



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

ST. HELENA CITY COUNCIL
REGULAR MEETING
DECEMBER 8, 2015

**3:00 PM CLOSED SESSION SPECIAL MEETING
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;
Government Code § 54956.9, subdiv. (d)(2): Significant exposure to litigation (one potential case)
- b. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION;
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (One potential case)
- c. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION;
Government Code Section 54956.9(d)(1); City of St. Helena v. Upper Valley Disposal Service, Napa County Superior Court No. 26-64875.
- d. CONFERENCE WITH REAL PROPERTY NEGOTIATOR; Government Code Section 54956.8;
Property: PG&E Property on Mitchell Drive APN 009-263-005
Agency Negotiator: City Manager Jennifer Phillips and Planning and Community Improvement Director Noah Housh
Negotiating Party: Pacific Gas and Electric Company
Government Relations Representative Mark Van Gorder and Maya Herr-Anderson
Under Negotiation: Price and terms of payment

3. CALL TO ORDER

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.

STAFF BRIEFING

- 8.** Monthly water wise update presented by Jennifer Tuell, Water Conservation Coordinator

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)

- 9.** Second reading and proposed adoption by title only of Proposed Modifications of the Development Impact Fee Ordinance No. 2013-2, Section 3.32.070 Water Impact Fees B. Schedule of Water Impact Fees. Modification is to Correct a Calculation Error Discovered in the October 3, 2013 Development Impact Fee Study Report
CEQA Status: Exempt. (CEQA Guidelines §§ 15061(b)(3), 15273.)
Lead Staff: April Mitts, Finance Director
Recommendation: Waive reading and adopt by title only
- 10.** Second reading and proposed adoption by title only of Proposed Amendments to the City's Purchasing System Ordinance, St. Helena Municipal Code Chapter 3.04 Purchase of Supplies, Equipment and Services and Procedures for Public Works Projects. Specific Amendments Apply to the Following:

Article 1 §3.04.010 Purpose Objectives / Scope / Responsibilities, Article 1 §3.04.020 Definitions, Article 2 §3.04.060 Requisitions, Article 2 §3.04.080 Contracts, Article 2 §3.04.100 Bidding procedures for various purchase amounts, Article 2 §3.04.110 Departmental purchases, Article 2 §3.04.120 Informal bid procedure, Article 2

§3.04.130 Formal bid procedure, Article 2 §3.04.150 Cooperative purchasing with other agencies, Article 2 §3.04.170 Emergencies, Article 3 §3.04.200 Uniform construction cost accounting procedures, Article 3 §3.04.210 Bidding procedures for various project amounts, Article 3 §3.04.230 Informal bidding procedures, Article 3 §3.04.240 Formal bidding procedures, Article 3 §3.04.250 Bonds, Article 3 §3.04.270 Tie bids, Article 3 §3.04.300 Prevailing wages required, Article 3 §3.04.310 Pre-qualification of bidders, Article 4 §3.04.320 Award of professional service contracts based on competence, and Article 4 §3.04.340 Contracting authority.

The proposed amendments will increase purchasing limits and add clarifying language and definitions.

CEQA Status: Not a CEQA project

Lead Staff: April Mitts, Finance Director

Recommendation: Waive reading and adopt by title only

11. Consideration and proposed approval of a resolution authorizing a budget transfer from Fund 238 – Training Development Fund to the Public Safety budget (238-4900-2155), in the amount of \$4,000.00 to be used for reimbursable Police Department training

CEQA Status: Not a CEQA Project

Lead Staff: William Imboden, Acting Chief of Police

Recommendation: Adopt

12. Consideration and proposed approval of a resolution award for the Purchase Order in the Amount of \$58,857.82 to Downtown Ford Sales for the Purchase of Two 2016 Ford Interceptor All Wheel Drive SUV and Approve a Resolution to Adjust Citizens' Option for Public Safety Fund (COPS) in the Amount of \$109,356.82 for the Purchase and Outfitting of the Two Vehicles

CEQA Status: Not a CEQA Project

Lead Staff: William Imboden, Acting Chief of Police

Tracey Perkosky, Grants Manager

Recommendation: Adopt

PUBLIC HEARING:

13. Consideration to adopt a resolution requesting membership in Marin Clean Energy (MCE); introduce the first reading by title only of an ordinance authorizing the City to implement and carry out a community choice aggregation program within the City of St. Helena through membership inclusion with Marin Clean Energy (MCE); authorize the City Manager to execute an MOU exploring inclusion with MCE; and authorize the Mayor to sign a letter requesting confidential load data from PG&E

CEQA Status: Not a CEQA project as defined in accordance with CEQA Guidelines, Section 15378

Lead Staff: Kathy Robinson, Operations Manager

Recommendation: Open/close Public Hearing, introduce by title only

NEW BUSINESS:

14. Consideration of Potential Amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Chapter 17.134, Short-Term Rentals (STRs)

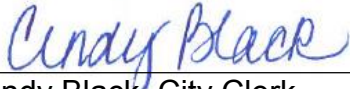
CEQA Status: Not a Project Under CEQA; Any Future Legislative Actions will require CEQA review and a Determination

Lead Staff: Noah Housh, Planning and Community Improvement Director

Recommendation: Provide direction

ADJOURNMENT The next Regular City Council meeting is scheduled for January 12, 2016, 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 November 30, 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://cityofsthenana.org> and will be available for public review at the respective meeting.



**Report to the City Council
Council Meeting of December 8, 2015**

Agenda Section: Consent

Subject: Second Reading and Adoption of Proposed Modifications of the Development Impact Fee Ordinance No. 2013-2, Section 3.32.070 Water Impact Fees B. Schedule of Water Impact Fees. Modification is to Correct a Calculation Error Discovered in the October 3, 2013 Development Impact Fee Study Report.

CEQA Status: Exempt. (CEQA Guidelines §§ 15061(b)(3), 15273.)

Prepared By: April Mitts, Finance Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

In 2013 the City retained Colgan Consulting to assist with an update of its development impact fees, including, for example, public safety, park, civic improvement, traffic, and water system impact fees. On November 12, 2013 City Council adopted Ordinance 2013-2 establishing new development impact fees which took effect on January 12, 2014.

DISCUSSION

The introduction and first reading of this Ordinance was heard by the City Council on November 24, 2015.

California law provides that local agencies may impose fees to mitigate the impacts of development, in amounts which are reasonably related to the estimated costs of providing the service or facility for which the fee is charged. (See, e.g., the Mitigation Fee Act, Gov. Code § 66000 et seq.) In 2013, the City Council adopted an ordinance which imposed such impact fees based on a study by Colgan Consulting. City staff recently discovered that a calculation error in the study inadvertently caused the amount of the Water Impact Fee to be overstated. The underlying data and analysis were proper and supported by substantial evidence, but an arithmetic error caused the bottom line Water System Improvement Impact figures to be overstated.

The initial error is reflected in Table 7.1: Water System Improvements, in the 2013 Colgan Consulting Report. This calculation error was then was carried through to the following tables:

Table 7.3: Water System Improvement Cost per HCF per Year

Table 7.4: Water System Improvements – Allocated Cost by Development Type

Table 7.5: Water System Improvements – Impact Fees per Square Foot.

Attachment A highlights the calculation errors in each of these tables. The impact fees reflected in Attachment A are the calculations per square foot. The adopted fees are slightly higher per square foot due to a 2.5% administrative fee charged. Attachment B is the original staff report dated October 22, 2013 showing the proposed impact fees including administrative costs. Water system impact fees are highlighted on page 2 of this report. Attachment C is an updated report prepared by Colgan Consulting showing the corrected Water Development Impact Fees. (Attachment C does not take into consideration the 2.5% administrative fee.)

As a result of the calculation error, the Ordinance adopted by the City Council in 2013 overstated the Water System Improvement Impact Fees by 48%. The City has thus been overcharging Water System Improvements Development Impact Fees by 48% since January 12, 2014. It is estimated approximately \$200,000 will need to be refunded to customers due to this calculation error. Funds are available for this refund in the Water System Impact Fee Account – Fund 764. Accordingly, staff proposes that the City Council adopt an Ordinance (Exh. D), based on the updated corrected report (Exh. C), to state the correct amount of the Water System Improvement Impact Fees, and that the City take action to refund the overcharges.

These actions will ensure that the City only collects Water System Improvement Impact Fees in amounts that are reasonably related to the estimated costs of providing the services and/or facilities, as established in the study prepared by Colgan Consulting.

Per §3.32.150 of the St. Helena Municipal Code, every July 1st fee adjustments are made pursuant to an inflationary index, based on the increase, if any, in the Engineering News Records US20 Cities average construction cost index for the June preceding the increase and the June one year prior. Per §3.32.150 increases were made to Water Impact Fees on July 1, 2014 and on July 1, 2015 (Table 1). The proposed modification to §3.32.070 Water Impact Fees reflects the original correction and the two subsequent increases as directed in §3.32.150 (Table 2).

Table 1 – Adopted Water Impact Fees including Administrative Fees

Water Impact Fee Per Sq. Foot	Adopted Amount Effective 1/12/2014	7/1/2014 Increase 2.7%	7/1/2015 Increase 2.7%
Single Family Residential	\$3.05	\$3.13	\$3.22
Multi Family Residential	\$2.47	\$2.54	\$2.61
Office	\$3.14	\$3.22	\$3.31
Industrial	\$4.18	\$4.29	\$4.41

Commercial/Retail	\$6.06	\$6.22	\$6.39
Lodging	\$6.13	\$6.30	\$6.47

Table 2 – Proposed Correction to Water Impact Fees including Administrative Fees

Water Impact Fee Per Sq. Foot	Adopted Amount Effective 1/12/2014	7/1/2014 Increase 2.7%	7/1/2015 Increase 2.7%
Single Family Residential	\$1.59	\$1.63	\$1.68
Multi Family Residential	\$1.28	\$1.31	\$1.35
Office	\$1.63	\$1.67	\$1.72
Industrial	\$2.17	\$2.23	\$2.29
Commercial/Retail	\$3.16	\$3.25	\$3.33
Lodging	\$3.19	\$3.28	\$3.36

FISCAL IMPACT

If the ordinance is adopted correcting the water impact fee calculation error, approximately \$200,000 will be refunded to customers who were charged incorrect amounts. Funds are available in Fund 764 Water Impact Fees for the refunds. If the ordinance is adopted, refunds for overcharges will be made to all customers charged incorrectly from January 12, 2014 to the effective date of the ordinance change. Going forward the amounts collected will properly reflect the fees supported by the City's 2013 nexus study.

RECOMMENDED ACTION

Staff recommends the City Council of the City of St. Helena waive further reading and adopt ordinance reflecting the corrected water impact fees. If adopted the corrected water impact fees will take effect February 6, 2016. (See Gov. Code § 66017 (fees shall be effective no sooner than 60 days after adoption).)

ATTACHMENTS

Attachment A – Water System Development Impact Fees

Attachment B – Staff Report Dated October 22, 2013

Attachment C – Corrected Water System Development Impact Fees

Attachment D – Proposed Ordinance

Table 7.1: Water System Improvements

Improvement Description	Improvement Cost ¹	New Dev Share ²	New Dev Cost ³
Bale Slough (Rutherford W-28)	\$ 116,367.00	50%	\$ 58,183.50
Tank 2 - PAX Mixer	\$ 56,398.00	0%	\$ -
Pratt Avenue Transmission Bridge	\$ 400,000.00	50%	\$ 200,000.00
Community Drive	\$ 47,000.00	0%	\$ -
Howell Mountain Road	\$ 135,000.00	0%	\$ -
York Creek Upper Dam Removal	\$ 3,196,105.00	0%	\$ -
Meadowood & Holmes Tank Upgrade	\$ 79,630.00	50%	\$ 39,815.00
Water Treatment Plant Upgrades	\$ -	15%	\$ -
Bell Canyon Reservoir Improvements	\$ 369,276.00	15%	\$ 55,391.40
Corp Yard Improvements	\$ 151,444.00	15%	\$ 22,716.60
Machinery & Equipment	\$ 58,228.00	15%	\$ 8,734.20
SCADA	\$ 150.00	15%	\$ 22.50
WTP Worker Housing	\$ 40,000.00	0%	\$ -
Water Valve Replacement	\$ 12,900.00	0%	\$ -
Charter Oak Water Main Replacement	\$ 56,206.00	0%	\$ -
Groundwater Well Upgrades	\$ 70,545.00	100%	\$ 70,545.00
Recycled Water Mains	\$ 121,309.00	100%	\$ 121,309.00
Vehicle Replacement Program (Treatment)	\$ 60,000.00	5%	\$ 3,000.00
Dwyer Road Booster	\$ 1,150,000.00	50%	\$ 575,000.00
Water Rights Renewal	\$ 136,029.00	0%	\$ -
Tank 1A Construction	\$ 1,210,230.00	15%	\$ 181,534.50
Bell Canyon/Lower Reservoir Intake Towers	\$ 302,125.00	15%	\$ 45,318.75
Bell Valve House	\$ 462,177.00	15%	\$ 69,326.55
Surge Protection at LSWTP & SBW	\$ 25,000.00	0%	\$ -
Fixed Gas Chlorine Analyzer	\$ 6,000.00	0%	\$ -
High Service Pump	\$ 372,030.00	15%	\$ 55,804.50
Bell Creek Inflow Weir Design	\$ 470,472.00	15%	\$ 70,570.80
Sludge Handling Program	\$ 62,000.00	0%	\$ -
Replace Telemetry at LSWTP	\$ 16,000.00	0%	\$ -
Influent Valve Actuator	\$ 9,000.00	15%	\$ 1,350.00
Lower Reservoir Water Treatment	\$ 184,000.00	100%	\$ 184,000.00
Raw Water Metering Station	\$ 25,000.00	15%	\$ 3,750.00
Toilet Retrofit Program	\$ 25,000.00	100%	\$ 25,000.00
Radio Repeater/Infrastructure	\$ 2,000.00	15%	\$ 300.00
Tank 1 Rehabilitation	\$ 300,000.00	15%	\$ 45,000.00
Tank 2 Recoating	\$ 500,000.00	15%	\$ 1,836,672.30
Total/Average	\$ 10,227,621.00	36%	\$ 3,673,344.60

¹ Improvement costs estimated by the City of St. Helena Public Works Department

² Share of cost attributable to new development estimated by the City of St. Helena Public Works Department

³ Cost attributable to new development = project cost X new development %

New Development Water Demand

Table 7.2 projects the added water demand associated with each type of new development. This chapter includes Schools (K-12) as a separate development type.

Schools were not addressed in previous chapters, because they are not subject to other City impact fees. However, because schools connect to the City's water and wastewater systems, they are subject to impact fees for water and wastewater.

Table 7.2: New Development Water Demand

Development Types	Dev Units ¹	Potential New Units ²	HCF per Unit	Added Demand (HCF per Year)
Residential, Low Density	DUs	292	203.0	59,276
Residential, Med/Higher Density	DUs	87	89.0	7,743
Commercial/Retail	KSF	21.9	168.0	3,671
Office	KSF	111.9	87.0	9,731
Industrial	KSF	16.0	116.0	1,856
Lodging	Rooms	220	85.0	18,700
Schools (K-12)	KSF	35.5	96.0	3,407
Total				104,384

¹ Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

² See Table 2.3 except for Schools (K-12); increase in school square footage estimated at 13.7% based on population growth (See Tables 2.2 and 2.3)

³ Hundreds of cubic feet (HCF) of water usage per unit, based on the 2004 Water and Wastewater Rate Study, except the rates for Lodging and Schools (K-12), which are based on analysis of water meter records

⁴ Added demand in HCF per year by development type = potential new units X HCF per unit

Water System Improvement Cost per HCF

Table 7.3 on the next page calculates the average water system improvement cost per HCF per year for new development, using new development's share of improvement costs from Table 7.1 and the total added demand in HCF from Table 7.2.

Table 7.3: Water System Improvement Cost per HCF per Year

New Development Cost ¹	Added Demand (HCF per Year) ²	Cost per HCF per Year ³
\$3,673,344.60	104,383.8	\$35.19

¹ See Table 7.1² See Table 7.2³ Cost per hundred cubic feet (HCF) of added demand per year = new development cost / added demand in HCF

Allocated Cost by Development Type

Table 7.4 calculates the share of new development's improvement cost allocated to each type of development, using the cost per HCF per year from Table 7.3, the demand per unit in HCF by development type, and the added units for each type of development.

Table 7.4: Water System Improvements - Allocated Cost by Development Type

Development Type	Cost per per HCF ¹	HCF per Unit ²	Potential New Units ³	Alloc Cost by Dev Type ⁴
Residential, Low Density	\$35.19	203.0	292	\$ 2,085,967.32
Residential, Med/Higher Density	\$35.19	89.0	87	\$ 272,482.03
Commercial/Retail	\$35.19	168.0	21.9	\$ 129,178.23
Office	\$35.19	87.0	111.9	\$ 342,439.50
Industrial	\$35.19	116.0	16.0	\$ 65,314.05
Lodging	\$35.19	85.0	220	\$ 658,067.16
Schools (K-12)	\$35.19	96.0	35.5	\$ 119,896.32
Total				\$ 3,673,344.60

¹ See Table 7.3² See Table 7.2³ See Table 7.2⁴ Allocated cost by development type = cost per HCF X HCF per unit X potential new units

Impact Fee per Square Foot

Table 7.5 calculates the impact fee per square foot of new development for water system improvements using the allocated cost per development type from Table 7.4 and the added square feet by development type.

Table 7.5: Water System Improvements - Impact Fees per Square Foot

Development Type	Alloc Cost by Dev Type ¹	Added Sq Ft by Dev Type ²	Impact Fee per Sq Ft ³
Residential, Low Density	\$ 2,085,967.32	700,800	\$ 2.98
Residential, Med/Higher Density	\$ 272,482.03	113,100	\$ 2.41
Commercial/Retail	\$ 129,178.23	21,850	\$ 5.91
Office	\$ 342,439.50	111,850	\$ 3.06
Industrial	\$ 65,314.05	16,000	\$ 4.08
Lodging	\$ 658,067.16	110,000	\$ 5.98
Schools (K-12)	\$ 119,896.32	35,490	\$ 3.38
Total	\$ 3,673,344.60	1,073,600	

¹ See Table 7.4; allocated cost per development type also equals projected revenue

² See Table 2.3 except for Schools (K-12); increase in school square feet based on 13.7% population growth using data from Tables 2.2 and 2.3

³ Impact fee per square foot = cost per development type / added square feet by development type

Projected Revenue

Potential revenue from the water system impact fees is the same as the total allocated cost per development type shown in Table 7.5. Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record Building Cost Index*. See the Implementation Chapter for more on indexing of fees.

STAFF REPORT



DATE: October 22, 2013

TO: Mayor and City Council

Item #_11_

FROM: Karen Scalabrini, Finance Director

RE: Review of Impact Fee Study and introduction of new impact fees.

BACKGROUND:

The City retained Colgan Consulting to assist with an update of its development impact fees. The last comprehensive update to impact fees was completed in 2006.

The City maintains a capital improvement program covering a five-year planning period which includes projects for water, wastewater, public safety, civic improvements, street, and storm drainage. Development impact fees are subject to the provisions of Government Code Section 66000 et seq. Colgan Consulting has completed a study for the purpose of evaluating our existing system for impact fees and rates. The completed study is attached.

On May 14, 2013 proposed fees were reviewed during a public hearing. During the hearing Council discussed issues with the transportation impact fee section. Staff was directed to bring the Transportation section back for discussion after the circulation element of the general plan was reviewed by Council. Transportation/circulation projects include bike paths as discussed in the general plan update. Please refer to page 3-2 to see a detail list of projects included in the transportation impact fee calculation.

