENTS

Attachment 1 – Resolution reducing the membership of the Sustainability Committee

CITY OF ST. HELENA
RESOLUTION NO. 2015-
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
APPROVING THE REDUCTION IN MEMBERSHIP
OF THE SUSTAINABILITY COMMITTEE

RECITALS

- A. The City Council has a created a number of committees, boards and commissions including the Sustainability Committee.
- B. The City's committees, commissions and boards provide a valuable service to the community and the City Council relies on these entities to provide information, advice, recommendations and decisions related to their area of expertise and authority.
- C. The City Council desires with the support of the current Sustainability Committee to decrease the membership from 7 members and 2 alternates to five members and 2 alternates.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED that the St. Helena City Council approves the membership decrease upon adoption of this resolution.

Approved at a Regular Meeting of the St. Helena City Council on January 13, 2015, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk



Report to the City Council Meeting of January 13, 2015

Agenda Section: Consent Calendar

Subject: Resolution Authorizing the Display of Flags by the St Helena Chamber of Commerce for Premiere Napa Valley, Auction Napa Valley, and Flavor! Napa Valley

**CEQA Status
or Action:** Categorically Exempt, Section 15301, Existing Facilities

Prepared By: Steven Palmer, Director of Public Works

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The St. Helena Chamber of Commerce has requested permission to display flags on the City street lights on Main Street for three separate events occurring during 2015. The flags will be displayed for Premiere Napa Valley during February 20-22, Auction Napa Valley during June 4-8, and Flavor! Napa Valley during November 20-22. The flags will welcome visitors to the events and to the City. Sample flags are included in Attachment 1 to this staff report.

DISCUSSION

The first event that the Chamber of Commerce would like to promote with the flags on Main Street is Premiere Napa Valley. Premiere Napa Valley is the annual grand tasting and futures auction, and is held at The Culinary Institute of America at Greystone (CIA) during February. The event helps to fund work to promote, protect and enhance the Napa Valley appellation. Premiere Napa Valley is a professional peer-to-peer networking and relationship-building event with more than 225 of Napa Valley's vintners. At this event wine sellers capture one-of-a-kind wines to offer for sale.

The second event is the Napa Valley Vintners' 34th annual Auction Napa Valley. Auction Napa Valley will be held in June 2015 at Meadowood Napa Valley. This charity wine event raised \$16.9 million in overall fundraising for healthcare and youth education nonprofits in Napa County last year.

The fifth annual Flavor! Napa Valley wine and food festival will be held November 20-22, 2014 and is expected to attract 5,000 attendees. This CIA benefit event features renowned chefs from top restaurants in Napa Valley, CIA graduates, and industry-

leading Napa Valley vintners. The festival's main event will be the grand food and wine tasting fete, The Appellation Trail, hosted at the historic CIA.

In order to install the flags, encroachment permits will be required, and the applicant will need to meet all of the standard permit conditions. The Chamber of Commerce has requested that the City waive the encroachment permit fee of \$200.00 for display of flags for each event.

The project is categorically exempt from the California Environmental Quality Act, pursuant to CEQA guidelines section 15301, Existing Facilities Class I which exempts minor alteration of existing facilities involving negligible or no expansion of use.

FISCAL IMPACT

The Applicant is responsible for all costs to install and remove the flags. The Chamber has requested that the City waive the encroachment permit fee of \$200.00 for display of flags for each event.

RECOMMENDED ACTION

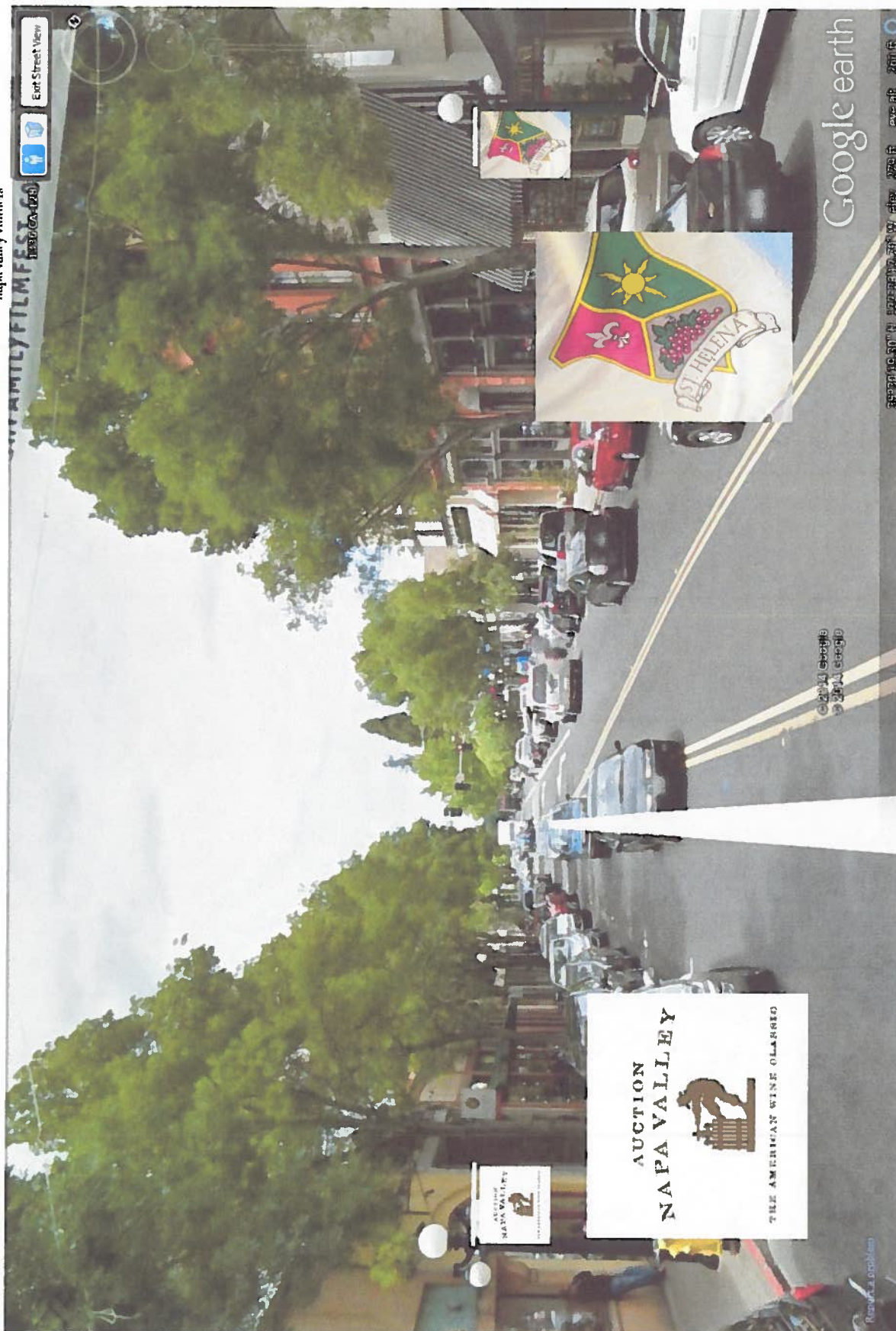
Approve Resolution Authorizing the Display of Flags by the St Helena Chamber of Commerce for Premiere Napa Valley, Auction Napa Valley, and Flavor! Napa Valley

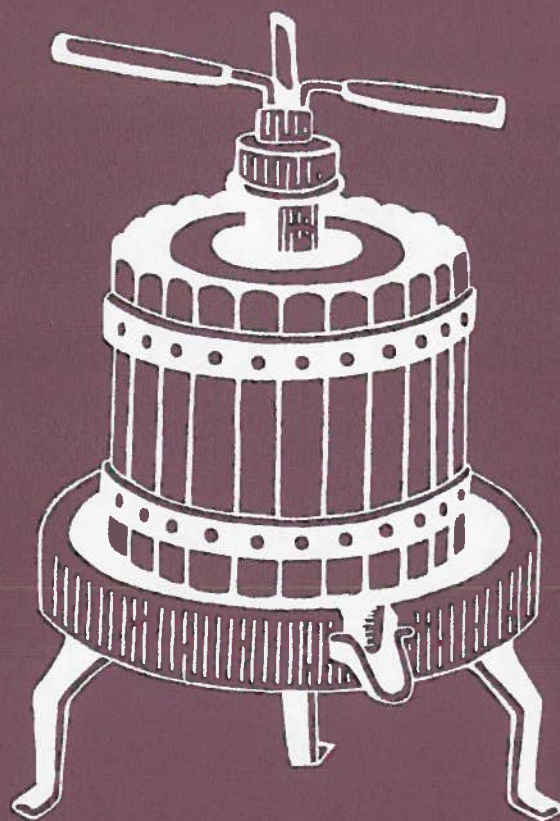
ATTACHMENTS

1. Sample Flags
2. Resolution

Flags flying on Main Street Elitrollers welcoming guest to Premiere and Auction Napa Valley

ATTACHMENT 1





PREMIERE NAPA VALLEY

CITY OF ST. HELENA RESOLUTION NO. 2015-

**AUTHORIZING THE DISPLAY OF FLAGS BY THE ST HELENA
CHAMBER OF COMMERCE FOR PREMIERE NAPA VALLEY, AUCTION
NAPA VALLEY, AND FLAVOR! NAPA VALLEY**

RECITALS

- A. The St. Helena Chamber of Commerce has requested permission to display flags on St. Helena's street lights on Main Street to welcome visitors attending three significant events occurring in 2015.
- B. The events to be promoted with flags are: Premiere Napa Valley from February 20-22, 2015; Napa Valley Vintners Auction Napa Valley from June 4-8, 2015; and Flavor! Napa Valley from November 20-22, 2015.
- C. The applicant will submit an encroachment permit application and comply with all conditions to the permit.

RESOLUTION

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

- 1. Premiere Napa Valley flags are authorized to be displayed on February 20-22, 2015;
- 2. Auction Napa Valley flags are authorized to be displayed on June 4-8, 2015; and
- 3. FLAVOR! Napa Valley flags are authorized to be displayed on November 20-22, 2015.
- 4. The encroachment permit fee is waived for the display of the flags for each event.

Approved at a Regular Meeting of the St. Helena City Council on January 13, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

THIS PAGE
INTENTIONALLY
BLANK



Report to the City Council Meeting of January 13, 2015

Agenda Section: Consent

Subject: Consideration of a Resolution amending the Library Hours of Operation and Adopting 2015 Library holiday schedule

CEQA Status: Not a CEQA project

Prepared By: Jennifer Baker, Library Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

At their meeting on June 26, 2012, the City Council approved Resolution 2012-49, which accepted the Library Board's recommendation to expand library hours from 49 a week to 57 a week for a six month trial. At the end of the six month period an evaluation confirmed that staff had adjusted well to the change and ongoing coverage of public desks did not create a hardship. Additionally staff had recorded an exponential increase in library usage over the trial period. As a result, at their January 2013 meeting, the Library Board recommended unanimously to advise City Council to make the new operational hours permanent. City Council took action to this effect at a subsequent meeting.

Since July 1, 2012 library hours have been as follows:

Sunday & Monday 2-6

Tuesday/Wednesday/Thursday 10-9

Friday & Saturday 10-6

In summer of 2014, an internal review of library staffing and usage patterns led to a discussion of possibly reducing Saturday hours in favor of more weekday hours. At roughly the same time this review was taking place a Library Board member reported a conversation with a library user who suggested Monday's library hours be extended to include mornings.

DISCUSSION

At the Library Board's September meeting the possibility of reducing Saturday hours in order to extend Monday morning hours was agendaized and discussed. Trustees directed staff to conduct a survey of library users to gauge whether a change of this

nature would be welcome. The survey was created using the library's Survey Monkey account and was posted on the library's website and was also distributed via the City's eNewsletter and the library's eNewsletter. The survey was also promoted through the *St. Helena Star* and printed copies were distributed and collected in the library. The survey was distributed in English and in Spanish.

Over a 45-day period, the library received 461 responses to the survey. Results showed that a strong majority of library users are in favor of changing hours to the proposed schedule. A small number of people, 15%, reported that the proposal could or would have a negative effect on their use of the library compared with more than 50% who reported that the change could or would have a positive effect on their use.

While the survey was being conducted library staff also monitored library usage during Saturday morning hours – specifically checking door counts at two additional times during the day 12:00 pm and 2:00 pm to determine what percentage of visitors came to the library during those morning hours. This was done for four consecutive Saturdays during the month of October 2014. Total door count for the four days between the hours of 10:00 am and 2:00 pm was a combined 1014—which is 5.3% of the total visits to the library during the month of October.

At their November meeting, the Library Board discussed survey results including a number of comments made by survey contributors who requested that instead of moving the hours from Saturday to Monday that the hours on Monday simply be extended to include morning hours on both days. It was reiterated by staff that although the additional cost of providing morning hours on both days was fairly minimal, funds to do so were not budgeted for the current fiscal year.

The Library Board then took action to recommend to City Council that the proposed changes to library hours be adopted for a 6-month trial basis to again ensure that the community responds favorably to the change. At the same time the Library Board advocated for requesting additional funds to include morning hours on both days as a part of the FY2015-16 budget review.

If the new schedule is approved library staff will take necessary steps to adjust staffing schedules and inform the public of the change to be effective February 1, 2015. Comments and usage data will be collected throughout the trial period to be used for analysis and determining the feasibility of continuing the new hours permanently beginning August 1, 2015.

Additionally, at their regular meeting on December 10, 2014, the Library Board of Trustees also reviewed the proposed closure dates for calendar year 2015. Traditionally the library has closed for major holidays in conjunction with the City's other non-emergency service offices. While reviewing the proposed closures there was a

discussion about whether or not the library should be open on Monday holidays as has been previously suggested by Councilmember Crull. Following a review of how this may affect both full and part-time employees and the library's current budget, a motion passed to have the library open on the following Monday holidays: Martin Luther King Day, Presidents' Day, Memorial Day, and Labor Day. The additional expense is minimal and may be absorbed in the current library allocation. Staff will monitor library usage on these days to determine if the additional hours are warranted for future years.

FISCAL IMPACT

None. This change in hours does not amount to a reduction or increase in budget. Staffing levels required to sustain this schedule are allocated in the FY2014/15 budget.

Maintaining the proposed hours or any 7-day a week schedule is contingent on retaining current staffing levels.

RECOMMENDED ACTION

Adopt resolution amending the library hours of operation as suggested.

ATTACHMENTS

1. Copy of Survey with results
2. Notice in *St. Helena Star*
3. Minutes of the St. Helena Public Library Board of Trustees, September 10, 2014
4. Minutes of the St. Helena Public Library Board of Trustees, October 8, 2014
5. Minutes of the St. Helena Public Library Board of Trustees, November 12, 2014

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

APPROVAL OF PROPOSED CHANGE TO LIBRARY HOURS AND LIBRARY HOLIDAY CLOSURES FOR 2015

RECITALS

A. A proposed change to library hours has been presented by staff to be effective February 1, 2015. The proposed hours are as follows:

Tuesday, Wednesday & Thursday 10-9
Monday & Friday 10-6
Saturday & Sunday 2-6

B. A proposal to adopt these hours for a six month trial was unanimously approved by Library Trustees at their regular meeting on November 12, 2014.

C. The change constitutes an increase in hours on Monday morning made possible by reducing hours on Saturdays. A survey of library users showed that this change is consistent with current and desired usage patterns.

D. At their regular meeting on December 10, 2014, Library Trustees approved the usual holiday closures for 2015, amended to exclude the following Monday holidays: Martin Luther King Day (Jan 19), President's Day (Feb 16), Memorial Day (May 25), and Labor Day (Sept 7) on which the library will remain open.

RESOLUTION

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

1. Approval of new library hours as recommended by library staff and Trustees for a six month trial.
2. New hours will be effective February 1, 2013, to be evaluated at the end of the fiscal year to determine viability for a long term change.
3. The library will provide regular services to the public on the following Monday holidays in 2015: Martin Luther King Day, President's Day, Memorial Day, and Labor Day.

Approved at a Regular Meeting of the St. Helena City Council on January 13, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Alan Galbraith
Mayor

ATTEST:

Cindy Black
City Clerk

The St. Helena Public Library is considering a change in operational hours. – 461 responses

Current hours: Saturdays from 10:00 am – 6:00 pm and Mondays 2:00 pm – 6:00 pm.

Proposed change: Saturdays 2:00 pm – 6:00 pm and Mondays 10:00 am – 6:00 pm.

This change is being considered for two basic reasons: 1) Saturday morning library traffic tends to be fairly low and 2) library staff have received frequent requests for morning hours on Monday.

Due to a very tight budget, we are unable at this time to add more hours to Monday without reducing hours on an alternate day. In addition to possibly meeting a local need, reducing Saturday hours in favor of more weekday hours gives us the opportunity to provide better coverage of public desks with our current staff.

Before moving forward we would like additional input from our users and potential users.

Your feedback for this one-question survey will be very helpful in determining whether changing hours as proposed would be a good move for our community.

Please pick the number below which corresponds with how you would best complete this sentence for you and your household:

Reducing library hours on Saturday morning in order to add Monday morning hours...

1 - Would have a positive effect on my use of the library. **31.25 %**

2 - Could have a positive effect on my use of the library. **19%**

3 - Should have no effect on my use of the library. **34.25%**

4 - Could have a negative effect on my use of the library. **7%**

5 - Would have a negative effect on my use of the library. **8%**

Door counts for Saturdays in October before 2pm:

10/04: 239

10/11: 263

10/18: 222

10/25: 290

Total: 1014 = 5.3% of total monthly visits


[Home](#) / [St. Helena Star](#) / [Spotlight](#)

New services, new programs and — maybe — new hours

September 30, 2014 12:30 pm • [JENNIFER BAKER At the Library](#)[\(0\) Comments](#)

Many library users have already discovered a lot of the exciting things they can do with their library cards online: download e-books, learn a foreign language, get help with homework and get free museum tickets. Now there's more to add to the list. Through a new partnership with Webucator, the library is able to give cardholders access to such online self-paced courses as Web development, Microsoft and Adobe software, Java, and computer programming. These classes, which can cost hundreds of dollars, are available for free. Go to www.shpl.org/eresources and click on "Learning" to get started today. All of these resources are available to you 24 hours a day.

Shift in library hours — maybe

Of course, the library is not open 24 hours a day, although we are open seven days a week (the only library in Napa County open on Sundays) for a total of 57 hours. With limited staff, we want to stretch our resources while meeting the needs of users in the best possible way. With that in mind, the library is considering switching operational hours on Saturdays and Mondays.

Current hours on Saturdays are from 10 a.m. to 6 p.m. and on Mondays from 2 to 6 p.m. The proposed change for Saturdays is from 2 to 6 p.m. and for Mondays from 10 a.m. to 6 p.m. There is no decrease in hours, just a switch in days.

This change is being considered for two reasons. (1) Saturday morning library traffic tends to be fairly light and (2) library staff has received frequent requests for morning hours on Mondays. Due to a tight budget, it is not now feasible to add more hours on Mondays without reducing hours on another day.

Besides meeting local needs, reducing Saturday hours in favor of more weekday hours means that current staff can provide better public service. Before moving forward, we are seeking your input. Please go to SHPL.org and answer the one-question survey. Your feedback will help to determine whether changing hours as proposed would be a good move for the community.

October programs

To help celebrate Latino Heritage Month, the library is exhibiting the art of three Latino artists in October: Adriana Arriaga (photographs), Frances Ortiz-Chávez (oil paintings) and Sergio Velázquez (enamel art). You can meet the artists at their reception at 7 p.m. Thursday, Oct. 9.

Get out your recipe books, because you'll want to get ready to enter the Apple Bake-off at 7 p.m. Thursday, Oct. 16. See the website for entry details or pick up a copy, in both English and Spanish, at the front desk. Judges will pick the best in four categories: Cakes, Pies, Muffins/Breads, and Other, plus the Best in Show. This, the library's fifth annual bake-off contest, is a favorite community event and many "tasters" are needed to pick the People's Choice. To add

to the fun, Toni Chiappetta, owner of Sweetie Pies Bakery, will be sharing her secrets on how to make the perfect apple pie!

As if that weren't enough excitement, at 7 p.m. Thursday, Oct. 23, Sarah Houghton (a librarian in San Rafael and a beer-brewing maven) will talk about how to make home-brewed beer. There'll be tastings, too, with the foamy stuff provided by Sunshine Foods.

Preparing for Halloween, the library is showing a very scary movie at 7 p.m. Thursday, Oct. 30 (see the website for details). This Hitchcock favorite ties in with the theme for October's Focus on Film series called Local Hitchcock. The four classics, filmed in nearby locations, will be shown at 7 p.m. Tuesdays. See you at the library!

Minutes of the
St. Helena Public Library Board of Trustees
5:00 PM
September 10, 2014
California Room

1. CALL TO ORDER

Library Board Chair Bonnie Long called the regular meeting of the Board of Trustees to order at 5:00 p.m.

2. ROLL CALL - Introductions

Present were: Trustees Norma Ferriz, Skip Lane, Bonnie Long, Malcolm McLain, and Susan Swan; Library Director Jennifer Baker; and Friends & Foundation Executive Director Maria Stel.

3. LIBRARY BOARD APPOINTMENTS - Jennifer reported that the City did not appoint library trustees at last evening's City Council meeting, but decided instead to consider expanding the library board from five to seven trustees because of the increased number of applicants received this time for the three open positions. If necessary, trustees will call a special meeting to discuss the board expansion.

4. PUBLIC INVITED TO ADDRESS THE BOARD

There were no public comments.

5. CONSENT/INFORMATION ITEMS:

a. The August 13, 2014 minutes were approved.

b. The September program calendar was approved. Jennifer reported that page 3 of the calendar was not ready when packet was sent, but it is available now.

a. The September 3, 2014 Monthly Report to City Council was approved.

b. The July Statistics were approved.

c. The End-of-Year Financials were approved.

6. TRUSTEE ITEMS FOR DISCUSSION - Jennifer pointed out that the board would normally be appointing a new chair at this juncture, but because three of the five sitting trustees are up for reappointment, Bonnie will continue on as chair until the City Council appoints the trustees for the open terms.

7. LIBRARY DIRECTOR'S REPORT -

a. **Materials recovery program** - Trustees reviewed information about Unique Management Services, an agency that specializes in the

recovery of unreturned library materials by using what it calls the “Gentle Nudge” process, which is a 120-day series of letters, calls, skip tracing, and credit reporting designed to coax patrons into returning long overdue (120 days at least) items. Jennifer reported that most libraries in SNAP already use these services, and that she believes our library might now benefit from it. She explained that the timeline and the process can be tailored to fit St. Helena Public Library’s needs and clientele. UMS boasts an 85% return rate on long overdue items. The only cost to the library for UMS’s services is a \$10 recovery fee per incident, which is charged back to the client, which will be clearly outlined in the library policies. Trustees further discussed the service, and decided to implement it with the caveat that if the library receives a lot of negative feedback from the community, it will be turned off. A motion carried to hire UMS for material recovery as long as it has no effect on the library budget.

- b. Strategic Planning & Needs Assessment project update** - Trustees reviewed Yolanda Cuesta’s proposal to carry out a Needs Assessment and a Strategic Plan involving not only the library, but the RLS museum, the St. Helena Historical Society, the Community Center project, and a possible event center. Jennifer Baker and City Manager Jennifer Phillips had requested that Ms. Cuesta expand the scope of the proposal to include these cultural elements. Trustees reviewed the breakdown of costs for the Needs Assessment, which includes the library and the other entities, and involves community meetings, surveys, stakeholder meetings, and the Library Strategic Planning Process, with the end goal being to identify the information and cultural needs, interests, and priorities of the community, explore the community’s perspectives on a potential Community & Cultural Center on existing City-owned property, to involve and inform the community throughout the visioning and planning process, and to coordinate needs assessment data to guide next steps, future thinking and development for each organization and community stakeholder. Skip said he does not believe the St. Helena Historical Society is at the point where it can be tied into a 2-year process, so suggests the library move forward independently of the other entities. Discussion followed about the option of completing only the Needs Assessment part of the proposal, but all agreed the Strategic Planning is an important step in the process too. Trustees requested an itemized breakdown of costs for the library to complete its own Needs Assessment and Strategic Plan. If the City is interested in including the additional cultural elements, perhaps the City will fund the remainder. Jennifer reiterated that Ms. Cuesta is especially strong working with diverse communities like ours, and bringing the different community groups together. Jennifer especially likes that after the formal plan is put together, Ms. Cuesta meets with staff to guide them through the implementation process, a piece that was missing from past visioning efforts. She will also provide us tools to cost out ideas and clarify the need for identified expenses.

Jennifer reported that the City Council is planning to hold a study session on October 14th to discuss the Adams Street property, so the idea was to potentially move on approving Ms. Cuesta's proposal at their subsequent meeting. Trustees agreed that the library will pursue a Needs Assessment and Strategic Plan independent of the RLS Museum and the Historical Society. Jennifer will ask Ms. Cuesta to submit a new proposal for a Needs Assessment and Strategic Planning only for the library, and will email it out to Trustees when she receives it.

- c. **More staffing changes** - Sue Michul, the library's Front Desk Supervisor, has given notice. Jennifer discussed staffing and library needs with library staff and with Jennifer Phillips. As a result, the Front Desk Supervisor position was increased from 30 hours per week to 40, and Cecilia Raffo will take the position. Sue has decided to stay on as a shelver. Jennifer is interested in facilitating the library as the basis for community engagement, and to do so, she hopes to create a Community Engagement Coordinator position. The individual taking this new position would work 1/2 time on library duties, and 1/2 time collaborating with other City departments to reach out to the community. The newly created position would be at the same level as a Librarian 1, and recruitment for the position would be internal. Because this is a new position, City Council must approve it. Once that happens, with the remaining funds, Jennifer will be able to bring in two part-time employees - one clerk who will move between the children's, room, the circulation desk, and programs, and another who will be assigned specifically to the children's room.
- d. **Library Hours discussion** - In response to the recent staffing changes, Jennifer sat down with library staff and discussed hours, coverage needs, etc. Staff believes that Saturday mornings are not too busy, so suggested that perhaps the library's early hours could be moved from Saturday, when the library currently opens at 10:00, to Monday, when the library opens at 2:00. Jennifer distributed to trustees a survey she has created to obtain community input about the potential change in operational hours. She will make the survey available on the library's website, in the email newsletter, and in paper form in the library. She also plans to place the survey in *The St. Helena Star* to ensure she receives as much community input as possible. Discussion followed about revising the survey to give patrons a chance to choose between early opening hours on Monday or on Saturday, but it was decided to leave the survey as is, and allow patrons to write comments. Reduced Saturday hours would work better for staffing, but staff wants patrons to be okay with the change. Malcolm asked if the library's operational hours will still be revisited in January when next year's budget comes under discussion with the City Manager. Jennifer said the increased hours will be put into next year's budget request, and City Council will have an opportunity to weigh in as to whether the increased funding required for more operational hours is justified. Jennifer reiterated that the increase would be minimal for additional opening hours.

8. **Friends and Foundation Report - Maria Stel.** Maria reported that the F&F will not be doing a Valentine's Day event/fundraiser. The group has decided to focus on larger events rather than smaller fundraisers. Board recruitment is going well; there are several excellent candidates who are considering joining the F&F board. The board is preparing a big mailing to go out in November, personalized letters to those whom F&F board members know, and more generic letters to other members of the community.

The meeting was adjourned at 6:04.

The next meeting will take place on Wednesday, October 8, 2014.

Susan Swan,
recording secretary

Minutes of the
St. Helena Public Library Board of Trustees
5:00 PM
October 8, 2014
California Room

1. CALL TO ORDER

Library Board Chair Bonnie Long called the regular meeting of the Board of Trustees to order at 5:04 p.m.

2. ROLL CALL - Introductions

Present were: Trustees Skip Lane, Bonnie Long, Malcolm McLain, and Susan Swan; Library Director Jennifer Baker; and Friends & Foundation Executive Director Maria Stel.

3. LIBRARY BOARD APPOINTMENTS -

City Council will appoint five library board trustees at its October 14th meeting, contingent on the municipal code change being approved at the same meeting. If approved, the municipal code change will go into effect on November 1, at which time the new appointees will begin their terms. The current board will serve up until November 1.

4. PUBLIC INVITED TO ADDRESS THE BOARD

There were no public comments.

5. CONSENT/INFORMATION ITEMS:

- a. The September 10, 2014 minutes were approved.
- b. The October program calendar was approved.
- c. Trustees discussed the item in the Monthly Report about the Knight Foundation challenge. Jennifer described the idea she submitted and explained that first-round qualifiers will be notified by the Knight Foundation in November, and that entrants who make that cut are then given an opportunity to refine their submission, to read comments by others about their submission, and to view and comment on other contenders' submissions. She will be notified in January as to whether or not SHPL's submission will receive an award. The award is monetarily quite significant. Jennifer will keep the board informed about her progress in the challenge.

Bonnie commented that she was very happy that the September 11th Candidates' Forum was held in the library. All trustees agreed that this forum is exactly the type of event we want to see the library involved in.

Jennifer reported that City Manager Jennifer Phillips would like to look at the library's fines and fee schedule before moving forward with the Unique Management Services materials recovery program trustees discussed at

September's meeting. If we do engage UMS, we will add language into the library policy that collection fees will be charged back to the patron.