DISCUSSION/ANALYSIS:

Colgan Consulting has worked with City Staff and reviewed the City's Capital Improvement Program, master plans and other information describing anticipated new development and the facilities requirement to meet the needs of new development. Joe Colgan has evaluated the demands placed on facilities and infrastructure and recommend methodologies for developing an appropriate and comprehensive impact fee schedule. Both the proposed fee schedule and the current fee schedule are provided.

Summary of Proposed Impact Fees (per Square Foot) Including Administrative Fee

Development Type	Transportation	Parks	Public Safety	Civic Facilities	Water System	WW System	Drainage System	Total
Residential, Low Density	\$1.94	\$7.16	\$1.04	\$1.95	\$3.05	\$0.45	\$0.73	\$16.32
Res, Med/Higher Density	\$2.36	\$12.18	\$1.04	\$1.95	\$2.47	\$0.66	\$0.69	\$21.34
Commercial/Retail	\$20.89		\$1.04	\$1.95	\$6.06	\$0.88	\$1.65	\$32.47
Office	\$5.36		\$1.04	\$1.95	\$3.14	\$0.44	\$1.37	\$13.30
Industrial	\$3.40		\$1.04	\$1.95	\$4.18	\$0.59	\$1.65	\$12.82
Lodging	\$7.98		\$1.04	\$1.95	\$6.13	\$0.87	\$1.28	\$19.26

Summary of Existing Development Impact Fees (per Square Foot)

Development Type	Transportation	Parks	Public Safety	Civic Facilities	Water System	WW System	Drainage System	Total
Residential, Low Density	\$4.11		\$1.25	\$2.73	\$6.46	\$5.21	\$0.02	\$ 19.78
Residential, Med/Higher Density	\$2.82	Included	\$1.25	\$2.73	\$2.81	\$4.15	\$0.02	\$ 13.78
Commercial/Retail	\$36.87	in Civic	\$1.25	\$1.68	\$10.69	\$8.51	\$0.04	\$ 59.04
Office	\$9.46	Imprvmt	\$1.25	\$2.27	\$7.35	\$4.41	\$0.03	\$ 24.77
Industrial	\$5.98	Fees	\$1.25	\$1.58	\$5.53	\$5.85	\$0.04	\$ 20.23
Lodging								Classified as Commercial/Retail

FISCAL IMPACT:

Overall, impact fees are reduced which will reduce the cost to of development to developers significantly in some areas depending on the type of development. A summary based on total fees by development type is provided below.

<i>Development Type</i>	<i>Current Rate Per Square Foot</i>	<i>Proposed Rate Per Square Foot</i>	<i>Increase/(Decrease) Per Square Foot</i>
Residential, Low Density	\$19.78	\$16.32	(\$3.46)
Residential, Med/High Density	\$13.78	\$21.34	\$7.56
Commercial Retail	\$59.04	\$32.47	(\$26.57)
Office	\$24.77	\$13.30	(\$11.47)
Industrial	\$20.23	\$12.82	(\$7.41)
Lodging**	\$59.04**	\$19.26	(\$39.78)

** Lodging was previously calculated as Commercial Retail. The rate shown is Commercial retail for comparison purposes.

RECOMMENDED COUNCIL ACTION:

Introduce the ordinance reflecting the new impact fees and direct staff to place on the November 12, 2013 Council agenda for adoption. If adopted new fees would take effect January 12, 2014

ATTACHMENTS/EXHIBITS:

Development Impact Fee Draft Report

Ordinance

Chapter 7

Water System Impact Fees

This chapter calculates impact fees for water system improvements needed to serve future development in St. Helena. The impact fees calculated in this chapter are based on the cost of specific improvements to the City's water system, and those costs are allocated to various types of development based on average water demand for each type of development.

Service Area

The Water System impact fees calculated in this chapter are for a single Citywide service area, and are intended to apply to all new development in the City.

Level of Service

The level of service standard for water system improvements is not addressed explicitly in this study. The appropriate standards are reflected in the engineering studies used to establish the need for the improvements shown in Table 7.1.

Demand Variable

The demand variable used to allocate improvement costs in this chapter is water demand in hundreds of cubic feet (HCF) per year.

Methodology

This chapter calculates impact fees using the plan-based method discussed in Chapter 1. Plan-based fees are calculated by allocating costs for a defined set of improvements to a defined increment of development that will be served by those improvements.

In this case, new development's share of the cost of water system improvements listed in Table 7.1 is allocated to new development based on estimated demand per unit of development by development type.

System Improvements

Table 7.1 on the next page lists the water system improvements used to calculate water system impact fees in this chapter. Table 7.1 also indicates the share of cost for each improvement that is attributed to new development.

As shown in Table 7.1, the share of total improvement costs allocated to new development is 36%.

Table 7.1: Water System Improvements

Improvement Description	Improvement Cost ¹	New Dev Share ²	New Dev Cost ³
Bale Slough (Rutherford W-28)	\$ 116,367.00	50%	\$ 58,183.50
Tank 2 - PAX Mixer	\$ 56,398.00	0%	-
Pratt Avenue Transmission Bridge	\$ 400,000.00	50%	\$ 200,000.00
Community Drive	\$ 47,000.00	0%	-
Howell Mountain Road	\$ 135,000.00	0%	-
York Creek Upper Dam Removal	\$ 3,196,105.00	0%	-
Meadowood & Holmes Tank Upgrade	\$ 79,630.00	50%	\$ 39,815.00
Water Treatment Plant Upgrades	\$ -	15%	-
Bell Canyon Reservoir Improvements	\$ 369,276.00	15%	\$ 55,391.40
Corp Yard Improvements	\$ 151,444.00	15%	\$ 22,716.60
Machinery & Equipment	\$ 58,228.00	15%	\$ 8,734.20
SCADA	\$ 150.00	15%	\$ 22.50
WTP Worker Housing	\$ 40,000.00	0%	-
Water Valve Replacement	\$ 12,900.00	0%	-
Charter Oak Water Main Replacement	\$ 56,206.00	0%	-
Groundwater Well Upgrades	\$ 70,545.00	100%	\$ 70,545.00
Recycled Water Mains	\$ 121,309.00	100%	\$ 121,309.00
Vehicle Replacement Program (Treatment)	\$ 60,000.00	5%	\$ 3,000.00
Dwyer Road Booster	\$ 1,150,000.00	50%	\$ 575,000.00
Water Rights Renewal	\$ 136,029.00	0%	-
Tank 1A Construction	\$ 1,210,230.00	15%	\$ 181,534.50
Bell Canyon/Lower Reservoir Intake Towers	\$ 302,125.00	15%	\$ 45,318.75
Bell Valve House	\$ 462,177.00	15%	\$ 69,326.55
Surge Protection at LSWTP & SBW	\$ 25,000.00	0%	-
Fixed Gas Chlorine Analyzer	\$ 6,000.00	0%	-
High Service Pump	\$ 372,030.00	15%	\$ 55,804.50
Bell Creek Inflow Weir Design	\$ 470,472.00	15%	\$ 70,570.80
Sludge Handling Program	\$ 62,000.00	0%	-
Replace Telemetry at LSWTP	\$ 16,000.00	0%	-
Influent Valve Actuator	\$ 9,000.00	15%	\$ 1,350.00
Lower Reservoir Water Treatment	\$ 184,000.00	100%	\$ 184,000.00
Raw Water Metering Station	\$ 25,000.00	15%	\$ 3,750.00
Toilet Retrofit Program	\$ 25,000.00	100%	\$ 25,000.00
Radio Repeater/Infrastructure	\$ 2,000.00	15%	\$ 300.00
Tank 1 Rehabilitation	\$ 300,000.00	15%	\$ 45,000.00
Tank 2 Recoating	\$ 500,000.00	15%	\$ 75,000.00
Total/Average	\$ 10,227,621.00	19%	\$ 1,911,672.30

¹ Improvement costs estimated by the City of St. Helena Public Works Department

² Share of cost attributable to new development estimated by the City of St. Helena Public Works Department

³ Cost attributable to new development = project cost X new development %

New Development Water Demand

Table 7.2 projects the added water demand associated with each type of new development. This chapter includes Schools (K-12) as a separate development type.

Schools were not addressed in previous chapters, because they are not subject to other City impact fees. However, because schools connect to the City's water and wastewater systems, they are subject to impact fees for water and wastewater.

Table 7.2: New Development Water Demand

Development Types	Dev Units ¹	Potential New Units ²	HCF per Unit	Added Demand (HCF per Year)
Residential, Low Density	DUs	292	203.0	59,276
Residential, Med/Higher Density	DUs	87	89.0	7,743
Commercial/Retail	KSF	21.9	168.0	3,671
Office	KSF	111.9	87.0	9,731
Industrial	KSF	16.0	116.0	1,856
Lodging	Rooms	220	85.0	18,700
Schools (K-12)	KSF	35.5	96.0	3,407
Total				104,384

¹ Units of development: DUs = dwelling units; KSF = 1,000 gross sq. ft. of building area; Rooms = guest rooms or suites

² See Table 2.3 except for Schools (K-12); increase in school square footage estimated at 13.7% based on population growth (See Tables 2.2 and 2.3)

³ Hundreds of cubic feet (HCF) of water usage per unit, based on the 2004 Water and Wastewater Rate Study, except the rates for Lodging and Schools (K-12), which are based on analysis of water meter records

⁴ Added demand in HCF per year by development type = potential new units X HCF per unit

Water System Improvement Cost per HCF

Table 7.3 on the next page calculates the average water system improvement cost per HCF per year for new development, using new development's share of improvement costs from Table 7.1 and the total added demand in HCF from Table 7.2.

Table 7.3: Water System Improvement Cost per HCF per Year

New Development Cost ¹	Added Demand (HCF per Year) ²	Cost per HCF per Year ³
\$1,911,672.30	104,383.8	\$18.31

¹ See Table 7.1² See Table 7.2³ Cost per hundred cubic feet (HCF) of added demand per year = new development cost / added demand in HCF

Allocated Cost by Development Type

Table 7.4 calculates the share of new development's improvement cost allocated to each type of development, using the cost per HCF per year from Table 7.3, the demand per unit in HCF by development type, and the added units for each type of development.

Table 7.4: Water System Improvements - Allocated Cost by Development Type

Development Type	Cost per per HCF ¹	HCF per Unit ²	Potential New Units ³	Alloc Cost by Dev Type ⁴
Residential, Low Density	\$18.31	203.0	292	\$ 1,085,573.61
Residential, Med/Higher Density	\$18.31	89.0	87	\$ 141,804.38
Commercial/Retail	\$18.31	168.0	21.9	\$ 67,226.59
Office	\$18.31	87.0	111.9	\$ 178,211.46
Industrial	\$18.31	116.0	16.0	\$ 33,990.56
Lodging	\$18.31	85.0	220	\$ 342,469.57
Schools (K-12)	\$18.31	96.0	35.5	\$ 62,396.12
Total				\$ 1,911,672.30

¹ See Table 7.3² See Table 7.2³ See Table 7.2⁴ Allocated cost by development type = cost per HCF X HCF per unit X potential new units

Impact Fee per Square Foot

Table 7.5 calculates the impact fee per square foot of new development for water system improvements using the allocated cost per development type from Table 7.4 and the added square feet by development type.

Table 7.5: Water System Improvements - Impact Fees per Square Foot

Development Type	Alloc Cost by Dev Type ¹	Added Sq Ft by Dev Type ²	Impact Fee per Sq Ft ³
Residential, Low Density	\$ 1,085,573.61	700,800	\$ 1.55
Residential, Med/Higher Density	\$ 141,804.38	113,100	\$ 1.25
Commercial/Retail	\$ 67,226.59	21,850	\$ 3.08
Office	\$ 178,211.46	111,850	\$ 1.59
Industrial	\$ 33,990.56	16,000	\$ 2.12
Lodging	\$ 342,469.57	110,000	\$ 3.11
Schools (K-12)	\$ 62,396.12	35,490	\$ 1.76
Total	\$ 1,911,672.30	1,073,600	

¹ See Table 7.4; allocated cost per development type also equals projected revenue

² See Table 2.3 except for Schools (K-12); increase in school square feet based on 13.7% population growth using data from Tables 2.2 and 2.3

³ Impact fee per square foot = cost per development type / added square feet by development type

Projected Revenue

Potential revenue from the water system impact fees is the same as the total allocated cost per development type shown in Table 7.5. Both costs and impact fees shown in this chapter are based on current improvement costs. To maintain parity between the impact fees and improvement costs, the impact fees must be adjusted periodically, to reflect changes in price levels.

A common practice is to adjust impact fees annually based on an index such as the *Engineering News Record Building Cost Index*. See the Implementation Chapter for more on indexing of fees.

ORDINANCE NO. 2015-

**MODIFYING DEVELOPMENT IMPACT
FEE ORDINANCE NO. 2013-2**

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

Section 1. Findings.

(a) On April 9, 1996, the City Council adopted Ordinance No. 96-2, which established impact fees for new development. The fees established by Ordinance No. 96-2 were based upon an Impact Fee Study issued in March 1996. The new fees became effective on June 9, 1996.

(b) A Revised Impact Fee Study was completed in February 1997. Based upon the revisions to the original Impact Fee Study, the City Council adopted Ordinance No. 97-4 amending Ordinance No. 96-2 consistent with Government Code Section 66000 et. seq.

(c) A Revised Impact Fee Study was completed in August, 2006. Based upon the revisions to the original Impact Fee Study, the City Council adopted Ordinance No. 06-6 amending Ordinance No. 97-4 and modifying the development impact fees for new development consistent with Government Code Section 66000 et. seq..

(d) A Revised Impact Fee Study was completed April, 2013. Based upon the April 2013 Impact Fee Study, the Council adopted Ordinance No. 2013-2 and found that the impact fee changes were consistent with Government Code Section 66000 et seq..

(e) In 2015, a calculation error was discovered in the Water Impact Fees which were calculated during the Impact Fee Study completed in April, 2013. The underlying data and analysis were proper and supported by substantial evidence, but an arithmetic error caused the bottom line Water System Improvement Impact figures to be overstated. Based upon the revisions to the April, 2013 Impact Fee Study, the Council finds that the following changes to Ordinance No. 2013-2, are consistent with Government Code Section 66000 et seq. and shall be adopted.

Section 2. Section 3.32.070 of the St. Helena City Code is amended to read as follows:

Section 3.32.070 Water Impact Fees

(a) Findings.

The City Council finds that:

(1) Numerous water system improvements are needed to maintain the existing level of water services for all areas served by the City of St. Helena Water Enterprise.

(2) New development or conversions within the service area of the City of St. Helena Water Enterprise results in increased usage of residential, commercial, industrial, and other affected properties, which thereby increases the water service requirements and the capital equipment requirements for the storage, treatment and transmission of the City's water supply. Such increased usage does not ordinarily result from mere subdivision or parcel map divisions of existing properties in the absence of new development or conversions.

(3) The City must continue to fund capital improvements to its water system. These capital improvements include updating or replacing water distribution lines, and improving current treatment and storage capabilities. These additional capital expenditures are necessary to maintain an acceptable level of water service within the next fifteen years.

(4) In the absence of the imposition of a water impact fee upon new development or conversions, the additional capital expenses necessary to maintain an acceptable level of water service for the entire service area of the City of St. Helena Water Enterprise would be unfairly imposed upon the owners and residents of the existing buildings and improvements within the service area of the City of St. Helena Water Enterprise.

(5) New development or conversions without the payment of fees imposed by this section would not be fair to the owners and occupants of existing buildings within the service area of the City of St. Helena Water Enterprise.

(6) Part of the costs associated with the capital improvements to the water system and the debt service on earlier funded water projects are apportioned to new development or conversions to accommodate increased demand for water by new residents and businesses and the increased need for water for fire protection purposes for the new structures associated with new development or conversions.

(7) The facts and evidence presented in the City's Impact Fee Study establish that there exists a reasonable relationship between the need for the water system improvements and the impacts of the types of new development for which a corresponding fee is charged. A reasonable relationship or nexus also exists between the fee's use and the type of new development and conversions for which the fee is charged.

(b) Schedule of Water Impact Fees.

(1) Every person connecting to the City's water system or converting unusable to usable floor space in or adding to existing buildings which are already connected to the City's water system shall pay to the City a water impact fee in accordance with the following schedule:

Single Family:	\$1.68 per sq. ft.
Multi-Family:	\$1.35 per sq. ft.
Office:	\$1.72 per sq. ft.
Industrial:	\$2.29 per sq. ft.
Commercial:	\$3.33 per sq. ft.
Lodging:	\$3.36 per sq. ft.

(2) Every person converting an existing use from one use category (residential, commercial, industrial or office) to another use category shall pay a water impact fee equal to the difference, if any, between the fees calculated for the existing and new uses as set forth in subsection (1), except no water impact fee shall be assessed if a "water-oriented" connection fee had been paid for the building or development project pursuant to the City's former water connection ordinances.

(3) No water impact fee shall be assessed on conversions to another use within the same use category. No person shall be entitled to a refund on conversions from a higher rate use category to a lower rate use category.

(c) In addition to the above charges, all expenses and costs of making a water connection shall be borne by the person making the connection. No connection shall be made to a public water supply except by the City or by written permission from the City.

(d) There is hereby established and created a fund of the City entitled "Water Impact Fund" and all revenues derived from and monies collected under this section, including accrued interest thereon, shall be deposited in such fund. The Water Impact Fund is established for the sole purpose of providing monies for equipment, infrastructure, and other capital facilities needed for the acquisition, storage, treatment, and transmission of water for the City of St. Helena Water Enterprise, to repay principal and interest on bonds issued for the construction or reconstruction of water projects or facilities, and to repay Federal and State loans or advances made to the City for the construction or reconstruction of water supplies facilities or infrastructure.

Section 3. Every person who paid Water System Impact Fees at the rates established in Ordinance No. 2013-2 shall be given a refund equal to the difference, if any, between the aggregate Water System Impact fees paid and the aggregate Water System Impact fees established by this ordinance; except no refunds will be paid to persons who received City Council approval of a fee adjustment or waiver during the relevant time period.

Section 4. This ordinance was reviewed at a noticed public hearing, for which the ordinance and the associated Impact Fee Study were available to the general public. These fees shall apply to the issuance of any building permit for any residential and non-residential development issued 60 days following the passage of this ordinance.

Section 5. If any section or portion of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on November 24, 2015, and was adopted at a regular meeting of the St. Helena City Council on the 8th day of December, 2015, by the following vote:

Attachment D

Mayor Galbraith:

Vice Mayor White:

Councilmember Crull:

Councilmember Dohring:

Councilmember Pitts:

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Introduced:

Adopted:

Published:

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Report to the City Council
Council Meeting of November 24, 2015

Agenda Section: Consent

Subject: Second Reading and Adoption of Proposed Amendments to the City's Purchasing System Ordinance, St. Helena Municipal Code Chapter 3.04 Purchase of Supplies, Equipment and Services and Procedures for Public Works Projects. Specific Amendments Apply to the Following:

Article 1 §3.04.010 Purpose Objectives / Scope / Responsibilities, Article 1 §3.04.020 Definitions, Article 2 §3.04.060 Requisitions, Article 2 §3.04.080 Contracts, Article 2 §3.04.100 Bidding procedures for various purchase amounts, Article 2 §3.04.110 Departmental purchases, Article 2 §3.04.120 Informal bid procedure, Article 2 §3.04.130 Formal bid procedure, Article 2 §3.04.150 Cooperative purchasing with other agencies, Article 2 §3.04.170 Emergencies, Article 3 §3.04.200 Uniform construction cost accounting procedures, Article 3 §3.04.210 Bidding procedures for various project amounts, Article 3 §3.04.230 Informal bidding procedures, Article 3 §3.04.240 Formal bidding procedures, Article 3 §3.04.250 Bonds, Article 3 §3.04.270 Tie bids, Article 3 §3.04.300 Prevailing wages required, Article 3 §3.04.310 Pre-qualification of bidders, Article 4 §3.04.320 Award of professional service contracts based on competence, and Article 4 §3.04.340 Contracting authority.

The proposed amendments will increase purchasing limits and add clarifying language and definitions.

CEQA Status: Not a CEQA project

**Prepared By: April Mitts, Director of Finance
Kathy Robinson, Operations Manager**

Approved By: Jennifer Phillips, City Manager

A handwritten signature in blue ink, appearing to be "J. Phillips", is written over the name "Jennifer Phillips" in the "Approved By" line.

BACKGROUND

The procurement of goods and services is one of the key staff activities impacting the quality and timeliness related to the delivery of City services. City staff is proposing amendments to the City's Purchasing System Ordinance, St. Helena Municipal Code, Chapter 3.04, Purchase of Supplies, Equipment and Services, and Procedures for Public Works Projects.

In 2001, the St. Helena City Council adopted Ordinance No. 2001-14 providing a comprehensive purchasing ordinance for the purchase of supplies, equipment, and services. This ordinance allowed for the purchase of supplies and contracted professional services at the lowest possible cost commensurate with quality needed, to exercise positive image control over purchases, to clearly define authority for purchase function, and to assure the quality of purchases.

In addition, the City Council adopted Resolution No. 2001-160 electing to follow the State of California best practice by becoming subject to the Construction Cost Accounting Procedures as established by California Uniform Construction Cost Accounting Commission. The California Legislature passed the California Uniform Public Construction Cost Accounting Act (CUPCCAA, Public Contract Code §§ 22000, et seq.) to promote uniformity of cost accounting standards and bidding procedures on construction work performed or contracted by public entities. In the event of a conflict with any other provisions of law relative to bidding procedures, the CUPCCAA procedures shall apply and no departments are exempt. The copy of the CUPCCAA procedure manual is maintained by the Public Works Department and Finance Department.

DISCUSSION

Since the adoption of Ordinance No. 2001-14, with the exception of the costs limits of subsections (A) through (C) of Article 3 Public Works Projects, Section 3.04.210 the Purchasing System Ordinance has not been updated to reflect any increases to the threshold minimums/maximums. The average Consumer Price Index for Finished Goods Commodities in 2001 was 140.7, and in 2014 was 200.4, an increase of 42%.

City staff completed a review of existing thresholds in neighboring local jurisdictions within Napa, Solano, and Sonoma counties (Attachment A). City staff found the City of St. Helena's thresholds were lower than other jurisdictions.

In this report City staff did the following:

1. Compared the impacts of increasing purchasing levels in two areas: (1) Supplies, General Services, and Equipment, and (2) Professional Services.

2. Reviewed Municipal Code, Chapter 3.04, Article 3, Public Works Projects, and recommend changes to the Municipal Code to reflect limits approved via Resolution 2001-160.
3. Reviewed current language in Chapter 3.04 Purchase of Supplies, Equipment and Services and Procedures for Public Works Projects and recommend changes to the Municipal Code to add clarification.

Supplies, General Services, and Equipment

City staff compared the impacts of increasing the current Purchase Order (PO) level of \$500 by two different amounts: \$1,500 and \$2,500. For the comparison, staff analyzed the total number and amounts of POs issued in FY 2014-15. In FY 2014-15 a total of 257 POs were processed ranging from \$500 to \$142,000, and included requests for supplies, professional services, and public works contracts. Chart 1 shows the reduction in administrative workload if the monetary threshold to process purchase orders is increased.

Chart 1

Threshold Increase	\$1,500	\$2,500
A. Total POs Requested/Processed FY 2014-15 at Current Limit of \$500	257	257
B. Reduction of POs Requested/Processed with Proposed Limits	101	155
C. # of POs To Process with Proposed Limits (A - B)	156	102
Administrative workload reduction (B÷A)	39%	60%

If the requirement for POs is increased to \$1,500, the reduction in workload is estimated to be 39%. If the limit is increased to \$2,500, the reduction in workload is estimated to be 60%.

Based on the survey scan and the analysis of PO processing, staff recommends the purchasing limits be increased as indicated in Chart 2:

Chart 2

Municipal Code Chapter 3.04 Article 2. Supplies, General Services and Equipment		
CURRENT THRESHOLD LIMITS	PROPOSED THRESHOLD LIMITS	PURCHASING REQUIREMENTS
No current policy	Less than \$500	Requestor receives a verbal/written approval from supervisor, keeps a record of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such items. A requisition is NOT required. <i>This is new.</i> (§3.04.100.A)
\$100-\$500	\$500 - \$1,500	Negotiated, budgeted departmental purchase - attempts to obtain at least 3 oral or written bids or quotes, requires requisition approved by supervisor. No purchase order required by Finance. (§3.04.100.B)
\$501-\$2,500	\$1,501 - \$5,000	Negotiated, budgeted departmental purchase - must obtain 3 oral or written bids or quotes, bids or quotes must be attached to purchase order requisition, requires field purchase order approved by department head. (§3.04.100.C). 1% local preference (§3.04.120.B).
\$2,501-\$25,000	\$5,001 - \$25,000	Informal bidding - must obtain at least 3 written bids or quotes, requires purchase order requisition signed by department head, bids or quotes must be attached to purchase order requisition, purchase order required and approved by Finance Director if budgeted. (§3.04.100.C). 1% local preference (§3.04.120.B).
\$25,000 or more	\$25,001 or more	Formal bidding – Approved by Council (§3.04.130). 1% local preference (§3.4.120.B).

Professional Services and Consulting Contracts

Currently the City Manager has authorization to sign Professional Services and consulting contracts up to \$10,000. Staff proposes the City Manager signing authority for Professional Services and consulting contracts be increased from \$10,000 to \$25,000. To date in calendar year 2015, there have been 34 Professional Services contracts brought to City Council for approval. Out of the 34 contracts, 10 would fall in the proposed increased signing authority range. If the proposed increase in City Manager signing authority is increased to \$25,000, staff estimates there will be a 29% reduction of required City Council reports for Professional Service and consulting contracts. Staff recommends the Professional Services and consulting contract limits be increased as indicated in Chart 3.

Chart 3

Municipal Code Chapter 3.04 Article 4. Professional Services		
CURRENT THRESHOLD LIMITS	PROPOSED THRESHOLD LIMITS	PURCHASING REQUIREMENTS
Request for Proposal (RFP) optional, department head responsible for negotiating. (§3.04.330)		
\$10,001 or more	\$25,000 or less	Approved by City Manager. (§3.04.340)
\$10,000 or more	\$25,001 or more	Approved by City Council. (§3.04.340)

Increased efficiency and cost-effectiveness would be achieved by reducing the amount of time and administrative expense needed to obtain certain goods and services. It is of significance to note that staff is only proposing threshold increases that would streamline the procurement process for small construction project contracts, professional services, vehicle and equipment purchases, and material/supplies purchases. Increasing the thresholds does not remove the authority of the City Council

or the Finance Director to maintain prudent financial controls over purchases, as staff is not recommending any changes to the competitive informal bid or formal procedures as noted above. Those governing procedures would continue to be followed.

Municipal Code Chapter 3.04 Article 3. Public Works Projects

Per Resolution No. 2001-160, the City Council elected to follow the State of California best practice by becoming subject to the Construction Cost Accounting Procedures as established by California Uniform Public Construction Cost Accounting Commission (CUPCCAC). (Public Contract Code, §§ 22000, et seq.) When Resolution No. 2001-160 was adopted, the updated dollar amounts were not reflected in the City's Municipal Code, Chapter 3.04 (formally Chapter 2.92). Chart 4 indicates the update.

Chart 4

Municipal Code Chapter 3.04 Article 3. Public Works Projects		
Resolution 2001-160	Adopted California Uniform Public Construction Cost Accounting Act (CUPCCAA). See detailed Procedure Manual in Public Works or Finance Department.	
THRESHOLD LIMITS AS INDICATED IN THE CURRENT MUNICIPAL CODE	THRESHOLD LIMITS ADOPTED VIA RESOLUTION 2001-160	PURCHASING REQUIREMENTS
\$10,000 or less	\$45,000 or less	May be performed by 1. Force account (City labor), or 2. Negotiated contract, or 3. Purchase order Requires City Manager approval (§3.04.210.A)
\$10,001 or more	\$45,001 - \$175,000	Informal bidding – 10 calendar day notice mailed to list of qualified contractors and/or trade journals, Council awards to lowest bidder. (§3.04.210.C)
\$10,000 or more	\$175,001 or more	Formal bidding - plans and bid request approved by Council, 14 calendar day published notice, 15 calendar day electronic notice to trade journals, sealed bids, Council awards to lowest bidder. (§3.04.120.C)

Current Language Review

In addition to proposing an increase in the monetary threshold amounts to streamline the procurement process, the current language in Chapter 3.04 of the municipal code was reviewed. After review, revisions to the municipal code are being proposed to: (1) clarify the definition of "Contract," "Purchase Order," "Requisition," and "Services," (2) reference the relevant provisions for CUPCCAA, (3) add reference to the requirement for a "Bidder's List" for informal bidding procedures, (4) provide electronic notice to potential bidders by electronic mail and/or facsimile, (5) clarify the bid opening procedure, (6) specify the requirement for a labor and material bond for contracts in excess of \$25,000, in accordance with California Civil Code Section 9550, (7) clarify the City's procedure in the case of tie bids, and (8) referencing "professional services provider" in place of "contractor" in awarding professional services contracts.

FISCAL IMPACT

None.

RECOMMENDED ACTION

Staff recommends to waive the further reading and adopt Ordinance No. 2015-_____, amending the City's Purchasing System Ordinance, St. Helena Municipal Code, Chapter 3.04, Purchase of Supplies, Equipment and Services and Procedures for Public Works Projects. Specific Amendments Apply to the Following: Article 1 §3.04.010 Purpose Objectives / Scope / Responsibilities, Article 1 §3.04.020 Definitions, Article 2 §3.04.060 Requisitions, Article 2 §3.04.080 Contracts, Article 2 §3.04.100 Bidding procedures for various purchase amounts, Article 2 §3.04.110 Departmental purchases, Article 2 §3.04.120 Informal bid procedure, Article 2 §3.04.130 Formal bid procedure, Article 2 §3.04.150 Cooperative purchasing with other agencies, Article 2 §3.04.170 Emergencies, Article 3 §3.04.200 Uniform construction cost accounting procedures, Article 3 §3.04.210 Bidding procedures for various project amounts, Article 3 §3.04.230 Informal bidding procedures, Article 3 §3.04.240 Formal bidding procedures, Article 3 §3.04.250 Bonds, Article 3 §3.04.300 Prevailing wages, Article 3 §3.04.310 Prequalification of bidders, Article 4 §3.04.320 Award of professional service and consulting contracts based on competence, and Article 4 §3.04.340 Contracting authority. The proposed amendments will increase purchasing limits and add clarifying language and definitions.

ATTACHMENTS

Attachment A - Procurement Policy Comparisons

Attachment B - Proposed Changes to St. Helena Municipal Code Chapter 3.04

Supplies, General Services & Equipment	St. Helena	Calistoga	Yountville	Am. Canyon	Napa	Solano County	Vallejo	Benicia	Dixon	Fairfield	Santa Rosa	Healdsburg
Thresholds												
Negotiated, budgeted departmental purchase, requires requisition approved by supervisor. No PO.	\$100-\$500	\$1,000 or less	\$5,000 or less	Less than \$5,000	less than \$5,000	less than \$5,000	Less than \$25,000	Less than \$5,000	Less than \$2,500	Less than \$1,000	Less than \$10,000	Less than \$1,000
Negotiated, requisition required/PO	\$501-\$2,500	\$1,001-\$10,000		\$5,000-\$10,000		\$5,000-\$10,000	Less than \$25,000	\$5,000	\$2,500 or less	\$1,000-\$19,609	\$10,000-\$50,000	
Informal bidding	\$2,501-\$25,000	Greater than \$10,000 or less than \$30,000	Greater than \$5,000 to \$25,000	\$10,001-\$25,000	\$5,000-\$50,000	\$10,001-\$25,000	Less than \$25,000	Between \$2,500-\$15,000	Greater than \$2,500 less than \$25,000 (informal bid)	Greater than \$19,609	\$50,000-\$100,000	\$1,000-\$50,000
Formal Bidding (CC approval)	\$25,000 or more	\$30,000 or more	Greater than \$25,000 to \$45,000	\$25,000 or more	Greater than \$50,000	\$25,000 or more	Greater than \$100,000	Greater than \$15,000 (CC approval required at \$25,000)	\$25,000 or more	Greater than \$19,609	Greater than \$100,000	Greater than \$50,000
City Council/Board approval required at	\$25,000 or more	\$30,000 or more	Greater than \$45,000	Greater than \$25,000	Greater than \$50,000	Greater than \$100,000	Greater than \$100,000	Greater than \$25,000	Greater than \$25,000	Greater than \$19,609	Greater than \$100,000	Greater than \$50,000
Professional Services												
Thresholds												
Negotiated, no bidding, RFP optional (City Manager approval)	\$10,000 or less	Greater than \$10,000 or less than \$30,000 (Informal bid, CM approval)	Up to and including \$45,000	Less than \$10,000 Department Head Approval; \$10,000 to \$50,000 CM approval	\$25,000 or less		Less than \$100,000	\$50,000 or less	\$25,000 or less	\$50,000 or less	\$100,000 or less	\$50,000 - \$150,000
Negotiated, no bidding, RFP optional (City Council approval)	\$10,001 or more	\$30,000 or more (Formal Bidding)	Greater than \$45,000	Greater than \$50,000 Formal Bidding)	Greater than \$25,000		Greater than \$100,000	Greater than \$50,000	Greater than \$25,000	Greater than \$50,000	Greater than \$100,000	Greater than \$150,000
City Council/Board approval required at	\$10,000 or more	\$30,000 or more	Greater than \$45,000	Greater than \$50,000	Greater than \$25,000	Greater than \$50,000	Greater than \$100,000	Greater than \$50,000	Greater than \$25,000	Greater than \$50,000	Greater than \$100,000	Greater than \$150,000

CITY OF ST. HELENA

ORDINANCE NO. _____

AMENDING CHAPTER 3.04 OF THE ST. HELENA MUNICIPAL CODE TO REVISE AND
ENHANCE THE CITY'S REGULATIONS PROVIDING PURCHASE OF SUPPLIES,
EQUIPMENT AND SERVICES AND PROCEDURES FOR PUBLIC WORKS PROJECTS.

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

SECTION 1. Amendment of Chapter 3.04. Chapter 3.04 of Title 3 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 2. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 3.04 of the St. Helena Municipal Code is not a Project subject to, and also is exempt from, the provisions of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA) because 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. 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 4: 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 5: 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 th day of 2015, and was adopted at a regular meeting of the St. Helena City Council on the th 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, 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 th day of , 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the th day of , 20 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN:

Cindy Black, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney

EXHIBIT A

**Chapter 3.04
PURCHASE OF SUPPLIES, EQUIPMENT AND SERVICES, AND PROCEDURES FOR
PUBLIC WORKS PROJECTS**

Article 1
Generally

Sections:

- 3.04.010 Purpose and Objectives / Scope / Responsibilities.
- 3.04.020 Definitions.
- 3.04.030 Staging prohibited.
- 3.04.040 Appeals.

Article 2
Supplies, General Services and Equipment

Sections:

- 3.04.050 Purchasing officer—Powers and duties.
- 3.04.060 Requisitions.
- 3.04.070 Purchase orders.
- 3.04.080 Contracts.
- 3.04.090 Encumbrance of funds.

- 3.04.100 Bidding procedures for various purchase amounts.
- 3.04.110 Departmental purchases.
- 3.04.120 Informal bid procedure.
- 3.04.130 Formal bid procedure.
- 3.04.140 Special equipment/supplies; sole source purchases; and bid exceptions.
- 3.04.150 Cooperative purchasing with other agencies.
- 3.04.160 Recycled supply products specification.
- 3.04.170 Emergencies.
- 3.04.180 Surplus supplies and equipment.
- 3.04.190 Inspection and tests.

Article 3
Public Works Projects

Sections:

- 3.04.200 Uniform construction cost accounting procedures.
- 3.04.210 Bidding procedures for various project amounts.
- 3.04.220 Negotiate contract or purchase order procedures.
- 3.04.230 Informal bidding procedures.
- 3.04.240 Formal bidding procedures.
- 3.04.250 Bonds.
- 3.04.260 No bids received.
- 3.04.270 Tie bids.
- 3.04.280 Rejection of bids.
- 3.04.290 Emergencies.
- 3.04.300 Prevailing wages required.
- 3.04.310 Pre-qualification of bidders.

Article 4
Professional Services

Sections:

- 3.04.320 Award of professional service contracts based upon competence.
- 3.04.330 Request for proposal/qualification.
- 3.04.340 Contracting authority.

Article 1
Generally

3.04.010 Purpose and o/ Objectives / Scope / Responsibilities.

The purpose of this chapter is to establish an efficient procedure for the purchase of supplies, equipment, and services, and to establish a procedure for performing or contracting for the construction of public works consistent with state law. These procedures are intended to allow the city to obtain the best professional services, to acquire quality supplies, general services and equipment, to construct public works at the lowest possible cost commensurate with quality needed, and to exercise positive financial control over purchases and also to define authority for the purchasing function. (Ord. 01-14 (part): prior code § 2.90.010) These procedures apply to all city employees. These procedures apply to all purchases of supplies, equipment and services, including purchases made online or over the phone. Employees are responsible for reading and understanding the requirements of this chapter.

3.04.020 Definitions.

As used in this chapter:

"Bidder's list" means a list of responsible prospective vendors capable of providing the items being bid upon.

"Contract" means an agreement, regardless of how titled, for the procurement of supplies, equipment or services, including without limitation a verbal or written agreement between the City and a contractor, the City and a service provider, and/or the City and a vendor.

"Emergency" means a sudden, unexpected occurrence that poses a clear and eminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

"Equipment" means furnishings, machinery, vehicles, rolling stock, and other personal property used in the city's business.

"General services" are services such as janitorial, uniform cleaning, maintenance work and other services which do not require any unique skill, special background, or training. Obtaining such services at the lowest cost is the single most important factor in selection, as opposed to personal performance.

"Maintenance work" means:

1. Routine, recurring, and usual work for the cleaning, preservation or protection of any publicly owned or publicly operated facility for its intended purposes;

2. Minor repainting;
3. Resurfacing of streets and highways at less than one inch;
4. Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems;
5. Work performed to keep, operate, and maintain publicly owned water or waste disposal systems including, but not limited to, dams and reservoirs.

“Professional or special services” means any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, planner, consultant or those services such as computer services, and other services which require special performance criteria, specific experience, training, personal judgement, quality of work or factors other than simply obtaining the service at the lowest cost to the city.

“Public work” means a type of public construction project subject to the regulation of the State Public Contract Code, such as:

1. The erection, construction of, alteration, major painting, repair, or demolition of public buildings, streets, walkways, water and sewer facilities, drainage facilities, or other public facilities, whether owned, leased, or operated by the city;
2. Furnishing supplies ~~or materials~~ for any of the above works or projects;
3. Public work does not include “maintenance work” as defined in this chapter.

“Purchase” includes the renting, leasing, purchasing, licensing, or a trade of equipment or supplies.

“Purchasing officer” means the finance director or his or her designated representative.

“Purchase Order” is a written contract for equipment, supplies, or services with a specified consultant, contractor, or vendor and is initiated by a purchase order requisition. A purchase order submitted by an authorized person becomes a legally binding contract. It can stand alone or include attachments for clarification purposes. A purchase order encumbers the specified amounts to provide specified equipment, supplies, services, and/or fixed assets. Regular purchasers may be paid through a one-time payment of an amount up to the purchase order amount at the conclusion of performance (delivery of supplies, services, etc.), and/or incremental (progress) payments as provided in the contract for each time items are purchased.