The September 30, 2014 Monthly Report to City Council was approved.

d. The August financials were approved.

e. The August Statistics were approved.

- 6. TRUSTEE ITEMS FOR DISCUSSION** - Trustees discussed that, to avoid having to change the municipal code for instances like appointing more library trustees, the City Council will vote to make changes by resolution rather than changing the code.

Susan praised the Banned Books Week video filming of patrons reading aloud from their favorite banned books. Susan really enjoyed watching the videos and hearing the read alouds, and all agree Mari did a fabulous job organizing and carrying out this special event.

Trustees discussed the upcoming Teen Reads Week, October 12-17. The theme is "Get caught reading," and teens caught pleasure reading at the library will be handed bookmarks and candy. Malcolm and Susan will be participating by catching teens at the middle and high schools reading and offering them the same rewards.

Jennifer let trustees know about a special presentation at the Cameo Cinema on October 21. Luis Rodriguez, author of the widely read *Always Running*, community activist, and new Poet Laureate of Los Angeles, will be screening his new documentary *Rushing waters, Rising Dreams: How the Arts are Transforming A Community* with a Q&A session to follow. There will be additional showings in Napa and Calistoga, and Mr. Rodriguez will be giving a reading at the library that same Thursday at 4:00 pm. All screenings and events are free of charge. Cathy Buck of the Cameo Cinema and Jennifer have decided to work more closely together on community events in the future.

Jennifer is applying for a Books to Action Grant, organized by the state library. The Sacramento Public Library came up with the idea of having book discussions/clubs around a book or series of books and expanding them into a whole series of discussions and an accompanying community service project. Jennifer's proposal is to hold a series of book discussions/programs having to do with bees, which will become a community project. Participants will go to public parks and homes to plant bee friendly plants and build bee hotels. Malcolm and Susan suggested some bee people who might be able to help with the project. Grant recipients can receive as much as \$3,000.

The Wine Library is working with UC Davis and the Sonoma County Library on a collection assessment. The group hopes to make its holdings more visible. Megan Jones has been hired to help them with this project.

All young people who attend the Crafts & Tales for Day of the Dead on Sunday, October 19th, where they can create Día de los muertos-themed crafts and tell and hear stories, will receive a free pass to see *The Book of Life* at the Cameo Cinema.

7. LIBRARY DIRECTOR'S REPORT -

- a. Discussion regarding increasing Library Board** - Trustees discussed the pros and cons of additional and/or fewer trustees on the library board. Jennifer clarified that, going forward, all trustees will serve two-year terms, and that the difference in term lengths this time around is to stagger the appointments so not all five new appointees' terms will end at the same time. A motion to support increasing the library board of trustees from five to seven passed.
- b. Strategic Planning update** - The library-specific Strategic Planning and Needs Assessment Proposal submitted by Yolanda Cuesta and reviewed by trustees last month will be going before the City Council on October 14th. If City Council decides that the other local cultural elements should be included, the City can move forward on those.
- c. New position and staffing** - Mari Martinez has been hired to fill the newly created Community Engagement Coordinator position. To facilitate this new position, other positions were moved around a bit, but not more than one hour of manpower will be lost in the transition. Cecilia will take over as Front Desk Supervisor, Sue Michul will be the new children's shelver, and Kelly will be in the children's room where Cecilia used to be. Two new part-time positions have opened up, and the library is currently recruiting to fill those. Mari will begin her new duties in January so she can help keep things afloat until the new people get up and running.
- d. Library Hours survey initial report** - The survey on the library website asking patrons whether they would support fewer opening hours on Saturdays in favor of additional opening hours on Mondays will remain online through October. Jennifer reported that staff counted patrons last Saturday between 10 and 12, and then between 12 and 2, and that there were approximately 150 patrons during those times, but that the amount between 12 and 2 was double the amount between 10 and 12. Of the 350 responses to the survey received so far, 52% said the proposed change would/could have a positive effect on their use of the library, 36% said it would have no effect, 13% responded that the change could/would have a negative effect on their use of the library. Jennifer raised the question as to whether 52% in support of the change is enough to justify making it. If the hours are changed, it will likely be on January 1, 2015, as the library board would need to make a recommendation in November, and the proposal would go before the City Council in December. Malcolm asked if it would be possible to consider having increased Monday hours and retaining current Saturday hours when the budget is discussed next. Jennifer agreed to put

together a cost proposal for that scenario. She reiterated that this change would not be a significant increase in costs, but that the current library budget would not allow for the increased hours, and that nothing can really be shifted around to enable it to happen now.

- e. **California Library Association Conference** - The conference will be held one month from today in Oakland. Ten members of the library staff are going, at least for part of the conference, which will be held Friday evening, Saturday, and Sunday. Mari and Jennifer are attending the entire three days, and other staff members will go for one or two days.
- f. **Library Behavior & Internet Usage policy review** - Trustees reviewed the revised policy. After a brief discussion, a motion to approve the policy updates passed.
- g. **HVAC & other maintenance updates** - The necessary parts to complete the update are expected to arrive this month. Jennifer Phillips asked library staff to put together a list of ongoing maintenance needs, so that the library can be on a regular rotation for carpet cleaning, window cleaning, roof improvements, etc.
- h. **Apple Bake-off** - Bonnie Long and María Stel volunteered to be judges for the event, to take place Thursday, October 16th at 6:00pm. Jennifer Phillips will also be one of the judges.
- 8. **Friends and Foundation Report** - María Stel. María Stel and Linda Burton have attended several seminars in San Francisco on estate planning incorporation in fundraising efforts. F&F members are organizing a fall mailing to go out to everyone in the area - a big project. Thanks to Lowell Smith's efforts, there will soon be a new memorial bench commemorating Dr. Darter out in the front of the library. Donor bricks will be installed soon, Jennifer hopes by next week. María will soon be going to St. Paul to attend the Opus & Olives literary fundraising event. María will be the guest of the library strategists she worked with last year.

The F&F is also organizing the Turkey Trot Thanksgiving morning run, to be held in St. Helena on November 27. Susan and Malcolm agreed to help register people at 9:am. The run will begin at 10:00 am.

The meeting was adjourned at 5:55.

The next meeting will take place on Wednesday, November 12, 2014.

Susan Swan,
recording secretary

Minutes of the
St. Helena Public Library Board of Trustees
5:00 PM
November 12, 2014
California Room

1. CALL TO ORDER

Library Board Chair Bonnie Long called the regular meeting of the Board of Trustees to order at 5:04 p.m.

2. ROLL CALL

Present were: Trustees Bob Dye, Skip Lane, Bonnie Long, Susan Swan, Lin Weber, and Terry Wood; Library Director Jennifer Baker; and Friends & Foundation Executive Director Maria Stel.

3. LIBRARY BOARD APPOINTMENTS - Welcome new members, Introductions
Recently appointed trustees Bob Dye, Lin Weber, and Terry Wood introduced themselves to continuing trustees and vice versa.

4. PUBLIC INVITED TO ADDRESS THE BOARD

There were no public comments.

5. CONSENT/INFORMATION ITEMS:

- a. The October 8, 2014 minutes were approved with the addition of trustee Norma Ferriz having been present.
- b. The November program calendar was approved.
- c. The November 4, 2014 Monthly Report was approved.
- d. The September financials were approved.
- e. The September Statistics were approved. Susan praised *Zinio*, one of the many eResources available on the website, which allows patrons to read a wide range of periodicals online with their library cards. Discussion followed of the impressive usage statistics for *Zinio* and for the online homework resource HelpNow.

6. TRUSTEE ITEMS FOR DISCUSSION - Jennifer asked trustees if they wanted to consider meeting in an alternate, larger location now that there are two additional trustees at the California Room table. All agreed current location, though tight, is fine for now.

7. LIBRARY DIRECTOR'S REPORT -

- a. **Library Hours survey results, discussion of proposed change** - Jennifer explained that she conducted a survey asking patrons how opening

later on Saturday and earlier on Monday would impact their library use because of public comments from patrons who expressed to Malcolm and to staff their wish that the library were open on Monday mornings. Jennifer explained that, because there are no additional funds in the library budget to fund additional opening hours, the proposal was to decrease in Saturday hours to allow for increased Monday hours. Trustees reviewed the breakdown of survey responses. Of the 461 responses to the survey, only 15% of respondents indicated that closing Saturday mornings would or could have a negative impact on their library use whereas a strong majority reported that increased hours on Monday would benefit their use of the library. In response to questions from trustees, Jennifer explained that opening later on Saturdays would make staffing easier, and that restructuring opening hours from 12-6 on both Saturday and Monday would not be possible because full-time employees would not have full days. After discussion, a motion passed to recommend to City Council that library hours be changed from existing hours to 10-6 on Mondays and 2-6 on Saturdays on a 6-month trial basis beginning on January 1, 2015 so that public response to the change can be gauged. Jennifer added that when the next budget cycle opens, she will include a request for funding to increase in hours so the library may be open for business from 10-6 on both Saturday and Monday.

- b. Fines/Fees Schedule proposal** - Trustees reviewed each element of the City of St. Helena draft Resolution Approving an Updated Schedule of Library Fines and Fees, which Jennifer will present to City Council for approval. A motion passed to increase the fee to rent the library's meeting room to \$20 per hour and \$10 for 501 c)(3) nonprofit groups, and a motion to approve the other handwritten changes in the draft resolution also passed. A discussion followed about *The St. Helena Star and the Napa Valley Register* digitization project. Jennifer explained that the digitizing should begin by the end of November, but that she is not sure what the timeline will be for completing the project. The digitizing will be done from microfilm rather than the print newspapers because of cost.
- c. Books to Action grant proposal** - Trustees reviewed the Book-To-Action 2015 Request to Participate that Jennifer submitted to the California Center for the Book/California State Library. She is fairly confident the library will receive funding for her proposal, which involves discussion, education, programs, and activities about bees surrounding the book *Oil and Honey: The Education of an Unlikely Activist*, by Bill McKibben.
- d. Adams Street update** - Jennifer reported that the City Council approved Yolanda Cuesta's proposal to carry out a Needs Assessment and Strategic plan for the library. The St. Helena Historical Society, the RLS Museum, and Jennifer met with City Manager Jennifer Phillips and City Council members about the community center proposal, and Skip reported that City Councilmembers were very positive about the

group's community center concept and said it would provide funding and staffing in support of the project. The next step will be to write a proposal and hire a consultant for visioning and planning for the space under consideration for the community center. The Historical Society is currently working on a proposal for movement of the schoolhouse to the Adams Street property. Jennifer discovered a grant opportunity through the ArtPlace America national grant program. ArtPlace America funds programs exactly like the community center concept. Jennifer submitted a Letter of Intent in which she explained the steps the group has taken, the next steps to be taken, and requested \$250,000 for the project. If ArtPlace believes it is a viable project, Jennifer will hear back in January. Jennifer is hopeful that the City will push the project through even if ArtPlace does not provide funding, but if this outside funding is received it will be much more likely.

- e. **California Library Association Conference Report** - Ten staff members attended the conference on Saturday, Jennifer attended Friday, Saturday and Sunday, and Mari, Leslie, and Cecilia went on Saturday and Sunday. Jennifer was a presenter in four of the sessions, including one session that Leslie and Cecilia helped prepare, on how small libraries can raise their game and how large libraries can implement some of the same ideas and programs. Jennifer reported that her session was well attended and very well received, and that the incoming president of CLA was so impressed with it that he declared it a President's Program. CLA conference organizers have asked Jennifer to help with conference again next year, which she will do, but she has no current plans to present next year.
- f. **Strategic Planning update - intern** - Jennifer reported that a San Jose state library program student will begin an internship at the library in January. She will perform all the various functions of the library, but will also be assigned to the strategic planning project and Mari Martinez's new community engagement project.
- g. **Planning staff/board get together** - Trustees discussed having a party in early December to welcome the new library board members and to introduce staff, friends and foundation members and trustees to one another. Jennifer will send potential dates out to the various parties involved.
- 8. **Friends and Foundation Report - María Stel.** María reported that it had been a tough week for her because she had sent out personalized solicitation letters to selected potential donors, but had hired a mailing house to send letters out to the rest of the people on the group's solicitation list. The mailing house disregarded María's instructions to not mail letters to certain people on the list, and sent the letters out to everyone, even those who had already received the personalized solicitation letter or who had recently donated to the Friends & Foundation. The mailing house has taken full responsibility

for its error, and María will apologize individually to people who erroneously received the bulk mailing.

The Turkey Trot run/walk, which will benefit both the Rianda House and The Friends & Foundation will take place on Thanksgiving morning. Runners will meet at the Rianda house and the race will begin at 10:00 am. Pre-registration for the race is open until November 21. The Napa Valley Community Foundation wrote about the event in its recent newsletter, and the Friends & Foundation received a significant donation as a result. María attended the *Opus and Olives* fundraising event in St. Paul, Minnesota with Leslie Mooreland, another F&F member. The event, which draws 1200 people and this year featured authors Jane Smiley, Hampton Side, and Louise Penny doing readings, is a major fundraiser for the Friends of the St. Paul Library. The Friends & Foundation would like to hold a similar event in St. Helena in 2016.

The meeting was adjourned at 6:10.

The next meeting will take place on Wednesday, December 10, 2014.

Susan Swan,
recording secretary



Report to the City Council

Council Meeting January 13, 2015

Agenda Section: Consent

Subject: Consideration of Resolution approving an agreement with MarinIT to provide information technology services for a total not to exceed amount of \$60,000.00

**CEQA Status
or Action:** None

Prepared By: April Mitts, Finance Director

Approved By: Jennifer Phillips, City Manager

DISCUSSION

The City has contracted with MarinIT for the past two years to provide 24/7 network support as well as workstation/desktop maintenance. The City has been satisfied with the services provided and wishes to contract again with MarinIT for period of one year beginning July 1, 2014 through June 30, 2015. An informal solicitation of proposals was conducted in 2010 and MarinIT was selected from this process.

FISCAL IMPACT

Funds for this agreement in the amount of \$60,000.00 were included in the FY 2014-15 Adopted budget in Non-Departmental budget –101-4000-2130.

RECOMMENDED ACTION

Approve the Resolution approving the Agreement with MarinIT for a total not to exceed amount of \$60,000.00 and authorize the City Manager to execute the agreement on behalf of the City.

ATTACHMENTS

Attachment A - Resolution Approving a Consultant Services Agreement with MarinIT
Attachment B - Consultant Services Agreement with MarinIT

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

**A RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF ST.
HELENA AUTHORIZING AN
AGREEMENT FOR CONSULTANT
SERVICES WITH MarinIT**

RECITALS

- A. The City desires to employ a Consultant to furnish professional services on a limited and "as needed" basis in connection with information technology support services; and
- B. MarinIT has represented that they have the necessary expertise, experience, and qualifications to perform the required duties.

RESOLUTION

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

1. The City Council approves the Agreement with MarinIT for a total not to exceed amount of \$60,000.00; and
2. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on (date), by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT, made and entered into on _____, 201 by and between the City of St. Helena, located in the County of Napa, State of California (City), and MarinIT (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services on a limited and “as needed” basis in connection with information technology support services.

B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in **Exhibit A, “Scope of Services”** and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or **Exhibit A, “Scope of Services”**, unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in **Exhibit A, “Scope of Services”**.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in **Exhibit A “Scope of Services”**, attached hereto and made a part hereof. Total compensation shall not exceed \$60,000.00 unless additional compensation is approved in accordance with Section 2.

B. Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the

invoice shall be approved and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

- A. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:
1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
 3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

B. Minimum Limits of Insurance. Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$2,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$2,000,000 per accident for bodily injury or disease.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of \$25,000 or greater must be declared to and approved by the City.

D. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

E. Waiver of Subrogation. The workers compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

F. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

G. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required

insurance policies, including endorsements effecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor (“design professional”), the provisions of this section regarding Consultant’s duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant’s expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant’s obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City’s sole negligence or willful acts or misconduct.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, nor to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant’s exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant’s officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that

Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant's conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1480 Main Street
St. Helena, California 94574

To Consultant: MarinIT
366 Bel Marin Keys Blvd., Suite D
Novato, CA 94949

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice. If such notice is given, Consultant shall cease immediately all work in progress.

B. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

City:

By: _____

By: _____

Name: _____

Name: Jennifer Phillips

Title: _____

Title: City Manager

Approved as to Form:

By: _____

Name: Thomas B. Brown

Title: City Attorney



366 Bel Marin Keys Blvd

Suite D

Novato, CA 94949

415.842.3275 Tel

415.842.3270 Fax

www.marinit.com

Information Technology Support Agreement - 7/1/2014 to 6/30/2015

Project: Network Support
From: David Cooper
Date: June 18, 2014

To: Jennifer Phillips
1480 Main Street
St. Helena, CA 94574

Jennifer,

Marin IT, Inc. is pleased to provide you with our proposal to perform 24x7 network support as well as workstation / desktop maintenance for the City of St. Helena.

Marin IT, Inc Responsibilities

As part of this agreement it is our understanding that we will be responsible for any support required for the City of St. Helena to continue daily operations including but not limited to:

- Desktop virus software updates / maintenance
- Maintenance of desktop OS patches
- Local user account maintenance
- Hardware maintenance – Not including equipment, or replacement parts
- Mail client support
- VPN client support (If applicable)
- Firewall maintenance
- Router & Switch configuration / maintenance
- Assistance with installation of new equipment / applications
- Monitor local backup systems – Suggest corrective measures if system not functioning correctly
- Local windows domain maintenance (If applicable) including local name resolution, server troubleshooting, and assistance of local security policies
- Availability to assist with design and integration of new applications into local network – Example scheduling software, credit card processing
- Desktop / Misc. troubleshooting

Marin IT technicians are expected to work with the City of St. Helena in supporting the network.

- Marin IT will provide a ticketing system to log and track all service requests
- For an additional charge Marin IT will provide a 24 hour pager number to reach technicians in the event of system failure after hours. Once a page is received, a

Marin IT, Inc. Proprietary & Confidential

City of St. Helena - Technology Support

technician will return the call as soon as possible, and no later than 1 hour after the page is received.

In the event that issues arise which are outside of the scope of this proposal Marin IT will discuss any fee impact with the designated City of St. Helena representative prior to proceeding with the work.

The designated lead MarinIT support technician for the City of St. Helena will be Anthony Biasi. Anthony's responsibilities will be to co-ordinate support services for the City as well as delegate tasks to other Marin IT support personal as needed.

Client Responsibilities

- All client and server software licenses associated with this agreement will be obtained & managed by the end user
- The City of St. Helena will be responsible for communicating needs & changes thru the designated representative / channels only.
- Client/building tenants are responsible for providing any client access devices, laptops, MDC, smart phones, pda's, etc.

Change / System Upgrade Process

- Discuss the need for the change in scope
- Identify the additional tasks, which need to be performed in order to complete the change in scope.
- Estimate the cost associated with the additional scope, and determine the impact on network operation.
- This agreement includes supporting IP connectivity to all City of St. Helena locations to support facilities operations.
- This agreement can be amended (if applicable supplemental agreement can be produced) to include phone system support assuming Marin IT is factory authorized dealer of the system installed.

Pricing/Rate Schedule/Invoicing

This proposal is meant to provide support for the City of St Helena but does not include special projects. Any additional projects will be chargeable at the discounted rate described below or at standard Marin IT billing rates. This agreement does not include hardware. Any equipment which will be needed to perform any maintenance tasks is not included and can be provided by Marin IT, Inc., for additional cost.

Marin IT, Inc. Proprietary & Confidential

Our total charge for this service will be \$60,000 broken into 12 monthly payments of \$5,000. This rate includes 12 hours of regular on-site service each week during the term of the agreement. Hours for support services in excess of the regularly scheduled hours will be invoiced at a discounted rate of \$105 per hour (Marin IT's standard rate for support services is \$125 per hour). The rates noted here are for work during normal business hours (Monday through Friday between 8:00 AM and 6:00 PM). Rates for overtime, nights, weekends or holidays will be billed at 1 ½ times the regular rate. Rates for special projects (not covered under the scope of this agreement) will be at Marin IT's standard rates for the specific type of project, which range from \$110 to \$250 per hour.

Payment shall be made within 30 days of the date of invoice. Invoices will include the date of service and a description of the services rendered. If any invoice is not paid when due, interest will be added to and payable on all overdue amounts at 18 percent per year, or the maximum percentage allowed under applicable laws, whichever is less. Buyer shall pay all costs of collection, including without limitation, reasonable attorney fees.

Warranties and Limitations of Liability

Warranties. Product warranties, if any, are provided by the manufacturer or publisher of the products. MARIN IT, INC. MAKES NO WARRANTIES, EITHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING BUT NOT LIMITED TO, THE IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, WHATSOEVER. ALL SERVICES AND DELIVERABLES ARE PROVIDED ON AN "AS IS" BASIS.

Limitation of Liability. CUSTOMER AGREES THAT THE LIABILITY OF MARIN IT FOR DIRECT DAMAGES RELATED TO ANY PRODUCT OR SERVICE ARISING UNDER THESE TERMS AND CONDITIONS, WHETHER IN CONTRACT, TORT, OR OTHERWISE, WILL NOT EXCEED THE NET AMOUNT PAID TO MARIN IT BY CUSTOMER FOR THAT PRODUCT OR SERVICE WHICH IS THE SUBJECT OF THE CLAIM. MARIN IT SHALL IN NO EVENT BE LIABLE FOR ANY INCIDENTAL, SPECIAL, OR CONSEQUENTIAL DAMAGES OF ANY NATURE, EVEN IF MARIN IT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. NEITHER PARTY

MAKES ANY REPRESENTATION OR WARRANTY AS TO ANY THIRD PARTY INFORMATION OR PRODUCTS PROVIDED TO EACH OTHER, ALL OF WHICH ARE PROVIDED, SOLD OR LICENSED "AS IS," AND THE PARTIES AGREE TO LOOK SOLELY TO THE WARRANTIES AND REMEDIES, IF ANY, PROVIDED BY THE THIRD PARTY.

Termination of Agreement

- **Discretionary.** After the first 6 months of the initial term, either party may terminate this Agreement without cause upon thirty (30) days written notice mailed or personally delivered to the other party.
- **Cause.** Either party may terminate this Agreement for cause upon fifteen (15) days written notice mailed or personally delivered to the other party, and the notified party's failure to cure or correct the cause of the termination, to the reasonable satisfaction of the party giving such notice, within such fifteen (15) day time period.
- **Effect of Termination.** Upon receipt of notice of termination, neither party shall incur additional obligations under any provision of this Agreement without the prior written consent of the other.
- **Return of Documents.** Upon termination, any and all documents or materials provided to Marin IT and any and all of Marin IT documentation and materials prepared for or relating to the performance of its duties under this Agreement, shall be delivered to the designated City of St. Helena representative as soon as possible, but not later than thirty (30) days after termination.

Non-Solicitation

During the term of this agreement, and for a period of one (1) year thereafter, neither party will directly or indirectly solicit away employees or consultants of the other party.

Thank you for your consideration,

David Cooper

Marin IT, Inc.

Accepted By: _____

Name: _____

Date: _____

Marin IT, Inc. Proprietary & Confidential



Report to the City Council Council Meeting January 13, 2015

Agenda Section: Consent Calendar

Subject: Resolution Authorizing the City Manager to Sign a Lease Termination Agreement with Nextel of California, Inc.

CEQA Status: Exempt

Prepared By: Aaron Hecock, Planner 

Approved By: Jennifer Phillips, City Manager 

DISCUSSION

The City of St. Helena owns property located at 1572 Railroad Avenue where a cellular tower currently exists. Sprint and Nextel separately entered into contracts with the City in August 2000 to rent space on the tower for wireless antennas and associated equipment. These contracts are set to expire in August 2015.

Sprint and Nextel are now the same company. The Nextel network was powered down nationwide last year and they've spent the last 18 months going across the country removing equipment and restoring sites.

By letter dated May 13, 2014, as permitted by the terms of the Lease, Nextel notified the City of Nextel's election to terminate the Lease. The City has been working on finalizing the termination agreement with Nextel since that time. Nextel built a small storage structure to house their equipment on-site. The lease agreement calls for all Nextel equipment and facilities to be removed when the lease expires or is terminated, however, the City would like retain the storage structure. Language was added to the termination agreement to this effect.

FISCAL IMPACT

The City currently receives \$3,677.02/month in rent from Nextel for use of the City's existing cellular tower. As Nextel's existing contract is set to expire in August 2015, the City would no longer be receiving rent after that time regardless of the termination agreement. Sprint will continue to operate wireless antennas on the site and will continue to pay rent. If Nextel does not vacate and surrender the site by the termination date contained in the attached agreement, Nextel's obligations to pay rent and satisfy other lease conditions will remain in effect.

RECOMMENDED ACTION

Staff recommends that the Council authorize the City Manager to sign a lease termination agreement and general release with Nextel of California, Inc.

ATTACHMENTS

1. Draft Resolution
2. Lease Termination Agreement and General Release

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE TERMINATION AGREEMENT WITH NEXTEL OF CALIFORNIA, INC.

RECITALS

A. The City of St. Helena owns certain property located at 1572 Railroad Avenue, St. Helena, California ("Owner's Property"). Nextel, as lessee or tenant (or successor in interest to the lessee or tenant), and Owner, as lessor or landlord (or successor in interest to the lessor or landlord), are parties to that Communications Site Lease Agreement dated August 22, 2000 (the "Lease") whereby Owner leases to Nextel a portion of Owner's Property, as further described in the Lease (the "Site").

B. Nextel uses the Site for a communications facility that, pursuant to the Lease, may include among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the "Communications Facility").

C. By letter dated May 13, 2014, as permitted by the terms of the Lease, Nextel notified Owner of Nextel's election to terminate the Lease. Owner acknowledges that Nextel's written Notice was properly given and effective.

D. Nextel and Owner are willing to so terminate the Lease, pursuant to the provisions of this Agreement.

RESOLUTION

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

1. To authorize the City Manager to sign a Lease Termination Agreement with Nextel of California, Inc.

Approved at a Regular Meeting of the St. Helena City Council on January 13, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Alan Galbraith
Mayor

ATTEST:

Cindy Black
City Clerk



Report to the City Council Meeting of January 13, 2015

Agenda Section: Public Hearings

Subject: Consider amendments to the City's Zoning Ordinance Chapter 17.144 (Affordable Housing), and an accompanying resolution adopting guidelines for providing water priority for certain affordable residential projects, incorporating, among other changes, the following key amendments:

- a. "Purpose" (Section 17.144.010); wording is added clarifying that the purpose of this Chapter of the Code is to encourage the development of housing for all segments to the community, and to provide incentives for affordable housing for very low, low, and moderate income households in the City.
- b. "Definitions" (Section 17.144.020); wording is added to explicitly include senior housing and age restricted mobile home parks as eligible to receive a density bonus,
- c. "Application" (Section 17.144.050); wording is added stating that a project that conforms to the requirements of the Municipal Code can qualify for an additional density bonus or a concession if the project includes on-site child care.
- d. Clarifies that a developer may elect to receive a lesser percentage of density bonus than the maximum required, and includes provisions whereby a developer may at their option request a waiver or reduction of City development standards, in addition to a density bonus or other concessions or incentives.
- e. Wording is proposed to be removed (Section 17.144.060.F) that currently limits the applicability of density bonuses in the case of affordable housing projects that are either built on donated land, or on land required to be dedicated by City ordinance or General Plan policy.
- f. Adopt a Resolution adding a provision titled "Priority for Water and Sewer Services" (Section 17.144.080) stating that the City in certain specific circumstances shall grant priority for the provision of water and sewer services to affordable housing units.

CEQA Status: The project is categorically exempt from the requirements of CEQA Section 10561

Prepared By: Victor Carniglia, Planning Consultant

Approved By: Jennifer Phillips, City Manager

BACKGROUND

As part of the recent settlement agreement in the *Calderon* litigation, the City is proposing to make a number of amendments to the Affordable Housing Chapter (SHMC Chapter 17.144) of the City's Zoning Code. The City's existing Zoning Ordinance, Chapter 17.144, reflects the State law commonly known as the "Density Bonus Law" ("DBL"). That law, and the City's existing Ordinance, require the City (and all other cities in the State) to provide density bonuses and other incentives to developers who propose affordable residential projects. The proposed changes to the City's Municipal Code updates the Density Bonus Law to better reflect recent State law requirements.

Staff and the City Attorney have reviewed and analyzed the proposed changes, and have determined that virtually all the changes are non-substantive clarifications of existing law and/or policy, and as such will not significantly alter the City's obligations or practices with respect to the City's consideration of affordable housing projects. It should be noted that because the proposed changes were negotiated as part of the *Calderon* settlement agreement, any modifications to the proposed wording may require renegotiation of the *Calderon* settlement agreement.

The Planning Commission on November 18, 2014 recommended on a 5-0 vote that the City Council adopt the proposed changes to the Zoning Code.

Included as Exhibit 1 to the attached Ordinance (Attachment A) is a copy of the Affordable Housing Chapter of the City's Zoning Ordinance, with all the proposed wording changes identified in "track changes" format. The "Analysis" section of this report describes the changes being proposed.

In addition, the attached Ordinance authorizes the City to adopt, by resolution, guidelines for how the City will provide water priority for certain affordable residential projects. This resolution, which accompanies this report and draft Ordinance, and the draft guidelines attached to the resolution, are consistent with the City's current, certified Housing Element, and State law.

CEQA COMPLIANCE:

The action to adopt this Ordinance to amend Chapter 17.144 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because: (i) the Ordinance is not a discretionary program pursuant to Public Resources Code Section 21080(a); (ii) the Ordinance is a ministerial project within the meaning of Public Resources Code Section 21080(b) since the Ordinance simply adopts or amends local regulations required to implement mandatory density bonus and water priority standards imposed by Government Code Sections 65915 and 65589.7, respectively; and (iii) the Ordinance 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. (CEQA Guidelines section 15061.) Qualified affordable housing development projects that are subject to CEQA are reviewed individually prior to issuance of building permit.

Accordingly, it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

ANALYSIS:

As noted previously, the full text of the proposed wording changes can be seen in the attached "track changes" version of the City's "Affordable Housing" Chapter, which is included as Exhibit 1 of Attachment A. Also attached as Attachment B, is the Resolution stating the City's commitment, as required by State law and by the City's Housing Element, to provide water and sewer priority to affordable housing projects. Exhibit 1 of Attachment B is the City policy implementing the water and sewer priority for affordable housing projects.

The following is a brief summary and discussion of the changes to the Affordable Housing Chapter of the City's Zoning Code:

Purpose (Section 17.144.010): Non-substantive changes have been added consistent with the State "Density Bonus Law" ("DBL"), Government Code Section 65915.

Definitions (Section 17.144.020): Wording has been added to explicitly include senior housing and age restricted mobile home parks as applicable to receive a density bonus. This change is consistent with current State law requirements.

Applicability of Ordinance (Section 17.144.030): Deletes former Subsection B, which stated that housing units required by the City under the City's Housing Trust Fund, Housing Impact Fee, and Inclusionary Fee (Chapter 17.146), may not be counted towards a density bonus. With the proposed deletion, such affordable housing units will now be counted for the purpose of calculating a density bonus. The California Court of Appeal recently ruled in a case involving Napa County that a provision similar to Subsection B, which is proposed to be deleted, violated State law. That court decision is binding on St. Helena and all other California cities.

Project Requirements (Section 17.144.040): Adds language clarifying that regulatory agreements assuring long-term affordability of density bonus units apply where the City has granted incentives and concessions, in addition to density bonuses.

Application (Section 17.144.050): Adds language to Subsection A, setting forth the required density bonus application information. Adds language to subsection B clarifying that affordable housing developments that include child care facilities are entitled to either an additional density bonus, or incentive/concession. Adds a new Subsection D which clarifies that a developer may elect to receive a lesser percentage of density bonus than the maximum required. Adds a new Subsection E which clarifies that a density bonus, in and of itself, shall not require a General Plan Amendment, zone change, or other discretionary approval.

Waiver Or Reduction Of Development Standards (Section 17.144.055) This new section is proposed to reflect the requirements of the DBL, clarifying that a developer of an affordable project may request the City to waive or reduce any development standard that physically precluding certain affordable projects. Such a reduction or waiver could

include a change to required setbacks, floor area ratios (FAR's), height limits, etc. It should be noted the City has discretion not to grant a requested modification/waiver if such a change would clearly negatively impact public health, safety, and welfare.

Land Donation (Section 17.144.060): Subsection F is proposed to be deleted. That Subsection, which is identical to that contained in Section 17.144.030 discussed earlier, stated that land dedications and housing units required by the City pursuant to General Plan policy or ordinance, may not be counted towards a density bonus. With the proposed deletion, such dwelling units shall be counted in calculating the number of additional units permitted through the density bonus process

Water/Sewer Priority for Affordable Housing (Section 17.144.080): A new provision is proposed to be added to the Affordable Housing Chapter titled "Priority for Water and Sewer Services" (Section 17.144.080). This new wording requires the City to grant water and sewer service priority to affordable housing projects, and to adopt a policy to that effect (Exhibit 3). This provision reflects the City's existing commitment in its adopted Housing Element, and is required by State law. It should be noted that this water/sewer priority for affordable projects is not applicable in the case of restrictions related to water shortage emergencies.

FISCAL IMPACT

The adoption of the proposed Ordinance and resolution will have no direct fiscal impact to the City. Implementation of the proposed changes will require additional staff time, the amount of which is expected to be minor.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached Ordinance (Attachment A) amending the City's "Affordable Housing" Chapter of the City's Zoning Ordinance according to the changes identified in the attached "track changes" version of the Ordinance (Exhibit 1 of Attachment A), and adopt the attached Resolution (Attachment B) adopting a City Water/Sewer Priority policy for affordable housing projects (Exhibit 1 of Attachment B).

ATTACHMENTS

- Attachment A: Ordinance amending the City's "Affordable Housing" Chapter of the City's Zoning Code.
 - Exhibit 1: Revised "Affordable Housing" Chapter in "track changes" format
- Attachment B: Resolution establishing water/sewer priority for certain affordable housing projects.
 - Exhibit 1: Policy for water/sewer priority for certain affordable housing projects

ATTACHMENT "A"

CITY OF ST. HELENA

ORDINANCE NO. 2015-_____

AMENDING CHAPTER 17.144 OF THE ST. HELENA MUNICIPAL CODE TO REVISE REGULATIONS FOR GRANTING DENSITY BONUSES AND/OR INCENTIVES OR CONCESSIONS FOR THE CONSTRUCTION OF CERTAIN HOUSING PROJECTS AFFORDABLE TO LOWER INCOME, VERY LOW INCOME, SENIOR HOUSEHOLDS AND TO PROVIDE FOR CITY TO GRANT PRIORITY FOR THE PROVISION OF WATER AND SEWER SERVICES TO SUCH DEVELOPMENTS.

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

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

A. The State of California has declared that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order.

B. The State of California has declared that local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.

C. To facilitate housing needs for all economic segments of the community, the state requires cities and counties to adopt a density bonus program for certain affordable housing projects and to adopt a procedure for providing priority water and sewer services to such affordable developments.

D. Section 65915 of the California Government Code requires cities and counties to adopt local legislation to provide density bonuses and/or incentives or concessions for the construction of certain affordable housing projects in order to implement the requirements of state density bonus law.

E. The City has previously adopted a local density bonus program codified as Chapter 17.144 of the St. Helena Municipal Code.

F. Section 65589.7 of the California Government Code requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.

G. The City has previously enacted policy HE1.D as part of the 2009-2014 Housing Element of the General Plan to give projects that include affordable housing units priority access to water and sewer resources over other new projects should the capacity of the local water or sewer systems become inadequate to meet the full demand for new connections.

H. As part of its ongoing efforts to encourage the development of housing affordable to all segments of the community, the City has reviewed its density bonus program and water priority policies as they relate to affordable housing development and determined that some minor amendments are needed to fully conform to the applicable provisions of State law.

I. On November 18, 2014, the Planning Commission held a duly noticed public hearing to consider the proposed amendments to Chapter 17.144. At the conclusion of said hearing, the Planning Commission adopted Resolution No. ____ recommending that the City Council adopt this Ordinance.

J. On January 13, 2015 the City Council held a duly noticed public hearing to consider this Ordinance.

SECTION 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 17.144 of the St. Helena Municipal Code is exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because: (i) the Ordinance is not a discretionary program pursuant to Public Resources Code Section 21080(a); (ii) the Ordinance is a ministerial project within the meaning of Public Resources Code Section 21080(b) since the Ordinance simply adopts or amends local regulations required to implement mandatory density bonus and water priority standards imposed by Government Code Sections 65915 and 65589.7, respectively; and (iii) the Ordinance 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. Qualified affordable housing development projects that are subject to CEQA are reviewed individually prior to issuance of building permit. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).

SECTION 3. Amendment of Chapter 17.144. Chapter 17.144 of Title 17 of the St. Helena Municipal Code is hereby amended to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

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 Exhibit A 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 13th day of January , 2015, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY BLACK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cindy Black, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney

EXHIBIT 1 OF ATTACHMENT A

Amendments to St. Helena Municipal Code Chapter 17.144

Chapter 17.144 AFFORDABLE HOUSING*

Sections:

17.144.010 Purpose.

17.144.020 Definitions.

17.144.030 Applicability.

17.144.040 Project requirements.

17.144.050 Application.

17.144.050 Waiver or reduction of development standards.

17.144.060 Land donation.

17.144.070 Parking.

~~* Prior history: Prior code §§ 27.310-27.312 and Ord. 02-6.~~
17.144.080 Priority for water and sewer services.

17.144.010 Purpose.

The purpose of this ~~section is to satisfy~~ chapter is to encourage the development of housing affordable to all segments of the community and to provide for incentives to defray the costs of providing affordable housing for very low, low, and moderate income households in the city of St. Helena. In enacting these provisions, the city expressly intends this chapter to satisfy the requirements of ~~-(1)~~ (1) Government Code Section 65915 and the City's Housing Element by specifying how the city shall provide density bonuses and ~~other~~ or incentives or concessions for the construction of certain housing projects affordable to lower income, very low income, senior households, and for condominium and planned development projects, moderate income; and (2) Government Code Section 65589.7 and the City's Housing Element by specifying how the city will grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households. ~~(Ord. 05-4 § 1 (part))~~

17.144.020 Definitions.

As used in this chapter:

“Concession or incentive” means and includes, but is not limited to, a modification of zoning code requirements such as reductions in lot size, frontage requirements, setbacks, yards, parking, or open space or fencing requirements; height increases; a modification of architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission; waivers, reductions or delay in improvement requirements (e.g., utility undergrounding, sidewalks, right-of-way dedication but not including curb-to-curb street width standards); monetary assistance, reductions or waivers of development fees, or provision of land to the extent that monetary assistance or land is available; approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and if the commercial, office, industrial or other land uses are compatible with the housing project and the existing or planned development in the area in which the housing project will be located.

“Condominium project” is as defined in subdivision (f) of Section 1351 of the Civil Code.

“Density bonus,” except as applied to a condominium project or a senior housing development, means a density increase of at least twenty percent (20%) unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the general plan. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in Section 17.144.030. For each one percent increase above ten percent (10%) in the percentage of units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum of thirty-five percent (35%). For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by 2.5 percent up to a maximum of thirty-six percent (36%). All density calculations resulting in fractional units shall be rounded up to the next whole number.

“Density bonus” for a condominium project in which at least ten percent (10%) of total units are reserved for moderate income households, is a density increase of at least five percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density for the site under the applicable zoning district and land use element of the general plan.

“Density bonus” for a senior housing development, as defined in Sections 51.3 and 51.12 of the California Civil Code or any successor statutes, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the California Civil Code or any successor statutes, shall be twenty percent (20%) of the number of senior housing units, unless a lesser percentage is elected by the developer.

“Lower income households” is as defined by Section 50079.5 of the Health and Safety Code.

“Moderate income households” is as defined by Section 50093 of the Health and Safety Code.

"Planned development project" is as defined by subdivision (k) of Section 1351 of the Civil Code.

"Qualifying residents" is as defined in Section 51.3 of the Civil Code.

"Very low income households" is as defined by Section 50105 of the Health and Safety Code.
(Ord. 05-4 § 1 (part))

17.144.030 Applicability.

~~A.~~ An applicant may request a density bonus and ~~other~~ concessions or incentives for a residential or residential mixed-use project of five or more units that satisfy one or more of the following criteria:

1. At least ten percent (10%) of total units are designated for lower income households;
2. At least five percent of the total units are designated for very low income households;
3. A senior citizen housing development as defined in Sections 51.3 and 51.12 of the Civil Code;
4. For a condominium project or planned development project only, at least ten percent (10%) of total units are designated for moderate income households.

~~B. — Housing units designated for lower income households pursuant to Chapter 17.146 of this title shall not be included when determining whether the project conforms to the criteria described in subsection A of this section. (Ord. 05-4 § 1 (part))~~

17.144.040 Project requirements.

In addition to satisfying one or more of the criteria in Section 17.144.030 of this chapter, the housing project developer requesting a density bonus and/or ~~other~~ incentive or concession shall satisfy the following requirements:

- A. The designated units shall be comparable to the nondesignated units within the project. Location of designated units shall be at the city's discretion.

B. The developer and/or owner shall enter into an agreement with the city to ensure the continuing affordability of units designated for low and very low income households. Where the city grants a density bonus or concessions or incentives, such agreement shall be for a term of thirty (30) years, or longer should the project financing so require.

C. The developer and/or owner shall enter into an agreement with the city to ensure that the initial occupant of units in condominium projects and planned development projects directly related to the receipt of the density bonus shall be a person or family of moderate income. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city council shall adopt a resolution establishing the method for determining how the city will recapture its proportionate share of appreciation which shall then be used within three years for any of the purposes described in subdivision (c) of Section 33334.2 of the Health and Safety Code that promote home ownership.

D. Units designated for rent by lower income households shall be affordable at rents that do not exceed thirty percent (30%) of sixty percent (60%) of area median income. Units designated for rent by very low income households shall be affordable at rents that do not exceed thirty percent (30%) of fifty percent (50%) of the area median income.

E. Units designated for purchase by low income or moderate income households shall be affordable according to limits established by the State Department of Housing and Community Development.

F. The developer and/or property owner shall provide the city a yearly accounting of the total project units occupied and vacant, the total occupied and vacant units designated for low or very low income households, and rents charged. (Ord. 05-4 § 1 (part))

17.144.050 Application.

A. To apply for a density bonus and ~~other~~ or incentives or concessions, the applicant may submit a proposal for specific incentives or concessions and may request a meeting with the city. The preliminary proposal shall provide the following information:

1. Preliminary sketch plan showing the context, location of buildings, and parking;
2. Number, type, and size of the housing units;
3. Any request for waiver of development standards;

4. Information satisfactory to the planning director to enable the city to determine the project cost per unit and whether the waiver or modification of otherwise applicable standards is necessary to :(i) provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code or any successor statute; (ii) provide for rents for the targeted units to be set as specified in subdivision (c) of Government Code section 65589.7 or any successor statute; or (c) otherwise make the housing units economically feasible. Such information may include capital costs, equity investment, debt service, projected revenues, operating expenses, and any other information deemed necessary by the planning director.

B. The city shall, within ninety (90) days of receipt of the preliminary written proposal, notify the developer in writing whether and in what manner the city shall grant a density bonus and incentives or concessions as follows:

Number of Concessions or Incentives	Percentage of Units for Very Low Income	Percentage of Units for Low Income	Percentage of Units for Moderate Income in a Condominium or Planned Development
1	5%	10%	10%
2	10%	20%	20%
3	15%	30%	30%

In addition to the foregoing, any developer who proposes to construct a housing development that conforms to the requirements of this chapter and includes a child care facility that will be located on the premises of, as part of, or adjacent to the project shall also be entitled to either an additional density bonus or an additional concession or incentive in accordance with the provisions of California Government Code section 65915(h) or any successor statute.

C. Alternatively, within ninety (90) days, the city council shall preliminarily find that:

1. The concession or incentive is not required in order to provide for affordable housing costs, as defined in Section 50025.2 of the Health and Safety Code or for rents for the targeted units to be set as specified in Section 17.144.040 of this chapter, or
2. The concession or incentive would have a specific, adverse impact upon public health and safety, or upon the physical environment, or upon real property listed in the California Register of Historical Resources and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the

development unaffordable to low- and moderate-income households. For purposes of this paragraph, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Such notification shall represent the joint recommendation of city staff charged with implementing this section; provided, however, that the city council, in acting on the project, may modify such recommendation.

D. In accordance with the provisions of California Government Code Section 65915(f) or any successor statute, a developer may elect to accept a lesser percentage of density bonus than the maximum specified in this chapter.

E. In accordance with the provisions of California Government Code Section 65915(f)(5) or any successor statute, the granting of a density bonus pursuant to this chapter shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

~~DE~~. If the developer does not submit a written preliminary proposal, the developer shall submit a written proposal for specific incentive along with information described in subsection (A) (4) of this section (along with other materials required for application submittal) at the time a formal application is submitted. The ~~decisionmaking~~ decision making body shall either grant the density bonus and at least one additional concession/incentive requested by the developer or make one of the findings, based on substantial evidence, described in subsection (C) (1) or (2) of this section.

~~EG~~. The developer shall pay any fee(s), as established by resolution of the city council to implement this section, including but not limited to fees to process the request for a density bonus and/or other concessions or incentives; prepare contracts and other documents; and monitor contracts and documents for compliance. Fees shall be paid prior to building permit issuance unless otherwise established by resolution.

~~FH~~. Affordable units under this section shall be constructed at the same time as the market-rate units. The right to a density bonus or concession under this chapter shall not be transferred to another development. Where a developer proposes to simultaneously develop two or more parcels in the city, nothing in this section shall prohibit the council from using a density bonus and/or concession/incentive granted for one of the parcels on another of the multiple parcels.

~~(Ord. 05-4 § 1 (part))~~

17.144.055 Waiver or reduction of development standards.

In addition to any density bonus and/or concessions or incentives granted pursuant to this chapter, a developer may also request that the city waive or reduce any development standard that has the effect of physically precluding the construction of a development meeting the criteria of this chapter at the densities or with the concessions or incentives permitted pursuant

to this chapter in accordance with the provisions of California Government Code Section 65915(e) or any successor statute.

17.144.060 Land donation.

A. When an applicant voluntarily offers to donate land which is of sufficient developable acreage and with appropriate zoning classification to permit construction of units affordable to very low income households in accordance with this section, the applicant shall be entitled to a fifteen percent (15%) increase above the otherwise maximum allowable residential density. For each one percent increase above the minimum land donation described in subsection B of this section, the density bonus shall be increased by one percent, up to a maximum of thirty-five percent (35%).

B. The voluntary donation of land shall comply with the following criteria:

1. The land is transferred no later than the date of approval of the final subdivision map, parcel map, or residential development application.
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development. Housing units designated for very low income households pursuant to Chapter 17.146 of this title shall not be included when determining compliance with this section.
3. The transferred land is at least one acre or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.
4. The transferred land is within the boundary of the proposed development or, with the approval of the city council, within one-quarter mile of the boundary of the proposed development.

C. The applicant for a tentative subdivision map, parcel map, or other residential development approval wishing to donate land pursuant to Government Code Section 65915-(h) shall include in its application for development the following information:

1. The size of the parcel;

2. The amount of developable acreage;
3. A preliminary plan for the development of at least forty (40) units affordable to very low income households on the developable acreage;
4. A description of the public facilities and infrastructure that would serve the units;
5. The name of the public or private entity to which the land will be donated.

D. The city council shall approve, modify or disapprove the application to donate land in accordance with the requirements of this section and Government Code Section 65915(h).

E. Unless the construction of at least forty (40) units affordable to very low income households on the donated land are the subject of a separate development application, the units shall be considered a part of the application for a tentative subdivision map, parcel map, or other residential development for purposes of review under the California Environmental Quality Act and other state and local laws and regulations.

~~F. Government Code Section 65915(h) and this section shall not apply when land or housing units are donated or constructed pursuant to a city ordinance or general plan policy requiring the donation or dedication of land and/or the construction of housing units affordable to very low income households. (Ord. 05-4 § 1 (part))~~

17.144.070 Parking.

A. This section implements the provisions of Government Code Section 65915(p).

B. If a development is constructed with the vehicular parking ratios described in Government Code Section 65915(p) (1), and the parking ratios are less than otherwise required by the city, the applicant for development shall record a covenant against the property disclosing the difference between the parking ratios that have been used for the development and the city's requirements. ~~(Ord. 05-4 § 1 (part))~~

17.144.080 Priority for water and sewer services.

In accordance with the provisions of California Government Code Section 65589.7 or any successor statute, the city shall grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy adopted by resolution of the city council.

ATTACHMENT B

RESOLUTION NO. 2015-__

CITY OF ST. HELENA

**ESTABLISHING A POLICY AND PROCEDURE FOR GRANTING PRIORITY
WATER AND SEWER SERVICES TO PROPOSED DEVELOPMENTS THAT
INCLUDE AFFORDABLE HOUSING UNITS**

RECITALS

1. The State of California has declared that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order.
2. The State of California has declared that local and state governments have a responsibility to use the powers vested in them to facilitate the improvement and development of housing to make adequate provision for the housing needs of all economic segments of the community.
3. Section 65589.7 of the California Government Code requires each public agency or private entity providing water or sewer services to grant a priority for the provision of these services to proposed developments that include housing units affordable to lower income households.
4. The City has previously enacted Policy HE1.D as part of the 2009-2014 Housing Element of the General Plan to give projects that include affordable housing units priority access to water and sewer resources over other new projects should the capacity of the local water or sewer systems become inadequate to meet the full demand for new connections.
5. To further facilitate housing needs for all economic segments of the community, the City Council of the City of St. Helena has adopted Ordinance No. ____ amending Chapter 17.144 of the St. Helena Municipal Code to encourage the development of affordable housing within the city.
6. Ordinance No. ____, among other things, adds Section 17.144.080 to Chapter 17.144 to implement Policy HE1.D by requiring the City to grant priority for the provision of water and sewer services to developments that include housing units affordable to lower income households in accordance with a written policy. This resolution is intended to establish that written policy.

RESOLUTION

The City Council of the City of St. Helena, State of California, does hereby resolve, determine, and find as follows:

- A. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
- B. Compliance with CEQA. The City Council hereby finds that the adoption of this policy is exempt from the California Environmental Quality Act ("CEQA") because: (i) the Policy is not a discretionary program pursuant to Public Resources Code Section 21080(a); (ii) the Policy is a ministerial project within the meaning of Public Resources Code Section 21080(b) since the Ordinance simply adopts or amends local regulations required to implement mandatory water priority standards imposed by Government Code Section 65589.7; and (iii) the Policy 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. Qualified affordable housing development projects that are subject to CEQA are reviewed individually prior to issuance of building permit, and any impact on water or sewer services would be analyzed at that time. Accordingly, the City Council hereby finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Policy may have a significant effect on the environment, and the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(1), 15061(b)(2), and 15061(b)(3).
- C. Adoption of Policy. To comply with Government Code Section 65589.7 and to implement Housing Element Policy HE1.D, the City Council hereby adopts the policy and procedure for prioritizing water and sewer services to low income housing developments, attached hereto as Exhibit "1" and expressly made a part of this resolution by this reference.

Approved at a Regular Meeting of the St. Helena City Council on January 13, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

EXHIBIT 1 OF ATTACHMENT B

CITY OF ST. HELENA POLICY RELATED TO PRIORITY OF WATER AND SEWER SERVICE TO LOW-INCOME DEVELOPMENTS

PURPOSE:

To establish a policy and procedure to grant a priority for the provision of water and sewer services to proposed developments that include housing units affordable to lower income households pursuant to a mandate set forth in California Government Code Section 65589.7 or any successor statute.

POLICY:

In accordance with Section 17.144.080 of the St. Helena Municipal Code and California Government Code Section 65589.7 or any successor statute, priority for water and sewer services shall be given to proposed developments that include housing affordable to lower income households. Such priority shall be granted in accordance with the procedures set forth in this policy.

PROCEDURES:

1. Based upon availability of the water supply, as determined by the Director of Public Works pursuant to the City's water service system regulations (Chapter 13.04 of the St. Helena Municipal Code), the Director of Public Works or his/her designee shall ensure that priority for water and sewer services is given to proposed developments that include housing units affordable to lower income households. Notwithstanding the foregoing, this Policy and Procedure shall have no effect on any state or local regulations or restrictions relating to water shortage emergencies.
2. For the purposes of this Policy, "proposed developments that include housing affordable to lower income households" shall mean dwelling units that will be sold or rented to lower income households, as defined in California Health and Safety Code Section 50079.5 or any successor statute, at an affordable housing cost, as defined by California Health and Safety Code Section 50053 or any successor statute.
3. The City shall not deny or condition the approval of an application for services to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households, unless the City makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:
 - a. The City: (i) does not have "sufficient water supply" as defined by California Government Code Section 66473.7(a)(2) or any successor statute; or (ii) is operating under a water shortage emergency as defined in California Water Code Section 350 or any successor statute and Chapter 13.04 of the St. Helena Municipal Code; or (iii) does not have sufficient water treatment or distribution capacity to serve the needs of the proposed development, as demonstrated by a written engineering analysis and report..
 - b. The City is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections.

Item No:

- c. The City does not have sufficient treatment or collection capacity, as demonstrated by a written engineering analysis and report on the condition of the City's sewer treatment or collection works, to service the needs of the proposed development.
- d. The City is under an order issued by a Regional Water Quality Control Board that prohibits new sewer connections.
- e. The developer has failed to agree to reasonable terms and conditions relating to the provision of service generally applicable to development projects seeking service from the City, including, but not limited to: (i) the requirements of local, state, or federal laws and regulations, or (ii) the payment of a fee or charge imposed pursuant to Government Code Section 66013 or any successor statute.

THIS PAGE
INTENTIONALLY
BLANK



Report to the City Council Meeting of January 13, 2015

Agenda Section: Public Hearings

Subject: Consider whether to approve, deny, or approve with amendments the following changes, as proposed by the City of St Helena, to Title 17: "Zoning" of the City's Municipal Code. The full text of the changes is contained in the attached Ordinance:

- a. Add the following definitions to the "General Provisions and Definitions" Section 17.04 of the Municipal Code: "Agricultural Employee", "Emergency Shelter", "Single Room Occupancy Housing", "Supportive Housing", and "Transitional Housing";
- b. Modify the "Agricultural (A-20)" and the "Agricultural Preserve (AP)" Zoning Districts to allow as Permitted Uses the following: Supportive Housing, Transitional Housing, and Agricultural Employee Housing consisting of up to 36 beds/or 12 units;
- c. Modify the "Low Density Residential (LR)", the "Low Density Residential 1 Acre Minimums (LR-1A)", the "Medium Density Residential (MR)", the "High Density Residential (HR)", and the "Woodland and Watershed (WW)" Zoning Districts to allow as Permitted Uses the following: Supportive Housing, Transitional Housing, Agricultural Employee housing for six or fewer employees, and allow Single Room Occupancy Housing as a permitted use in the High Density Residential (HR) District;
- d. Modify the "Service Commercial (SC)" Zoning District to allow as Permitted Uses the following: Supportive Housing (limited to upper floors only within a Mixed Use project), and Transitional Housing (limited to upper floors only within a Mixed Use project).
- e. Modify the "Business and Professional Office (BPO)" and the "Central Business (CB) District" to allow as Permitted Uses the following: Supportive Housing (limited to upper floors only) and Transitional Housing (limited to upper floors only);
- f. Modify the "Industrial"(I), "Business and Professional Office (BPO)", and "Service Commercial (SC)" Zoning Districts to allow Emergency Shelters as a Permitted Use;
- g. Add Chapter 17.200 to the Zoning Code providing a procedure to allow for "Reasonable Accommodation" for persons with disabilities seeking equal access to housing under Federal and State fair housing requirements.

CEQA Status: Categorically Exempt per Section 15061.b.3

Prepared By: Victor Carniglia, Planning Consultant

Approved By: Jennifer Philips, City Manager

BACKGROUND

As can be seen in the lengthy description of this agenda item, the proposed Zoning Code changes affect the majority of the City's Zoning Districts. While the changes are extensive, they are summarized and explained in the following "Analysis" section of this report. All of the various proposed modifications to the City's Zoning Code are depicted in "track changes" format in the attached Ordinance (Attachment A). The proposed changes are required to implement commitments previously made by the City in its 2009 Housing Element approved by the State Department of Housing and Community Development ("HCD"), and to comply with current State and Federal law.

On April 29, 2014 a Housing Element Workshop was held to discuss the update to the City Housing Element. At this workshop a number of possible amendments to the City's Zoning Ordinance were discussed, along with other Housing Element related topics. Particular concerns were expressed by workshop attendees about allowing multiple family uses "by right" in the City Medium Density Residential Zone, given that most of the City's existing single family housing stock is located within this Medium Density residential designation .

On December 16, 2014, after conducting a noticed public hearing, the Planning Commission on a 4-0 vote recommended that the City Council adopt the proposed Zoning Code amendments as contained in this staff report and Ordinance, included as Attachment A.

Given the linkage/correlation between the proposed Zoning Code changes and the Housing Element update process, the following is the schedule for completing the City's Housing Element update:

Tentative Housing Element Update Schedule:

Study Session with Planning Commission	February 17, 2015
Study Session with City Council	February 24, 2015
Submittal to HCD for 60-day review	February 27, 2015
HCD letter due	April 27, 2015
Planning Commission Hearing on Housing Element Adoption	May 5, 2015
City Council Hearing on Housing Element Adoption	May 26, 2015

CEQA COMPLIANCE:

The proposed amendments to the Zoning Code are exempt from environmental review under the California Environmental Quality Act ("CEQA"). CEQA Guidelines Section 15061.b.3 sets forth an exemption that applies where, as here, it can be seen with certainty that the City's decision will not have a significant adverse environmental

impact. Since State law preempts local regulations in this situation, modifying the City's regulations to comply with State requirements will not materially affect the ability of such uses to locate in the City.

ANALYSIS:

Context: It is important to emphasize that the proposed Zoning Code changes included in this report and the accompanying ordinance are necessary for the City to fully satisfy commitments it made in its 2009 Housing Element, as approved by HCD, and to comply with State and Federal Housing laws. They are also needed as an integral part of the City's ongoing State mandated Housing Element update process.