"Requisition" is a request to authorize the acquisition of equipment, supplies or services from a specified consultant, contractor, or vendor.

"Services" means the furnishing of labor, time or effort to perform or complete a designated task

"Special equipment/supplies" means unique supplies, machinery, computers, or other equipment which are not generally and regularly ordered in bulk by the city and which must perform complex tasks, or integrate efficiently with existing equipment or supplies.

"Supplies" means office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the city's business, excepting supplies for a public work which is regulated under municipal code section 3.04.210.

~~the Public Contracts Code Sections 20160, et seq.~~

"Uniform construction cost accounting procedures" means those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to the Public Contracts Code Sections ~~22010~~22030, et seq.. (Ord. 01-14 (part): prior code § 2.90.020)

3.04.030 Staging prohibited.

Purchases and public works contracts shall not be knowingly staged or separated into smaller units or segments solely for the purpose of evading the competitive formal or informal bidding requirements of this chapter. (Ord. 01-14 (part): prior code § 2.90.030)

3.04.040 Appeals.

Any dispute, contention, or disagreement relative to interpretation, application or enforcement of this chapter shall be submitted to the city council for determination in accordance with the appeal provisions of Chapter 1.16 of this code. (Ord. 01-14 (part): prior code § 2.90.040)

Article 2

Supplies, General Services and Equipment

3.04.050 Purchasing officer—Powers and duties.

The duties of the purchasing officer may be combined with those duties of any other officer or position in the city. The purchasing officer shall have the authority to:

- A. Purchase needed city supplies, general services, equipment and special equipment/supplies which are not included within the construction contract or proposed specifications for a construction contract of a public work being administered by any other city department;

- B. Investigate, keep knowledgeable about, negotiate, and recommend on the execution of contracts or the purchasing of supplies, general services, and equipment pursuant to the procedures of this chapter and such administrative rules and regulations as prescribed by the city;
- C. To keep informed of current developments concerning purchasing, prices, market conditions, and new products;
- D. To prescribe and maintain such forms as necessary for the proper operation of this purchasing system;
- E. To supervise the inspection of all supplies, general services, and equipment purchased under this chapter in order to assure conformance with city specifications;
- F. To supervise the transfer of surplus and unused supplies and equipment or sale or disposal of such;
- G. To maintain up-to-date bidders' list, vendors' catalogs, files and such other records as needed to perform these duties;
- H. To ensure that purchasing specifications are open and non-restrictive to encourage full competition; and
- I. To perform such other tasks as may be necessary for the proper conduct of purchasing of supplies, general services, and equipment. (Ord. 01-14 (part): prior code § 2.91.010)

3.04.060 Requisitions.

Except as authorized under Section [3.04.100\(A\)](#), any department requesting supplies, general services, equipment, or special equipment/supplies shall submit to the ~~department head~~[immediate supervisor](#) a requisition on the purchasing officer's approved form prior to initiating any procurement. (Ord. 01-14 (part): prior code § 2.91.020)

3.04.070 Purchase orders.

Except for departmental purchases as authorized in Section [3.04.100\(A\)](#), purchases of supplies, general services, most special equipment/supplies and general equipment not covered within a construction contract or public works specification, may be made only by purchase orders issued by the purchasing officer and any other contractual document he or she determines is necessary. (Ord. 01-14 (part): prior code § 2.91.030)

3.04.080 Contracts.

The purchasing officer does not have the authority to sign contracts, nor to bind the city contractually. Contracts may only be entered into by the city manager. (Ord. 01-14 (part): prior code § 2.91.040).
Subject to Section 3.04.340 Contracts may only be entered into by the city manager, contracts in excess of city manager authority require city council approval, without which such contract is not valid.

3.04.090 Encumbrance of funds.

Except in case of an emergency or where specific authority is first obtained from the city council or the city manager, the purchasing officer shall not issue any purchase order for purchasing of supplies, general services or equipment unless there exists an unencumbered appropriation in the fund account against which the purchase is to be charged. (Ord. 01-14 (part): prior code § 2.91.050)

3.04.100 Bidding procedures for various purchase amounts.

Except as authorized in Sections [3.04.140](#) and [3.04.150](#), or in the case of emergencies as described in Section [3.04.170](#), the purchase of supplies, general services, equipment and special equipment/supplies, not included in a construction contract or bid specification for a public work, shall be made as follows:

A. A purchase of five hundred dollars (\$500.00) or less may be made by departmental purchase in accordance with Section [3.04.110](#).

B. A purchase greater than five hundred dollars (\$500.00) to one thousand five hundred dollars (\$1,500.00) may be made by departmental purchase in accordance with Section 3.04.110.

C. A purchase greater than ~~five-one thousand five~~ hundred dollars (\$~~1~~,500.00) to twenty-five thousand dollars (\$25,000.00) may be made by an informal bid procedure in accordance with Section [3.04.120](#).

~~CD.~~ A purchase of more than twenty-five thousand dollars (\$25,000.00) shall be made by formal bid procedure in accordance with Section [3.04.130](#). (Ord. 01-14 (part): prior code § 2.91.060)

3.04.110 Departmental purchases.

A department may, independently of the purchase officer, purchase specified and limited supplies, equipment, special equipment/supplies and general services not included in a construction contract or bid specification for a public work, independently of the purchase officer of a value as follows:

A. Purchases of five hundred dollars (\$500.00) or less, requestor receives a verbal/written approval from supervisor, keeps a record of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such items. All purchases shall be made with funds in an unencumbered appropriation. (Ord. 01-14 (part): prior code § 2.91.070)

~~A.B.~~ Purchases greater than five hundred dollars (\$500.00) to one thousand five hundred dollars (\$1,500.00), requestor receives a verbal/written approval from supervisor, ~~not to exceed five hundred dollars (\$500.00), attempt to obtain at least 3 oral or written bids or quotes, requires requisition approved by supervisor, provided such~~ department keeps a record of such purchases and exercises reasonable prudence in seeking price quotes and purchasing such items. All such purchases shall be made with funds in an unencumbered appropriation. (Ord. 01-14 (part); prior code § 2.91.070)

3.04.120 Informal bid procedure.

The purchase of supplies, equipment, special equipment/supplies and general services ~~not included in a construction contract or bid specification for a public work~~ with the estimated value greater than ~~five one thousand five~~ hundred dollars (\$1,500.00), but not exceeding twenty five thousand dollars (\$25,000.00), shall be made by a ~~purchase~~ Purchase order Order as required by this chapter. ~~Said purchases, subject to, which at~~ the department head's discretion, based upon a small amount, ~~or~~ urgent need and timeliness, may be let without the formal bidding procedures described in Section 3.04.130. In such case, the following procedures shall be followed:

A. Solicitation of Bids. If it is determined that the request is of a sufficient size and time allows, the purchasing officer or designee, before issuing the purchase order to a specific contractor/vendor, shall ~~for purchases greater than one thousand five hundred dollars (\$1,500.00) to five thousand dollars (\$5,000.00) attempt to must~~ obtain at least three oral ~~or written~~ bids or price quotes; ~~for purchases greater than five thousand dollars (\$5,000.00) to twenty-five thousand dollars (\$25,000.00) shall obtain at least three written bids or price quotes. and T~~he purchasing officer or designee may negotiate to obtain the lowest possible contract amount from any vendor contacted who can provide supplies, general service, or equipment within the time constraints of the department's request. The purchasing officer or designee may solicit or determine bids of prospective vendors by written request, telephone, or may base award recommendations upon current catalogs or advertisements.

B. Local Preference. Quality and service being equal, a local preference of one percent shall be given to local bidders located within the city, the difference being the sales tax the city would receive on the sale in the case of vendors.

C. Maintenance of Records. After placing the order, a written record of the contract, bids, quotes or advertisements used or received shall be open public records and maintained by the purchasing officer or the department for a period of two years.

D. Award. The purchasing officer or designee shall award the ~~purchase~~ contract to the lowest responsive and responsible bidder, vendor or ~~offerer~~ offeror whose quote, bid, or proposal fulfills the

purpose intended, provided the amount is within the unencumbered appropriation for that item, or reject such bids or proposals, or negotiate further for ~~more acceptable~~ terms more favorable to the city. (Ord. 01-14 (part): prior code § 2.91.080)

3.04.130 Formal bid procedure.

For supplies, equipment, special equipment/supplies and general services not included in a construction contract or bid specification for a public work with an estimated value in excess of twenty-five thousand dollars (\$25,000.00), purchases shall be made in accordance with the following formal written bid procedures:

- A. **Published Notices.** A notice inviting bids shall be published at least ten (10) calendar days before the date of the opening of bids. The notice shall be published at least once in a newspaper of general circulation printed and published in the city, and also in appropriate trade publications, if any, circulated within the general area. Such other notice as the purchasing officer or designee deems appropriate shall be made.
- B. **Notices Inviting Bids.** Notices inviting bids shall include a general description of the goods, articles, services or equipment to be purchased, any required bidder's security or performance bonds, state where bid blanks and specifications may be secured and the time and place for the opening of bids.
- C. **Bidder's List.** The purchasing officer or designee shall maintain a list of responsible bidders for various categories of supplies, equipment, and general services. A solicitation for a bid shall be sent to all responsible prospective contractors or suppliers whose names are on the bidder's list for the category of equipment, supplies or general services subject to the bid request.
- D. **Bidder's Security/Failure to Sign Contract.** If the city requires a bidder's bond or other form of security, the bidder's security shall be prescribed in the notice inviting bids in an amount equal to ten percent (10%) of the ~~amount~~ bid amount. Bidder's security shall be either a cash deposit with the city, a cashier's or certified check, payable to the city, or a bidder's bond. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of its bid security, as may be determined by the city council, upon the bidder's refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the council may award the contract to the next lowest responsive, responsible bidder.
- E. **Bid Opening Procedure.** Sealed bids shall be submitted to the city clerk's office and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by city staff in public at

the time and place stated and as described in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received, and shall be open for public inspection during regular business hours for a period of two years after the bid opening.

F. Local Preference. Quality and service being equal, a local preference of one percent shall be given to local bidders located within the city, the difference being the sales tax the city would receive on the sale in the case of vendors.

G. Bid Evaluation Procedures. All bids and bidders shall be analyzed by purchasing officer or designee and the responsible department for bidder's qualifications and compliance with bid specifications. The purchasing officer or designee shall prepare a recommendation to the department for award or rejection; the department shall then prepare a recommendation for award or rejection to the city council.

H. Rejection of Bids. In its discretion, the city council may reject all bids and readvertise. If the city council determines that bids are excessively high or that specifications were unclear, or if no bids are received, the city council may proceed with the procurement without further complying with this chapter ~~reject all bids presented and using use~~ whatever method it deems appropriate, such as rebid, abandon acquisition, or negotiate a contract.

I. Award of Contracts. Contracts shall be awarded by the city council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended according to criteria designated in the solicitation, provided the award amount is within the unencumbered appropriation for that item. The city council may waive any minor bid irregularities.

J. Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the council may accept either bid or accept the lowest bid made by negotiation with the tied bidders.

K. Performance Bonds. The city may require a performance bond in such amount as it shall find reasonably necessary to protect the public interest. If the city requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 01-14 (part): prior code § 2.91.090)

3.04.140 Special equipment/supplies; sole source purchases; and bid exceptions.

A. Special Equipment/Supplies. In purchasing any special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions, the purchasing officer or department head may:

1. Limit bidding to a specific product type, or a brand name product; or
2. Utilize a request for proposal approach where warranties, servicing obligations, and product performance will be evaluated in addition to the price of the product, and the award of the contract is made by the council to the proposer it deems is in the best public interest.

B. **Sole Source Purchases.** Commodities or services that can be obtained from only one vendor, or one distributor authorized to sell in this area, are exempt from the competitive bidding requirements in Section [3.04.100](#) and are deemed sole source purchases. Sole source purchases may include proprietary items sold direct from the manufacturer. All sole source purchases shall be supported by written documentation indicating the facts and nature supporting the determination of a sole source, signed by the appropriate department head and forwarded to the purchasing officer. Approval of any sole source acquisition shall be obtained from the city council for an award of a contract or purchase order greater than twenty-five thousand dollars (\$25,000.00).

C. **Bid Exceptions.** The competitive bid process is not applicable to certain purchases. The following are exempt from bid processes of this chapter:

1. Departmental purchases, as defined in Section [3.04.110](#);
2. Subscriptions;
3. Trade circulars or books;
4. Newspaper advertisements and notices;
5. Utility payments;
6. Land.

(Ord. 01-14 (part); prior code § 2.91.100)

3.04.150 Cooperative purchasing with other agencies.

The bidding requirements of Section [3.04.100](#) shall not apply to the purchasing of any equipment or supplies which the purchasing officer decides to obtain through a cooperative competitive bidding procedure prepared by and processed through another public, local, state, or federal governmental agency. If it is determined to be in the best interest of the city, the purchasing officer is authorized to “piggy-back” onto or join into an existing written purchase contract, which contract was obtained within the last twelve (12) months through a competitive bidding process prepared by and awarded by another

public, local, state or federal government agency. However, the city council's ~~consent approval~~ shall be required prior to and for the joining of a "piggy-back" purchase or cooperative purchase for a purchase greater than twenty-five thousand dollars (\$25,000.00). (Ord. 01-14 (part): prior code § 2.91.110)

3.04.160 Recycled supply products specification.

If in procuring supplies a recycled product can achieve the necessary city performance standard, and if such recycled product is readily available, specifications should, if economically feasible, require products made with recycled materials be bid. If the department head determines that: (1) a recycled product lacks performance capabilities or needed quality levels; or (2) a sufficient amount of such recycled or reusable product is not currently available in the market, then a reduced percentage can be required, or the supply specification can be limited to nonrecycled or virgin materials. When recycled products are required, reasonable efforts shall be made to label the products as containing recycled materials. As used in this section, recycled products does not mean used products, but is limited to new products made with materials which have been recycled. (Ord. 01-14 (part): prior code § 2.91.120)

3.04.170 Emergencies.

Bidding procedures may be dispensed with in the case of an emergency. The city council delegates to the city manager the authority to declare a public emergency ~~and enter into contracts for any purchase in accordance with section 3.04.340. The city manager's authority is~~ subject to confirmation by the city council ~~at~~ its next meeting for any purchase in excess of twenty-five thousand dollars (\$25,000.00). (Ord. 01-14 (part): prior code § 2.91.130)

3.04.180 Surplus supplies and equipment.

All departments shall submit to the purchasing officer, at such times and in such forms as he or she may prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer may direct that the designated supplies or equipment be:

- A. Transferred to another city department or agency;
 - B. Exchanged or traded in on new supplies and equipment; or
 - C. Disposed of in some other suitable manner, which may include sale at auction or deposit at a landfill.
- (Ord. 01-14 (part): prior code § 2.91.140)

3.04.190 Inspection and tests.

The purchasing officer or designee or department requesting the item shall inspect all deliveries of supplies and equipment to assure conformance with the contract or order specifications. The purchasing officer or designee, at his or her discretion, may require such reasonable chemical and physical tests of

samples of supplies and equipment as he or she deems necessary to determine the quality in conformance with those specifications. (Ord. 01-14 (part): prior code § 2.91.150)

Article 3 Public Works Projects

3.04.200 Uniform construction cost accounting procedures.

The city council has elected to become subject to the Uniform ~~Public~~ Construction Cost Accounting ~~Act and Procedures~~ procedures as established by the California Uniform Construction Cost Accounting Commission in Public Contract Code Section 22000, et seq. (Ord. 01-14 (part): prior code § 2.92.010)

3.04.210 Bidding procedures for various project amounts.

- A. A public work project of ~~twenty~~forty-five thousand dollars (\$~~2545~~40,000.00) or less may be performed by city force account, by negotiated contract, or by purchase order.
- B. A public work project greater than ~~twenty~~forty-five thousand dollars (\$~~2545~~40,000.00) and less than or equal to one hundred ~~seventy-five~~ thousand dollars (\$~~100175~~40,000.00) may be let to contract by informal bid procedures.
- C. A public work project of more than one hundred ~~seventy-five~~ thousand ~~dollars~~ (\$~~100175~~40,000) shall, except as otherwise provided in this chapter, be let to contract by formal bidding procedure.

The described project costs limits of subsections (A) through (C) of this section shall be increased automatically as authorized pursuant to the adjustments made by the California Uniform Construction Cost Accounting Commission under Public Contracts Code Section 220~~3420~~, when in conflict the latest CUCAC bid limitations shall govern. (Ord. 01-14 (part): prior code § 2.92.020)

3.04.220 Negotiate contract or purchase order procedures.

For those projects qualifying under Section 3.04.210(A), the applicable department head shall obtain a cost estimate from the project engineer or architect prior to issuing a purchase order or negotiating a contract with a responsible contractor. For any city force account work, the department head shall first comply with the guidelines established by the California Uniform Construction Cost Accounting Commission in determining the cost of the public work. The city manager shall have the authority to award and to execute any contract for the public work qualifying under Section 3.04.210(A). (Ord. 01-14 (part): prior code § 2.92.030)

3.04.230 Informal bidding procedures.

For those projects which qualify under Section 3.04.210(B) for informal bidding, the following procedures shall be used:

A. Bidder's List. The city shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors' list shall be consistent with the Uniform Public Construction Cost Accounting Act~~State Uniform Construction Cost Accounting~~ rules.

B. Notice. The city clerk shall prepare a notice inviting bids.

1. Contents of Notice. The notice inviting bids shall include a general description of the services and/or articles to be purchased, where bid blanks and specifications may be obtained, the time and place for bid openings, and whether bid deposit or bond and faithful performance bond will be required.

2. Mailing of Notice. Unless the product or service is proprietary, all contractors on the city's list for the category of work being bid shall be mailed a notice inviting informal bids, or an announcement/advertisement shall be placed in all construction trade journals, or both such mailing and advertising. The trade journals shall be those identified by the California Uniform Construction Cost Accounting Commission as appropriate for this area, in accordance with California Public Contract Code Section 22036.

3. Ten-day Notice. Notices inviting informal bids shall be posted at the city hall and mailed at least ten (10) calendar days before the due date of submission of bids to all firms or suppliers on the bidder's list for the category of equipment, supplies, or general services being bid and to such other vendors as the public works director deems appropriate.

4. Proprietary Products or Services. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting bids may be sent exclusively to such contractor or contractors.

C. Award. The city council shall award the contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the solicitation. The council may waive any minor bid irregularities.

D. Bids in Excess of Statutory Amount. If all bids received are in excess of one hundred seventy-five thousand dollars (~~\$100~~175,000.00), the city council may by passage of a resolution by a four-fifths vote, award the contract up to one hundred eighty-seven ~~ten~~ thousand five hundred dollars

(~~\$110~~185,000~~500~~.00) to the lowest responsible bidder if it determines the cost estimate of the city was reasonable. (Ord. 01-14 (part): prior code § 2.92.040)

3.04.240 Formal bidding procedures.

For those projects which qualify under Section 3.04.210(C) for formal bidding, the following procedures shall be used:

A. Adoption of Plans. Prior to soliciting bids, the city council shall approve and adopt the plans, specifications and working details, and authorize the bid request for all public work projects in excess of one hundred seventy-five thousand dollars (~~\$100~~175,000.00).

B. Notice. The city clerk shall prepare a notice inviting bids.

1. Contents of Notice. The notice inviting bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project.

2. Publication of Notice. The notice shall be published at least once fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation, which is circulated within the jurisdiction of the city.

3. Mailing of Notice. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and -mailed to all construction trade journals specified by the California Uniform Construction Cost Accounting Commission as appropriate for the area. The notice shall be mailed at least ~~thirty-five~~ thirty-five (1530) calendar days before the date of opening the bids.