Description: The following is a description of the key Zoning Code changes proposed. As noted previously, the full text of the changes is contained in Attachment A of this report in "track changes" format:

- *Add the following definitions to the "General Provisions and Definitions" Section 17.04 of the Municipal Code; "Agriculture Employee, Emergency Shelter, Supportive Housing, Single Room Occupancy, and Transitional Housing;*
- *Modify the "Agricultural (A-20)" and the "Agricultural Preserve (AP)" Zoning Districts to allow as Permitted Uses the following: Supportive Housing, Transitional Housing, and Agricultural Employee Housing consisting of up to 36 beds/or 12 units;*
- *Modify the "Low Density Residential (LR)", the "Low Density Residential 1 Acre Minimums (LR-1A)", the "Medium Density Residential (MR)", the "High Density Residential (HR)", and the "Woodland and Watershed (WW)" Zoning Districts to allow as Permitted Uses the following: Supportive Housing, Transitional Housing, Agricultural Employee housing for six or fewer employees, and allow Single Room Occupancy Housing as a permitted use in the High Density Residential (HR) District;*
- *Modify the "Service Commercial (SC)" Zoning District to allow as Permitted Uses the following: Supportive Housing (limited to upper floors only within a Mixed Use project), and Transitional Housing (limited to upper floors only within a Mixed Use project).*
- *Modify the "Business and Professional Office (BPO)" and the "Central Business (CB) District" to allow as Permitted Uses the following: Supportive Housing (limited to upper floors only) and Transitional Housing (limited to upper floors only);*
- *Modify the "Industrial"(I), "Business and Professional Office (BPO)", and "Service Commercial (SC)" Zoning Districts to allow Emergency Shelters as a Permitted Use;*

- *Add Chapter 17.200 to the Zoning Code providing a procedure to allow for "Reasonable Accommodation" for persons with disabilities seeking equal access to housing under Federal and State fair housing requirements.*

While the changes proposed are numerous, they can be briefly summarized, as noted below:

- The majority of the changes involve allowing specific types of housing, namely "Transitional", "Supportive", "Single Room Occupancy", and "Agricultural Worker" related housing, as permitted uses in the City residential zones and in some commercial zones. "Single Room Occupancy" is only allowed in the High Density Residential zone.
- Definitions are included of the various "by right" housing types proposed. In summary, "Supportive Housing" provides housing, counseling, and related help to people who are in need of those services. "Transitional Housing" functions as rental housing with a limited length of stay while the residents "transition" to permanent housing. "Agricultural Housing" is, as it sounds, housing that is specifically for those working in agriculture, as defined by the State, and "Single Room Occupancy Housing" is housing consisting of a single room that is rented for a minimum of 30 days.
- Another notable Zoning Code change involves designating "Emergency Shelters" as a permitted use in the "Service Commercial", "Business and Professional Office", and the "Industrial" Zones. A definition is also added for "Emergency Shelters", which are defined as "shelters for the homeless where the maximum stay is 6 months."
- Lastly, a section is proposed to be added creating a process whereby people with disabilities can request "reasonable accommodation" from the City. This includes exceptions to the City's Zoning and Building Codes, if it can be documented that a given accommodation is warranted for the person with disabilities in order to secure the housing that is needed to accommodate the individual's disability. This new section of the Zoning Code establishes an application process for requesting such an accommodation. The Planning Director is given the authority to approve the accommodation, subject to specific findings. Any decision by the Planning Director can be appealed to the City Council.

Implications of Proposed Changes: As already noted, the changes proposed are needed in order for the City to satisfy its previous Housing Element commitments, and comply with State and Federal law and related State housing requirements. Since that State requirements "trump" City regulations where they are in direct conflict, the City in effect already has diminished authority to regulate these types of uses, irrespective of whether or not the City formally adopts the various proposed Zoning Code changes.

Given this, a related question is “What type of review authority does the City retain given State preemptions?” This issue is addressed below:

1. First and foremost, any and all of the uses included in this Zoning Code update that are proposed to be permitted uses will still need to meet all the requirements of the City’s Zoning Code, and any other relevant City Code requirements. This includes density, setbacks, height limits, floor area ratio (FAR), parking, landscaping etc.
2. The City’s Zoning Ordinance is set up in such a way that irrespective of whether a particular use requires a use permit or is a permitted use, any new construction or any exterior modifications to existing building, requires Design Review approval by the Planning Commission. As the Council is aware, the Design Review process requires a project to meet a number of very specific findings that must be made relating to the design, appearance, and compatibility of the structure. This process and required findings will ensure that any structure containing the type of housing proposed will meet the City’s design and architectural standards, and will complement and blend in with the existing neighborhood. An option for Council to consider going forward is the City’s Design Review process could be made potentially more site specific, if the City adopted detailed design guidelines containing design standards for various types of uses that are tailored to geographic areas in the City.
3. Another level of review retained by the City involves the State’s CEQA environmental process. Depending on the size, location, and environmental setting of the proposed project (such as transitional housing, supportive housing, emergency shelter etc.), CEQA analysis may be “triggered” as part of the City’s Design Review process. This CEQA analysis could include traffic, noise, biologic and other appropriate studies.

Changes Not Currently Proposed: Aside from what is included in this Zoning Ordinance update, it is worth discussing what is not included. As the Council is aware, the City’s current Housing Element contains an implementation measure that states the City will designate multiple family uses (apartments, condos) as permitted “by right” uses in all the City’s “High Density” and “Medium Density” residential zones. As previously discussed, this question is problematic, due largely to the fact that the Medium Density Designation contains almost 70% of the City’s existing single family housing stock, while allowing densities as high as 16 units/acre.

Given this context, allowing multiple family as permitted uses in this Medium Density zone could result in apartment and condos being developed in many of the City’s single family neighborhoods, with the City having the diminished review just discussed, and with neighboring residents review and comments being limited to a narrower range of issues. It is important to note there is nothing in State law that requires multiple family uses to be permitted uses in this kind of predominantly single family zone. It is only “required” in the sense that it is referenced in the Housing Element. It is staff’s intent to

revisit this issue of allowing multiple family housing as a permitted use in the "Medium Density" Zone with HCD staff as part of the ongoing Housing Element Update process.

FISCAL IMPACT

No direct fiscal impact to the City. Implementation of the proposed changes will require additional staff time, the amount of which is expected to be minor.

RECOMMENDED ACTION

Staff recommends that the City Council conduct a public hearing, and then introduce at a first reading the attached Ordinance amending the City's Zoning Ordinance as described in this staff report and as contained in Attachment A.

ATTACHMENTS

A: Ordinance amending the City's Zoning Ordinance

CITY OF ST. HELENA

ORDINANCE NO. 2015-____

AMENDING TITLE 17 (ZONING) OF THE ST. HELENA MUNICIPAL CODE BY AMENDING SECTIONS 17.04.160, 17.20.020, 17.20.030, 17.28.020, 17.28.030, 17.32.020, 17.36.020, 17.40.020, 17.40.030, 17.44.020, 17.44.030, 17.48.030, 17.52.020, 17.56.030, 17.60.020, 17.64.020 AND BY ADDING CHAPTER 17.200 TO IMPLEMENT PROGRAMS HE1.E, HE1.Q, HE1.R, HE1.S, HE4.K, AND HE4.I OF THE 2009 CITY OF ST. HELENA HOUSING ELEMENT

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

SECTION 1: Findings.

- A. On December 16, 2014, the Planning Commission adopted a resolution recommending to the City Council that various text amendments be made to Title 17 (zoning) of the St. Helena Municipal Code.
- B. The City Council held a duly noticed public hearing on January 13, 2015, and has heard and considered all public testimony on the proposed Ordinance.
- C. The City Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.
- D. The City Council finds that the amendment actions made by the Ordinance are necessary for the protection of the public health, safety and welfare.
- E. The City Council finds that the amendments made by this Ordinance are consistent with the goals and policies of the St. Helena General Plan and other adopted ordinances and regulations of the City of St. Helena.

SECTION 2: Section 17.04.160 "Definitions" of Chapter 17.04 "General Provisions and Definitions" of the St. Helena Municipal Code is amended by adding new definitions to read as follows:

"Agricultural employee" means a person engaged in agriculture, as defined in California Labor Code Section 1140.4.

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

"Single room occupancy housing" means multi-unit housing that consists of single room dwelling units rented for at least thirty days in which all living activities occur within a single room.

"Supportive housing" means housing with no limit on length of stay that is occupied by a target population, as defined in California Health and Safety Code §50675.14, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or health status, and maximizing his or her ability to live and, when possible, work in the community.

"Transitional housing" means rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

SECTION 3: Section 17.20.020 "Permitted uses" and Section 17.20.030 "Conditional uses" of Chapter 17.20 "Twenty-Acre Agriculture (A-20) District" of the St. Helena Municipal Code are amended to read as follows (additions shown by underline and deletions by strikethrough):

17.20.020 Permitted uses.

The following are the permitted uses in the A-20 district:

- A. One single-family dwelling per parcel in existence on October 1, 1993, consistent with the development standards and density regulations of the agriculture general plan land use designation;
- B. Cultivated agriculture including, but not limited to, farming, pasturage, horticulture, floriculture and viticulture; retail sales area in excess of two hundred (200) square feet regulated by use permit;
- C. Animal husbandry and livestock farming; provided, that not more than one horse, one mule, one cow, one steer or similar large animal shall be kept for each one-half acre of area;
- D. One second unit, as defined in Section 17.04.160, and consistent with the provisions of Section 17.116.030;
- E. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of Section 17.116.010;
- F. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134;

G. Agricultural employee housing of up to 36 beds in group quarters or 12 units or spaces designed for use by a single family or household pursuant to California Health and Safety Code Section 17021.6;

H. Supportive housing, consistent with the development standards and density regulations of the agriculture general plan land use designation;

I. Transitional housing, consistent with the development standards and density regulations of the agriculture general plan land use designation;

J. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08.17.20.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the A-20 district:

A. More than one single-family dwelling per parcel in existence on October 1, 1993; provided that the density and development standards of the A-20 District shall be observed;

B. An accessory building or structure with toilet plumbing and/or cooking facilities, and consistent with the provision of Section 17.116.030;

C. Buildings for agriculture-related uses on existing or proposed parcels;

D. Facilities for the processing of agricultural products primarily produced on the premises; excluding large wineries;

E. Hog farms, dairies, commercial poultry farms and egg ranches;

F. Roadside stands which exceed two hundred (200) square feet in floor area and/or the sale of agricultural products not produced on the premises;

G. Kennels, veterinarian hospitals and clinics, public and private stables, riding academies; commercial and agricultural nurseries;

~~H. Farm labor housing for transient labor or agricultural employees in excess of the density limitations of the district~~ Agricultural employee housing not expressly permitted in Section 17.020.20;

I. Other similar uses found consistent with the general plan and the A-20 district pursuant to Chapter 17.08;

J. Flag lot development subject to the provisions of Chapter 17.112.

K. Small wineries subject to the provisions of Chapter 17.180.

~~* Farm labor supply employee housing as defined by the state of California,
Department of Housing and Community Development.~~

SECTION : Section 17.28.020 "Permitted Uses" and Section 17.28.030 "Conditional Uses" of Chapter 17.28 "Agricultural Preserve (AP) District" of the St. Helena Municipal Code are amended to read as follows (additions shown by underline and deletions by strikethrough):

17.28.020 Permitted uses.

The following are the permitted uses in the AP district:

A. Agriculture;

B. One single-family dwelling unit per legal lot.

E. Agricultural employee housing up to 36 beds in group quarters or 12 units or spaces designed for use by a single family or household pursuant to California Health and Safety Code Section 17021.6;

F. Supportive housing;

G. Transitional housing.

17.28.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the AP district.

A. Farmworker housing and seasonal farm labor camps not expressly permitted in Section 17.28.020;

B. Facilities, other than wineries, for the processing of agricultural products grown or raised on the same parcels or contiguous parcels under the same ownership;

C. Kennels and veterinary facilities;

D. Feed lots;

E. Noncommercial wind energy and conversion systems;

F. On-site reclamation and disposal of treated wastewater generated by the city's public wastewater treatment facilities;

G. Any and all of the following uses provided that, in the aggregate, such uses are clearly incidental, related and subordinate to the primary operation of the city's treated wastewater reclamation and disposal facilities:

1. Office and laboratory uses,

2. Marketing of treated and reclaimed wastewater and agricultural products produced upon the premises;

H. Public outdoor parks and recreation facilities compatible with agriculture, but excluding golf courses and tennis courts.

SECTION 5: Section 17.32.020 "Permitted uses" of Chapter 17.32 "Low Density Residential (LR) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

7.32.020 Permitted uses.

The following are the permitted uses in the LR district:

A. Remodeling or reconstruction of one single-family dwelling;

B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;

C. Day care facility serving six or fewer children;

D. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;

E. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 USC Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:

1. To be occupied only as a single-family residential use,

2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,

3. To be attached to a permanent foundation system in compliance with all applicable building regulations,

4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,

5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

F. Residential facility serving six or fewer persons;

G. One second unit, as defined in Section 17.04.160, and consistent with the provisions of Section 17.116.030;

H. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of Section 17.116.010;

I. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.

J. Supportive housing;

K. Transitional housing;

L. Agricultural employee housing providing accommodations for six or fewer employees.

J. Other similar uses found consistent with the general plan and the LR district pursuant to Chapter 17.08. (Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); Ord. 03-4 § 5: prior code § 27.41)

SECTION 6: Section 17.36.020 "Permitted uses" of Chapter 17.36 "Low Density Residential One Acre Minimum (LR-1A) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.36.020 Permitted uses.

The following are the permitted uses in the LR-1A districts:

A. Day care facility serving six or fewer children;

B. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;

C. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.), on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:

1. To be occupied only as a single-family residential use,
2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

D. One detached single-family dwelling per parcel;

E. Residential facility serving six or fewer persons;

F. One second unit, as defined in Section 17.04.160, and consistent with the provisions of Section 17.116.030;

G. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of Section 17.116.010;

H. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134;

I. Supportive housing;

J. Transitional housing;

K. Agricultural employee housing providing accommodations for six or fewer employees;

L. Other similar uses found consistent with the general plan and the LR north district pursuant to Chapter 17.08. (Ord. 03-4 § 8: prior code § 27.4.51)

SECTION 7: Section 17.40.020 "Permitted uses" and Section 17.040.030 "Conditional uses" of Chapter 17.40 "Medium Density Residential (MR) District" of the St. Helena Municipal Code are amended to read as follows (additions shown by underline and deletions by strikethrough):

17.40.020 Permitted uses.

The following are the permitted uses in the MR district:

- A. Remodeling or reconstruction of one single-family dwelling on a parcel of record;
- B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;
- C. Day care facility serving six or fewer children;
- D. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;
- E. Residential facility serving six or fewer persons;
- F. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 USC Section 5401 et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:
 - 1. To be occupied only as a single-family residential use,
 - 2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
 - 3. To be attached to a permanent foundation system in compliance with all applicable building regulations,
 - 4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,
 - 5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;
- G. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030;
- H. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010;
- I. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.
- L. Supportive housing;
- M. Transitional housing;

N. Agricultural employee housing providing accommodations for six or fewer employees.

JO. Other similar uses found consistent with the general plan and the MR district pursuant to Chapter 17.08. (Ord. 07-5 § 2 (part); Ord. 05-4 § 1 (part); Ord. 03-4 § 11: prior code § 27.51)

17.40.030 Conditional uses.

The following uses require approval of a use permit as regulated by Chapter 17.168:

A. New construction of one single-family dwelling on parcels where the minimum density is 2.0 units or greater, pursuant to Section 17.40.060;

B. New attached duplex or triplex units or conversion of an existing single-family dwelling to duplex or triplex, compatible with the design and architecture of the neighborhood and consistent with the density and floor area ratio of the district;

~~CB.~~ An accessory building or structure with toilet plumbing and/or cooking facilities, and consistent with the provision of Section 17.116.030;

~~DC.~~ Bed and breakfast inns when located in an existing residential dwelling subject to the provisions of Chapter 17.132;*

~~ED.~~ Flag lot development subject to the provisions of Chapter 17.112;

~~FE.~~ Small lot development meeting the standards of Chapter 17.112 limited to one primary unit per lot;

~~GF.~~ Day care facility serving seven or more children;

~~HG.~~ Intermediate care facility or developmentally disabled nursing facility serving seven or more persons;

~~IH.~~ Residential facility serving seven or more persons;

J. Residential condominium or townhouse dwelling projects subject to the provisions of Chapter 17.112; provided, that the density and development standards of the MR district shall be observed. The minimum lot size of the MR district shall not apply to an individual dwelling lot, airspace unit or common area lot in a condominium project;

~~KI.~~ Utility substations;

LJ. Other similar uses found consistent with the general plan and the MR district pursuant to Chapter 17.08.

- * Note: The city has established a limit on the number of transient occupancy rooms permitted in the city.

SECTION 8: Section 17.44.020 "Permitted uses" and Section 17.44.030 "Conditional uses" of Chapter 17.44 "High Density Residential (HR) District" of the St. Helena Municipal Code are amended to read as follows (additions shown by underline and deletions by strikethrough):

17.44.020 Permitted uses.

The following are the permitted uses in the HR district:

- A. Remodeling or reconstruction of one single-family dwelling;
- B. New construction of one single-family dwelling on parcels where the minimum density is 1.99 units or less;
- C. Multiple-family dwellings, apartments and dwelling groups ~~containing four units or less~~ consistent with the density requirements of this chapter;
- D. Day care facility serving six or fewer children;
- E. Intermediate care facility or developmentally disabled nursing facility serving six or fewer persons;
- F. Residential facility serving six or fewer persons;
- G. The installation of mobile homes constructed and/or purchased after October 1976, and certified under the National Mobile Home Construction of Safety Standards Act of 1974 (42 USC Section 5401, et seq.) on a foundation system pursuant to Section 18551 of the Health and Safety Code shall be permitted in accordance with the following conditions:
 - 1. To be occupied only as a single-family residential use,
 - 2. To be subject to all provisions of the zoning ordinance applicable to conventionally built dwellings,
 - 3. To be attached to a permanent foundation system in compliance with all applicable building regulations,

4. To be covered with an exterior material customarily used on conventionally built dwellings extending to the top of the foundation,

5. To have parapet walls or roofs which utilize shingle or other materials customarily used on conventionally built dwellings;

H. One second unit, as defined in Section 17.04.160, and consistent with the provisions of 17.116.030;

I. Accessory buildings or structures without toilet plumbing or cooking facilities, consistent with the provisions of 17.116.010;

J. One short-term rental per parcel, as defined in Section 17.04.160, and consistent with the provisions of Chapter 17.134.

L. Single room occupancy housing;

M. Supportive housing;

N. Transitional housing;

O. Agricultural employee housing providing accommodations for six or fewer employees.

~~KP.~~ Other similar uses found consistent with the general plan and the HR district pursuant to Chapter 17.08. (Ord. 07-5 § 2 (part): Ord. 05-4 § 1 (part): Ord. 03-4 § 14: prior code § 27.61

7.44.030 Conditional uses.

The following uses require approval of a use permit as regulated by Chapter 17.168:

A. New construction of one single-family dwelling on parcels where the minimum density is two units or greater, pursuant to Section 17.44.060;

B. Multiple-family dwellings, apartments and dwelling groups containing more than four units;

~~CB.~~ Small lot development meeting the standards of Chapter 17.112;

~~DC.~~ Flag lot development subject to the provisions of Chapter 17.112;

~~ED.~~ An accessory building or structure with toilet plumbing and/or cooking facilities, and consistent with the provision of Section 17.116.030;

~~F~~. Residential condominium or townhouse projects subject to the provisions of Chapter 17.112; provided, that the density and development standards of the HR district shall be observed. The minimum lot size of the HR district shall not apply to an individual dwelling lot, airspace unit or common area lot in a condominium project;

~~G~~E. Bed and breakfast inns when located in an existing residential dwelling subject to the provisions of Chapter 17.132;*

~~H~~F. Utility substations;

~~I~~G. Day care facility serving seven or more children;

~~J~~H. Intermediate care facility or developmentally disabled nursing facility serving seven or more persons;

~~K~~I. Residential facility serving seven or more persons;

~~L~~J. Other similar uses found consistent with the general plan and the HR district pursuant to Chapter 17.08.

* Note: The city has established a limit on the number of transient occupancy rooms permitted in the city.

SECTION 9: Section 17.48.030 "Conditional uses" of Chapter 17.48 "Central Business (CB) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.48.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168. A use permit is also required for a business which consists of two or more of the permitted uses listed in Section 17.48.020. Approval of a use permit is subject to finding the use consistent with the policies of the general plan and the purpose of the CB zoning district. When a use permit is considered for a use in the CBD, the standard use permit findings included in Section 17.168.050 shall be made to determine consistency of the use with the policies of the general plan and the purpose of the CB zoning district:

Antique store;

Art gallery;

Bakery, limited to products baked on premises subject to the following:

1. Seating permitted only as accessory to the primary bakery use and subject to the on-site parking requirements of Chapter 17.124;
2. Excluding the sale of snack foods prepared off premises;
3. Regulations as specified in Section 17.48.090;

Barber shop/beauty shop, including manicures, pedicures, make-up, facials, waxing, electrolysis, piercing, massage, and tanning when accessory to the primary use of hairstyling;

Catering establishments;

Cleaners;

Clothing store, limited to the sale of new clothing and clothing accessories;

Consignment shop;

Delicatessen as regulated by Section 17.48.090(C);

Department store;

Drinking establishments serving alcoholic and/or nonalcoholic beverages as regulated by Section 17.48.090(C), provided the following are not allowed:

1. Establishments serving customers within their vehicles on the premises or preparing beverages or food intended for consumption within their vehicles on the premises,
2. Establishments primarily preparing beverages or food for consumption off the premises,
3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,
4. Drive-in or walk-up window for take-out service;

Eating and drinking establishments as regulated by Section 17.48.090(C), provided the following are not allowed:

1. Establishments serving customers within their automobiles on the premises or preparing food intended for consumption within their automobiles on the premises,
2. Establishments primarily preparing food for consumption off the premises,
3. Music or entertainment which is not accessory to the approved use and/or audible beyond the confines of the building in which such music or entertainment is being performed,
4. The addition of on-site general liquor sales to any existing eating establishment when the operation of the eating place has been in violation of any city ordinance or any conditions of a use permit within the preceding two years and the premises do not conform in all respects with municipal code requirements,
5. Drive-in or walk-up window for take-out service,
6. Formula or take-out food establishments;*

Farmers' market;

Foodstore, no seating permitted;

Formula business. "Formula business" (not including formula restaurants, which are prohibited) means a business which is required by contractual or other arrangement to maintain any of the following: standardized services, decor, uniforms, architecture, signs or other similar features. This shall include, but not be limited to, retail sales and service, visitor accommodations, wholesale and industrial operations;

Furniture store, new and unfinished;

Health clubs;

Home furnishings stores, limited to establishments engaged in the retail sale of such items as china, glassware, and metalware for kitchen and table use; bedding and linen; brooms and brushes; lamps and shades; mirrors and pictures; carpets and rugs; and window coverings;

Hotel, rental of rooms limited to upper floors;**

Ice cream, frozen yogurt and shaved ice shops as regulated by Section 17.48.090(C) including sale of these items as accessory to an approved food establishment;

Interior decorating shop;

Jewelry store, provided the business includes on-premises repair;

Laundromat;

Laundry;

Liquor store;

Market;

Massage salon;

Miscellaneous food establishments with no seating where food is not prepared for immediate consumption;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities when not required to serve an approved use;

Pawnshops, subject to police chief review of information included in state or local statutes;

Real estate services when located on the first floor with access and frontage on Main Street;

Residential units, limited to upper floors only for nontransient occupancy;

Service station, pursuant to Section 17.136.080;

Spa;

Supportive housing, limited to upper floors only;

Tanning salon;

Tattoo and/or piercing salon;

Theaters, movie and legitimate;

Transitional housing, limited to upper floors only;

Used merchandise store;

Variety store;

Wine shops. "Wine shops" are establishments that purchase and sell wines from multiple wineries and distributors. Wines may be made in other counties in California, other states or other countries. Incidental wine tastings may occur in wine shops. Wine shops are not owned by wineries and must possess a Type 20, 21, or 42 license from ABC;

Winery tasting rooms. "Winery tasting rooms" are establishments that sell wines on behalf of one or more wineries and enable consumers to taste wine (with and without charge) as a regular part of the sales process. The wines for tasting and for sale must be made from a minimum of seventy-five percent (75%) Napa Valley grapes and must be labeled Napa Valley or be a subappellation of the Napa Valley. The permit requires a Type 02 ABC license. Food may be provided if it is at no cost to the consumer, is made off-premises and the facilities are approved by Napa County Environmental Management;

Other similar uses found consistent with the general plan and the CB district pursuant to procedures in Chapter 17.08.

* Note: The city has established a limit on the number of eating and drinking establishments within such establishments as listed in the regulated food and beverage establishments inventory. This inventory may be amended by action of the city council.

** Note: The city has established a limit on the number of transient occupancy rooms permitted in the city to those existing or approved on September 28, 1993, as listed in the hotel, motel, and B&B inventory. This inventory may be amended by action of the city council.

SECTION 10: Section 17.52.020 "Permitted uses" of Chapter 17.52 "Service Commercial (SC) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.52.020 Permitted uses.

The following uses are permitted in the SC district within usable floor areas of two hundred (200) square feet or greater. A use permit shall be required when a business consists of two or more of the following permitted uses:

Accounting, auditing, and bookkeeping;
Appliance store;
Architectural office;
Audio-visual store;
Auditing office;
Auto supply store;
Automatic bank teller;
Automotive services, including repair;
Bakery, commercial baking only with no retail sales or seating;
Boat sales and service;
Bookkeeping services;
Cabinet shop;
Camera and photo supply store;
Catering establishments, no retail sales;
Cleaning and janitorial services;
Commercial art/photography service;
Computer and data processing services, including retail sales;
Credit institution;
Credit union office;
Dance studios and schools;
Engineering, architectural and surveying services;
Engraving services;
Emergency shelter;

Feed store;

Florist;

Frame shop;

Fruit and vegetable market;

Glazing businesses;

Graphic design services;

Hardware store;

Hobby store;

Home health care equipment and services;

Insurance agents, brokers and service;

Legal services;

Locksmith;

Luggage store;

Media representatives;

Medical offices;

Music recording studio;

Nail salon;

Newspaper distribution facilities, no retail sales;

Office use, local-serving business and professional offices; off-site winery offices are permitted with no wine tasting;

Opticians and optometrist shop, including repair;

Paint, glass and wallpaper store;

Painting contractor/services;

Party supplies and service;

Personnel services;

Pet store, services, supplies;

Plumbing and contractor/services;

Printing and copy service;

Real estate services;

Repair shops, excluding the repair of heavy equipment;

Residential units, upper floor only in conjunction with a mixed use project;

Reupholstery and furniture repair;

Saddle and equestrian store and repair;

Saw, knife and tool sharpening shops;

Secretarial, mail, message and postal services;

Security services;

Shoe repair;

Sign maker;

Sporting goods store;

Supportive housing, upper floor only in conjunction with a mixed use project;

Surveyor;

Telephone center, including sales and maintenance;

Title company;

Towing services;

Transitional housing, upper floor only in conjunction with a mixed use project;

Travel agency;

Trophy shop;

Used merchandise stores, including clothing;

Veterinary services without overnight boarding of animals;

Video rental store, including the sale and rental of VCR equipment, video tapes, promotional posters related to the video tapes which are for sale or lease, laser discs, and sale of pre-packaged snack foods not involving preparation or refrigeration on premises;

Other similar uses found consistent with the general plan and the SC district pursuant to Chapter 17.08.

SECTION 11: Section 17.56.030 "Conditional uses" of Chapter 17.56 "Business and Professional Office (BPO) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.56.030 Conditional uses.

The following list of uses require approval of a use permit as regulated by Chapter 17.168:

Child care services;

Electric and gas utilities;

Health club and fitness centers;

Nursing and personal care facilities;

Off-site winery offices with nonpublic wine tasting. Tasting of wine may be offered to wine distributors and wine merchants;

Parking facilities when not required to serve an approved use;

Public and quasi-public noncommercial uses (open to the public but privately owned), buildings and facilities of an administrative, educational, religious, cultural, communications or public service nature;

Research and development laboratories;

Residential units, limited to upper floors;

Sanitary services;

Schools and educational services;

Social halls, lodges, fraternal organizations and clubs when owned and operated by nonprofit organizations;

Supportive housing, limited to upper floors;

Transitional housing, limited to upper floors;

Other similar uses found consistent with the general plan and the BPO district pursuant to Chapter 17.08.

SECTION 12: Section 17.60.020 "Permitted uses" of Chapter 17.60 "Industrial (I) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.60.020 Permitted uses.

The following uses are permitted within the district, except that new uses or expansion of existing uses proposed for industrial property that is located adjacent to property zoned for residential use shall require a use permit, as defined in Section 17.60.030.

Building material display rooms;

Carpentry, cabinet and sign shops;

Catering establishments including retail sales of items prepared on the premises;

Commercial laundries, rug cleaners;

Contractors' offices and yards;

Crop services;

Dry cleaners;

Emergency shelter;

Farm equipment sales and repair;

Feed, grain and farm supplies, including the bulk sale of pesticides, herbicides and fertilizers;

Laboratories and related facilities for research, experimentation, testing and product development when conducted entirely within an enclosed building and does not involve the use of hazardous substances;

Landscape services;

Machinery repair shops;

Mini-storage facilities;

Printing and copy services;

Rental businesses, including equipment, vehicles and party services;

Reupholstery and furniture repair;

Saddle and equestrian store and repair;

Security services;

Sign shop;

Small equipment repair, including, but not limited to: chain saws, lawn mowers, outboard motors, hedge trimmers and power generators;

Small recycling centers (not more than five hundred (500) square feet) including mobile recycling units, nonprofit drop-off facilities and reverse vending machines;

Technology information services;

Warehouse and wholesale businesses, excluding retail sales;

Welding supply shop;

Well drilling shops;

Wood yards;

Other similar uses found consistent with the general plan and the I district pursuant to Chapter 17.08.

SECTION 13: Section 17.64.020 "Permitted uses" of Chapter 17.64 "Woodlands and Watershed (WW) District" of the St. Helena Municipal Code is amended to read as follows (additions shown by underline and deletions by strikethrough):

17.64.020 Permitted uses.

A. Uses that were legally established prior to the effective date hereof;

B. The following uses, subject to design review and the standards of Section 17.64.060:

1. One single-family dwelling,
2. One accessory building or structure without plumbing,
3. Noncommercial horticulture and gardening,
4. Supportive housing,
5. Transitional housing,
6. Agricultural employee housing providing accommodations for six or fewer employees;

C. One second unit, consistent with the provisions of Section 17.116.030 and the following design and development criteria:

1. The building must be located within the building envelope approved for the main residence.
2. The building may not be located on a slope greater than ten percent (10%);
3. No trees may be removed. The applicant must submit a tree survey map with the building permit application;
4. The building may not be located within fifty (50) feet of a class III stream, within seventy-five (75) feet of a class II stream, or within one hundred (100) feet of a class I stream. The applicant must submit a stream classification study, completed by a qualified professional, with the building permit application;
5. The applicant must submit a biological survey, completed by a qualified professional, to insure that no rare or endangered plant or animal species are present in or adjacent to the proposed building footprint. This survey must be submitted with the building permit application;
6. The applicant must submit a grading and drainage plan, completed by a qualified professional, to insure that the location of the building will not

create a significant adverse impact on the drainage patterns on the property, as determined by the director of public works. This plan must be submitted with the building permit application;

7. The applicant must submit documentation to insure that there are adequate septic/sewer facilities and water to serve the accessory unit;

D. Tree/shrub/scrub trimming/clearing within fifty (50) feet of buildings, as needed to comply with fire safety standards adopted by the city council;

E. Provided there are no significant impacts on erosion, wildlife habitat and visual character, earth movement activities and trimming or clearing of trees, shrubs or scrub are permitted as approved in advance by the city planner, city engineer or planning commission;

F. Animal husbandry, except horses and cattle provided:

1. The noise created by the animals does not raise the ambient sound level at the property boundary by five dBA,

2. The animals' care and keeping does not create any "nuisance" or "health hazard," as defined by the Napa County department of environmental health.

SECTION 14: Chapter 17.200 "Reasonable Accommodation" is hereby added to Title 17 of the St. Helena Municipal Code is to read as follows:

Chapter 17.200
REASONABLE ACCOMMODATION

17.200.010 Purpose.

This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures.

17.200.020 Applicability.

A request for reasonable accommodation may be made by any person with a disability, their representative or any entity, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This article is intended to apply to those persons who are defined as disabled under the Acts.

A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed in section 17.200.030.

17.200.030 Application requirements.

A. Application. Requests for reasonable accommodation shall be submitted on an application form provided by the planning department, or in the form of a letter, to the planning director and shall contain the following information:

1. The applicant's name, address and telephone number.
2. Address of the property for which the request is being made.
3. The current actual use of the property.
4. The basis for the claim that the individual is considered disabled under the Acts.
5. The zoning code provision, regulation or policy that is the subject of the applicant's requested reasonable accommodation, and a narrative and graphic (where applicable) description of the specific accommodation requested.
6. Why the reasonable accommodation is necessary to make the specific property accessible to the individual.

B. Review with other land use applications. If the project for which the request for reasonable accommodation is being made requires one or more discretionary approvals (including, but not limited to, conditional use permit, site plan and architectural review, encroachment permit, etc.), then the applicant shall file the information required by subsection A above, together for concurrent review with the application for discretionary approval.

17.200.040 Review authority.

A. Planning director. Requests for reasonable accommodation shall be reviewed by the planning director if no discretionary permit approval is required other than the request for reasonable accommodation.

B. Other review authority. Requests for reasonable accommodation submitted for concurrent review with another discretionary permit application shall be reviewed by the review authority reviewing the discretionary permit application.

17.200.050 Review procedure.

A. Planning director review. The director shall make a written determination within forty-five days and either grant, grant with modifications, or deny a request for reasonable accommodation in accordance with section 17.200.060. The director shall mail a notice of a request for reasonable accommodation to contiguous owners of property, as shown on the latest equalized Napa County assessment roll, but may include other property owners as determined by the director. Said notice shall be mailed at least ten days prior to making a determination.

B. Other reviewing authority. The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the review authority responsible for reviewing the discretionary permit application in compliance with the applicable review procedure for the discretionary review. The written determination to grant or deny the request for reasonable accommodation shall be made in accordance with section 17.200.060.

17.200.060 Findings, other requirements, and decision.

A. Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the Acts and shall be based on a consideration of the following factors:

1. Whether the housing which is the subject of the request will be used by an individual considered disabled under the Acts.
2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the town.
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a town program or law, including but not limited to land use or zoning.
5. Whether the requested reasonable accommodation would adversely impact surrounding properties or uses.

6. Whether there are reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
7. Whether the accommodation would alter the significance of a historic structure.

B. Other requirements.

1. An approved request for reasonable accommodation is subject to the applicant's compliance with all other applicable regulations.
2. A modification approved under this article is considered a personal accommodation for the individual applicant and does not run with the land.

C. Conditions of approval. In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection A above, including but not limited to the following:

1. Inspection of the property periodically, as specified, to verify compliance with this article and any conditions of approval.
2. Removal of the improvements, where removal would not constitute an unreasonable financial burden, when the need for which the accommodation was granted no longer exists.
3. Time limits and/or expiration of the approval if the need for which the accommodation was granted no longer exists.
4. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists.
5. Measures to reduce the impact on surrounding uses.
6. Measures in consideration of the physical attributes of the property and structures.
7. Other conditions necessary to protect the public health, safety and welfare.

17.200.070 Appeal of determination.

A determination by the planning director to grant or deny a request for reasonable accommodation may be appealed to the city council in compliance with Section 17.08.180.

SECTION 16: CEQA. The City Council finds that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Section

15061(b)(3) because it can be seen with certainty that there is no possibility that adoption of permitted and conditional land uses in the various zoning districts will have a significant effect on the environment.

SECTION 17: 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 18: The Planning Commission and City Council shall review the implementation of the ordinance at their respective public meetings approximately one year after the ordinance takes effect.

SECTION 19: 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 _____, 2015, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

I, CINDY BLACK, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Cindy Black, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney

THIS PAGE
INTENTIONALLY
BLANK



**Report to the City Council
Council Meeting January 13, 2015**

Agenda Section: New Business

Subject: Consideration of appeal from David and Ellen Deal for their April 14, 2014 water meter read billing in the amount of \$888.24 and a reimbursement for leak detection services for \$345.00 at 2260 Spring Mountain Road

CEQA Status: Not a CEQA Project

Prepared By: April Mitts, Finance Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On April 21, 2014 the City received a letter from Ellen and David Deal disputing their April 2014 water bill citing a meter malfunction. 134 units were used during this time period totaling \$888.24. The Deals are seeking a reimbursement of \$1,233.24 for water usage (\$888.24) and reimbursement for leak detection service (\$345.00).

On May 15, 2014 the request was denied by the City based on research conducted showing the meter was functioning accurately.

DISCUSSION

The property located at 2260 Spring Mountain Road averages 5.08 units of water per month based on a one year average (April 2013-March 2014). One unit of water is equal to 748 gallons (100 cubic feet). On April 7, 2014 the meter reading took place showing water usage for the time period of March 8, 2014 to April 7, 2014 at 134 units (Reading 1188). If a meter read is unusually high, it is the City's policy to re-read the meter the following day. City staff re-read the meter on April 8, 2014 and the reading was 1198 (an increase of 10 units in one day). City staff notified the customer about the unusually high water usage, possibly due to a leak or other uncontrolled flow, and the customer asked for water to be turned off. City staff turned water off at the meter on April 8, 2014. At this time City staff verified the meter read was correct by verifying the mechanical and electronic reads accurately matched. On April 14, 2014 City staff spoke with the caretaker/gardener for the property and was told that a toilet valve had been stuck open during the period of unusually high usage. Future usage readings

returned to normal levels when water service resumed. Further facts regarding these events are included in Exhibit A attached hereto.

FISCAL IMPACT

Granting the appeal would result in a refund of \$888.24 for water usage and a reimbursement for leak detection services for \$345.00 payable to Ellen and David Deal.

RECOMMENDED ACTION

Staff concludes the meter is in proper working order and customers did not prove they did not receive the units of water measured by the subject water meter. Staff thus recommends City Council uphold the administrative decision denying reduction of the water bill and reimbursement for expenses incurred by Ellen and David Deal.

ATTACHMENTS

Attachment A – Documentation provided by Ellen and David Deal

Attachment B – Resolution Upholding Administrative Decision Denying Reduction of the Water Bill and Reimbursement for Expenses Incurred by Ellen and David Deal

ATTACHMENT A

October 3, 2014

Cindy Black
City Clerk
City of St. Helena
1480 Main Street
St. Helena, CA 94574

CITY OF
ST. HELENA
OCT 07 2014
OFFICE OF
CITY CLERK

RE: Appeal of Water Meter Read
2260 Spring Mountain Road, St. Helena, CA

Dear Ms. Black:

In your letter dated June 6, 2014 (copy attached), you stated that you would schedule our appeal for a hearing before the City Council, upon receipt of full payment.

Please be advised that full payment was made on May 1, 2014.

However, we have not yet received a notice for a hearing date.

Please advise when we can expect to receive notice for a hearing before the City Council.

Sincerely and Respectfully,

David W. Deal

David Deal

cc: Jennifer Phillips, City Manager



CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 967-2792

June 6, 2014

***Via electronic mail
And First Class U.S. Mail***

David and Ellen Deal
13214 Sunbright Drive
Houston, Texas 77041

RE: Appeal of Water Meter Read
2260 Spring Mountain Road St. Helena, California

Dear Mr. and Mrs. Deal:

This letter will acknowledge receipt of your email dated May 30, 2014, appealing the determination of City of St. Helena ("City") City Manager Gary Broad. I thank you for your appeal pursuant to Section 13.04.180 of the St. Helena Municipal Code. City staff has completed its preliminary review of your request and determined it is incomplete at this time. In order to make the application complete, the following must be submitted to the City at your earliest convenience:

1. Payment of Disputed Charges. Pursuant to the requirements of St. Helena Municipal Code section 13.04.180(B), you must remit full payment of the disputed charge in order to proceed with an appeal. After conducting the appeal hearing, if the City Council determines that you are entitled to a refund of any portion of the charges, that amount will be refunded to you.

Please remit a check made payable to the "City of St. Helena" in the amount of \$788.24. Once we receive your payment, we will schedule this matter for a hearing before the City Council. Notice of that hearing date will be mailed to you in advance.

If you have any questions, please feel free to contact me at (707) 967-2792.

Sincerely,


Cindy Black,
Interim City Clerk

cc: Toby Ross, Interim City Manager
Debra Hight, Assistant Public Works Director

OAK #4811-6634-1915 v1

Chargeback Processing Center

515 BROADHOLLOW ROAD SUITE#100
MELVILLE, NY 11747
800-999-8674
FAX (516) 962-7834

6/24/2014

MERCHANT ADJUSTMENT ADVICE

ST. HELENA
KAREN SCALABRINI
1480 MAIN ST STE A
SAINT HELENA, CA 945740000

Reason: Transaction Amount Differs		<u>ADJUSTMENT DATE</u>	<u>06/23/2014</u>
<u>CODE:</u>	4831	<u>CASE NO:</u>	2413411480 3 0
<u>TYPE:</u>	Retail Sale	<u>CARDHOLDER NO:</u>	546657XXXXXX1414
<u>MERCHANT NO:</u>	273000238769	<u>REFERENCE NO:</u>	55546554124462387690484
<u>TRANSACTION AMOUNT:</u>	888.24	<u>TRANSACTION DATE:</u>	05/01/2014
<u>CHARGEBACK AMOUNT:</u>	788.24	<u>POSTING DATE:</u>	05/04/2014
<u>ORIGINAL REF NO:</u>	1200109	<u>INVOICE/TICKET NO:</u>	

YOUR ACCOUNT HAS BEEN ADJUSTED BECAUSE:

- We have issued a temporary credit to your account pending a response from the credit card issuing bank.

Should you have further questions, a Chargeback Processing Representative is available to assist you at 800-999-8674.

Page 134

Sheila McCrory

From: David Deal [David_Deal@eogresources.com]
Sent: Friday, May 30, 2014 12:33 PM
To: Della Guijosa; Gary Broad; Sheila McCrory; Mayor
Cc: Ellen Deal
Subject: Letter of Appeal
Attachments: Denial Letter from City of St. Helena 05.15.2014.pdf; Email to Gary Broad - St. Helena Water Issue 04.30.2014.pdf

Please review the email below. Written letters will also be mailed today.

May 30, 2014

Office of the Superintendent
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Office of the City Clerk
City of St. Helena
1480 Main Street
St. Helena, CA 94574

RE: Letter of Appeal
Measurement and Calculation Error
Utility Account 012458-000

Ladies and Gentlemen:

This letter is in reference to the letter received from Mr. Gary Broad, City Manager of the City of St. Helena, dated May 15, 2014 (copy attached), which effectively denies our request for a corrected consumption bill and reimbursement for a leak detection service. I have also attached a copy of the email sent to Mr. Broad on April 30, 2014, that requests a correction to the consumption of the then current billing cycle, and a reimbursement of \$345 for the cost of a leak detection service. Please note that we did not request a "reduction" in our water bill, as stated by Mr. Broad, but rather a "correction." I reiterate the distinction between "reduction" and "correction."

According to the documentation provided by Mr. Broad, any denial should have come from the superintendent. However, it appears that Mr. Broad, the City Manager, issued the denial instead. In any case, we would like to appeal the denial issued by Mr. Broad. Please accept this letter as our Letter of Appeal to the appropriate office of the City Council. Furthermore, we hereby request a copy of the research that was conducted by the City (as referenced in Mr. Broad's letter) showing that the meter is functioning accurately and, more importantly, that the meter was functioning accurately at the time of the alleged leak.

As directed by Mr. Broad, we did attempt to contact the Interim City Clerk, Cindy Black, immediately upon receiving Mr. Broad's letter,

to get more information on the appeal process. However, we were unable to reach Ms. Black, although we did leave a recorded voice message on May 20, 2014, at approximately 1:10 PM Pacific time. We have not yet heard a response back from Ms. Black. We hereby request any information that would help us prepare for the appeal process. Any information that can be expedited by email, may be emailed to david.deal0@gmail.com.

Please be reminded that we have previously submitted all of our documentation regarding this appeal, both in writing (to Casey in the Main Street office)

and by email (to Mr. Gary Broad). We are anxious to have this matter resolved fairly, and we look forward to working with you through the appeal process.

If there are any questions in the meantime, please feel free to Contact David Deal at 713-651-6852 (work number) or 713-306-6962 (mobile number) at any time, and we will be happy to return your call promptly.

Sincerely and Respectfully,

David W. Deal

Ellen C. Deal

cc: Mr. Gary Broad
City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Sheila McCrory
Interim Finance Director
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Cindy Black
Interim City Clerk
City of St. Helena
1480 Main Street
St. Helen, CA 94574

Ann Nevero
Mayor
City of St. Helena
1480 Main Street
St. Helena, CA 94574



City of St. Helena

*"We will conduct city affairs on behalf of our citizens
using an open and creative process."*

1480 Main Street
St. Helena, CA 94574
Phone (707) 967-2792
Fax (707) 963-7748
www.ci.st-helena.ca.us

May 15, 2014

Ellen and David Deal
2260 Spring Mountain Road
St. Helena, CA 94574

Re: Utility Account 012458-000

Dear Ellen and David Deal,

I have reviewed your request for a reduction in your water bill and reimbursement for expenses incurred in checking for a leak on your property during the billing period of 3/16/14 – 4/15/14. Your request has been denied based on the research that was conducted by the City showing that the meter is functioning accurately.

Each citizen of the city of St. Helena has a right to appeal this denial by submitting a letter of appeal to the City Council. Please contact our Interim City Clerk, Cindy Black, at 707-967-2792 for more information on the appeal process.

If I can be of further assistance,

Sincerely,

Gary Broad
City Manager
City of St. Helena

cc: Sheila McCrory, Interim Finance Director



City of St. Helena

*"We will conduct city affairs on behalf of our citizens
using an open and creative process."*

1480 Main Street
St. Helena, CA 94574
Phone (707) 967-2792
Fax (707) 963-7748
www.ci.st-helena.ca.us

13.04.180 Appeals.

A. Procedure Generally. Any person who shall have a right to appeal as provided in any section of this chapter or Chapters 13.08 and 13.12 or who shall be dissatisfied with any determination hereafter made by the superintendent may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the superintendent and to the city clerk, setting forth the determination with which such person is dissatisfied. The city council may, at any time, upon its own motion, appeal from any determination made by the superintendent hereunder. In the event of any such appeal, the superintendent shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing to all persons affected by such appeal, of the time and place fixed by the city council for hearing such appeal. The city council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Refunds. Pending decisions upon any appeal relative to the amount of any charge under this chapter or Chapters 13.08 and 13.12, the person making such appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making such appeal such amount, if any, as the city council shall determine should be refunded. (Prior code § 18.18)

Email dated April 30, 2014
From: David W. Deal
To: Mr. Gary Broad

Dear Mr. Broad,

I am writing you, on behalf of my wife and myself, to inform you of a measurement and billing issue for water consumption at 2260 Spring Mountain Road. We have already put forth significant effort and expense on this matter and have submitted diligent details to Casey in your Main Street office.

Brief History

My wife, Ellen Deal, and I own the property located at 2260 Spring Mountain Road. We purchased the property in May 2012. We have been upstanding neighbors and citizens of St. Helena.

I have attached the water consumption history going back to 2005, as provided by the St. Helena Water Department. As you can see, the property has never consumed more than 20 units in any month going back 10 years. More importantly, in the two years that we have owned the property, we have never consumed more than 10 units in any month. Our average monthly consumption has been less than 6 units.

Current Issue

In the current billing cycle, we have been billed for 134 units of consumption. This is an obvious mistake. We have been working with Casey, and we have made a good faith effort to resolve this matter. However, it is still unresolved. The current bill is due May 15, 2014.

Facts

1. We received a call from the St. Helena Water Department (Juan Diaz) stating that our meter was spinning and that there was a water leak.
2. An independent inspection determined that there was no water leak, either past or current.
3. Upon a second, closer inspection, the St. Helena Water Department (Juan Diaz), along with two independent witnesses (Ismael and Erica Alfaro) agreed that, in fact, there was never a leak.
4. We then hired a Professional Leak Detection company, to provide a thorough and complete leak detection inspection of the property. The results reconfirmed that there was no leak. This service cost us \$345.
5. The St. Helena Water Department has recently made other consumption billing errors which required corrections to the March 13, 2014 bill (copy attached).
6. I have attached all pertinent documents that have been previously submitted to the St. Helena Water Department on this matter.

We are upstanding neighbors and citizens in St. Helena and always try to do the right thing. We respect and practice water conservation in earnest. We have spent a significant amount of time on this matter and further spent \$345 on a Leak Detection Service.

In this case, we feel that the St. Helena Water Department has not demonstrated any willingness to resolve this matter in a reasonable manner, and has unfairly placed an onerous burden on one of its loyal customers and law abiding citizens.

We would like to have this matter resolved by having the St. Helena Water Department issue a corrected consumption bill for the current billing cycle, and reimburse us \$345 for the cost of the Leak Detection Service immediately.

If you wish to discuss further, I can be reached at 713-651-6852 (work) or 713-306-6962 (cell phone).

Sincerely,

David Deal



City of St. Helena

*"We will conduct city affairs on behalf of our citizens
using an open and creative process."*

1480 Main Street
St. Helena, CA 94574
Phone (707) 967-2792
Fax (707) 963-7748
www.ci.st-helena.ca.us

May 15, 2014

Ellen and David Deal
2260 Spring Mountain Road
St. Helena, CA 94574

Re: Utility Account 012458-000

Dear Ellen and David Deal,

I have reviewed your request for a reduction in your water bill and reimbursement for expenses incurred in checking for a leak on your property during the billing period of 3/16/14 – 4/15/14. Your request has been denied based on the research that was conducted by the City showing that the meter is functioning accurately.

Each citizen of the city of St. Helena has a right to appeal this denial by submitting a letter of appeal to the City Council. Please contact our Interim City Clerk, Cindy Black, at 707-967-2792 for more information on the appeal process.

If I can be of further assistance,.

Sincerely,

A handwritten signature in cursive script that reads "Gary Broad".

Gary Broad
City Manager
City of St. Helena

cc: Sheila McCrory, Interim Finance Director



City of St. Helena

*"We will conduct city affairs on behalf of our citizens
using an open and creative process."*

1480 Main Street
St. Helena, CA 94574
Phone (707) 967-2792
Fax (707) 963-7748
www.ci.st-helena.ca.us

13.04.180 Appeals.

A. Procedure Generally. Any person who shall have a right to appeal as provided in any section of this chapter or Chapters 13.08 and 13.12 or who shall be dissatisfied with any determination hereafter made by the superintendent may, at any time within thirty (30) days after such determination, appeal to the city council by giving written notice to the superintendent and to the city clerk, setting forth the determination with which such person is dissatisfied. The city council may, at any time, upon its own motion, appeal from any determination made by the superintendent hereunder. In the event of any such appeal, the superintendent shall transmit to the city council a report upon the matter appealed. The city council shall cause notice to be given, at least ten (10) days prior to the time fixed for such hearing to all persons affected by such appeal, of the time and place fixed by the city council for hearing such appeal. The city council shall direct the city clerk to mail a written notice, postage prepaid, to all such persons whose addresses are known to the city council.

B. Refunds. Pending decisions upon any appeal relative to the amount of any charge under this chapter or Chapters 13.08 and 13.12, the person making such appeal shall pay such charge. After the appeal is heard, the city council shall order refunded to the person making such appeal such amount, if any, as the city council shall determine should be refunded. (Prior code § 18.18)

04/09/14 Comment:

Juan reread on 04/08/2014 based on April 2014 meter reading. Major leak. Notified customer, she asked for water to be turned off to call plumber. Reading 1198

4/16/14 Service Request:

Check for leak - Customer used 134 units in 30 day period. JD checked for leak 4/8/14. Shut water off at house. Major leak detected. Check meter status

No PL, meter not moving, not a data profile orion meter register and orion reading match. Left message with customer. No call back.

4/14/14:

Juan spoke with Ismael Alfaro (caretaker/gardener) and was told that a toilet valve was stuck open. Juan spoke to Ismael not at the service property but in passing on the street.

Stats:

3/8/14 to 4/7/14 – 134 Units used

4/7/14 to 4/8/14 – 10 Units used

4/8/14 – Date of reread and notified customer of Major Leak. Water shut off.

4/8/14 to 4/16/14 – 0 Units used

Chargeback Processing Center

515 BROADHOLLOW ROAD SUITE 100
MELVILLE, NY 11747
800-999-8674
FAX (516) 962-7834

5/26/2014

CHARGEBACK ADJUST ADVICE

Respond By: 06/03/2014

ST. HELENA
KAREN SCALABRINI
1480 MAIN ST STE A
SAINT HELENA, CA 945740000

This is a notification of a chargeback initiated by.

CHASE BANK USA, N A

Reason: Transaction Amount Differs

CODE:

4831

TYPE:

Retail Sale

MERCHANT NO:

273000238769

TRANSACTION AMOUNT:

888.24

CHARGEBACK AMOUNT:

788.24

ORIGINAL REF NO:

1200109

ADJUSTMENT DATE:

05/24/2014

CASE NO:

2413411480 1 0

CARDHOLDER NO:

546657XXXXXX1414

REFERENCE NO:

55546554124462387690484

TRANSACTION DATE:

05/01/2014

POSTING DATE:

05/04/2014

INVOICE TICKET NO:

ACTION TAKEN BY CHARGEBACK PROCESSING CENTER:

- Verified this chargeback is valid and has been received within timeframes established by Visa/Mastercard rules and regulations.
- The above Chargeback Adjustment Advice Information is accurate.

YOUR ACCOUNT HAS BEEN ADJUSTED BECAUSE:

- The cardholder claims to have been billed an incorrect amount. Please provide proof of credit or a rebuttal including a copy of the sales draft.

Please Be Aware:

- Review the "Merchant Action Necessary to Remedy Chargeback" section of the accompanying Chargeback Adjustment Reversal Request form. This will aid you in identifying the proper information or documents needed for us to make every effort to resolve this chargeback and collect your funds.
- Complete and return the Chargeback Adjustment Reversal Request form with your rebuttal documentation.
- You must supply chargeback rebuttal documentation no later than 06/03/2014. Failure to do so will result in the forfeiture of your reversal rights established by current Visa/Mastercard rules and regulations.
- Your business checking account has been debited for the chargeback amount.
- Should you have further questions, a Chargeback Processing Representative is available to assist you at 800-999-8674.

CHARGEBACK ADJUSTMENT REVERSAL REQUEST

For faster processing of your chargeback reversal request, please complete and attach this form to any documentation supporting your case. Please submit documents by 06/03/2014.

Mail documents to: Chargeback Processing Center
515 Broadhollow Road Suite 100

or fax to: FAX (516) 962-7834

Transaction Record(s)

<u>ACQUIRER REFERENCE NUMBER:</u> 55546554124462387690484	<u>CARDHOLDER ACCOUNT:</u> 546657XXXXXX1414	<u>MERCHANT NUMBER:</u> 273000238769
<u>TRANSACTION AMOUNT:</u> 888.24	<u>TRANSACTION CODE:</u> 01	<u>TRAN DATE:</u> 05 01 2014
<u>AUTH SOURCE:</u> 5	<u>CARDHOLDER ID METHOD:</u> 1	<u>INVOICE TICKET NO:</u> MWEJORACK 0501
<u>CURRENCY CODE:</u> 840	<u>MCC CODE:</u> 4900	<u>POS ENTRY MODE:</u> 01
<u>ORIGINAL REFERENCE NUMBER:</u> 1200109	<u>BATCH DATE:</u>	<u>BATCH NUMBER:</u> <u>BATCH AMOUNT</u>

Melville, NY 11747

CHARGEBACK ADJUST ADVICE

Respond By: 06/03/2014

Reason: Transaction Amount Differs		<u>ADJUSTMENT DATE:</u>	05 24 2014
<u>CODE:</u>	4831	<u>CASE NO:</u>	24134148010
<u>TYPE:</u>	Retail Sale	<u>CARDHOLDER NO:</u>	546657XXXXXX1414
<u>MERCHANT NO:</u>	273000238760	<u>REFERENCE NO:</u>	55546554124462387600484
<u>TRANSACTION AMOUNT:</u>	888.24	<u>TRANSACTION DATE:</u>	05 01 2014
<u>CHARGEBACK AMOUNT:</u>	788.24	<u>POSTING DATE:</u>	05 04 2014
<u>ORIGINAL REF NO:</u>	1200100	<u>INVOICE TICKET NO:</u>	

MERCHANT ACTION NECESSARY TO REMEDY CHARGEBACK

Please provide the following information:

Merchant Name ST HELENA

Contact Person Casey McCondl, Accounting Assistant I

Telephone No (707) 968-2745 Fax No (707) 963-7748

Reversal Reason (if insufficient space, please attach a separate page with your reason)

Customer requested a reduction of Utility water bill. The city of St. Helena thoroughly tested our meters and equipment and found all to be functioning properly. The customer Ellendal's request was denied and signed off by the City Manager Gary Broad. Customer has right to appeal to city council for review.

4 pages of documentation are attached for reference.

Expedited Billing Dispute Resolution Process Form

Reason Code 4831 Transaction Amount Differs

Page 1 of 1

Cardholder Truncated Account Number 5466576001691414 ICA Number 546657
Information: Cardholder Name: (Optional) DAVID W DEAL

Transaction Acquirer's Reference Data: 55546554124462387690484
Information: Transaction Date: MAY 01, 2014 Transaction Amount: 888.24
Dispute Amount: 788.24
Merchant Name: ST. HELENA

Dispute Information: For specific requirements for each reason code, please refer to the Chargeback Guide.
Support documentation, regardless of cycle, must provide sufficient detail to enable all parties to understand the nature of the dispute or rebuttal. MasterCard will determine whether the specific documentation presented in a chargeback cycle contain sufficient detail.