4. Other Notice. In addition to notice required by this section, the city may give other notice as it deems proper.

C. Bid Opening Procedure. Sealed bids shall be submitted to the city clerk's office and shall be identified as to bidder, project and bid on the envelope. Bids shall be opened by the city clerk's staff in public at the time and place stated and as described in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received, and shall be open for public inspection during regular business hours for a period of two years after the bid opening. The public works director shall make an analysis of the bids for compliance with bid specifications and thereafter make a recommendation for award or rejection. &&

D. Award. Contracts shall be awarded by the city council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended, according to criteria designated in the solicitation. The council may waive minor bid irregularities. (Ord. 01-14 (part): prior code § 2.92.050)

3.04.250 Bonds.

A. The city shall require ~~performance, bid and/or~~ labor and materials bonds for projects in excess of \$25,000 in accordance with California Civil Code Section 9550, as may be amended from time to time. The city council may require bid security or bid bonds and/or performance bonds from an acceptable surety in such amounts as it finds reasonably necessary to protect the public interest. If the city requires a bond, the form and amount of the bond shall be described in the notice inviting bids.

B. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of its bid security, as may be determined by the council, upon the bidder's refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the city council may award the contract to the next lowest responsible bidder. (Ord. 01-14 (part): prior code § 2.92.060)

3.04.260 No bids received.

If no bids are received through the formal or informal procedure, the project may be performed by city employees by force account or by negotiated contract without further complying with this chapter. (Ord. 01-14 (part): prior code § 2.92.070)

3.04.270 Tie bids.

If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council may accept either bid or accept the lowest bid made by negotiation with the tied bidders. (Ord. 01-14 (part): prior code § 2.92.080)

3.04.280 Rejection of bids.

In its discretion, the council may reject any bids presented. If after the first invitation of bids all bids are rejected, the city shall state the reasons for the rejection and after reevaluating its cost estimates of the project, the city shall have the option of any of the following:

- A. Abandoning the project;
- B. Readvertising for bids in the manner described in this chapter; or

C. By passage of a resolution by a four-fifths vote of the council declaring that the project can be performed more economically by city employees, may have the project done by force account without further complying with this chapter. (Ord. 01-14 (part): prior code § 2.92.090)

3.04.290 Emergencies.

A. In cases of emergency as defined in this chapter, the city, pursuant to a four-fifths vote of the council may proceed at once to replace or repair any public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without adopting plans, specifications, working details, or giving notice for bids to provide contracts. The work may be done by day labor under the direction of the council, by contractor, or by a combination of the two.

B. The city manager may order any action under this section subject to the provisions of California Public Contract Code Section 22050. (Ord. 01-14 (part): prior code § 2.92.100)

3.04.300 Prevailing wages required.

Public works contracts are subject to prevailing wage requirements as set forth in Labor Code sections 1720, et seq., and following, as they may be amended from time to time. (Ord. 01-14 (part): prior code § 2.92.110)

3.04.310 Pre-qualification of bidders.

Prospective bidders on a public works contract may be required to be pre-qualified in accordance with procedures adopted by city council resolution, subject to the provisions of California Public Contract Code Section 20101. (Ord. 01-14 (part): prior code § 2.92.120)

Article 4

Professional Services

3.04.320 Award of professional service contracts based upon competence.

In contracting for those professional services as defined in Section 3.04.020, contracts should only be awarded to firms or persons who have demonstrated an adequate level of experience, competence, staffing and other professional qualifications necessary for more than a satisfactory performance of the services required. Once the department requesting the service has determined a firm has an adequate level of competence, the cost of the service may be considered. However, the lowest cost may not be the sole factor in deciding which firm or whom/who shall be awarded the contract. It may be in the city's best interest to award the contract to a higher priced professional services provider contractor based on the scope of services available, unique skills, staffing levels, timing, prior experience, past working relationship and other factors required by the department or proposed by that professional services

~~provider~~~~contractor~~. The information needed for determining that level of competence, other qualifications and the procedure for selecting such services shall be determined by each city department responsible for recommending the professional service contract. (Ord. 01-14 (part): prior code § 2.93.010)

3.04.330 Request for proposal/qualification.

The acquiring of professional services shall be procured through negotiated contract and may include requests for proposals/qualifications. Contracting for professional services is decentralized and shall be the responsibility of the department head requesting the service. (Ord. 01-14 (part): prior code § 2.93.020)

3.04.340 Contracting authority.

The city manager shall approve professional service or consulting contracts up to and including ~~ten~~ twenty-five thousand dollars (\$~~10~~25,000.00). The city council shall approve professional service or consulting contracts greater than ~~ten~~ twenty-five thousand dollars (\$~~10~~25,000.00). (Ord. 01-14 (part): prior code § 2.93.030)

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**Report to the City Council
Council Meeting of December 8th, 2015**

Agenda Section: Consent Calendar

Subject: Resolution authorizing budget transfer from Fund 238 – Training Development Fund to the Public Safety budget (238-4900-2155), in the amount of \$4,000.00 to be used for reimbursable Police Department training.

CEQA Status: Not a CEQA project

Prepared By: William Imboden, Acting Chief of Police

Approved By: Jennifer Phillips, City Manager 

BACKGROUND

The approved FY 2015-16 budget included \$2,000.00 for all reimbursable Peace Officer Standards & Training (P.O.S.T.) training, for the entire Police Department. P.O.S.T. mandates certain types and levels of training for peace officers as well as dispatchers every year. Additionally, P.O.S.T. requires Perishable Skills Update Training minimums every two years. Perishable skills include firearms qualifications, weaponless defense, Emergency Vehicle Operation, and Tactical Communications. Saint Helena PD has an in-house instructor for weaponless defense and firearms but the remainder of the required training must be attended at other locations.

DISCUSSION

The Emergency Vehicle Operations Course (E.V.O.C) requires officers to attend an 8 hour driving course where high speed vehicle operations is taught, demonstrated, and then observed. The closest location to Saint Helena where officers can attend this mandatory class is in Dublin, Ca. presented by the Alameda County Sheriff's Training Facility. The cost to send all of the Officers and Sergeants to this course is \$2,328.00. P.O.S.T. reimburses 100% of the costs. Saint Helena PD is scheduled to attend this training in April 2016.

In addition to the mandated Perishable Skills training, P.O.S.T. requires a minimum of 10 hours of training per officer per year on law enforcement topics of our choosing. We send Officers and Sergeants to training that will expand their base of knowledge, improve their skillset, and allow them to develop as future leaders within the Department. Depending on the chosen course P.O.S.T. reimburses varying amounts up to 100% of the cost. Most courses cost between \$200 and \$500 in tuition, plus travel

and lodging costs if the course is out of the area. The Department strives to avoid sending Officers or Dispatchers to “out of the area” training that is not 100% reimbursable if possible.

Several officers have already completed their mandated additional training this fiscal year, and have depleted the \$2,000.00 allocation. There are insufficient funds remaining to attend the upcoming required trainings.

FISCAL IMPACT

In FY 13/14 the reimbursable Training Development Fund (238-4900-2155) expended \$4,959.00. In FY 14/15 the amount expended was \$6,364.00. In F/Y 13/14 and F/Y 14/15 100% of these funds were reimbursed by the state. At the beginning of FY 15/16 the Fund had a balance of \$18,855.00, of which \$2,000.00 was budgeted for training, leaving a balance of \$16,855.00. A budget transfer of an additional \$4,000.00 will leave a Fund balance of \$12,855.00 while allowing the Department to attend the remaining required training for the rest of FY 15/16. It is staffs expectation that 100% of the additional expended funds will be reimbursed by P.O.S.T. once the training is completed.

RECOMMENDED ACTION

Staff recommends that the City Council of the City of St. Helena adopt a resolution approving a transfer from Fund 238 – Training Development Fund, to the Public Safety budget (238-4900-2155), in the amount of \$4,000.00 to be used for reimbursable Police Department training.

ATTACHMENTS

1. Resolution

**CITY OF ST. HELENA
RESOLUTION NO. 2015-_____**

Resolution authorizing a budget transfer from Fund 238 – Training Development Fund, to the Public Safety training budget (238-4900-2155) in the amount of \$4,000.00, to be used for reimbursable Police Department training.

RECITALS

- A. The City of St. Helena Police Department has State mandated training requirements; and
- B. This is an unbudgeted expense not covered in the FY 2015/16 budget; and
- C. The Training Development Fund (238) has a balance of \$16,855; and
- D. Money spent on State mandated training is reimbursed by the State; and
- E. Reimbursements from the State for mandated training are deposited back into the Training Development Fund ; and
- F. This fund transfer will allow the Police Department to meet all of its mandated training requirements for F/Y 15/16.

RESOLUTION

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

- 1. The transfer from the Training Development fund (238) to the Public Safety training budget (238-4900-2155) in the amount of \$4,000.00 is approved.

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

Mayor Galbraith:

Vice Mayor White:

Councilmember Crull:

Councilmember Dohring:

Councilmember Pitts:

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

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**Report to the City Council
Council Meeting of December 8, 2015**

Agenda Section: Consent Calendar

Subject: Award Purchase Order in the Amount of \$58,857.82 to Downtown Ford Sales for the Purchase of Two 2016 Ford Interceptor All Wheel Drive SUV and Approve a Resolution to Adjust Citizens' Option for Public Safety Fund (COPS) in the Amount of \$109,356.82 for the Purchase and Outfitting of the Two Vehicles

CEQA Status: Not a CEQA Project

**Prepared By: William Imboden, Acting Police Chief
Tracey Perkosky, Grants Manager**

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The Fiscal Year 2015-2016 (FY 2015-16) approved Operations Budget does not include funding to purchase and outfit any new police vehicles. However, two of the police black and white units are in need of replacement. Purchased in 2006, these units have high maintenance costs and the current mileage is over 89,000 for each vehicle. Radios were purchased earlier this fiscal year with the intent to install them in new vehicles.

Since funds are limited, staff explored using Citizens' Options for Public Safety (COPS) grant funding for this purchase. COPS was created by the California legislature as a supplemental Law Enforcement grant, and has several permitted uses. One of those is to supply services and equipment for front line law enforcement. These services and/or equipment must have the specific impact of making the day-to-day operations of the front line officers easier and more efficient. Providing new, modern patrol vehicles meets this requirement by reducing downtime as older vehicles are out for repair and newer vehicles support important equipment such as interoperable radios with all law enforcement agencies in Napa County.

DISCUSSION

On October 26, 2015, staff released a Request for Proposal (RFP) for Sealed Bids for Two 2016 Ford Interceptors. The RFP notice was published in the Star newspaper and posted on the City website. Additionally, staff reached out to all Ford dealerships in a 50

mile radius and offered the RFP. On November 12, 2015, when the bids were opened nine (9) dealerships submitted responses. A list of the preliminary results is attached (Attachment A). The lowest responsive, responsible bidder was Downtown Ford Sales in Sacramento who submitted \$29,428.91 for each vehicle or a total of \$58,857.82 including delivery, taxes, registration and all other costs (Attachment B). All warranty and repair work can be completed locally. These are custom built vehicles and delivery time is about three to four months.

There are additional costs for police vehicles such as the purchase and installation of radios, mobile data terminals, other technology, secure equipment storage, and other safety equipment. The remaining funds in Fund 224 (COPS) will pay for these expenditures. With this budget adjustment, \$25,249.50 will be available per vehicle to cover the outfitting. Any unused funds will remain in Fund 224 (COPS) for future eligible expenditures.

FISCAL IMPACT

There is no fiscal impact to the General Fund; the purchase and outfitting of the new vehicles will come from COPS grant funds (224-4900-2630 *Capital Equipment*). Although this was not budgeted in the FY 2015-16 Operating Budget, there is adequate fund balance in COPS for these items because the funds were not fully expended in previous years.

RECOMMENDED ACTION

It is recommended that Council award a purchase order to Downtown Ford Sales in the amount of \$58,857.82 and appropriate \$109,356.82 to account 224-4900-2630 for the purchase and outfitting of the two 2016 Ford Interceptors.

ATTACHMENTS

- A. Preliminary Bid Results
- B. Bid from Downtown Ford Sales
- C. Resolution



Preliminary Bid Results
 2016 Ford Interceptor SUV
 November 12, 2015, 2:00 p.m.

	Vendor	Per Vehicle Price	Sales Tax	Delivery	Total Cost
1	Towne Ford Sales	\$ 28,433.75	\$ 2,274.00	\$ 175.00	\$ 30,882.75
2	All Star Ford	\$ 29,838.75	\$ 2,386.40	\$ -	\$ 32,225.15
3	Marin County Ford	\$ 29,529.00	\$ 2,314.32	\$ -	\$ 31,843.32
4	Hansel Ford Lincoln Mercury	\$ 29,537.75	\$ 2,360.00	\$ -	\$ 31,897.75
5	Albany Ford	\$ 29,122.49	\$ 2,271.18	\$ -	\$ 31,393.67
6	Downtown Ford Sales	\$ 27,110.75	\$ 2,168.16	\$ 150.00	\$ 29,428.91
7	Ron DuPratt Ford	\$ 29,600.14	\$ 2,360.91	\$ -	\$ 31,961.05
8	Zumwalt Ford	\$ 28,268.75	\$ 2,258.48	\$ -	\$ 30,527.23
9	San Leandro Ford	\$ 28,624.75	\$ 2,289.28	\$ 100.00	\$ 31,014.03

City of St. Helena
 Finance Department
 Bid Proposal – Due by 2:00 pm, Thursday, November 12, 2015

2016 Ford Interceptor Utility AWD

DOWNTOWN FORD SALES (Dealership) proposes and agrees to furnish the City of St. Helena, subject to acceptance of this Bid and subsequent to the proper issuance by the City of a Purchase Order to this dealership, 2016 Ford Interceptor Utility AWD as described in the Request for Bid and in this Bid:

	Police Interceptor
Price for all items listed in Bid (Table 1)	\$ 27,102
Documentation & registration fees (Exempt plates)	\$ INCLUDE, \$875 tire fee
Sales Tax 8%	\$ 2168.16
Delivery Charge (Optional Item, City May Choose to Pick-Up Vehicles)	\$ 150.00
Total Price per Vehicle*	\$ 29,428.91

Total Price* per Vehicle in Words: TWENTY NINE THOUSAND,
FOUR HUNDRED TWENTY EIGHT THOUSAND 91/100

This bid is for two (2) vehicles.

*Includes California sales tax, documentation and registration fees, destination, dealer preparation and other charges.

The City agrees that should the vehicles acquired require repairs or service under warranty, that work will be performed in an authorized facility. Please write the closest authorized facility below:

ZUMWALT FORD

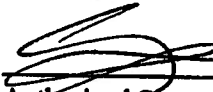
21 MAIN ST.

ST. HELENA, CA 94574

City of St. Helena
Finance Department
1480 Main Street | St. Helena, California | 94574

The vehicle will be furnished in accordance with the City's specifications in its Request for Bids. Vehicle must be ready for pick-up or delivered (if that option is selected) within 120 days of vendor receipt of purchase order. For each day late, the vendor will pay a \$250 per day penalty.

This Bid will remain in effect for forty-five (45) days from the date shown below. Our terms of payment are net cash within (20) days of delivery to, and acceptance of the completed unit by, the City.


Authorized Signature GRAHAM ENDS

I certify that I am authorized to make this Bid on behalf of the dealership.

Dealer Name and Address:	DOWNTOWN FORD SALES
Authorized Representative:	GRAHAM ENDS
Title :	FLEET SALES
Date:	11/9/15
Telephone:	916-442-6931

GrahamEnds@DowntownFordSales.com

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

**RESOLUTION AUTHORIZING THE PURCHASE OF TWO 2016 FORD
INTERCEPTOR VEHICLES FROM DOWNTOWN FORD SALES FOR THE
POLICE DEPARTMENT AND ADJUSTING THE COPS BUDGET (FUND 224)
IN THE AMOUNT OF \$109,356.82 FOR THE PURCHASE AND OUTFITTING
FOR THE VEHICLES**

RECITALS

- A. The City of St. Helena desires to purchase and outfit two (2) 2016 Ford Interceptor All Wheel Drive Sport Utility Vehicles; and
- B. This is an un expected, unbudgeted expense not covered in the FY 2015-16 budget; and
- C. The Citizens' Option for Public Safety (COPS) grant can be used for unexpected, unbudgeted items which benefit front line officers; and
- D. The COPS grant has unexpended excess funds in it from previous fiscal years; and
- E. The purchase will be entirely funded through the COPS fund (224-4900-2630) Capital Equipment; and
- F. No additional funds will be required from the General Fund for this purchase.

RESOLUTION

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

- 1. The purchase and outfitting of two (2) 2016 Ford Interceptor All Wheel Drive Sport Utility Vehicles is approved.
- 2. Per COPS guidelines, the Acting Chief of Police is authorized to sign a purchase order agreement in the amount of \$58,857.82 to Downtown Ford Sales, and all purchasing documents for other vendors to outfit the vehicle according to the City's Municipal Code for Procurement.

Approved at a Regular Meeting of the St. Helena City Council on December 8, 2015, by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

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**Report to the City Council
Council Meeting of December 8, 2015**

Agenda Section: Public Hearing

Subject: Consideration to adopt a resolution requesting membership in Marin Clean Energy (MCE); introduce the first reading by title only of an ordinance authorizing the City to implement and carry out a community choice aggregation program within the City of St. Helena through membership inclusion with Marin Clean Energy (MCE); authorize the City Manager to execute an MOU exploring inclusion with MCE; and authorize the Mayor to sign a letter requesting confidential load data from PG&E

CEQA Status: Not a CEQA project as defined in accordance with CEQA Guidelines, Section 15378

Prepared By: Kathy Robinson, Operations Manager

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On July 28, 2015, the City Council received a presentation from Marin Clean Energy (MCE), a public, not-for-profit electricity provider that focuses on maximizing the use of renewable energy sources in addition to lower energy rates. It is the intent of MCE to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to solar and wind energy production at competitive rates for customers. Following MCE's presentation, City Council directed staff to pursue a non-binding letter of interest to join MCE.

On August 7, 2015 the City Manager submitted a letter to MCE requesting consideration as a member. On September 21, 2015 the City received a letter from MCE informing that the MCE Board has approved a six-month "inclusion period" that would allow no-cost consideration if our application was completed on or before March 31, 2016. A copy of the letters and application process are attached (Attachment 1).

DISCUSSION

City staff has reviewed the application process and is prepared to move forward. The following is an outline of the application process:

- Adoption of attached resolution requesting membership in Marin Clean Energy (Attachment 2).
- Introduction of attached ordinance that approves the implementation of a Community Choice Aggregation program within the City of St. Helena's jurisdiction by and through the City's participation in MCE and authorizes the Mayor to execute the MCE Joint Powers Agreement (Attachment 3).
- Execution of attached Memorandum of Understanding regarding MCE membership consideration (Attachment 4).
- Authorization for the Mayor to sign attached request for confidential load data from PG&E (Attachment 5).

As City Council directed staff to pursue a non-binding letter of interest to join MCE, it is of significance to note that City Council's adoption of this resolution and ordinance, not only authorizes the City to submit an application to the MCE Board for membership approval and authorizes MCE staff to conduct an economic feasibility analysis, adoption effectively authorizes the City to join MCE should the results of the feasibility analysis come back positive.

Additionally, further City obligations required in the draft MOU, upon MCE Board approval of the City's membership, are as follows:

- Agreement to publicize and share information about MCE within its community during the six-month enrollment period. Publicity options include, but are not limited to, website, social media, public events, community workshops, and newsletter announcements (where feasible), as well as distribution of flyers and handouts provided by MCE at City offices.
- Agreement to provide desk space for up to two MCE staff members during the six-month enrollment period, and agreement to consider ongoing desk space availability if needed for effective and efficient outreach.
- Designation of a City staff person to serve as a liaison to MCE to support and facilitate communication with other City staff and officials, as well as provide input and high-level assistance on community outreach.