Please check appropriate box next to the reason code being used.

☒ **Reason Code 4831: Transaction Amount Differs**

Check appropriate box below:

- ☒ Cardholder claims to have been billed an incorrect amount.
- ☐ Cardholder paid by other means.
- ☐ Cardholder states card acceptor accepted a voucher from a third party.
- ☐ Cardholder states for a card-activated telephone transaction that the transaction amount does not reflect the call duration. For example, the cardholder claims he or she talked on the telephone for five minutes but was billed for 10 minutes.
Provide details of the billing discrepancy:

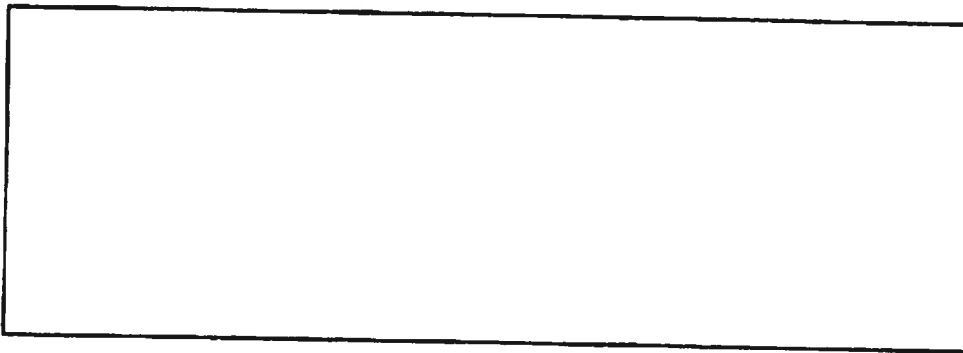
This was an incorrect amount for a meter reading by the city.

Expedited Billing Dispute Resolution Process Form

Reason Code 4831 Transaction Amount Differs

Page 2 of 1

Note For card-activated telephone transactions, if the chargeback amount is less than USD 25.00, a cardholder letter or this form is not required. If the chargeback amount is more than UDS 25.00, this form must be completed and used as the support documentation. This form can be used only for cardholder billing discrepancy claims. This form can be used when the cardholder states that a charge is unauthorized. Batching is allowed only for card activated telephone transactions with the same merchant description. When batching transactions, attach an additional sheet of paper detailing additional card-activated telephone transactions that the cardholder is disputing.



☐ I certify that the facts were obtained from my discussion with the cardholder or _____,
(who is the company representative or government agency representative on behalf of the corporate card or government cardholder) and that the facts are accurate to the best of my knowledge."

Nancy Carwile

May 16, 2014

Customer Service/Chargeback Representative

Date

April 23, 2014

RECEIVED

APR 25 2014

CITY OF ST. HELENA

To Whom It May Concern,

My name is Ismael Alfaro, I am the person who takes care of Mr. and Mrs. Deal's property located at 2260 Spring Mountain Road, St. Helena, CA 94574.

On April 8, 2014 I received a call from my daughter Erica Alfaro, following up on a call from Mrs. Ellen Deal regarding a leak the city had notified her of. I was able to arrive at the property a little past noon that same day and observed no apparent signs of a leak anywhere in the property. I checked the water meter assigned to the property and noticed that the water had been shut off. Since I did not have all my tools at the moment and since there was no apparent sign of leakage out and the valve was closed I went to get all my tools and returned at 4pm.

Upon my return I carefully opened up the main water valve and noticed that the needle to the meter was not spinning. I thought it was odd, for if there was a leakage it would still be spinning. I left it open and started to look around the property and found nothing. My daughter Erica arrived shortly after, and since she has the key and alarm code to the house we proceeded to enter the main house and the guest house. Inside there was no sign of water leakage, and we checked all the faucets/sinks and bathrooms. Everything inside the house was closed, and no sign of water anywhere.

After finding no signs of any leakage inside or outside the property my daughter and I went down to the main valve area, took some pictures and a short video on the cell phone. We stood there for about 20 or 30 minutes and the needle on the meter did not move at all.

I had my daughter reach out to Mrs. Ellen and ask her if she wanted me to close the water valve or leave it open. She told me to close it that she would connect with the city first thing in the morning. So I did what I was instructed.

The next day, April 9th, at around 11:30am I got a call from my daughter instructing me to be at the property at 12:30pm so that I can inspect the meter with Juan Diaz. Juan and I meet up at the agreed time. We first went over to the water meter, he proceeded to open the valve and the needle didn't move. We stood there about 20 or 30 minutes and nothing happened. Juan was puzzled for he told me that when he first came out to the property the needle had been spinning. I pointed out that it was not spinning and that when I had stopped by the day before following the original call, the needle in the meter had not moved at all. We both inspected the property and found no sign of a leak or any broken pipes anywhere. Juan confirmed that everything seemed to be fine and left. I called my daughter told her what had happened and I left the property.

A week or so later while I was working at another property I saw Juan Diaz. He asked me if I had figured out what had happened at the property in Spring Mountain Road. I told him that I had found no leak inside or outside. I did make a comment stating that the only thing that could have caused something like this was if the bathroom had been left running; however this was not the case since I personally confirmed that the valves had been closed and there was no open or running water inside the houses. And that I too thought it was strange and couldn't figure it out. We exchanged a couple other comments and Juan continued on his way.

I truthfully believe that there was some sort of meter malfunction. Given the way the property is set up, if there had been some sort of major pipe breakage or leakage, the water would have run downhill and would have been apparent. If the issue had been inside the house, that much water would have been apparent, especially when the city notified Mrs. Ellen that the needed in the meter was spinning. However, there was no sign inside or outside of any water leakage.

If you have any questions please feel free to call me at 707-254-7129.

Best,

A handwritten signature in black ink that reads "Ismael Alfaro". The signature is written in a cursive, flowing style with a period at the end.

Ismael Alfaro

April 23, 2014

RECEIVED
APR 25 2014
CITY OF ST. HELENA

To Whom It May Concern,

My name is Erica Alfaro; I am the daughter of Ismael Alfaro. My father takes care of Mr. and Mrs. Deal's property located at 2260 Spring Mountain Road, St. Helena, CA 94574.

On April 8th I missed a call from Ellen at 11:29am (she left a voice message and I still have it available), I returned her call at 11:47am in where she shared with me that the city had contacted her regarding a leak in her property, and wanted to know if my father would be able to go up to the property to see where the leak was or what needed to be done. I immediately started calling my father and he confirmed that he would head out to the property immediately.

While at the property, my father called me and confirmed that there was no sign of apparent leakage anywhere and that he had peeked inside the houses through the windows and didn't see any signs of leakage anywhere. He told me that he did not have the appropriate tools with him, but that he would return in the afternoon. I told him that I would meet him there so that we could go inside the houses and make sure everything was okay.

I arrived around 4:30pm or so, and by then my father had been inspecting the property and had found nothing. Since I have the keys and know the alarm code, we went ahead and proceeded to enter. We checked all valves, sinks, bathrooms, and laundry room and found nothing. No sign of any sort of water leak.

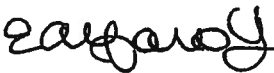
We proceeded to then to go back to the main water meter valve assigned to the property. When we got there my father shared with me that when he opened up the valve, he stood there and the needle did not move. We stood there for 20 or 30 minutes and nothing happened. I took some pictures and recorded a mini video in my phone (I am happy to share if need be). I connected with Ellen, provided her with an update and asked if the water was to remain open or closed. She asked that it be kept closed, that she would connect with the city the next day.

The following day, on April 9th, I connected with Ellen, and she asked me to reach out to Juan Diaz to arrange for my father to meet up with him to go over the water meter. I arranged a 12:30pm meeting that same afternoon. After the meeting, my father called me and share that the needle on the meter had not moved, and that Juan was puzzled on what had happened, and that everything seemed to be in order.

The next day in the morning before work I swung by before work and everything seemed to be in order. In the afternoon my father also went up to the property and everything was fine.

If you have any questions or would like a further explanation, please feel free to reach out to me at 707-280-7855.

Best,



Erica Alfaro

ACKNOWLEDGMENT

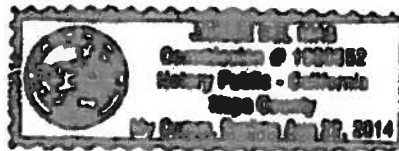
State of California
County of Napa

On April 24, 2014 before me, James del Mas Notary
(Insert name and title of the officer)

personally appeared ERICA ALFARO LOPEZ
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.



Signature James del Mas (Seal)



Ellen Deal
13214 Sunbright Drive
Houston TX 77041-

Dear Ellen Deal,

This letter is to advise you that your most recent water bill of March 13, 2014 for water account number 012458 000, contained an error in the Consumption box on the left side of the bill. In an effort to encourage water conservation, we did two meter readings in this billing cycle, which inadvertently resulted in the wrong formula being used to calculate "average gallons used per day."

The following is a revised section of your March 13 bill displaying the correct "average gallons used per day."

Consumption

Water use this billing cycle: 3 (100 Cubic Feet)

Average gallons used per day: 76.5

The "water use this billing cycle" in the Consumption box and all billing information, including charges and amount due in your March 13th bill are correct.

We apologize for this error in the calculation of average gallons per day and any inconvenience it may have caused you. We have contacted the software company that prepares our bills and they have corrected this coding error to ensure this problem will not occur again.

If you have any questions or need any further clarification, please contact the Water Department at (707) 968-2745.

Sincerely,

St. Helena Water Department

April 23, 2014

**City of St. Helena
1480 Main Street
St. Helena, CA 94574**

Dear St. Helena Water Department,

In further support of the water meter situation at 2260 Spring Mountain Road, I contacted a professional leak detection company, American Leak Detection. They instructed me to perform a simple monitoring test, which I conducted on Monday, April 21, 2014, from 1:43 p.m. to 3:14 p.m. The meter did not move during this time frame, which the company confirmed indicated there was no leak. Despite the self-test indicating no leak, I hired American Leak Detection to perform a professional evaluation of the property and a written report. Their findings indicated there is no leak on the property and everything is in proper working order. I have attached this report for your reference.

I have also contacted Erica Alfaro Lopez and her father, Ismael Alfaro and they will provide the City with a signed statement confirming their findings of no leak outside, nor any malfunctions inside the house.

As this bill is due May 15, 2014, please advise how we should proceed with receiving a corrected bill by the due date.

Thank you in advance for your assistance,

***Ellen C Deal*
Ellen Deal
2260 Spring Mountain Road
St. Helena, CA 94574**



Form Information

Form Name	Plumbing
Submitter Name	Michael Rogina
Submission Date	Apr 22, 2014 3:38 32 PM PDT
Reference Number	62582 20140422-1812182648

Leak Detection Report

Customer Name:	Ellen Deal
Address:	2260 Spring Mountain Road, St. Helena, CA, US Apr 22, 2014 3:28:58 PM PDT [View Map]
Job Type:	Domestic
Leak Detection Type:	Main Line >300' (WELL)
Job Estimate:	\$345* *If the leak is on an exterior line greater than 100 feet in length the estimate is \$345 for the first two hours, \$185 per hour thereafter plus \$120 per tank of tracer gas.
Concern:	High water bill.
Meter Movement:	No.
Line(s) that held pressure:	Main Line; Irrigation Line; Hot Line; Cold Line;
Leak Detected On:	NO LEAKING LINE.
Notes:	ALD found that the meter to the pressure pump, and from the pressure pump to the pressure tank is holding. The main home and guest home holds pressure as well. The irrigation timer is timed properly and waters 4 stations, 3 days a week for 7 minutes. The results of the inspection were shown to and discussed with the customer.
Total Charge:	\$345
Payment:	Paid in Full by Credit Card

THANK YOU FOR CALLING AMERICAN LEAK DETECTION.
Your feedback is of importance to us. Please fill out our survey at:
www.americanleakdetection.com/survey



**AMERICAN
LEAK
DETECTION**
THE ORIGINAL LEAK SPECIALISTS

Norfin Inc. - Tax ID 94-3391494
1201 Andersen Dr. Ste N
San Rafael, CA 94901

(800) 900-LEAK (5325) Fax # (415) 485-1250

Each Office Independently Owned/Operated

SITE Ellen Deal 2260 Spring Mountain Rd St. Helena, CA 94574		INVOICE # 62582	
		Tech MR	Start Date 4/22/2014
		Order ACA	Complete Date 4/22/2014
		Billing #	
BILLING Ellen Deal 13214 Sunbright Dr Houston, TX 77041		Claim / PO	
		Site Phone #	
		713 306 6963	

DESCRIPTION

AMOUNT

Domestic Water Main Leak Detection >300' (WELL)

345.00

American Leak Detection isolated and pressure tested the underground plumbing line(s). If a line was found to lose pressure, ultra sound equipment was used to locate and mark the area of highest electronic readings of the plumbing leak.

Please see attached report: 62582 20140422-1812182646

If requested within 30 days, ALD can return for further testing at an hourly rate of \$165 plus \$120 per tank of Tracer Gas.

Paid in Full by Credit Card.

THANK YOU FOR CALLING AMERICAN LEAK DETECTION.
Your feedback is of importance to us. Please fill out our survey at:
www.americanleakdetection.com/survey

Work Ordered By Ellen Deal 707 968 5299

FAX #

TOTAL

\$345.00

OUR GUARANTEE. Detections are guaranteed for 30 days. We will re-test the system or refund the detection fee (at our sole option) if it is reported within 30 days that a leak still exists. Repairs made by others can be retested upon request for a \$150/hr. charge. Minor repairs guarantee (less than \$500) 30 days. Major repairs guarantee 2 years. All work is guaranteed from date of completion and for defective workmanship only. We will not be liable for any consequential losses. PAST DUE ACCOUNTS: Subject to 1.75% per month finance charge. STATE OF CALIFORNIA CONTRACTOR LICENSE 862617 Contractors are required by law to be licensed & regulated by the CSLB. Refer questions concerning a contractor to the Registrar, Contractors State License P.O. Box 26000, Sacramento, CA 95826.

RECEIVED

APR 21 2014

CITY OF ST. HELENA

April 21, 2014

City of St. Helena
1480 Main Street
St. Helena, CA 94574

Dear St. Helena Water Department,

As the current residents of 2260 Spring Mountain Road, we would like to officially register notification that we dispute the bill dated April 14, 2014 in the amount of \$888.24 due to a meter malfunction.

David and I were not present at the house when I received a call on April 8, 2014 at approximately 11:30 a.m. from Juan Dias indicating that the meter was spinning and he suggested we had a major leak. Upon my request, Juan went up to the house to look for any evidence of a water leak. Juan advised me that he didn't see any water running out of the house or any other evidence of a leak. We had left the premises on March 19, 2014 at approximately 9:30 a.m. and did not return until April 16, 2014. When we departed the house, all water was turned off at every sink and toilet in both facilities, so the call was a bit perplexing.

I immediately called the individual that cares for the house in our absence, Ismael Alfaro. He was at the house by 12:15 pm on April 8, 2014. The water had been shut off at the meter, so Ismael retrieved his tools and returned to the house at 4:00 p.m. He turned the water back on and determined that there was no leak. Ismael and his daughter Erica entered the house and checked every sink and faucet in the house and determined that all water taps were shut off and that there was nothing wrong.

On April 9, 2014 at approximately 11:15 a.m., Juan was contacted by Erica to arrange for him to meet Ismael at the property at approximately 12:30. During this meeting both gentlemen reviewed the property and could not find any evidence of a leak. Juan confirmed during this meeting that he was not sure what had happened, and that the meter needle was no longer spinning when the water was turned back on. Ismael continued to perform due diligence and checked the meter daily but it was not moving indicating a leak was not present. We took no further action since there was no leak present and that the meter had resumed its normal measurement behavior.

David and I returned to the property on April 16, 2014, and also confirmed that there was no evidence of any water leak, past or present. As evident by the attached table printed from the City website, it is clear that the usage numbers for the April billing cycle reflect an obvious measurement error by the City of St. Helena. You will find that the next billing cycle will show that water usage is consistent with previous usage during the past two years.

If you should need to contact me to discuss further, my mobile number is 713.306.6963.

Thank you in advance for your assistance.

Ellen C. Deal
Ellen and David Deal
2260 Spring Mountain Road
St. Helena, CA 94574

Gmail - Your bill from City of St. Helena is ready.

<https://mail.google.com/mail/u/0/?ui=2&ik=9c84cd787e&view=pt&se>



Ellen Deal <ellencorbindeal@gmail.com>

Your bill from City of St. Helena is ready.

1 message

noreply@merchanttransact.com <noreply@merchanttransact.com>
To: ellencorbindeal@gmail.com

Wed, Apr 16, 2014 at 8:25 AM

City of St. Helena
1480 Main Street
St. Helena, CA 94574
(707) 968-2745
8 AM to 5 PM

Account Information

Account:

Service Address:

Service Period:

Billing Date:

Due Date:

Meter Reading

012458-000

2260 Spring Mtn Rd

3/16/2014 to 4/15/2014 (31 days)

4/14/2014

5/15/2014

Serial	Previous Reading		Current Reading		Cons
	Date	Reading	Date	Reading	
005067367	3/7/2014	1054	4/7/2014	1188	134
Current Charges					
Water: Water Base Fee 1" Residential In Consumption					\$827.64
Water: Water Base Fee 1" Residential in Total Current Charges:					\$80.60
Bill Summary					\$888.24
Previous Balance:					\$73.38
Payments Received:					\$73.38
Adjustments:					\$0.00
Current Charges:					\$888.24
* Total Amount Due by: 5/15/2014					\$888.24

* This was the amount due at the time of billing.

To view your amount due at the current time and make a payment [click here](#).

Auto payment is setup for this customer account, do not pay.



Payment Management
Logout

Dashboard Make Payment My Bill Usage Activity My Profile Contact Us

Usage History

Customer Information (012458-000)

Service Address

2260 Spring Mtn Rd
St Helena, CA 94574

Owner Address

Customer Address

13214 Sunbright Drive
Houston, TX 77041

Select the service you would like to view :
Water

View By:

☐ Graph

☒ Table

☐ Table & Graph

	January	February	March	April	May	June	July	August	September	October	November	December	Grand Total
2005								33		34		25	92
2006		17		17		29		40		31		18	152
2007		15		17		25		33		28		23	141
2008		8		23		32		37		31		19	150
2009		13	7	8	14	16		36	15	13	10	9	141
2010	8	7	7	6	7	16	17	16	13	12	12	6	127
2011	3	4	3	4	9	13	14	17	18	17	12	5	119
2012	3	8	6	5	11	9	10	5	6	3	7	1	74
2013		7	8	1	7	2	8	8	5	9	4	3	62
2014	8	4	2	134	10								158
Grand Total	22	83	33	215	58	142	49	225	57	178	45	109	1216

[Contact Us](#) | [Terms of Use](#)

Copyright © 2014 Springbrook and MerchantTransact. All rights reserved. Powered by Boomerang

erica

5 attachments



20140408_174057.jpg
2855K



20140408_174019.jpg
3541K



20140408_174013.jpg
3379K



20140408_174010.jpg
3273K

Gmail - Fwd:

https://mail.google.com/mail/u/0/?ui=2&ik=9c84cd787e&view_pt&se...



20140408_173917.jpg
2219K

Utility Billing Account Comments

User: casey
Printed: 06/03/2014 - 3:44 PM

Customer No: 012458 - 000
Customer Name: Ellen Deal
Service Address: 2260 Spring Min Rd
Phone: (713) 306-6963

Date	Status	Comment
------	--------	---------

04/09/2014	Closed	Juan reread on 04/08/2014 based on April 2014 meter reading. Major leak. Notified customer, she asked for water to be turned off to call plumber. Reading 1198
06/25/2012	Closed	Bill To was set to UBPayments E-Billing AT: 1:08:38 PM



City of St. Helena
Key

Utility Billing
Service Request Form

Printed: 04/16/2014 9:51:30 AM

Request Number: 000139-04-2014
Account Number: 012458-000

Last Updated By: casev
On: 4/16/2014

Account Status: Active

Name: Ellen Deal
Billing Address: 13214 Sunbright Drive
Houston, TX 77041

Home Phone: (713) 306-6963
Business Phone: (713) 896-7163
Service Address: 2260 Spring Mtn Rd

Request Date: 4/16/2014

Request Description: Check for leak - Customer used 134 units in 30 day period. JD checked for leak 4/8/14. Shut water off at house. Major leak detected. Check meter status

Water/Gas Meters	Route-Seq Read Dt	Serial No Cons	Register ID No Of Digits	MXU ID	Manufacturer	Model No	Reading
Existing Water Meter	300-000410 4/7/2014	103067367 134	003067367 4	70466450	Badger	Badger 124	1188

Location: 0

Reread on 4/8/14

Re read 4/16/14

→ 1198

1198

[Handwritten signature]

Comments:

No leak, meter not moving, not a data profile or on
meter register and or on reading matches each other
10.09 left a message for customer to call me back
on voice mail, NO call back

Follow up needed? ☒ yes ☐ no

Served By: *[Signature]*

Date: 4/16/14

City of St. Helena
casey

Utility Billing
Service Request Form

Printed: 06/03/2014 3:45:16 PM

Request Number: 000139-04-2014
Account Number: 012458-000

Last Updated By: casev
On: 4/17/2014

Account Status: Active

Name: Ellen Deal
Billing Address: 13214 Sunbright Drive
Houston, TX 77041

Home Phone: (713) 306-6963
Business Phone: (713) 896-7163
Service Address: 2260 Spring Mtn Rd

Request Date: 4/16/2014

Request Description: Check for leak - Customer used 134 units in 30 day period. JD checked for leak 4/8/14. Shut water off at house. Major leak detected. Check meter status

Service Date: 4/16/2014

Service Description: No PL, meter not moving, not a data profile orion meter register and orion reading match. Left message with customer. No call back.

Water/Gas Meters	Route-Seq Read Dt	Serial No Cons	Register ID No Of Digits	MXU ID	Manufacturer	Model No	Reading
Existing Water Meter	300-000410	005067367	005067367	70466450	Badger	Badger I Z 4	1202
	5/8/2014	4	4				

Location: 0

Comments:

Follow up needed? yes no

Serviced By: _____

Date: _____

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

RESOLUTION UPHOLDING ADMINISTRATIVE DECISION DENYING REDUCTION OF THE WATER BILL AND REIMBURSEMENT FOR EXPENSES INCURRED BY ELLEN AND DAVID DEAL

RECITALS

The City Council makes the following findings with respect to the administrative appeal by Ellen and David Deal (the "Appellants" or "Deals") with respect to City staff's denial, on May 15, 2014, of their request for reduction of \$1,233.24 for water usage (\$888.24) and reimbursement for leak detection service (\$345.00) with respect to billing cycle from March 16 to April 15, 2014,

- A. City Council reviews appeals for billing relating to the water service system - St. Helena Municipal code Title 13, Chapter 13, Section 13.04.180;
- B. The property located at 2260 Spring Mountain Road (the "Property") consumes on average approximately 5 units per month, based on consumption between March 2013 and April 2014 (a unit of water is approximately 748 gallons);
- C. City staff conducted a meter reading on April 7, 2014, which showed that the Property consumed 134 units of water from March 8, 2014 to April 7, 2014;
- D. City staff re-read the meter on April 8, 2014, which showed that the Property had consumed approximately 10 more units since April 7;
- E. City staff notified the Deals about the unusually high water usage, possibly due to a leak or other uncontrolled flow, and the customer asked that water be turned off;
- F. City staff turned the water off at the meter on April 8, 2014;
- G. City staff verified the meter was functioning properly;
- H. City staff was told by the caretaker/gardener for the property that a toilet valve had been stuck open during the period of unusually high usage; and
- I. Future meter readings showed that when water service resumed the water usage returned to normal levels.

- J. The Deals requested a reduction of \$1,233.24 for water usage (\$888.24) and reimbursement for leak detection service (\$345.00) with respect to billing cycle from March 16 to April 15, 2014.
- K. City staff denied the request on May 15, 2014.
- L. The Deals filed an administrative appeal.

RESOLUTION

The City Council of the City of St. Helena hereby resolves as follows: The evidence shows that the Deals received the units of water measured by the water meter at the Property, and they did not show that the water meter malfunctioned. The City Council therefore denies the Deal's administrative appeal of their request for a reduction, correction and/or reimbursement for water usage charges and leak detection service with respect the billing cycle from March 16 to April 15, 2014.

Approved at a Regular Meeting of the St. Helena City Council on (date), by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

THIS PAGE
INTENTIONALLY
BLANK



**Report to the City Council
Meeting January 13, 2015**

Agenda Section: **New Business**

Subject: **Consideration of a Resolution per Mayor appointment and Council majority vote appointing one applicant to fulfill the Planning Commission vacancy left by Brian Russell's resignation with the term ending June 30, 2017**

Prepared By: **Cindy Black, City Clerk**

Approved By: **Jennifer Phillips, City Manager**

BACKGROUND

The City recently received Planning Commissioner Brian Russell's resignation. The vacant term expires on June 30, 2017.

DISCUSSION

Appointments are made by the Mayor and subject to the City Council's approval. Applications were received from the Mark Smithers, Mary Koberstein, Bob Steinhauer, Tracy Sweeney and Mario Roam Sculatti.

FISCAL IMPACT

None

RECOMMENDED ACTION

Appoint one applicant to fulfill the vacant term.

ATTACHMENTS

1. Resolution Appointing a member to the vacant term
2. Applications for appointment

CITY OF ST. HELENA
RESOLUTION NO. 2015-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA
APPOINTING A MEMBER TO THE PLANNING COMMISSION**

RECITALS

- A. Planning Commissioner Brian Russell resigned from the Commission and left a vacancy.
- B. Applications have been received from applicants for the vacancy. Protocol calls for the appointment to be made by the Mayor and approval by the City Council.

RESOLUTION

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

1. The Mayor hereby appoints _____, to the St. Helena Planning Commission to fulfill a term expiring on June 30, 2017.

Approved at a Regular Meeting of the St. Helena City Council on January 13, 2015, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574

(707) 967-2792
www.sthelenacity.com

RECEIVED

CITY OF ST. HELENA

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying: Planning Commission

Name: Mark Smithers

Home Address: 1819 Vallejo Street, St Helena, CA 94574

Mailing Address: same

Occupation: CFO and SVP Trinchero Family Estates / Sutter Home Winery

Business Address: 100 St Helena Hwy South, St Helena, CA 94574

Home Telephone: 707 290 4508 (cell) Business Telephone: 707 963 3104 ext. 2612

E-mail: msmithers@tfewines.com

Please indicate if above numbers can be made available to the public upon request: yes, all

Are you a resident of St. Helena? Yes. If yes, how long have you lived in St. Helena? 25 yrs.

Current occupation (within last 12 months):

CFO and SVP Trinchero Family Estates / Sutter Home Winery

Business interests in last 12 months: None beyond employment at TFE / SHW

Previous Committee/Commission Experience:

SHUSD Bond Oversight Committee

SHUSD Budget Committee

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

San Francisco State University, Bachelors of Science in Business, concentrations in accounting and finance, 1981

California Certified Public Accountant (inactive), certificate number 49449E

KPMG LLP, international accounting and consulting firm, Senior Manager, 1981 – 1989

Joseph Phelps Vineyards, CFO, 1989 -1995

Trinchero Family Estates / Sutter Home Winery, CFO and SVP, 1995 to present

Professional and/or community service activities:

Napa Youth Soccer coach

St Helena Little League coach

St Helena Economic Outlook Study Group

Local government related experience: None

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute:

I have attended many commission and council meetings while providing my input on a variety of issues and topics. It is now time for me to take a greater step towards supporting and helping our community through additional service.

I have the time, energy, and interest to support the effort need to properly carry out the duties of a commissioner. I feel my analytical skills and objective approach along with a financial background will benefit the commission and the community. I'm a good listener and make fact based decisions that will consider the entire community.

Names, addresses, and phone numbers of three individuals familiar with your background:

Roger Trinchero, PO Box 248 St Helena, CA 94574; [REDACTED]

Joel Gott, 1505 Kearney Street St Helena, CA 94574; [REDACTED]

Dave Brotemarkle, 503 Fulton Lane St Helena, CA 94574; [REDACTED]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.



Signature of Applicant

11.20.14

Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 967-2742.

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 967-2792
www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying:

Plan Commission

Name: Mary Koberstein

Home Address: 2695 Pinot Way, St. Helena, CA 94574

Mailing Address: 2695 Pinot Way, St. Helena, CA 94574

Occupation: Attorney, self employed

Business Address: Residence

Home Telephone: [REDACTED] Business Telephone: same

E-mail: [REDACTED]

Please indicate if above numbers can be made available to the public upon request: No

Are you a resident of St. Helena? Yes If yes, how long have you lived in St. Helena? We purchased a home in July, 2014; have lived here since September, 2014

Current occupation (within last 12 months) Self-employed attorney specializing in real estate transactions, land use and zoning.

Business interests in last 12 months: None.

Previous Committee/Commission Experience: Zoning Board of Appeals, Evanston, Illinois.