Napa County is already an MCE member and all of the other Napa County jurisdictions have received similar notifications from MCE about their letters of membership interest. The City of Calistoga and American Canyon have adopted resolutions and had their first reading of ordinances on October 20 and November 3, respectively. If the City so chooses to streamline communication and policy setting, MCE allows any participating cities and towns in the same county the option to select one shares representative and one alternate to serve on the MCE as a voting member. Should this option be chosen, the selected

representative would have a weighted vote based on the combined load of all participation cities and towns with the county.

FISCAL IMPACT

There is no financial impact to the City as the six month "inclusion period" allows for consideration of the City's membership application if it is completed by March 31, 2016. The feasibility analysis fee is waived and thus cost-covered by MCE under the inclusion period.

RECOMMENDED ACTION

Adopt resolution requesting MCE membership; introduce the first reading by title only of an ordinance authorizing the City to join Marin Clean Energy; authorize the City Manager to execute an MOU exploring inclusion with MCE; and authorize the Mayor to sign a letter requesting confidential load data from PG&E.

ATTACHMENTS

1. Correspondence letters, application process
2. Resolution
3. Ordinance
4. Memorandum of Understanding
5. Request for confidential load data from PG&E



City of St. Helena

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

Attachment 1

1480 Main Street
St. Helena, Ca 94574
Phone: (707) 967-2792
Fax: (707) 963-7748
www.sthelenacity.com

August 7, 2015

Dawn Weisz, Chief Executive Officer
Marin Clean Energy
1125 Tamalpais Avenue
San Rafael, CA 94901

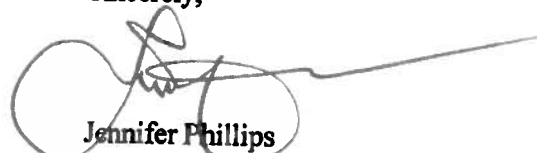
Dear Ms. Weisz:

The City of St. Helena would like to thank you and your staff for the presentation of the Marin Clean Energy (MCE) program to our City Council Meeting on July 28, 2015. The Council found the presentation insightful and directed staff to consider the possibility of bringing a similar Community Choice Aggregation (CCA) program to St. Helena.

The City of St. Helena understands that municipalities within Napa County have also expressed interest in joining the CCA program. Therefore, we request that you authorize your staff to conduct exploratory analysis to determine if St. Helena would benefit by partaking in the MCE program. If the research determines that St. Helena utility users will benefit from participating in the MCE program, then we understand that a more formal action by the City Council will be necessary to request membership in the Napa County Community Choice Aggregation (CCA) program.

We look forward to hearing from you. Please feel free to contact me, Jennifer Phillips, City Manager at 707-968-2744 or jenniferp@cityofsthelena.org, to discuss this further.

Sincerely,



Jennifer Phillips
City Manager

cc: Cindy Black, City Clerk
Steve Palmer, Director of Public Works
Noah Housh, Director of Planning & Community Development
April Mitts, Director of Finance



September 21, 2015

Kathrin Sears, Chair
County of Marin

Tom Butt, Vice Chair
City of Richmond

Bob McCaskill
City of Belvedere

Alan Schwartzman
City of Benicia

Sloan C. Bailey
Town of Corte Madera

Greg Lyman
City of El Cerrito

Barbara Coler
Town of Fairfax

Kevin Haroff
City of Larkspur

Garry Lion
City of Mill Valley

Brad Wagenknecht
County of Napa

Denise Athas
City of Novato

Carla Small
Town of Ross

Ford Greene
Town of San Anselmo

Genoveva Calloway
City of San Pablo

Andrew McCullough
City of San Rafael

Ray Withy
City of Sausalito

Emmett O'Donnell
Town of Tiburon

Marin Clean Energy
1125 Tarnalpais Avenue
San Rafael, CA 94901

1 (888) 632-3674
mceCleanEnergy.org

Jennifer Phillips, City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

Dear Ms. Phillips:

We are in receipt of your letter, dated August 7, 2015, expressing interest in exploring membership with MCE and are happy to consider your request. We are pleased to inform you that our Board has approved a six-month "inclusion period" that would allow no-cost membership consideration if your membership application is completed on or before March 31, 2016.

Membership application requirements are attached here and include the following:

- Adoption of a resolution requesting membership
- Adoption of the ordinance required by the Public Utilities Code Section 366.2(c) (10)
- Executed Memorandum of Understanding
- Signed request for load data from PG&E
- Designation of a staff person from your city to serve as a liaison to MCE

If you are interested in submitting a membership application please notify Allison Hang, MCE's Community Development Manager, and she will assist you with any questions you may have as you complete the checklist. You can reach Allison by email at: AHang@mceCleanEnergy.org or by phone at: 415-464-6044.

Please note that (1) adoption of your Ordinance to join MCE will be subject to approval by the MCE Board, and (2) MCE will conduct an economic feasibility analysis prior to approving membership. Also, if membership is approved, timing of procurement and customer

enrollment would be determined by the MCE Board. We will remain in close contact with your city about the most likely target dates for each process.

To streamline communications and policy setting, any participating cities and towns in your county may have the option to select one shared representative and one alternate to serve on the MCE Board as a voting member. If you choose this option, the selected representative would have a weighted vote based on the combined customer load of all participating cities and towns within your county.

We are happy to meet with you or your council to answer questions or provide additional information. We look forward to the opportunity to work with you on your membership application for MCE service. Please let me know if we can be of any further assistance.

Sincerely,



Dawn Weisz
Chief Executive Officer

cc: Cindy Black, City Clerk
Steve Palmer, Director of Public Works
Noah Housh, Director of Planning & Community Development
April Mitts, Director of Finance

MCE Membership Application Checklist

- ✓ Request for load data for PG&E signed by Mayor, City Manager, Board president or Chief County Administrator
- ✓ County assessor data for all building stock in jurisdiction
- ✓ Adoption of a resolution requesting membership in MCE
- ✓ Adoption of the ordinance required by the Public Utilities Code Section 366.2(c) (10) to join MCE's CCA program, adopted governing Board, subject to MCE Board approval
- ✓ Executed 'Agreement for Services' or 'Memorandum of Understanding' (if during inclusion period) to cover:
 - Community agrees to publicize and share information about MCE with community during the 6 month enrollment period. Options to publicize include but are not limited to website, social media, public events, community workshops, and newsletter announcements (where feasible), as well as distribution of flyers and handouts provided by MCE at community offices.
 - Community agrees to provide desk space for up to 2 MCE staff during the 6 month enrollment period, and agrees to consider ongoing desk space availability if needed for effective and efficient outreach.
 - Community agrees to assign staff member as primary point of contact with MCE. Assigned staff member will support and facilitate communication with other community staff and officials, as well as provide input and high-level assistance on community outreach.
 - Community agrees to cover of quantitative analysis cost, not to exceed \$10,000; waived under inclusion period.

RESOLUTION NO. XXX

**A RESOLUTION OF THE CITY/TOWN COUNCIL
OF THE CITY/TOWN OF _____ REQUESTING MEMBERSHIP IN
MARIN CLEAN ENERGY**

WHEREAS, the City/Town of _____ has been actively investigating options to provide electric services to constituents within its service area with the intent of achieving greater local involvement over the provision of electric services and promoting competitive and renewable energy.

WHEREAS, on September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, Ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation ("CCA").

WHEREAS, the Act expressly authorizes participation in a CCA program through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint power authority pursuant to a Joint Powers Agreement, as amended from time to time.

WHEREAS, on February 2, 2010, the California Public Utilities Commission certified the "Implementation Plan" of MCE, confirming MCE's compliance with the requirements of the Act.

WHEREAS, the City/Town fully supports the mission of MCE, which states that the purpose of MCE is to address climate change by reducing energy related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits. It is the intent of MCE to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to solar and wind energy production at competitive rates for customers.

WHEREAS, the City/Town fully supports MCE's current electricity procurement plan, which targets for more than 50% renewable energy content.

WHEREAS, in order to become a member of MCE, the MCE Joint Powers Agreement requires the City/Town to individually adopt a resolution requesting membership in MCE and an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City/Town of _____ as follows:

1. Based upon all of the above, the Council requests that the Board of Directors of Marin Clean Energy approve the City/Town of _____ as a member of the MCE.
2. The City/Town Manager is hereby directed to forward a copy of this resolution to MCE.

PASSED AND ADOPTED at a regular meeting of the City/Town Council of _____ on this ____ day of ____ by the following vote:

Councilmembers	AYES	NOES	ABSTAIN	ABSENT
Xxx				
Xxx				
Xxx				
Xxx				
Xxx				

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. XXX

**ORDINANCE OF THE CITY/TOWN COUNCIL OF _____ APPROVING
THE MARIN CLEAN ENERGY JOINT POWERS AGREEMENT AND
AUTHORIZING THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM**

The City/Town Council of the City/Town of _____ ordains as follows:

SECTION 1. The City/Town of _____ has been actively investigating options to provide electric services to constituents within its service area with the intent of promoting use of renewable energy and reducing energy related greenhouse gas emissions.

SECTION 2. On September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation.

SECTION 3. The Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through a joint powers agency, and on December 19, 2008, the Marin Clean Energy (MCE) was established as a joint power authority pursuant to a Joint Powers Agreement, as amended from time to time.

SECTION 4. On February 2, 2010 the California Public Utilities Commission certified the "Implementation Plan" of the MCE, confirming the MCE's compliance with the requirements of the Act.

SECTION 5. In order to become a member of the MCE, the Act requires the City of _____ to individually adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in the MCE.

SECTION 6. Based upon all of the above, the City/Town Council elects to implement a Community Choice Aggregation program within the City/Town of _____'s jurisdiction by and through the City/Town of _____'s participation in the Marin Clean Energy. The Mayor is hereby authorized to execute the MCE Joint Powers Agreement.

SECTION 7. This ordinance shall take effect on the later of (a) the date the Board of Directors of MCE adopts a Resolution adding the City/Town as a member of MCE, or (b) 30 days after its adoption and, before the expiration of 30 days after its passage, a summary of this ordinance shall be published once with the names of the

members of the Council voting for and against the same in the _____, a newspaper of general circulation published in the _____.

The foregoing ordinance was introduced at a meeting of the City/Town Council of the City/Town of _____ held on Date, and adopted at a meeting held on Date, by the following vote:

AYES: Councilmember
NOES: Councilmember
ABSENT: Councilmember

/s/ _____
XXX, Mayor

/s/ _____
XXX, City Clerk

**Memorandum of Understanding between MCE and [City/County]
Exploring Inclusion in MCE**

This Memorandum of Understanding (MOU), regarding MCE membership consideration is entered into by and between MCE and [City/County].

WHEREAS, the [City/County] has expressed interest in exploring membership in MCE, and

WHEREAS, MCE has a Policy to consider new community inclusion, subject to receipt of a complete application and subject to MCE analysis and approval, and

WHEREAS, MCE and [City/County] are collaborating to determine the feasibility of including [City/County] within MCE's Service area and approving the [City/County] application for membership; and

WHEREAS, MCE and [City/County] have a mutual interest in following the guidelines below,

NOW THEREFORE, the parties hereto agree as follows:

1. [City/County] agrees to assign one staff member as primary point of contact with MCE. Assigned staff member will support and facilitate communication with other [City/County] staff and officials, as well as provide input and high-level assistance on community outreach.
2. [City/County] will work with MCE to conduct public outreach about the MCE program to aid in outreach and education and to collect feedback from the community. Options to publicize include, but are not limited to, website, social media, public events, community workshops, and newsletter announcements, as well as distribution of flyers and handouts provided by MCE.
3. [City/County] will complete and submit 'MCE Membership Application' to MCE.
4. After receipt of complete Membership Application MCE will conduct a quantitative analysis to determine feasibility of adding [City/County] to the MCE Service Area, and approve membership if analysis results are positive.
5. Subject to membership approval by the MCE Board, [City/County] agrees to publicize and share information about MCE within its community during the 6 month enrollment period. Options to publicize include, but are not limited to, website, social media, public

events, community workshops, and newsletter announcements (where feasible), as well as distribution of flyers and handouts provided by MCE at [City/County] offices.

6. Subject to membership approval by the MCE Board, [City/County] agrees to provide desk space for up to 2 MCE staff during the 6 month enrollment period, and agrees to consider ongoing desk space availability if needed for effective and efficient outreach.

IN WITNESS WHEREOF, the parties hereto have executed this MOU.

MCE:

By: _____
Dawn Weisz, CEO Date
MCE

[CITY/COUNTY]:

By: _____
[REPRESENTATIVE NAME, TITLE] Date
[CITY/COUNTY NAME]



**Pacific Gas and
Electric Company***

**DECLARATION BY MAYOR OR CHIEF COUNTY ADMINISTRATOR
REGARDING INVESTIGATION, PURSUIT OR IMPLEMENTATION OF
COMMUNITY CHOICE AGGREGATION**

I, _____ [name], state as follows:

1. I am the mayor or chief county administrator of
_____ [name of city or county].

2. I am authorized to make this declaration on behalf of
_____ [check appropriate box]

☐ a city, or

☐ county,

which is investigating, pursuing or implementing community
choice aggregation as a community choice aggregator as defined by
Section 331.1 of the California Public Utilities Code ("CCA" or
"Potential CCA").

3. I understand that all of the confidential information provided
by PG&E to the city or county indicated above is subject to the terms and
conditions of the Nondisclosure Agreement between these two entities
and is provided for the sole purpose of enabling the city or county to
investigate, pursue or implement community choice aggregation.

I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct. Executed this ____ day of
_____, 20____, at _____, _____ [city, state].

_____[Signature]

CITY OF ST. HELENA

RESOLUTION NO. 2015-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA,
COUNTY OF NAPA, STATE OF CALIFORNIA, REQUESTING
MEMBERSHIP IN MARIN CLEAN ENERGY (MCE)**

WHEREAS, the City of St. Helena has been actively investigating options to provide electric services to constituents within its service area with the intent of achieving greater local involvement over the provision of electric services and promoting competitive and renewable energy.

WHEREAS, on September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, Ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation ("CCA").

WHEREAS, the Act expressly authorizes participation in a CCA program through a joint powers agency, and on December 19, 2008, Marin Clean Energy (MCE) was established as a joint power authority pursuant to a Joint Powers Agreement, as amended from time to time.

WHEREAS, on February 2, 2010, the California Public Utilities Commission certified the "Implementation Plan" of MCE, confirming MCE's compliance with the requirements of the Act.

WHEREAS, the City of St. Helena fully supports the mission of MCE, which states that the purpose of MCE is to address climate change by reducing energy related greenhouse gas emissions and securing energy supply, price stability, energy efficiencies and local economic and workforce benefits. It is the intent of MCE to promote the development and use of a wide range of renewable energy sources and energy efficiency programs, including but not limited to solar and wind energy production at competitive rates for customers.

WHEREAS, the City of St. Helena fully supports MCE's current electricity procurement plan, which targets for more than 50% renewable energy content.

WHEREAS, in order to become a member of MCE, the MCE Joint Powers Agreement requires the City of St. Helena to individually adopt a resolution requesting membership in MCE and an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the City of St. Helena as follows:

1. Based upon all of the above, the Council requests that the Board of Directors of Marin Clean Energy approve the City of St. Helena as a member of the MCE.
2. The City of St. Helena Manager is hereby directed to forward a copy of this resolution to MCE.

PASSED AND ADOPTED at a regular meeting of the City of St. Helena Council on the 24th day of November, 2015, by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

CITY OF ST. HELENA

ORDINANCE NO. 2015-XX

**ORDINANCE OF CITY OF ST. HELENA APPROVING THE MARIN
CLEAN ENERGY JOINT POWERS AGREEMENT AND AUTHORIZING
THE IMPLEMENTATION OF A COMMUNITY CHOICE
AGGREGATION PROGRAM**

The City Council of the City of St. Helena ordains as follows:

SECTION 1. The City of St. Helena has been actively investigating options to provide electric services to constituents within its service area with the intent of promoting use of renewable energy and reducing energy related greenhouse gas emissions.

SECTION 2. On September 24, 2002, the Governor signed into law Assembly Bill 117 (Stat. 2002, ch. 838; see California Public Utilities Code section 366.2; hereinafter referred to as the "Act"), which authorizes any California city or county, whose governing body so elects, to combine the electricity load of its residents and businesses in a community-wide electricity aggregation program known as Community Choice Aggregation.

SECTION 3. The Act expressly authorizes participation in a Community Choice Aggregation (CCA) program through a joint powers agency, and on December 19, 2008, the Marin Clean Energy (MCE) was established as a joint power authority pursuant to a Joint Powers Agreement, as amended from time to time.

SECTION 4. On February 2, 2010 the California Public Utilities Commission certified the "Implementation Plan" of the MCE, confirming the MCE's compliance with the requirements of the Act.

SECTION 5. In order to become a member of the MCE, the Act requires the City of St. Helena to individually adopt an ordinance electing to implement a Community Choice Aggregation program within its jurisdiction by and through its participation in the MCE.

SECTION 6. Based upon all of the above, the City Council elects to implement a Community Choice Aggregation program within the City of St. Helena's jurisdiction by and through the City of St. Helena's participation in the Marin Clean Energy. The Mayor is hereby authorized to execute the MCE Joint Powers Agreement.

SECTION 7. This ordinance shall take effect on the later of (a) the date the Board of Directors of MCE adopts a Resolution adding the City as a member of MCE, or (b) 30 days after its adoption and, before the expiration of 30 days after its passage, a summary of this ordinance shall be published once with the names

Attachment 3

of the members of the Council voting for and against the same in the St. Helena Star, a newspaper of general circulation published in the City of St. Helena.

The foregoing ordinance was introduced at a meeting of the City Council of the City of St. Helena held on November 24, 2015, and adopted at a meeting held on November 24, 2015, by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Crull:	_____
Councilmember Dohring:	_____
Councilmember Pitts:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Memorandum of Understanding between MCE and City of St. Helena Exploring Inclusion in MCE

This Memorandum of Understanding (MOU), regarding MCE membership consideration is entered into by and between MCE and City of St. Helena.

WHEREAS, the City of St. Helena has expressed interest in exploring membership in MCE, and

WHEREAS, MCE has a Policy to consider new community inclusion, subject to receipt of a complete application and subject to MCE analysis and approval, and

WHEREAS, MCE and City of St. Helena are collaborating to determine the feasibility of including City of St. Helena within MCE's Service area and approving the City of St. Helena application for membership; and

WHEREAS, MCE and City of St. Helena have a mutual interest in following the guidelines below,

NOW THEREFORE, the parties hereto agree as follows:

1. City of St. Helena agrees to assign one staff member as primary point of contact with MCE. Assigned staff member will support and facilitate communication with other City of St. Helena staff and officials, as well as provide input and high-level assistance on community outreach.
2. City of St. Helena will work with MCE to conduct public outreach about the MCE program to aid in outreach and education and to collect feedback from the community. Options to publicize include, but are not limited to, website, social media, public events, community workshops, and newsletter announcements, as well as distribution of flyers and handouts provided by MCE.
3. City of St. Helena will complete and submit 'MCE Membership Application' to MCE.
4. After receipt of complete Membership Application MCE will conduct a quantitative analysis to determine feasibility of adding City of St. Helena to the MCE Service Area, and approve membership if analysis results are positive.
5. Subject to membership approval by the MCE Board, City of St. Helena agrees to publicize and share information about MCE within its community during the 6 month enrollment period. Options to publicize include, but are not limited to, website, social media, public events, community workshops, and newsletter announcements (where feasible), as well as distribution of flyers and handouts provided by MCE at City of St. Helena offices.

6. Subject to membership approval by the MCE Board, City of St. Helena agrees to provide desk space for up to 2 MCE staff during the 6 month enrollment period, and agrees to consider ongoing desk space availability if needed for effective and efficient outreach.

IN WITNESS WHEREOF, the parties hereto have executed this MOU.

MCE:

By: _____
Dawn Weisz, CEO Date
MCE

City of St. Helena:

By: _____
Jennifer Phillips, City Manager Date
City of St. Helena



Pacific Gas and Electric Company
San Francisco, California
U 39

Revised
Cancelling Original

Attachment 5
Cal. P.U.C. Sheet No. 31432-E
Cal. P.U.C. Sheet No. 23061-E

Electric Sample Form No. 79-1030

Declaration by Mayor or Chief County Administrator Regarding Investigation Pursuit
or Implementation of Community Choice Aggrega

**Please Refer to Attached
Sample Form**

Advice Letter No: 4009-E
Decision No.

1C10

Issued by
Brian K. Cherry
Vice President
Regulation and Rates

Date Filed March 5, 2012
Effective December 20, 2012
Resolution No. E-4523



**DECLARATION BY MAYOR OR CHIEF COUNTY ADMINISTRATOR
REGARDING INVESTIGATION, PURSUIT OR IMPLEMENTATION OF
COMMUNITY CHOICE AGGREGATION**

I, _____ [name], state as follows:

1. I am the mayor, chief county administrator, or chief executive officer of _____
_____ [name of city, county, or public agency,].

2. I am authorized to make this declaration on behalf of _____
_____ [check appropriate box]

☐ a city, or

☐ a county, or

☐ an eligible public agency

which is investigating, pursuing or implementing community choice aggregation as a community choice aggregator as defined by Section 331.1 of the California Public Utilities Code ("CCA" or "Potential CCA").

3. I understand that all of the confidential information provided by PG&E to the city, county, or public agency indicated above is subject to the terms and conditions of the Nondisclosure Agreement between these two entities and is provided for the sole purpose of enabling the city, county or public agency to investigate, pursue or implement community choice aggregation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this _____ day of _____, 20____, at _____, _____ [city, state].

[Signature]



Pacific Gas and Electric Company
San Francisco, California
U 39

	Revised	Cal. P.U.C. Sheet No.	32646-E*
Cancelling	Revised	Cal. P.U.C. Sheet No.	32235-E

Electric Sample Form No. 79-1031
Community Choice Aggregator Non-Disclosure Agreement

**Please Refer to Attached
Sample Form**

Advice Letter No: 4221-E
Decision No. 12-11-015
D.12-08-045, D.11-07-056
1C7

Issued by
Brian K. Cherry
Vice President
Regulatory Relations

Date Filed	May 2, 2013
Effective	May 2, 2013
Resolution No.	

COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

This Non-Disclosure Agreement ("Agreement") is entered into by and between Pacific Gas and Electric Company ("Utility") and _____

_____, a _____ [name]
_____, a _____ [describe political entity]
_____ ("CCA") as of _____ ("Effective Date"). This Agreement is executed pursuant to California Public Utilities Commission ("CPUC") Order Instituted Rulemaking ("OIR") 03-10-003, California Public Utilities Code ("PU Code") Section 366.2 et seq., and applicable Utility tariffs (as modified hereafter from time to time). As used herein Utility and CCA may each be referred to individually as a "Party" and collectively as "Parties."

The CPUC has determined that CCA/Community may obtain specified confidential customer information from Utility pursuant to Tariff Schedules E-CCAINFO-Information (as modified hereafter from time to time) ("E-CCAINFO") as a community choice aggregator, as defined by PU Code Section 331.1, solely in order to investigate, pursue or implement community choice aggregation pursuant to PU Code Section 366.2, et seq. or confidential customer electric and gas consumption data to implement energy efficiency programs pursuant to PU Code section 381.1. The provisions of this Agreement and E-CCAINFO govern the disclosure of Utility's confidential customer information to CCA/Community ("Disclosure Provisions") under Schedules E-CCAINFO and E-CCA.

The Parties hereby mutually agree that:

1. Subject to the terms and conditions of this Agreement, current proprietary and confidential information of Utility regarding customers of Utility ("Utility Customers") may be disclosed to CCA from time to time in connection herewith as provided by the Disclosure Provisions and solely for the purpose of investigating, pursuing or implementing community choice aggregation pursuant to PU Code Section 366.2, et seq. as a community choice aggregator or to implement energy efficiency programs pursuant to PU Code section 381.1. Such disclosure is subject to the following legal continuing representations and warranties by CCA:
 - (a) CCA represents and warrants that, pursuant to PU Code Section 331.1,
 - (1) it is either (i) a city, county, or other entity as defined in PU Code Section 331.1 whose governing board has elected to combine the loads of its residents, businesses, and municipal facilities in a community wide electricity buyers program or (ii) a city, county, or other entity as defined in PU Code Section 331.1 that intends to actively investigate or pursue delivery of electric service to customers located within the geographic territory of the CCA, and
 - (2) that to investigate, pursue or implement community choice aggregation under PU Code Section 366.2 et seq., or to implement energy efficiency programs pursuant to PU Code section 381.1;



COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

- (b) CCA represents and warrants that it has all necessary authority to enter into this Agreement, and that it is a binding enforceable Agreement according to its terms;
 - (c) CCA represents and warrants that the authorized representative(s) executing this Agreement is authorized to execute this Agreement on behalf of the CCA; and
 - (d) CCA confirms its understanding that the information of Utility Customers is of a highly sensitive confidential and proprietary nature, and that such information will be used as contemplated under the Disclosure Provisions solely for the purposes of investigating, pursuing or implementing Community Choice Aggregation under PU Code Section 366.2 as a community choice aggregator or to implement energy efficiency programs pursuant to PU Code section 381.1, and that any other use of the information may permit Utility to suspend providing further information hereunder.
 - (e) CCA represents and warrants that it will implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure, and prohibits the use of the data for a secondary commercial purpose not related to community choice aggregation or energy efficiency purposes without the customer's prior consent to that use.
2. The confidential and proprietary information disclosed to CCA in connection herewith may include, without limitation, the following billing information about Utility Customers: Customer-specific information from the current billing periods as well as prior 12 months consisting of: service agreement number, name on agreement, service address with zip code, mailing address with zip code, telephone number, meter number, monthly kWh usage, monthly maximum demand where available, electrical or gas consumption data as defined in PU Code Section 8380, other data detailing electricity or gas needs and patterns of usage, Baseline Zone, CARE participation, End Use Code (Heat Source) Service Voltage, Medical Baseline, Meter Cycle, Bill Cycle, Balanced Payment Plan and other plans, HP Load and Number of Units and monthly rate schedule for all accounts within the CCA's territory. In addition, PG&E will provide the CCA the following additional information regarding customers currently enrolled in its CCA service: current and historical billing information for non-CCA services provided by PG&E or other electric service providers (collectively, "Confidential Information"). Confidential Information shall also include specifically any copies, drafts, revisions, analyses, summaries, extracts, memoranda, reports and other materials prepared by CCA or its representatives that are derived from or based on Confidential Information disclosed by Utility, regardless of the form of media in which it is prepared, recorded or retained.



COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

3. Except for electric and gas usage information provided to CCA pursuant to this Agreement, Confidential Information does not include information that CCA proves (a) was properly in the possession of CCA at the time of disclosure; (b) is or becomes publicly known through no fault of CCA, its employees or representatives; or (c) was independently developed by CCA, its employees or representatives without access to any Confidential Information.
4. From the Effective Date, no portion of the Confidential Information may be disclosed, disseminated or appropriated by CCA, or used for any purpose other than to investigate, pursue or implement community choice aggregation under PU Code Section 366.2 et seq. as a community choice aggregator or to implement energy efficiency programs pursuant to PU Code section 381.1 as permitted under this Agreement and the Disclosure Provisions.
5. CCA shall, at all times and in perpetuity, keep the Confidential Information in the strictest confidence and shall take all reasonable measures to prevent unauthorized or improper disclosure or use of Confidential Information. CCA shall implement and maintain reasonable security procedures and practices appropriate to the nature of the information, to protect the personal information from unauthorized access, destruction, use, modification, or disclosure and prohibits the use of the data for a secondary commercial purpose not related to community choice aggregation or energy efficiency. Specifically, CCA shall restrict access to Confidential Information, and to materials prepared in connection therewith, to those employees or representatives of CCA who have a "need to know" such Confidential Information in the course of their duties with respect to the CCA program and who agree to be bound by the nondisclosure and confidentiality obligations of this Agreement, provided, however, that, an Energy Service Provider, agent, or any other entity, including entities that provide both direct access (as codified in Assembly Bill No. 1890, Stats. 1996, ch. 854) and community choice aggregation services shall limit their utilization of the information provided to the purposes for which it has been provided and shall not utilize such information, directly or indirectly, in providing other services, including but not limited to Direct Access services, in order to effectuate the obligations of this Agreement. Prior to disclosing any Confidential Information to its employees or representatives, CCA shall require such employees or representatives to whom Confidential Information is to be disclosed to review this Agreement and to agree in writing to be bound by the terms of this Agreement by signing the "Non-Disclosure Agreement for CCA Employees or Representatives" form attached as Exhibit A hereto. CCA shall provide Utility with copies of the signed Exhibit A forms at Utility request. CCA shall also provide Utility with a list of the names, titles, and addresses for all persons or entities to which Confidential Information is disclosed in connection herewith ("Disclosure List"). This Disclosure List shall be updated by CCA on a regular basis, and will be provided to Utility once each quarter at a minimum.



COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

6. CCA shall be liable for the actions of, or any disclosure or use by, its employees or representatives contrary to this Agreement; however, such liability shall not limit or prevent any actions by Utility directly against such employees or representatives for improper disclosure and/or use. In no event shall CCA or its employees or representatives take any actions related to Confidential Information that are inconsistent with holding Confidential Information in strict confidence. CCA shall immediately notify Utility in writing if it becomes aware of the possibility of any misuse or misappropriation of the Confidential Information by CCA or any of its employees or representatives. However, nothing in this Agreement shall obligate the Utility to monitor or enforce the CCA's compliance with the terms of this Agreement.
7. CCA shall comply with the consumer protections concerning subsequent disclosure and use that are in Attachment B to CPUC Decision No. 12-08-045.
8. CCA acknowledges that disclosure or misappropriation of any Confidential Information could cause irreparable harm to Utility and/or Utility Customers, the amount of which may be difficult to assess. Accordingly, CCA hereby confirms that the Utility shall be entitled to apply to a court of competent jurisdiction or the CPUC for an injunction, specific performance or such other relief (without posting bond) as may be appropriate in the event of improper disclosure or misuse of its Confidential Information by CCA or its employees or representatives. Such right shall, however, be construed to be in addition to any other remedies available to the Utility, in law or equity.
9. In addition to all other remedies, CCA shall indemnify and hold harmless Utility, its affiliates, subsidiaries, parent company, officers, employees, or agents from and against and claims, actions, suits, liabilities, damages, losses, expenses and costs (including reasonable attorneys' fees, costs and disbursements) attributable to actions or non-actions of CCA and/or its employees and/or its representatives in connection with the use or disclosure of Confidential Information.
10. If, at any time, CCA ceases its investigation, pursuit or implementation of community choice aggregation pursuant to PU Code Section 366.2 et seq., CCA shall promptly return or destroy (with written notice to Utility itemizing the materials destroyed) all Confidential Information then in its possession at the request of Utility. Notwithstanding the foregoing, the nondisclosure obligations of this Agreement shall survive any termination of this Agreement.
11. This Agreement shall be binding on and inure to the benefit of the successors and permitted assigns of the Parties hereto. This Agreement shall not be assigned, however, without the prior written consent of the non-assigning Party, which consent



COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

may be withheld due to the confidential nature of the information, data and materials covered.

12. This Agreement sets forth the entire understanding of the Parties with respect to the subject matter hereof, and supersedes all prior discussions, negotiations, understandings, communications, correspondence and representations, whether oral or written. This Agreement shall not be amended, modified or waived except by an instrument in writing, signed by both Parties, and, specifically, shall not be modified or waived by course of performance, course of dealing or usage of trade. Any waiver of a right under this Agreement shall be in writing, but no such writing shall be deemed a subsequent waiver of that right, or any other right or remedy.
13. This Agreement shall be interpreted and enforced in accordance with the laws of the State of California, without reference to its principles on conflicts of laws.
14. This Agreement shall, at all times, be subject to such changes or modifications by the CPUC as it may from time to time direct in the exercise of its jurisdiction.

IN WITNESS WHEREOF, the authorized representatives of the Parties have executed this Agreement as of the Effective Date.

PACIFIC GAS AND ELECTRIC COMPANY

(Customer)

(Signature)

(Type/Print Name)

(Title)

(Date)

(Signature)

(Type/Print Name)

(Title)

(Date)



COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT

EXHIBIT A NON-DISCLOSURE AGREEMENT FOR CCA EMPLOYEES OR REPRESENTATIVES

I, _____, declare under penalty of perjury that

(1) I am employed as _____ (title) at _____
_____ (employer and address); and

(2) I have personally reviewed the attached **COMMUNITY CHOICE AGGREGATOR NON-DISCLOSURE AGREEMENT** relating to disclosure and use of Confidential Information (as defined therein) and I agree to be bound by its provisions.

Signed: _____

Print Name: _____

Dated: _____

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**Report to the City Council
Council Meeting of December 8, 2015**

Agenda Section: New Business

Subject: Consideration of Potential Amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Chapter 17.134, Short-Term Rentals (STRs).

CEQA Status: Not a Project Under CEQA; Any Future Legislative Actions will require CEQA review and a Determination

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Approved By: Jennifer Phillips, City Manager

BACKGROUND

The City Council adopted the Short-Term Rental Ordinance on April 10, 2012, and the Ordinance became effective on May 10, 2012. Prior to adoption of the Short-Term Rental Ordinance, it was illegal to rent a home for fewer than 30 days in St. Helena.

Chapter 17.134 "Short-Term Rentals" of the Municipal Code establishes a permitting process for the rental of single family dwellings for fewer than 30 consecutive days. Short-term rental uses are permitted in residential and agricultural zoning districts provided that the proposed short-term rental meets the standards of the ordinance. A maximum of 25 short-term rental permits are allowed at any time within the City.

The ordinance was designed to address the issue of illegal short-term rentals operating within the community and to accomplish the following objectives:

1. Establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings.
2. Provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the City.
3. Ensure the collection and payment of Transient Occupancy Taxes (TOT).
4. Minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods.
5. Retain the character of the neighborhoods in which such use occurs.

On June 10, 2014, the City Council reviewed the STR Ordinance as many of the original permits approved in 2012, were set to expire and there was no mechanism in the

regulations for renewal of these permits. At this meeting, the City Council directed staff to initiate a renewal process for expiring permits whereby a two-year renewal would be issued if the permit holder:

1. Paid an application fee;
2. Had a current City Business License
3. Was current on their TOT payments; and
4. Had no complaints on file against them.

The Council also directed staff to continue enforcement on those illegally renting on a short-term basis. The Council deferred providing direction on Ordinance revisions for one year on whether to:

1. Increase the number of permits available;
2. Add a use it or lose it provision;
3. Adjust the 30% of neighboring residents (within 300') having filed complaints threshold for elevating the decision to require Planning Commission approval; and
4. Allow the permits to run in perpetuity as long as the permit holder is not in violation of any of the terms of the ordinance.

Town Hall Meeting

Prior to revisiting the ordinance (as Directed by the Council at the June 2014 meeting), the Planning Department held a Special Town Hall meeting on September 23, 2015. The goal to this meeting was to receive public input on the short-term rental ordinance and the operation of short-term rentals within the City, prior to bringing the issue back before the Planning Commission and City Council for review.

Approximately 80 people attended the meeting and a variety of input was received, including opinions on the Ordinance, desired changes and general feedback on short-term rental operations within the City. Staff has provided a brief summary of the opinions heard below. However a more comprehensive summary of the comments made at the meeting is attached. In addition, each of the individual comment letters sent to staff and decision makers have also been attached to this report (Attachment B).

Those opposed to the existing Ordinance and/or short-term rental operations in general, identified concerns such as noise, safety, traffic, parking, neighborhood and community impacts and potential loss in property value.

Those in support of the Ordinance and short-term rental units operating within the City identified revenue generation, job creation, a lack of hotel rooms, and STRs being a positive alternative to hotels for tourists, as reasons for their support and why the Ordinance should remain in place.

Additionally, current permit holders identified concerns about being unfairly punished for the actions of a few individuals who are not managing their STR well, or potentially operating an STR without City approvals. Requests were made from this group to improve City enforcement of the current Ordinance before considering revoking the allowance to operate an STR generally.

On November 17, 2015, the Planning Commission reviewed the proposed options to amend the STR Ordinance and provided recommendations to the City Council. A summary of this meeting and their recommendations are provided below.

DISCUSSION

In addition to the information provided above, staff has identified elements which are pertinent to the review and discussion of the Ordinance. This information includes a summary of issues and concerns voiced regarding STR operations within St. Helena; what other communities are experiencing and doing in response to STR operations within their jurisdictions; the recent and on-going efforts by staff to improve implementation and enforcement of the current STR Ordinance and Code Enforcement generally; and some suggestions from staff as to how the current ordinance could be improved to better manage the 25 STRs units currently in operation. Fiscal impacts are also briefly discussed at the conclusion of this report.

Following the provision of this general information, staff poses a menu of options to decision makers with the goal of getting definitive direction on revision to the Ordinance. In addition, the unanswered questions from the June 2014, Council discussion are also posed for review and consideration by decision makers to further facilitate the review and direction on STR Ordinance revisions. Finally, staff has a list of recommended revisions to the Ordinance to improve and facilitate implementation and enforcement of the current requirements, should the Ordinance remain in place.

Neighborhood Impact

The presence of an STR in a neighborhood has been identified as concerning to some residents who feel STRs present an impact to the community in general. This concern is supported by statements about the impacts of not knowing who is staying in the home, a lack of accountability that comes from knowing a neighbor and impacts to locally serving businesses. Separate from the broader issue, many citizen concerns (regarding STR operations) identify nuisance activities from STR tenants as a prominent issue.

In response to the concerns over nuisance, staff referred the list of STR permit holders to the St Helena Police Department (SHPD), requesting information on the number of calls-for-service and/or complaint calls for each property. Of the 22 STRs currently operating, 6 (or approximately 27-percent) had confirmed violations and/or disturbances which had occurred on their premises since 2012. The most violations/disturbances at any one of these suspected properties (since 2012) were 4 (see Attachment H).

Separate from the permitted STR units, staff keeps a list of potentially illegal STR operations, identified through citizen complaints, staff research and other anecdotal information. While this list is not public, staff did refer it to SRPD, asking for the same review of confirmed violations and disturbances. Of the 27 potentially illegal STRs in the list, 6 (or approximately 22-percent) had confirmed disturbances, a majority of which were noise complaints.

As identified, verified complaint data indicates that that a majority of permit holders are respectful to their neighbors and obey the rules of the ordinance. The absence of significant numbers of complaints suggests that the short-term rental of permitted single-family dwellings has generally not created significant impacts on all residential neighborhoods where STRs are present and operate.

However, there are specific neighborhoods where a perceived concentration of STR operations has contributed to a feeling of impacts on the neighborhood. To help understand the concentration issue, a map of current permitted STR units is attached to this report (Attachment D). These impacts are generally categorized as a loss of community; one neighborhood having to carry an un-due burden from the number of STRs operating within concentrated areas and commercial activity occurring within residential zoning districts.

As mentioned, all individual comments on the STR issue have been compiled by staff and are attached to this report for review (Attachment C).