Education Experience: Please see attached resume

Professional and/or community service activities:
Director, Friends of the Strand Theatre, Rockland Illinois (local art house cinema); Trustee, Center for Maine Contemporary Art, Rockport, Maine

Local government related experience: Prior to obtaining a law degree, I worked as an associate and principal planner for a county planning agency, and ultimately as Director of Community Development for a suburban Chicago community. As a real estate attorney, my practice included land use and zoning representation which led to frequent interaction with local government elected and appointed officials.

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute.

I would like to learn more about community history and local government and contribute to St. Helena moving forward. As a new resident, I bring no bias to any issue. Through my experience as a city planner and real estate attorney specializing in land use and real estate, and as a member of a Zoning Board of Appeals, I have a thorough understanding of issues that face a plan commission, as well as the goals and practical realities that confront applicants.

Names, addresses, and phone numbers of three individuals familiar with your background:
Jo Dondis, 10 Kims Way, Camden, Maine 04843. Chair, Friends of the Strand Theatre, Inc., [REDACTED]

Mary Linberger, 1017 Ridge Road, Evanston, Illinois 60201 [REDACTED]

John McLinden, Principal; Centrum Partners, LLC, 225 W. Hubbard, 4th Floor, Chicago, Illinois 60654. [REDACTED]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.


Signature of Applicant

December 9, 2014
Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 967-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

**Mary Koberstein
2695 Pinot Way
St Helena, CA 94574**

Employment

Self-employed, 2008-2014 Attorney specializing in real estate transactions.

Centrum Properties, Inc., Chicago, Illinois, 1998 – 2008

General Counsel to dynamic and well-respected Chicago commercial and residential real estate development company with projects throughout metropolitan Chicago and in other states. Negotiated, structured and documented acquisitions and dispositions, loans, equity and joint venture agreements, condominium declarations, and intricate reciprocal easement and operating agreements for complex mixed-use projects. Experienced in leasing, property management and development agreements. Managed the Legal Department. Significant Chicago projects included acquisition, TIF financing and redevelopment of thirty-one acre former Montgomery Ward Corporate Complex; acquisition, \$250+ million construction financing and development of The Roosevelt Collection, a retail and residential mixed use south loop development; and venture structuring and development of Cityfront Plaza, a major mixed use complex in the Streeterville neighborhood.

Sachnoff & Weaver, Ltd., Chicago, Illinois 1991-93, 1996-98, Partner and Associate, Real Estate Department

Specialized in land use and zoning and real estate transactions. Represented numerous clients obtaining suburban and city zoning relief and other forms of development approvals. Structured successful settlements for clients after undertaking land use litigation on their behalf in two North Shore communities. Documented and closed acquisitions, dispositions and financing.

Lord, Bissell & Brook, Chicago, Illinois, 1993-1996, Associate, Real Estate Department

Documented and closed a variety of real estate transactions. Established cell sites throughout metropolitan Chicago for major cellular telephone company. Advised corporate clients on subdivision, annexation and home rule issues pertaining to municipal litigation.

Department of Community Development, Village of Wilmette, Illinois, 1981-1988, Director of Community Development and Senior Planner

Planned and directed Department activities in all matters relating to land use, building and zoning. Oversaw major revision of the village zoning ordinance. Administrative liaison to Board of Trustees, Zoning Board of Appeals, Plan Commission and Housing Commission.

Department of Planning, Zoning & Environmental Quality, Lake County, Illinois 1978-1981, Principal and Senior Planner

Project manager for Comprehensive Plan revision.

Education

Northwestern University Law School, Chicago, Illinois, J.D. cum laude, 1991.
Executive Editor, *Northwestern University Law Review*

The University of Wisconsin, Madison, Wisconsin, M.S. 1977, Urban & Regional Planning

Smith College, Northampton, Massachusetts, A.B., 1975, Art

Affiliations and Publications

Director, Friends of the Strand Theatre, Inc., Rockland, Maine 2013-2014

Trustee, Center for Maine Contemporary Art, Rockport, Maine 2010 to March 2013

City of Evanston, Illinois, Zoning Board of Appeals, 2002-2007

"Sign Regulation in Illinois: The Constitutional Issues", Illinois Bar Journal, September, 1992

"Condominium Ordinances" published by ICLE in Illinois Condominium Law, 1994



RECEIVED
CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 967-2792

www.sthelencity.com
CITY OF ST. HELENA

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying:

PLANNING COMMISSION

Name: Bob STEINHAEUER

Home Address: 1977 VINEYARD AVE

Mailing Address: 1308 MAIN ST., SUITE 112

Occupation: RETIRED; VITICULTURIST-WINE AND CONSULTING

Business Address: 1308 MAIN ST., SUITE 112

Home Telephone: [REDACTED] Business Telephone: 963-3470

E-mail: [REDACTED]

Please indicate if above numbers can be made available to the public upon request: 963-3470

Are you a resident of St. Helena? yes If yes, how long have you lived in St. Helena?

Current occupation (within last 12 months) RETIRED; OWNER OF WINE AND CONSULTING

Business interests in last 12 months: VINEYARD CONSULTING THROUGHOUT CALIFORNIA

Previous Committee/Commission Experience:

ST. HELENA: NONE PLEASE SEE RESUME FOR OTHER COMMITTEES & COMMISSIONS

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

PLEASE REFER TO ATTACHED RESUME

Professional and/or community service activities:

Napa Valley Vintners: MANY COMMITTEE, Board President 2004.

CA. WINE INSTITUTE Board for 20 years
Local government related experience: Appointed to Napa County Watershed Information Center and Conservancy.

Appointed to Napa County Watershed TASK FORCE
Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute.

I HAVE THE TIME TO BE ACTIVE IN HELPING OUR CITY IN POSITIVE ways and want to help. I HAVE THE EXPERIENCE TO WORK PROACTIVE WITH OTHERS. WILLING TO DEDICATE TIME TO UNDERSTAND THE ISSUES.

Names, addresses, and phone numbers of three individuals familiar with your background:

ANNIE COTTELL: [REDACTED]
John and Tracey Skaphy: 1961 Vineyard Ave, [REDACTED]
LORAIN STUART: 22 So. CRANE Ave, [REDACTED]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

Robert Sherman
Signature of Applicant

11/21/2014
Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 967-2742.

Please return the completed application to:

City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

ROBERT E. STEINHAUER

1977 Vineyard Avenue
St. Helena, CA 94574

Education

Member of the California Agriculture Leadership Program from 1971 through 1973. Class 1 studied economics, politics, culture and sociology. Traveled through Europe, Mexico and United States.

Master's Degree in Plant Science, School of Agriculture, Fresno State College, June, 1969. Emphasis on plant physiology and soil science. Studied computer programming.

Received Bachelor of Science Degree in Viticulture, Fresno, June 1965. Business, horticulture and cotton production were part of studies.

Experience

Presently President and owner of Wineland Consulting, LLC. Vineyard consulting in California .

Manager of Administration for the American Vineyard Foundation (AVF). August 1, 2006 to May 1, 2007, managing most of the day to day activities. A pro bono effort in AVF reorganization.

Employed March 1, 1979 until December 31, 2004 by Beringer Blass Wine Estates, served as Senior Vice President, Vineyard Operations. Responsibilities included farming operations for 10,400 acres of coastal wine grapes located in Napa, Sonoma, Lake, Santa Barbara and San Luis Obispo counties along with managing of grape purchases from some 400 growers located throughout the State. Serves on the company's Senior Management Committee.

Employed March 1971 until March 1979 by Napa Valley Vineyard Company of Napa Valley as Vineyard Manager. Duties included management of personnel, all farming and technical practices on 2,800-acres of premium varietal vineyard. Budgeting, purchasing, inventory control and cost analysis were all part of the duties. Involved in labor relations and communications with clients. Coordinated harvest with twelve Napa Valley wineries. Developed 1,800 new acres. Made decisions regarding variety, spacing, type of irrigation and frost protection. Coordinated engineering and installation for overhead sprinklers, drip systems, drain tile, wind machines and heaters.

Employed June 1969 by Schenley Industries, Inc., Delano, California, as Resident Ranch Manager. Duties included supervision of personnel, all technical and farming practices related to a 5,000-acre farm. Farm crops included table grapes, wine grapes, cotton, wheat and milo. Budgeting, cost analysis and cost control were part of the duties. Took part in 1969 negotiations and administration of contract with U.F.W.O.C.

Employed by Schenley Industries, Inc., as Assistant Ranch Manager from November 1, 1965, until return to college, August 1, 1967. Duties included supervision of personnel and all farming practices related to table grapes, shipping juice grapes and thirty wine varieties.

Followed fresh table grape harvest to gain experience during summer of 1965. Worked in Mecca, Arvin and Terra Bella, California. Duties included packing shed and cold storage management and harvest-crew foreman.

Lived and worked on parent's Fresno raisin vineyard for twelve years. We own a 20-acre raisin vineyard in Fresno.

Industry Affiliations

Recipient of the 2010 Agriculturist of the Year Award, Napa County, presented by Napa County Farm Bureau.

Appointed to the USDA, APHIS, PPQ Technical Working Group (TWG) for European Grapevine Moth, *Lobesia botrana*. This TWG, comprised of international members, is charged with making recommendations related to eradication and control of this pest in the United States.

Recipient of the 2008 Merit Award from the American Society for Enology and Viticulture.

Served as Program Committee Chair for 2006, 2007 and 2008 Unified Wine and Grape Symposium.

Recipient of the 2006 Outstanding Alumnus Award from the College of Agricultural Science and Technology, University of California at Fresno from the Alumni Association.

Recipient of the 2005 Wine Integrity Award.

Recipient of the Copia 2004 Winegrower of the Year Award.

Appointed by the Napa County Board of Supervisors to the Watershed Information Center and Conservancy of Napa County, September 2005 to August 2009.

Appointed by Bill Lyons, California Food and Agriculture Secretary, to serve on the Pierce's Disease and Glassy-Winged Sharpshooter Board. Served as Chairman and Vice Chairman. Served for 5 years, resigning March 1, 2006

Served as a Board member of the Wine Institute and a member of the Research and Education Committee. Chairman of the Wine Institute Glassy-Winged sub committee and co-chair with Dana Merrill for the statewide effort for the passage of AB1394.

Served as a member of the Board of the Napa Valley Vintners Association. Served as chairman of the Wine Appellation Committee. Vice President in 2003 and President in 2004.

Served as a member of the Winegrowers of Napa Valley; past Board member.

Appointed by the Napa County Board of Supervisors to the Napa River Watershed Task Force.

Served as a member of the University of California at Fresno Viticulture & Enology Advisory Board.

Elected to the Board of directors of American Society of Enologists, 1981-1983. Served on the Financial Review Committee, the Policy Committee and Program Committee. Served as Viticulture Sessions Chairperson at the 1982 Convention. Served as President in 1985-1986.

Served for thirteen years on the Board of the American Vineyard Foundation.

Past Board member of the California Competitive Grants Program for research in Viticulture and Enology and Viticulture Consortium Board.

Appointed by the California Director of Agriculture to the California Grape Grower Advisory Inspection Committee. Served on the nine-member committee for two years.

Elected to the Board of Directors of the California Grower Foundation. Served as Chairperson of the Board.

Recipient of the 1983 Foremost McKesson California Vintner Award.

Received the Viticulture Alumni Award-1978. Presented by California State University at Fresno Viticulture Club for contributions made to the school and industry.



RECEIVED

DEC 01 2014

CITY OF ST. HELENA

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 967-2792

www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying:

Planning Commission

Name: Tracy Sweeney

Home Address: 1407 Kearney Street, Saint Helena, CA 94574

Mailing Address: Same as above

Occupation: Supply Side Strategies LLC, Partner ~ Management Consultant in Wine Industry

Business Address: 1407 Kearney Street, Saint Helena, CA 94574 (home office)

Home Telephone: [REDACTED] **Business Telephone:** cell/preferred contact (707) 738-2015

[REDACTED]

Please indicate if above numbers can be made available to the public upon request: yes, cell

Are you a resident of St. Helena? yes

If yes, how long have you lived in St. Helena? 14 years

Current occupation (within last 12 months) I am a consultant and serve as General Manager of Corison Winery on contract. I also do contract work for other small wine brands in Napa Valley.

Business interests in last 12 months:

Supply Side Strategies LLC ~ small consulting partnership owned by me and my husband, Jim Sweeney. I also hold one of St. Helena's 25 vacation rental permits and have been taking guests since July 2014 (and submitting monthly TOT and TID taxes).

Previous Committee/Commission Experience: None

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

RESUME ATTACHED

Professional and/or community service activities:

I sit on the St. Helena Chamber of Commerce and currently serve as the Advocacy (Government Relations) Chair.

Local government related experience: See above

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

I want to have a voice in shaping St. Helena's downtown corridor and other development in our City. I am confident I will be able to apply my experience both as a local business person and as a resident to fairly and appropriately administer legal statutes to Commission issues. In addition, I believe I will bring fresh viewpoints to the Commission, in a balanced and educated way that will help move the Committee forward. I will approach all applications through a balanced and well-reasoned lens.

Names, addresses, and phone numbers of three individuals familiar with your background:

Sara Cakebread, [REDACTED]

Pam Simpson, [REDACTED]

Ann Marie Conover, [REDACTED]

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.


Signature of Applicant

12-1-2014
Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 967-2742.

Please return the completed application to:

City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

PROFESSIONAL SUMMARY:

Extensive manager and executive level experience in sales, marketing, human resource, strategic planning, operations, and financial management across several industries and disciplines with current focus in the direct-to-consumer segment of the premium wine industry. Highly adept at quickly analyzing any new assignment or problem then developing and implementing an effective solution strategy and action plan. Skilled at establishing new programming and leading change. Action oriented individual with measurable and documented results.

SKILLS & EXPERTISE:***Direct-to-Consumer Wine Sales***

- E-Commerce
- Tasting Room Management
- Event planning & execution
- Wine Club Management
- Winery Software including POS & CMS
- Pricing
- Telesales

Sales and Marketing Management

- Business development & customer management
- Customer loyalty programs
- Partnership & cooperative marketing
- Sales programming, goal development & reporting
- Email marketing
- Social Media strategy & execution
- Collateral design and production
- Customer advisory boards & focus groups

General Management & Operations:

- Long term strategic planning
- Short term tactical planning & implementation
- Profitability management including budgeting & control
- Compliance management
- Customer service & problem resolution
- Civic interface & community outreach

Human Resources:

- Employee recruitment, hiring & training
- Employee incentive & variable pay plans
- Goal setting & development of appropriate performance metrics
- Performance management & employee recognition programs
- Team building & staff management
- Succession planning

WORK HISTORY:**July 2011 – PRESENT****GENERAL MANAGER, Corlson Winery, St. Helena, CA**

Manage all aspects of Direct-to-Consumer sales, brand planning, personnel, and provide general strategic guidance to proprietors. Manage all winery on-property events. Direct and execute all consumer print and digital communication including email marketing and social media. Results to-date: Tripled Direct-to-Consumer revenues in 24 months growing from \$500K in FYE June 2011 to \$2.35MM in FYE June 2014. Sourced complete POS and eComm systems including redesign and launch of www.corlson.com and online store. Grew active Wine Club enrollment 400% through enhanced tiers, refined benefits, targeted staff sales incentives and increased high-touch member outreach. Successfully increased wine prices 15-35% and tasting fees six-fold with minimal customer resistance. Improved customer experience through a combination of facility improvements, smart hiring, focused training improved choreography and service standards.

August 2010 - PRESENT**PARTNER, Supply Side Strategies, St. Helena, CA**

Provide outsourced senior management services to small wineries and suppliers focusing on Direct-to-Consumer channel. Provide general strategic guidance and direction to principals and staff. Develop

business and promotional plans and create applicable revenue and expense budgets. Recruit, hire, train and manage staff. Source, secure and launch eComm and POS solutions. Conduct customer and stakeholder outreach.

July 2009 – August 2010**DIRECTOR OF SALES AND MARKETING, Dental Masters Laboratory, Santa Rosa, CA**

Managed sales, marketing and customer service for \$5 million dollar dental laboratory serving 700 dentists and smaller labs throughout the U.S. Responsible for developing account acquisition and integration strategies and protocols, development and implementation of quality control and customer feedback systems. Results total accounts prescribing/ordering and per unit sales of focus product, CAD/CAM milled crowns up 100% in the 12 month period ending July 2010.

July 2004 – May 2009**DIRECTOR OF CONSUMER DIRECT SALES & MARKETING, Huneus Vintners, Rutherford, CA**

Developed and implemented Direct-to-Consumer strategy for Huneus Vintners Napa Valley brands, Quintessa and Faust. Grew DTC revenues from >\$1 million to \$4 million and customer database from 5,000 names to 25,000 through focused direct marketing and enhanced customer outreach and acquisition programs. Developed and introduce annual vintage release to mailing list, directed development and launch of Quintessa and Faust websites and online stores. Created partnership programs with other luxury goods suppliers and established Quintessa as an active player in the Direct-to-Consumer arena resulting in results that outperformed the industry peer group in key metrics including VC traffic, direct mail results, year-over-year growth, and overall DTC revenue improvement.

October 1992 – July 2000**SENIOR SALES DIRECTOR, Continental Airlines, Inc. (now United Airlines)****National Specialty Markets and South-Central Regional Agency & Corporate Sales, Houston, TX**

Served in positions of increasing responsibility including Group and Convention Sales Manager, Staff Administrative Director and Regional Sales Director. Ultimately responsible in Senior Director role for \$800 million in gross revenues and line management of a team of 90 employees including agency and corporate field account and regional sales managers, agency and small business telesales managers and administrators and analysts. Consistently achieved or exceeded sales goals as measured in total revenue and market share while operating within division expense budget targets. Improved yields in agency and specialty sales areas as measured in both gross revenues and revenue per available seat miles. Developed several successful programs including a branded small business loyalty program, RewardOne, on-line meeting and group sales and fulfillment program, MeetingWorks, and a meeting planner customer advisory board. Served as team lead and liaison to VP of Sales in coordinating the sales activities of the other Senior Directors. Grew share in established markets and successfully inaugurated new routes. Recognized for excellence through multiple company awards including the annual Chairman's Fly to Win Award. Chosen by CO's executive committee to lead special cross-functional training program - charged with development and execution of this program in concert with CO's inclusion in FORTUNE Magazine's list of "100 Best Companies to Work for in America." Charged with delivering customized training to CO's top 300 management employees across all operational departments.

June 1988 – June 1992**SENIOR VICE PRESIDENT, Marketing & Operations, Riverside County School Credit Union (now Altura Credit Union) Riverside, CA**

Hired as marketing manager and quickly advanced through ranks to be youngest appointed officer with responsibility for all functional areas relating to marketing, sales, business development, human

resources, and branch operations. Together with the President actively led the effort to establish RCSCU as a benchmark company in the credit union industry and local business community. Brought many innovations to the business including establishing a sales culture complete with goals – quite new to credit unions at this time, creating and launching a telemarketing function, developing a staff training program, implementing a college recruitment and training program for future branch managers (the only known program among credit unions of any size at that time). Awarded numerous industry awards for excellence in marketing creativity and successful execution. Invited to speak at a variety of industry forums about innovations pioneered at RCSCU.

August 1985 – June 1988**NATIONAL ON-PREMISE ACCOUNTS MANAGER, Ernest & Julio Gallo Winery, Commerce, CA**

Joined company as college recruit in the hotel/restaurant division. Held progressive positions as territory, training, and key accounts manager at the Winery owned distributor level. Moved up to winery field chain accounts manager calling on large regional restaurant chains. Consistently led peers in achievement of goals including overall case sales, new product placement, distribution, promotions, wine list placements and other relevant metrics.

EDUCATION:

1992 Masters of Business Administration
National University, San Diego, California

1985 Bachelors of Science, Cum Laude
Arizona State University, Tempe, Arizona

AFFILIATIONS:

St. Helena Chamber of Commerce
Board of Directors & Chair of Advocacy/Government Relations Committee

COMMUNITY SERVICE:

Sonoma Academy Auction Co-Chair ~ 2012 & 2013
The Young School Auction Co-Chair ~ 2005, 2006, 2007 & 2008
The Young School Parent Group President ~ 2006 & 2007
Girl Scout Troop 266 Cookie Sales Chair ~ 2004 through 2010
St. Helena Cub Scout Pack One Cubmaster ~ 2001 ~ 2003
Robert Louis Stevenson Middle School Run for Funds Treasurer ~ 2008
St. Helena Elementary School Parent Teacher Group President 2002
St. Helena Elementary School Parent Teacher Group Vice-President 2001



RECEIVED

DEC 12 2014

CITY OF ST. HELENA

CITY HALL, 1480 MAIN STREET
ST. HELENA, CALIFORNIA 94574
(707) 967-2792

www.sthelenacity.com

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Committee/Commission to which you are applying:

Planning Commission

Name: Mario Roam Sculatti

Home Address: 1026 Charter Oak Apt A, Saint Helena, CA 94574

Mailing Address: 1335 Main Street, Suite 106, Saint Helena, CA 94574

Occupation: Antique Dealer, Vintner, Wine Business Consultant

Business Addresses: Sculatti Wine: 1335 Main Street Suite 106, Saint Helena, CA 94574
ROAM Antiques: 1124 Lincoln Ave. Calistoga, CA 94515

Home Telephone: (707) 235-2555 **Business Telephone:** same

E-mail:

Mario@Sculatti.com

Please indicate if above numbers can be made available to the public upon request:
Yes

Are you a resident of St. Helena? YES **If yes, how long have you lived in St. Helena?**
My whole life, 34 years, except the 3 years in Orange County, CA

Current occupation (within last 12 months)

***Sculatti Wine:** includes wine production, and consulting services.

***ROAM Antiques:** Owner. Antique retail store, trading, and appraisal.

Business interests in last 12 months:

***Sculatti Wine** sold past vintages to private label buyers, produced 150 cases of 2014 vintage Napa Valley Cabernet Sauvignon this year.

***Advisory/Capital Formation services** for Bettinelli Vineyard Management.

*ROAM Antiques opened July 2014.

Previous Committee/Commission Experience: As City Councilmember of St. Helena City Council: Napa County Gang and Youth Violence Committee, NCTPA Alternate, regular NCLOG attendee, LGC Commission Ahwahnee Conference attendee 2014.

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

*Saint Helena High School, Associate Student Body President. Class of 1999

*University of Virginia Economics/Architecture, Class President 1999-2001

*UC Berkeley Hass School of Business Extension, Business 2002-2004

*GSD (Get Stuff Done) Degree, from University of Business World Experiences 2004-2011

(please note, U of B WE is not an accredited institution, although it ought to be!)

Professional and/or community service activities:

*Mario's Mens Clothing, Manager/Buyer/Advisor St. Helena, CA 2001-2014

*Elevation Wine Group, Owner, Las Vegas, NV and Macau, China
\$1.2MM in sales, 6 trips to Asia representing Napa Valley wines 2004-2008

*Spectrum Wine Auctions, Director of Sales, \$20MM in sales for this Fortune 500 company
Irvine, CA and Hong Kong, 15 trips to Asia 2008-2011

*Martin Wine Auctions, President, San Francisco and St. Helena, CA 2011- 2012
\$3MM in sales, sold company to Heritage Galleries.

*Sculatti Wine, Owner, production & consulting services, St. Helena, CA 2008-Present
Investment capital formation for local vineyard planting and development projects.

*ROAM Antiques and Design, Owner, Calistoga, CA 94515 2014-Present

Local government related experience:

*Served as St. Helena City Councilmember from February 2013 to Dec 2014.

*Extensive review and knowledge of the 2013 General Plan Update while serving on Council.

*Intensive Study and Knowledge transfer of Planning from Planning Commissioners and City Staff

*NCLOG Conferences

*LGC (Local Government Commission) annual Ahwahnee conference at Yosemite National Park 2014

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

After serving on the Saint Helena City Council as Councilmember for just under 2 years, I have learned a tremendous amount about how the City operates on a daily basis and the significant importance that planning plays in the future of St. Helena, both in Planning Commission's role of guiding our policies to ensure safe and harmonious living amongst all of us neighbors, and also in how important it is to be transparent and timely in our processing of citizens projects and desires from a customer service and communication standpoint.

During my service on Council I was constantly studying and analyzing our local zoning, building, governance policy codes and state CEQA guidelines in order to better deliberate on issues brought before us at the Council. Above all I want to better serve our City now and in the future, and by giving my time to better dive into understanding the mastery of planning functions, I feel I can better contribute in the future to the City.

I believe I may be the only candidate applying for the Planning Commission at this time who has spent months of my own life studying the Draft General Plan Update on a line-by-line basis, while serving on City Council. This study and knowledge of the new General Plan will greatly benefit me as a Planning Commissioner as we go forward, as a City, interpreting and overseeing the policy guidelines of the new General Plan in the coming 10-20 plus years.

I plan on living in St. Helena for the rest of my life, as my family has for the past 113 years, and I feel that applying for the Planning Commission is the next logical step of commitment to my City after having served on the City Council.

In the November 2014 Election 879 citizens cast their votes for me, and this is a significant amount of our voting residents who support and trust my objective judgment and ability to weigh decisions fairly.

I want to continue to serve our amazing and lovely City of St. Helena.

Thank very much you for your consideration of my potential appointment to
The St. Helena Planning Commission.

Names, addresses, and phone numbers of three individuals familiar with your background:

Roger Trinchero 100 St. Helena Hwy, St. Helena, CA

Giancarlo Bettinelli 5430 Washington St., Yountville, CA

Greg Martin 8842 Conn Creek Rd, Rutherford, CA

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

Mar R. Sculatt
Signature of Applicant

Dec 11, 2014
Date

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 967-2742.

THIS PAGE
INTENTIONALLY
BLANK



Report to the City Council Meeting of January 13, 2015

Agenda Section: Consent Calendar

Subject: 2015 City Council assignments to various City and Napa County Boards and Commissions

CEQA Status: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Council Members sit on various collaborative agency committees which include:

- a. City/SHUSD/Chamber/NVC (Monrovia)
- b. St. Helena Sewer District No. 1
- c. Association of Bay Area Governments (ABAG) - Executive Board
- d. Association of Bay Area Governments (ABAG) - General Assembly
- e. Napa Valley Tourism Corporation/ St. Helena Tourism Improvement District (SHTID)
- f. League of California Cities – North Bay Division
- g. Napa County City Selection Committee
- h. Napa County Flood Control and Water Conservation District
- i. Napa County Gang & Youth Violence Commission
- j. Napa County Local Agency Formation Commission (LAFCO)
- k. Napa County Transportation and Planning Agency (NCTPA)
- l. Napa County Watershed Information Center & Conservancy (WICC)

DISCUSSION

It is appropriate for the City Council to annually review the intergovernmental City Council assignments.

FISCAL IMPACT

None

RECOMMENDED ACTION

Affirm or recommend appointment to the:

- a. City/SHUSD/Chamber/NVC (Monrovia)
- b. Napa Valley Tourism Corporation/ St. Helena Tourism Improvement District (SHTID)

Make recommendation to the Napa County Board of Supervisors to affirm or recommend new member:

- a. Napa County Gang & Youth Violence Commission
- b. Napa County Transportation and Planning Agency (NCTPA)
- c. Napa County Watershed Information Center & Conservancy (WICC)

ATTACHMENTS

Attachment 1 – 2014 Intergovernmental City Council Assignments

2014 ST. HELENA INTERGOVERNMENTAL CITY COUNCIL ASSIGNMENTS

MAYOR/COUNCIL COMMITTEE ASSIGNMENTS:		Date/Time & Location		Contact	Primary	Alternate	700 Form Filers
City of SHUSD/Chamber/NVC (Monrovia)		Meets: Qtrly			Mayor Galbraith Pitts Staff: City Manager Finance Director		Not Required
• Meet to discuss interests in common • No Compensation							
St. Helena Sewer District No. 1					All		
• Meets as needed • 11-08-1984 Resolution 1984-597 Establishing Sewer District No. 1 and 1984-598 Description							
Association of Bay Area Governments (ABAG) - Executive Board		101 Eighth St. Oakland CA 94607 Meets: 7:00 p.m., 3rd Thursday of every other month		(510) 484-7900	Mayor Galbraith Term Expires 06/30/16		Required Mail to: Fred Castro
• Appointed by the City Selection Committee • To enhance the quality of life in the San Francisco Bay Area by leading the region in advocacy, collaboration, and excellence in planning, research and member services • Agency membership dues based on population • Compensation - \$150.00 per Meeting							
Association of Bay Area Governments (ABAG) - General Assembly		101 Eighth St. Oakland CA 94607 Meets: Annually		(510) 464-7900	Mayor Galbraith	Vice Mayor White	Required Mail to: Fred Castro
• St. Helena City Council appoints member and alternate, no term limit • To enhance the quality of life in the San Francisco Bay Area by leading the region in advocacy, collaboration, and excellence in planning, research and member services • Agency membership dues based on population							
Napa Valley Tourism Corporation (Umbrella for Napa County)		Meets: Qtrly Stonebridge		Catherine Heywood 707-260-0112	Crull Staff: City Manager		Not Required
St. Helena Tourism Improvement District (SHTID) • Elected official appointed by the St. Helena City Council • 7 members from St. Helena (4-members of lodging, 1-Chamber of Commerce, 1-Elected Official and 1-City Manager) Membership includes: Kevin Dimond, Harvest Inn Mark Hoffmeister, Wydown Hotel Jennifer Phillips, City Manager Chair - Marcelle Adderley, Inn at Southbridge - General Manager Pam Simpson, Chamber Rep - Executive Director Pirrette Therena, El Bonita Hotel - GM Sharon Crull, City Councilmember • No Compensation							

2014 St. HELENA INTERGOVERNMENTAL CITY COUNCIL ASSIGNMENTS

MAYOR/COUNCIL COMMITTEE ASSIGNMENTS:					Date/Time & Location			Contact	Primary	Alternate	700 Form Filers
League of California Cities – North Bay Division					P.O. Box 458, Mill Valley, CA 94941 Meets: Quarterly			(415) 302-2032 Nancy Hall Bennett	All		Not Required
- To maintain a central office of information and research for matters pertaining to City government and to influence legislation that affects cities - Agency membership dues required - No Compensation											
Napa County City Selection Committee					1195 Third Street, Suite 310, Napa 94558 Meets: 1:00pm, 3rd Tuesday of the month, Quarterly			(707) 253-4580 Gladys Coil	Mayor Galbraith (Delegate)	Vice-Mayor White	Not Required
- In counties where 2 or more cities are incorporated, this Committee appoints city representatives to certain boards, commissions and agencies as prescribed by law (Section 52770, CA Gov't Code) - Representative must be Mayor (per above Gov't Code) - No Compensation											
Napa County Flood Control and Water Conservation District					1195 Third Street, Room 305, Napa 94558 Meets: 1:30 a.m., 1st and 3rd Tuesday of the Month			(707) 253-4580 Gladys Coil	Mayor Galbraith	Vice-Mayor White	Required
- Mission is the conservation and management of flood and storm waters to protect life and property; the maintenance of the County watershed using the highest level of environmentally sound practices; and to provide coordinated planning for water supply needs for the community. - Representative must be Mayor - Bylaws - No Compensation											
Napa County Gang & Youth Violence Commission					Location Changes Meets: 4:30 p.m., on 3rd Wednesdays, As needed/no less than quarterly			(707) 253-4211 Gary Lieberstein District Attorney	VACANT Staff: Police Chief		Not Required
- Prevention, intervention & suppression of gang violence - City Council makes appointee recommendation to the Napa County Board of Supervisors - No Compensation											
Napa County League of Governments (NCLOG)					Location rotates Meets: 6:00 p.m., 2nd Thursday of the month, Quarterly			(707) 253-4580 Gladys Coil	All		Not Required
- No Compensation - Bylaws - Mayors of the City and County rotate the Chair position											
Napa County Local Agency Formation Commission (LAFCO)					1195 Third Street, Napa 94558 Meets: 4:00p.m., 1st Thursday of the month			(707) 259-8645 Kathy Mabry	Pitts Term Expires 5/1/2017		Required Mail to: Kathy Mabry 1030 Seminary St, Suite B Napa CA 94558
- City Selection Committee makes appointment - Four-Year Term Gov Code, Informal Policy Two-Year Rotation \$125 per meeting											

2014 St. HELENA INTERGOVERNMENTAL CITY COUNCIL ASSIGNMENTS

MAYOR/COUNCIL COMMITTEE ASSIGNMENTS:					700 Form Fillers		
Date/Time & Location		Contact	Primary	Alternate			
Napa County Transportation and Planning Agency (NCTPA) • 2 Members and 2 alternates(1-Mayor with City Council appointing the other 2 City Councilmember Alternates • Bylaws		625 Burnell Street, Napa 94559 Meets: 1:30p.m., 3rd Wednesday of the month	(707) 259-8634 Kate Miller Karrie Sanderlin (707) 259-8633	Mayor Galbraith Vice Mayor White Staff: City Manager Public Works Director	Cruil	Required Mail to: Board Secretary 625 Burnell Street Napa CA 94559	
Napa County Watershed Information Center & Conservancy (WICC) • City Council makes appointment recommendation to the Board of Supervisors • No Compensation • BOS Resolution 02-103		1125 Third Street, 2nd Floor Conference Room, Napa 94558 Meets: 4:00p.m., 4th Thursday of the month	(707) 259-5938 Jeff Sharp, Liaison Gladys or Nadine	Vice Mayor White		Not Required	

THIS PAGE
INTENTIONALLY
BLANK



Report to the City Council Meeting of January 13,

Agenda Section: Consent Calendar

Subject: Consideration of Resolution entering into a Contract with Kaizen InfoSource LLC for Records and Information Management services which encompasses \$15,000 to conduct an extensive citywide assessment

CEQA Status: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The purpose of contracting with Kaizen InfoSource LLC is to assess the needs of St. Helena's records and establish policy for the management, preservation, and protection of the City's permanent, vital and archival records.

The last assessment of the City's records took place in June 2002. At that time the City of St. Helena approved and implemented a Retention Schedule. Since the implementation 12 years ago the Retention Schedule has not been updated to reflect the needs of the City or applicable laws.

DISCUSSION

Kaizen has extensive experience working with California public agencies, including County of Sonoma, City of Napa and City of American Canyon. The experienced Kaizen team encompasses valuable skills including governance, technology selection and implementation, change management and eDiscovery. They offer a comprehensive approach to building the right rules and roadmap for implementation.

Kaizen's purpose is to apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of all City records. They will develop a new Retention Schedule interactively with all departments participating. This will design a clear, specific records descriptions and retention periods, and apply current law and technology to the management of St. Helena's records. By identifying records and establishing clear retention periods for different categories of records, St. Helena will

realize significant savings in labor costs, storage costs, free filing cabinet space and office space, and operational efficiencies.

FISCAL IMPACT

\$15,000 to conduct an extensive citywide assessment

RECOMMENDED ACTION

Staff recommends that the Council approve the contract with Kaizen InfoSource to provide the recommendations and governance to improve the records management requirements and build a roadmap for future improvements.

ATTACHMENTS

Attachment 1 – Resolution entering into a Contract with Kaizen InfoSource LLC for Records and Information Management services which encompasses \$15,000 to conduct an extensive citywide assessment

Attachment 2 – Agreement for services and scope of services.

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ST. HELENA AUTHORIZING AN
AGREEMENT FOR CONSULTANT SERVICES
WITH KAIZEN INFOSOURCE LLC**

RECITALS

- A. It is essential to assess the needs of St. Helena's records and establish policy for the management, preservation, and protection of the City's permanent, vital and archival records.
- B. Kaizen InfoSource LLC has represented that they have the necessary expertise, experience, and qualifications to perform the assessment and provide a Records Management Schedule.

RESOLUTION

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

- 1. The City Council approves the Agreement with Kaizen InfoSource LLC for \$15,000.00.
- 2. The City Council authorizes the City Manager to execute the agreement on behalf of the City.

Approved at a Regular Meeting of the St. Helena City Council on (date), by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk

AGREEMENT FOR CONSULTANT SERVICES

THIS AGREEMENT, made and entered into on _____, 2015 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Kaizen InfoSource LLC (Consultant).

RECITALS:

- A. City desires to employ Consultant to furnish professional services in connection with the project described as Records and Information Management.
- B. Consultant has represented that Consultant has the necessary expertise, experience, and qualifications to perform the required duties.

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

SECTION 1 – BASIC SERVICES

Consultant agrees to perform the services set forth in **Exhibit A, “Scope of Services”** and made part of this Agreement.

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to or outside of those set forth in this Agreement or **Exhibit A, “Scope of Services”**, unless such additional services and compensation are authorized in advance and in writing by the City Council or City Manager of the City.

SECTION 3 – TIME FOR COMPLETION

The time for completion of services shall be as identified in **Exhibit A, “Scope of Services”**.

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit A, “Scope of Services”, “Project Investment,” attached hereto and made a part hereof. Total compensation shall not exceed \$30,000 for services and \$2,500 for expenses (which must be pre-approved), unless additional compensation is approved in accordance with Section 2.

B. On a monthly basis, Consultant shall furnish to City an original invoice for all amounts due pursuant to Exhibit A, “Scope of Services.” The invoice shall detail charges by the following categories if applicable: labor (by sub-category), travel, materials, equipment, supplies, subconsultant contracts, and miscellaneous expenses. City shall independently review each invoice submitted to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. If no charges or expenses are disputed, the

invoice shall be approved and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the contract price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant.

C. Payment to the Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

SECTION 5 – STANDARD OF PERFORMANCE

Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

City may inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when completed. City shall reject or finally accept Consultant's work within sixty (60) days after submitted to City, unless the parties mutually agree to extend such deadline. City shall reject work by a timely written explanation, otherwise Consultant's work shall be deemed to have been accepted. City's acceptance shall be conclusive as to such work except with respect to latent defects and fraud. Acceptance of any of Consultant's work by City shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to, the sections pertaining to indemnification and insurance.

SECTION 7 – INSURANCE REQUIRED

Consultant shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees, as indicated:

- A. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:
 - 1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 - 2. Automobile Liability, as set forth in Subparagraph B(2) below.
 - 3. Workers' Compensation insurance for any employees Consultant may employ, as required by the State of California and Employer's Liability Insurance.
- B. **Minimum Limits of Insurance.** Consultant shall maintain limits no less than:

1. General Liability: \$2,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage, which coverage (a) shall be provided by each of Consultant's partners or independent contractors who provide services to the City under this Agreement, and, (b) in the event that any employee of Consultant provides such services, shall be provided by Consultant and shall be at least as broad as Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
3. Employer's Liability: if any employees of Consultant provide services to the City under this Agreement, \$2,000,000 per accident for bodily injury or disease.

C. Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions of \$25,000 or greater must be declared to and approved by the City.

D. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City, its agent, officers, officials, employees, and volunteers are to be covered as additional insured as respects: liability arising out of work or operations performed by the Consultant or Consultant's subconsultants; or automobile owned, leased, hired or borrowed by the Consultant.
2. For any claims related to Consultant's conduct while performing the work of this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its agents, officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its agents, officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

E. Waiver of Subrogation. The workers compensation policy is to be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

F. The Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the City.

G. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

A. Consultant shall indemnify and hold harmless City, its agents, officers, officials, employees, and volunteers from any and all claims, demands, suits, loss, damages, injury, and/or liability (including any and all costs and expenses in connection therewith), incurred by reason of any negligent or otherwise wrongful act or omission of Consultant, its officers, agents, employees and subcontractors, or any of them, under or in connection with this Agreement; and Consultant agrees at its own cost, expense and risk to defend any and all claims, actions, suits, or other legal proceedings brought or instituted against City, its agents, officers, officials, employees and volunteers, or any of them, arising out of such negligent or otherwise wrongful act or omission, and to pay and satisfy any resulting judgments.

B. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor (“design professional”), the provisions of this section regarding Consultant’s duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

C. If any action or proceeding is brought against Indemnitees by reason of any of the matters against which Consultant has agreed to indemnify Indemnitees as provided above, Consultant, upon notice from City, shall defend Indemnitees at Consultant’s expense by counsel acceptable to City, such acceptance not to be unreasonably withheld. Indemnitees need not have first paid for any of the matters to which Indemnitees are entitled to Indemnification in order to be so indemnified. The insurance required to be maintained by Consultant shall ensure Consultant’s obligations under this section, but the limits of such insurance shall not limit the liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

D. The provisions of this section do not apply to claims to the extent occurring as a result of the City’s sole negligence or willful acts or misconduct.

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner, nor to incur an obligation, debt or liability of any kind on behalf of or against City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City.

B. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall have control over the conduct of Consultant or any of Consultant's officers, employees or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees or agents are in any manner officials, officers, employees or agents of City.

C. Neither Consultant, nor any of Consultant's officers, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to City's employees. Consultant expressly waives any claim Consultant may have to any such rights.

SECTION 10 – CONFLICTS OF INTEREST

A. Consultant covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of City or which would in any way hinder Consultant's performance of services under this Agreement. Consultant further covenants that in the performance of this Agreement, no person having any such interest shall be employed by it as an officer, employee, agent, or subcontractor without the express written consent of the City Manager. Consultant agrees to at all times avoid conflicts with the interests of City in the performance of this Agreement.

B. City understands and acknowledges that Consultant is, as of the date of execution of this Agreement, independently involved in the performance of non-related services for other governmental agencies and private parties. Consultant is aware of any stated position of City relative to such projects. Any future position of City on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 11 – OWNERSHIP OF DOCUMENTS

A. All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any services pursuant to this Agreement shall become the sole property of City, except where documents, maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, or files are prior work of Consultant and written permission is given to the City to use the prior work, and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

B. All copyrights, patents, trade secrets, or other intellectual property rights associated with any ideas, concepts, techniques, inventions, processes, improvements, developments, works of authorship, or other products developed or created by Consultant during the course of providing services (collectively the "Work Product") shall belong exclusively to City. The Work Product shall be considered a "work made for hire" within the meaning of Title 17 of the United States Code. Without reservation, limitation, or condition, Consultant hereby assigns, at the time

of creation of the Work Products, without any requirement of further consideration, exclusively and perpetually, any and all right, title, and interest Consultant may have in the Work Product throughout the world, including without limitation any copyrights, patents, trade secrets, or other intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

A. All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than City without prior written authorization from the City Manager, except as may be required by law.

B. Consultant, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager or unless requested by the City Attorney of City, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered “voluntary” provided consultant gives City notice of such court order or subpoena.

C. If Consultant, or any officer, employee, agent or subcontractor of Consultant, provides any information or work product in violation of this Agreement, then City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of Consultant’s conduct.

D. Consultant shall promptly notify City should Consultant, its officers, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with City and to provide City with the opportunity to review any response to discovery requests provided by Consultant. However, this right to review any such response does not imply or mean the right by City to control, direct, or rewrite such response.

SECTION 13 – SUSPENSION OF WORK

City may, at any time, by ten (10) days written notice suspend further performance by Consultant. All suspensions shall extend the time schedule for performance in a mutually satisfactory manner and Consultant shall be paid for services performed and reimbursable expenses incurred prior to the suspension date.

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this

Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

During the performance of this contract, Consultant agrees as follows:

A. Equal Employment Opportunity. In connection with the execution of this Agreement, Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, ancestry, age, sexual orientation, physical handicap, medical condition, marital status, sex, or national origin. Such actions shall include, but not be limited to, the following: employment, promotion, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training including apprenticeship.

B. Nondiscrimination Civil Rights Act of 1964. Consultant will comply with all federal regulations relative to nondiscrimination to federally-assisted programs.

C. Solicitations for Subcontractors including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations, made by Consultant for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor, supplier, or lessor shall be notified by Consultant of Consultant's obligations under this Agreement and the regulations relative to nondiscrimination.

SECTION 16 – RECORDS

A. Records of Consultant's direct labor costs, payroll costs, and reimbursable expenses pertaining to this project covered by this Agreement will be kept on a generally recognized accounting basis and made available to City if and when required for a period of up to 3 years from the date of Consultant's final invoice.

B. Consultant's records and design calculations will be available for examination and audit if and as required. The cost of any reproductions shall be paid by City.

SECTION 17 – COOPERATION BY CITY

All public information, data, reports, records, and maps as are existing and available to City as public records, and which are necessary for carrying out the work as outlined in the Exhibit A, "Scope of Services", shall be furnished to Consultant in every reasonable way to facilitate, without undue delay, the work to be performed under this Agreement.

SECTION 18 – NOTICES

All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by facsimile or first class mail, addressed as follows:

To City: City Manager
1480 Main Street
St. Helena, California 94574

To Consultant: Helen Streck
Kaizen InfoSource LLC
Mandela Business Plaza
2280 Pulgas Avenue
Palo Alto, CA 94303

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile, or, if mailed, three (3) days after deposit in the custody of the U.S. Postal Service.

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all work in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

C. Upon termination of this Agreement by either Consultant or City, all property belonging to City which is in Consultant's possession shall be delivered to City. Consultant shall furnish to City a final invoice for work performed and expenses incurred by Consultant, prepared as set forth in this Agreement.

SECTION 20 – ATTORNEY FEES

If litigation or other proceeding is required to enforce or interpret any provision of this Agreement, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorneys' fees, costs and expenses, in addition to any other relief to which it may be entitled. In addition, any legal fees, costs and expenses incurred to enforce the provisions of this Agreement shall be reimbursed to the prevailing party.

SECTION 21 – ENTIRE AGREEMENT

This Agreement, including the attached Exhibits, is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between Consultant and City prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any party which are not embodied herein shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 22 – SUCCESSORS AND ASSIGNS

This Agreement shall be binding on the heirs, executors, administrators, successors and assigns of the parties. However, this Agreement shall not be assigned by Consultant without written consent of the City.

SECTION 23 – CONTINUITY OF PERSONNEL

Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff assigned to perform the services required under this Agreement. Consultant shall notify City of any changes in Consultant's staff assigned to perform the services required under this Agreement, prior to any such performance.

SECTION 24 – DEFAULT

In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default and may terminate this Agreement immediately by written notice to Consultant.

SECTION 25 – WAIVER

Waiver by any party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by City of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

SECTION 26 – LAW TO GOVERN; VENUE

This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Napa. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Northern District of California, in San Francisco.

SECTION 27 – SEVERABILITY

If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 28 – SPECIAL PROVISIONS

This Agreement is subject to the following special provisions: none.

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms, conditions, and provisions above stated, the day and year first above written.

Consultant:

City:

By: _____

By: _____

Name: _____

Name: Jennifer Phillips

Title: _____

Title: City Manager

Approved as to Form:

By: _____

Name: Thomas B. Brown

Title: City Attorney

EXHIBIT A – SCOPE OF SERVICES

Records and Information Management

Proposal

For

CITY OF St. Helena

December 10, 2014

Kaizen InfoSource LLC

Mandela Business Plaza
2280 Pulgas Avenue
Palo Alto, CA 94303
(805) 231-3026

USE AND DISCLOSURE OF DATA

This proposal includes data that shall not be duplicated, used, or disclosed - in whole or in part - for any purpose other than to evaluate this proposal. This restriction does not limit the right to use information contained in this data if it is obtainable from another source without restriction. Rates and fees will be honored for thirty (30) days from the date proposal is submitted.



KAIZEN
INFOSOURCE

(805) 231-3026
Mandela Business Plaza
2280 Pulgas Avenue
Suite 100
Palo Alto, CA 94303

www.2kaizen.com



STATEMENT OF NEED

The City of St. Helena, CA (the "City") is comprised of 10 different departments that provide services to the citizens of St. Helena. The City is seeking the services of a consultant to help design a long-term strategy for implementing the requirements of a Records and Information Management (RIM) Program with a focus on the updating the governance and implementing a Document Management System (DMS) to better serve the City of St. Helena. The City has a goal of improving the overall efficiency of how records and information are created, stored, shared and managed by all City departments, and to identify areas of immediate and long-term improvements and risk avoidance.

This proposal by Kaizen InfoSource ("Kaizen") provides the recommended approach to meeting these objectives. In addition to providing the strategy for implementing and sustaining a RIM Program, Kaizen will prepare a roadmap for implementing Program initiatives, and update the RIM Program Policy and Retention Schedule and build the plan and indexing requirements for implementing a DMS for the City's official records. The specific objectives and tasks identified below are designed to first gather an understanding of the current state of managing information for the City to assure that any recommendations are practical and that any improvements can be sustained by the employees.

PROGRAM OBJECTIVES

The objectives of this proposal include:

- Assess the current business processes by department for managing the City's hard copy records and information and identify opportunities for improvement,
- Develop a roadmap of initiatives that will improve information management and availability, and
- Define the filing structure and develop a plan for transitioning from a paper-based filing system to using a DMA

The benefits that the City can achieve by improving the management of records and information and transitioning from paper-based record keeping to electronic include:

- Automatically applying the compliance requirements for records retention and security,
- Protecting personal and private information at the appropriate levels using technology,



- Having a single point of truth where public information and official records are retained,
- Being able to separate public from non-public records and assuring public access to public information,
- Improving the response time to litigation request and public records requests,
- Enabling employees access to information in a timely manner and removing the dependency of needing an employee in the office to find information or needing to have multiple copies of the same document available "just in case,"
- Reducing or minimizing the storage of non-essential or non-record emails, and
- Improved delivery, access and transparency of City government services and business

ABOUT KAIZEN

Kaizen InfoSource LLC ("Kaizen") is a Records and Information Management (RIM) and Records Information Technology consulting company headquartered in northern California that specializes in creating focused solutions to directly meet the needs and goals of the client both in the near-term and into the future. Kaizen's client industries include local government, special district, and state government for the State of California as well as public and private corporations. Kaizen's goal is to provide the City with the elements of better document management that achieve the objectives noted above and addresses long-term sustainability.

Kaizen's team of consultants has a combined experience of over 100 years in the field of RIM and Technology. All are former practitioners and come to this project with an appreciation of the struggles the City has and how to achieve success. See *Appendix A* for a list our consultant team and their biographies.

PROPOSED APPROACH

Overview

The City recognizes the need to standardize the classification of the information and find a mechanism to apply retention requirements to both paper and electronic documents. In order to accomplish this goal, the City needs to standardize filing schemes that can be included with the use of technology for managing information.

2280 Pulgas Avenue, Suite 100
Palo Alto, CA 94303

805-231-3026
2kaizen.com



Kaizen proposes the following set of consulting tasks and associated deliverables for the City Records and Information Management function.

1. Conduct an Assessment

Complete an assessment of the City's Records and Information Management (RIM) practices covering the following areas/elements with a focus of improved information organization and classification:

- Information Governance – *do adequate rules and controls exist today?*
- Employee Awareness – *do employees know what to do with their information?*
- Current Practices and Processes for creating, storing and managing information
- Technology Systems – *how well is information shared, classified and organized and what applications are used today?*

For this task, Kaizen assumes the Retention Schedule adopted in 2002 will need to be reviewed and adjustments considered. Except for the use of Microsoft Office, Kaizen assumes that creation and storage of City official records are in hard copy format.

Kaizen will need to interview subject matter experts from each department to discuss the bullets above and gain an understanding of employees' knowledge of the RIM requirements and how they use their information. These interviews will include questions about their needs for finding documents using a DMS and help define the filing requirements. Interviewing key staff from each department gives the department a voice in the management of their information and clearly provides the business use for the information that may last longer than the legally mandated requirements.

Deliverables: *A report of findings and recommendations - Included with the report will be a roadmap of the RIM Program initiatives.*

Elapsed Time: *This task will take an estimated two to three months to complete.*



2. **Provide a Records and Information Management Policy**

Modernize the base line governance documents for the RIM Program. This includes providing the City with a sample Policy, Policy Map, and a Program Glossary.

The Policy Map is a listing of the "needed" support documents like procedures, standards, forms, etc. that the City will need to develop or update to enable employees to comply with the requirements of the Policy. The Policy Map also notes what governance documents will be necessary to allow the City to define the electronic document as the "official" City record.

Deliverable: Comprehensive City RIM Policy, Policy Map, and Program Glossary

Elapsed Time: This task will take one week to complete.

3. **Revise and Modernize the Current Retention Schedule**

Evaluate and modernize the City's current Retention Schedules:

- o Update the format to one that can be expanded to into a classification scheme,
- o Standardize requirements across the entire City, where practical,
- o Include the requirements for classification (index) to be implemented with Laserfiche System.

Kaizen will use the information from the interviews conducted in Task 1 to understand the business use of Information for the City. Kaizen will review the requirements and update the format and the format will be presented and agreed upon prior to revising the Retention Schedule. The new Retention Schedule will be a single functionally organized Retention Schedule for the entire City that is modernized with requirements to ensure that they can be applied to both paper and electronic records.

Deliverable: Updated Final Draft Retention Schedule and Filing Index Classification

Elapsed Time: Estimated time is one to two months but the work can be done concurrently with Task 1.



Conclusion

Kaizen emphasizes a goal-driven approach throughout our methodology and engagement. Our company provides the services of senior consultants and a staff with broad experience and a significant history of Record and Information Management Services. Our mission dictates client service as the paramount element of every engagement. We look forward to the opportunity to partner with the City of St. Helena.



PROJECT INVESTMENT

INVESTMENT: **The total investment for this SOW is \$30,000.00.**

Task 1	-	\$15,000
Task 2	-	\$ 5,000
Task 3	-	\$10,000

PAYMENT SCHEDULE: Payment structure is to be 25% upon signing of contract, 30% with the deliverables under Task 1, 25% with the delivery of the draft Policy, Policy Map and Glossary, and the final payment of 20% upon delivery of the draft Retention Schedule and Filing Index Classification.

EXPENSES: All expenses are billed as pass through. It is anticipated that expenses for any travel by Kaizen team members will not exceed \$2,500. Any expenditure will be preapproved by the City.

CLIENT CONTACT: **Cindy Black**
City Clerk
City of St. Helena
(707) 968-2742
CindyB@cityofsthelena.org

**KAIZEN
CONTACT &
PAYMENT INFO:** **Helen Streck**
President and CEO
2280 Pulgas Avenue
Palo Alto, CA 94303
(805) 321-3026
hstreck@2kaizen.com



ACCEPTANCE

This Statement of Work becomes a supplement to the Contract Services Agreement between the parties designated below and by reference becomes a part thereof.

The signatories below agree to the description of services, payment schedule and terms as defined in this Statement of Work and are authorized to commit their respective organizations to this agreement.

CITY OF ST. HELENA

BY: _____
(Authorized Signature)

NAME: _____
(Print)

TITLE: _____

DATE: _____

KAIZEN INFOSOURCE LLC

BY: _____
(Authorized Signature)

NAME: Helen Streck
(Print)

TITLE: President and CEO

DATE: _____

2280 Pulgas Avenue, Suite 100
Palo Alto, CA 94303

805-231-3026
2kaizen.com



APPENDIX A – EXPERIENCE OF KAIZEN PARTNERS

Helen Streck / President and CEO

Ms. Streck has over 28 years of experience in information management design and implementation for both private corporations and public entities. Streck has also been deposed four times and interviewed by the U.S. Attorney's office for describing and defending her RIM Program designs and practices. Prior to coming to Kaizen, Streck served as records management consultant for Shook, Hardy & Bacon LLP. She has served as director of corporate records and information management for pharmaceutical companies, and Records Manager and consultant for municipal government agencies and law firms. She has crafted information management program strategies for diverse organizations and built concrete, actionable steps for implementation across a broad spectrum of domestic and international clients. Streck is active in ARMA International where she is a presenter for ARMA at international conferences. In addition, she has published articles in various professional newsletters, and a past contributor to the monthly columnist for the AIIM Infonomics magazine for the Association for Information and Image Management (AIIM), and the ERM Community of AIIM.

Norman K. Weiner / SVP, Information Technology Services

Mr. Weiner has over 26 years of experience as a senior technology executive and consultant in companies of international, national and regional scope. As CIO, SVP, VP and Director he has developed and implemented successful strategic planning initiatives for RIM and IT services in Government, Legal, Insurance, Education, and Healthcare industries. As a practitioner, Mr. Weiner applies a unique combination of technology, information, and financial management skills and experience to align business processes and technical requirements among an organization's business units and IT service. With a focus on IT as a service and return on investment, he assists clients with strategic technology assessment, business case development, business process analysis, and business and functional requirements for enterprise information systems. Mr. Weiner has managed structured and unstructured data with systems for Enterprise Content Management, Electronically Stored Information, Records Information Management; Document Management, Electronic Document Lifecycle Management, Compliance, Legal Suspense, eDiscovery, Litigation Support, Email, Archiving, Social Media, Web Content, and Financial Systems. Mr. Weiner is a member of ARMA. As an international and national speaker he presents webinars, all-day seminars, and workshops, including the annual ARMA International Conference and Exposition, Asia Pacific Information Management Conference, annual vendor seminars, and at numerous ARMA regional and local chapters.

R. Scott Murchison, CRM / SVP, Information Management Services

Mr. Murchison is a Certified Records Manager (CRM) and holds a Communication degree and has 24 years of experience in Records and Information Management in a



variety of industries including banking, insurance, and the entertainment industry. He has provided both design and implementation of records management systems for personnel and payroll, corporate records retention policies, taxonomy, budgetary systems, vendor management, Copyright & Trademark systems design and implementation, and for Sarbanes-Oxley, USA Patriot Act and HIPAA Compliance implementation. Previous clients have included the Federal Reserve Bank of NY, Guardian Life Insurance Company of America, Hilton Hotels, and 20th Century Fox/New World Entertainment as well as other clients in the construction, media, and finance industries. Mr. Murchison specializes in total design and implementation of information management and records retention schedules, from design to training, providing comprehensive solutions for the needs of companies and departments large or small.

Pilar McAdam, CRM, ERMm / Consultant, Information Management Services

Ms. McAdam is a Certified Records Manager with more than 30 years of experience working with business support processes, including records and information governance, in both corporate and legal environments. Prior to joining Kaizen InfoSource, Pilar administered deployment and maintenance of a business intake workflow system, and advocated the centralization of client information within a single system. She was the Team Lead for the records and information management program at The Boeing Company, where she was responsible for records policies and procedures, the records retention schedule, including its expansion to incorporate international offices, corporate-wide RIM training, and key elements of the corporate compliance program. Pilar's experience includes policy and procedure development, business process analysis, analysis of contract terms and conditions, and coordination of training and compliance programs. Pilar has been an active member of the ARMA International since 1999.

THIS PAGE
INTENTIONALLY
BLANK