Short-Term Rentals in Other California Communities

St. Helena is not alone in its attempts to address the emerging trend of residential properties rented on a short-term basis. Other destination communities in California (and across the nation) have dealt with the issue in a variety of ways. Some communities, including Calistoga, Yountville and the (un-incorporated) County of Napa, have adopted an out-right ban of all short-term rentals, while others such as the City of Healdsburg and City of Napa have allowed STRs in limited areas or with the issuance of a limited number short-term rental permits. Other cities, such as Santa Rosa have chosen to not adopt any specific regulations of STR activity.

The City of Napa has allowed STR operations since 2009, when they adopted an Ordinance allowing up to 41 STR permits to be issued (Ordinance updated in 2010). Recently (Nov. 3, 2015) the City passed a revised Short Term Rental Ordinance (Ordinance 02015-13) to allow an additional 60 "Hosted STR" permits to be issued. The result of these regulations is that there are 41 STR permits allowing STR operations where no resident is on site, and an additional 60 permits are to be issued to properties with an on-site resident. A copy of the Ordinance is attached to this report (Attachment E).

Enforcement in Other California Communities

Enforcement of STR activity in the City of Napa has traditionally been conducted by Code Enforcement staff however an additional Code Enforcement position has been approved specifically to address the STR issue. This position will (in theory) be funded by the fees resulting from the increased number of STR permits being allowed. Lawsuits have also been utilized as an enforcement mechanism when violators are unresponsive to Code Enforcement activity.

A search of STR listing web-sites quickly identified over 100 STR rentals within the City of Napa.

The County of Napa prohibits STR operations in an effort to preserve the housing stock available in the unincorporated areas of the County. Enforcement of the prohibition is handled by the County Code Enforcement Division, and is primarily complaint driven with the primary focus on violations that threaten life and safety. According to the Napa Valley Register, the County has initiated 92 Code Enforcement cases against STR operators since 2008. Un-resolved Code Enforcement cases are forwarded to the District Attorney for prosecution as criminal violations, with the associated criminal penalties.

A brief search of STR booking websites identified numerous STR units being offered for rent in the County of Napa.

Similarly, the Town of Yountville currently prohibits STR activity through permissive zoning ordinance regulations however the Town plans to codify the prohibition through an Ordinance (scheduled for December 1, 2015, Council review). Enforcement of this prohibition and all other Code Enforcement is through the Planning Department. Interestingly, the Town recently initiated a Legislative Subpoena process to request booking records from three of the major STR booking websites. These subpoenas have been submitted however no responses have been received and no information has been provided from the websites as of the date of this report.

A brief website search for STR operations in Yountville identified approximately 30 rental units within the City of Yountville, however most of these identified a 30-day minimum rental was required.

Healdsburg allows the operation of STRs in the Commercial Downtown (CD) Zoning District only, with Use Permit approval. STR operations are otherwise completely prohibited. These regulations are intended to both support the tourism economy of Healdsburg, including visitor accommodations, as well as to protect the integrity of residential neighborhoods. Enforcement of the STR prohibition is by an Enforcement Officer working out of the Healdsburg Police Department who is dedicated to Code

Enforcement activity. The enforcement process is pursued as a criminal violation and is primarily complaint driven. However the Enforcement Officer does some active enforcement as time and workload permit. A brief internet search identified numerous STR units which appeared to be operating within the in City limits, but outside of the CD District. A brochure identifying the STR regulations for the City of Healdsburg can be found at:

<http://www.ci.healdsburg.ca.us/Search/Results?searchPhrase=Vacation>

Calistoga also prohibits all short-term rental operations. In 2008, their City Council provided direction not to allow commercial activity in residential neighborhoods and enforcement of the STR prohibition has been consistently pursued since (municipal code revisions have recently been made making the prohibition more definitive). Justification for the prohibition has been expressed as to protect existing visitor accommodations (hotels and Bed and Breakfasts), as well as to preserve the housing stock of the community. Additional justification to support the prohibition was expressed as an effort to minimize impacts to residents from noise and traffic. Calistoga has relied on the Napa County District Attorney's office to pursue two blatant and aggressive violators through sting operations. One of these cases resulted in criminal penalties being assessed and the other is still under way. Generally speaking, it was characterized that these issues are not high priority cases for law enforcement.

Verification of violations has been a challenge and Calistoga City staff is heavily reliant on resident and neighbor input to help regulate these issues. A brief internet search for Vacation Rentals in Calistoga quickly identified numerous STR operations within the Calistoga City boundary.

San Francisco passed an amended Ordinance to regulate STR activity on July 14, 2015, after creating the new Office of Short-Term Rental Administration and Enforcement. The City allows STR activities after individual STR units are registered with the City. A recent ballot initiative attempting to modify the regulations to further limit STR activity (Measure F) through additional regulations and allowing for private lawsuits by "interested parties", was recently defeated by a vote of the City residents. Currently, enforcement of the STR requirements is handled by the Planning Department. On June 30, the San Francisco Planning Department issued 15 violation letters for approximately 70 units. The alleged violations include renting units with no primary resident and multiple units in large apartment buildings solely used as vacation rentals.

However, at a recent San Francisco Board of Supervisors meeting, the head of this newly created department acknowledged they are unable to fully enforce the regulations given the ease with which STR activity can be facilitated by the number of various web sites dedicated to STR activity.

Summary

Staff has provided the information above to identify that the challenges posed by STR operations are not unique to St Helena. STR operations occur in almost every community, and the approach to addressing their operations is as varied as the communities they operate in. Some communities chose to completely prohibit STRs, while others have chosen to allow STR operations as an un-regulated land use. Other communities, similarly to St Helena, have chosen to allow a limited number of STR permits, with some jurisdictions directing portions of the revenue received directly to fund enforcement of their adopted STR regulations. Interestingly, most communities who prohibit them identified supporting their existing hotels and Bed and Breakfasts as part of the justification for prohibiting STR activities.

In general, STR operations occur in communities where they are allowed to occur and in communities where they are prohibited. In every instance, the enforcement of STR regulations is costly and requires significant staff resources. Staff found no instance where a prohibition on STR operations eliminated all STR activity in a community.

Enforcement Improvements

Planning and Community Improvement Department staff has recently begun working on improving the Code Enforcement process within the City. Specifically, staff has begun coordination with the Public Works Department, the City Attorney's Office and the St. Helena Police Department to identify the enforcement needs for each department, and to identify the challenges facing enforcement for each Department. An update to the Code Enforcement procedures manual has been drafted and is under review by the attorneys' office. This update should clarify the enforcement process for each department. Additionally, staff has asked the City Attorney's office to work to improve the citation and enforcement regulations currently governing the Police Department's ticket writing and penalty enforcement.

Separate from these general improvements currently underway, staff has also initiated efforts to improve enforcement of the STR Ordinance specifically. These efforts include entering into a contract with Municipal Services to help identify un-permitted violators of the Ordinance and to audit all parties responsible for payment of TOT (and interest) to the City. Finally, the City has initiated legal action against 2 known violators of the STR ordinance, and will continue to do so as directed by the City Council. Enforcement includes payment of TOT and interest as well as potential payment of civil penalties negotiated on a case-by-case basis.

Menu of Options

After the last review of the STR Ordinance (June 2014), staff was directed to bring the Ordinance back to the City Council in approximately one year to finalize a response to a number of questions deferred during that review. Specifically, the deferred questions were whether to:

1. Should the City increase the number of permits available;
2. Add a use it or lose it provision;
3. Adjust the 30% of neighboring residents (within 300') having filed complaints threshold for elevating the decision to require Planning Commission approval; and
4. Whether the permits shall run in perpetuity as long as the permit holder is not in violation of any of the terms of the ordinance.

Based on staff's experience administering the short-term rental ordinance since the last revisions were made, as well as feedback received from the public (including at the Town Hall meeting), before answering the remaining questions (above) staff finds it more appropriate to broaden the discussion to first request direction on whether to: repeal the STR Ordinance in its entirety and prohibit STR activity in St Helena; make improvements to the existing regulations and enforcement process to address identified concerns; or to increase the number of permits available.

In an effort to improve efficiency, staff requests general direction on these broader questions before focusing time on addressing the previously un-answered elements of the Ordinance itself. To facilitate the discussion on these questions, staff has provided a brief discussion of the potential impacts of choosing one of the options provided.

1. Repeal the Short-Term Rental Ordinance in its entirety, eliminating all Short-Term Rental permits within the City of St. Helena.

Because STR permits are issued with a two-year approval time frame, if the Ordinance was completely repealed, those with STR permits would be permitted to continue STR operations until their permits expired. Based on the experiences of other communities, the desirability of St. Helena as a destination and the limited choices for visitor accommodations, STR operations are likely to continue throughout the City even if they are prohibited.

Further, current STR permit holders provide approximately \$144,000 in General Fund revenue through payment of TOTs. If STR operations are prohibited, the prohibition will create a direct budget impact with no identified mechanism to back-fill the loss. In addition, code enforcement expenditures would likely increase as there would be no legal mechanism to facilitate the identified demand for STR accommodations. Essentially the evidence shows these uses would continue but

would be pushed into the “underground economy” where the City realizes no financial benefits, but is forced to expend more resources to enforce the prohibition.

2. Make minor revisions to the Ordinance and improve enforcement mechanisms, allow time for these improvements to be enacted and properly enforced and review the Ordinance again in a short time to see if the community impacts are lessened.

Since the Ordinance was originally adopted in 2012, the City has seen significant turn-over in staff at all levels. Having a large percentage of City employees newly hired or interim, has made consistent enforcement of City regulations challenging. Code Enforcement is challenging in any community and workload impacts on a small staff are only compounded by this staff being relatively new in their positions. Currently, all City staff involved with STR enforcement are permanent in their positions and most are beginning to build some institutional knowledge.

Input received from individuals speaking at the September Town Hall meeting identified enforcement as a primary issue and challenge. Comments from citizens in favor of keeping the Ordinance, as well as those opposed, both identified one of the biggest problems was a lack of adequate enforcement of existing requirements and regulations. Making modifications to the regulatory elements of enforcement Citywide, combined with the recent stability in City staff, may provide a more informed image of the effectiveness of the existing Ordinance, and the impacts of STR units in general if additional time to actively and effectively enact these regulations is provided.

However, even with these changes and the institutional knowledge staff is beginning to build, enforcement of the STR Ordinance will continue to be a challenge for staff given the nature of code enforcement, the limited numbers of staff and the need to balance other priorities and requirements.

3. Increase the number of permit holders through more STR permits or the creation of a new type of permit for owner/resident occupied properties only.

As identified above, some communities have recently chosen to increase the number of STR permits and/or units within their jurisdictions. Several have also utilized the additional funding received from these units to improve enforcement of their STR regulations. Many comments opposing STR operations stated that the presence of empty houses with un-accountable property owners is one of the biggest impacts felt by residents concerned with the STR land use. A choice to increase the number of permits could include creation of a new type of owner/resident occupied STR permit, similar to the expansion allowed by the City of Napa. This new type of permit could in theory allow an expansion of the use, while also addressing the impacts voiced by residents in neighborhoods where un-occupied STR units exist.

ORDINANCE REVISIONS

Based on staff's experience administering the STR Ordinance and separate from the menu of options provided above, if the STR Ordinance is to remain in place, staff recommends the following revisions to the Ordinance in order to make administration of the process and requirements more efficient, effective and enforceable (an underline / ~~strikethrough~~ version with these changes is attached to this report as Attachment A):

1. Remove Section 17.134.040(I) as it is difficult for staff to adequately monitor. Rather than requiring the STR permit holder to provide this information, Staff proposes to require the permit holder to provide it to the Department, and allow City staff to post much the information online and make it available at City Hall. This ensures staff can verify the information is readily available to the Community.
2. Remove Section 17.134.050(D)(3). This provision is difficult to enforce and provides no performance measures (i.e., size, location, content, etc.) for the required sign. Staff finds that the direct notification process is more effective in requesting citizen input into the process and proposes to include this information in a notice to all residents within 300-feet, rather than requiring the applicant to put a sign with this information onsite. Currently only property owners are noticed.
3. Amend Section 17.134.060(C) to formalize the waiting list process and postpone review of STR applications until an opening is available. Going through the application review process when no permits are available (as is currently required by the Ordinance) is not an effective use of staff's time. Staff would like the waiting list to be by a first-come first-served request (which is the current "waiting list" practice) and an application will only be accepted and processed when a permit becomes available. These proposed revisions simply codify current practice.
3. Remove Section 17.134.060(E). This is a redundant provision as all neighboring properties will have been notified during the Notice of Application period and of any subsequent public hearing; the contact person's information will be on the City's website; and the current language defers the determination as to the most appropriate form of notification to the Director. Similar to other proposed revisions, this puts the notification responsibility onto City staff, but also allows staff more control of the process.
4. There is currently no administrative policy on renewals in the Ordinance. The current renewal process was informally created based on direction from the City Council. As such, staff recommends a renewal provision be added to the Ordinance and a draft administrative renewal process is included in the attached underline / ~~strikethrough~~ version of the Ordinance.

These changes are seen as necessary by staff to improve the current STR Ordinance and review and processing procedures, should the STR Ordinance remain in place. Depending of the direction received from the City Council, additional revisions to the Ordinance will be made and brought back before the Commission and City Council for final review and adoption.

Conclusion

In Summary, staff has identified that the STR experience in St. Helena is similar to the impacts and discussions being felt in multiple communities across the state. These communities have chosen a variety of ways to address the issue, from a complete prohibition of the use, to a limited number of STR permits to no regulations at all. Each of these approaches has its costs and benefits. The current STR permit holders provide approximately \$144,000, in TOT to the City's General Fund, or approximately 1.44 percent of the General Fund budget. Staff is continuing to make improvements to the Code Enforcement procedures and processes within the City, including on-going work with Municipal Services and the City Attorney's Office and plans to bring some of these revisions before decision makers for formal adoption (as needed) in the coming months.

Based on all of these elements, staff has proposed three options for review and direction before moving to formally revise the Ordinance based on the provided direction. However, some challenges with the current STR Ordinance have been identified and recommended for change, should STRs remain a conditionally permitted land use.

FISCAL IMPACT

According to the Finance Department, the 25 STR permit holders contributed approximately \$144,053.53, in Transit Occupancy Tax revenue to the City in fiscal year 2014/2015 (or approximately 1.44% of the City General Fund Budget). Any reduction of permitted STR units would be a direct reduction in General Fund revenue.

PLANNING COMMISSION REVIEW

On November 17, 2015, the Planning Commission reviewed the staff report and heard public comments on the STR Ordinance at a publically noticed hearing. To supplement the presentation by Planning Department staff, Sgt. Fleming of the St. Helena Police Department (SHPD) presented briefly on the calls-for-service data provided to the Commission. Sgt. Fleming confirmed that the maximum number of calls for service/complaints received by the SHPD for any of the STR addresses was 4 since 2012. Additionally, Sgt. Fleming was able to answer citizen and Commission questions regarding how comments are logged and responded to.

After reviewing the material provided by staff and considering the public testimony on the issue, the Commission voted unanimously to support Option 2 above. Specifically,

Option 2 directs staff to make revisions to the Ordinance and improve enforcement mechanisms, allow time for these improvements to be enacted and properly enforced and review the Ordinance again to see if the community impacts are lessened.

Although the Commission discussion was varied and many individual comments were made on the STR issue, the Commission as a whole, identified four specific elements that should be considered with the proposed Ordinance revisions. These recommended elements are listed below for Council consideration.

1. Explore ways to increase owner involvement in STR operations, including possibly limiting STR operators to St. Helena residents only.
2. Explore methods to improve enforcement of the STR regulations on permitted and un-permitted STR operations, including potentially dedicating portion of TOT funds to STR enforcement.
3. Explore methods to minimize clustering of STRs within neighborhoods or close proximity to other STR operations.
4. Improve methods and process for revoking problematic STR permits.

In reviewing the STR Ordinance, the Commission also requested more prescriptive standards be created for measuring STR performance and permit review, should the Ordinance remain in place. Further the Commission also requested that documented and verified un-permitted operation of an STR, result in an automatic prohibition of issuance of an STR permit.

RECOMMENDED ACTION

Staff recommends that the City Council review and discuss the proposed options for revisions to the STR Ordinance and provide direction on any recommended revisions to SHMC Chapter 17.134, Short-Term Rentals to City staff for incorporation into the STR Ordinance (as appropriate).

ATTACHMENTS

- A) Modified Draft St. Helena Municipal Code ("SHMC") Chapter 17.134, Short-term Rentals.
- B) Summary of Public Comments from STR Town Hall Meeting
- C) Comment Letters submitted to staff on the STR Ordinance
- D) STR Location Map and Address List
- E) City of Napa STR Ordinance
- F) November 17, 2015, Planning Commission Meeting Minutes-Draft
- G) Fiscal Year 15/16 TOT Revenue Report
- H) SHPD Complaint Log Information on STR Locations

Chapter 17.134

SHORT-TERM RENTALS

Sections:

- 17.134.010 Purpose and findings.
- 17.134.020 Short-term rental permit required.
- 17.134.030 Districts in which permitted.
- 17.134.040 Restrictions and standards.
- 17.134.050 Procedures for application and public notice.
- 17.134.060 Permit processing.
- 17.134.070 Appeals.
- 17.134.080 Inspections.
- 17.134.090 Enforcement.
- 17.134.100 Violations.

17.134.010 Purpose and findings.

- A. The city council hereby finds that unregulated transient occupancy uses in residential and agricultural district present a threat to the public welfare.
- B. The purposes of this chapter are to establish a permitting process and appropriate restrictions and standards for short-term rental of single-family dwellings; to provide a visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city to ensure the collection and payment of transient occupancy taxes; to minimize the negative secondary effects of short-term rental use on surrounding residential neighborhoods; and to retain the character of the neighborhoods in which any such use occurs.
- C. This chapter is not intended to regulate hotels and bed and breakfast inns that do not qualify as short-term rentals.
- D. This chapter is not intended to provide any owner of residential property with the right or privilege to violate any private conditions, covenants and restrictions applicable to the owner's property that may prohibit the use of such owner's residential property for short-term rental purposes as defined in this chapter.
- E. The city council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purposes of this chapter are: to provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density; to ensure the health, safety and welfare of renters and guests patronizing short-term rentals; and to impose limitations on the total number of permits issued in order to ensure the long-term availability of the affordable housing stock.

F. The city council hereby finds that the city's regulation of vacation rental uses in accordance with this chapter, including the establishment of the non-transferability provisions, is a valid exercise of the city's police power in furtherance of the legitimate governmental interests documented in this chapter. (Ord. 12-2 § 8 (part))

17.134.020 Short-term rental permit required.

No person shall use any single-family dwelling on any parcel in any zoning district for short-term rental without a short-term rental permit. (Ord. 12-2 § 8 (part))

17.134.030 Districts in which permitted.

Short-term rentals shall be permitted in accordance with the provisions established in each zoning district and as provided in this chapter. (Ord. 12-2 § 8 (part))

17.134.040 Restrictions and standards.

Short-term rentals shall be subject to the following restrictions and standards:

- A. The short-term rental use shall be permitted in no more than one single-family dwelling per lot.
- B. The short-term rental permit shall be in the name of the owner-applicant, who shall be an owner of the real property upon which the short-term rental use is to be permitted. One person may hold no more than one short-term rental permit. The permit shall not be transferable.
- C. Short-term rental uses shall be limited to single-family dwellings existing and constructed as of the date of application for the short-term rental permit.
- D. The total number of permits for short-term rental dwellings shall not exceed twenty-five (25) at any time.
- E. The maximum number of bedrooms used for short-term rental use in the short-term rental dwelling shall be no greater than five. The total number of guests staying in the short-term rental dwelling at any one time shall be no greater than two times the number of bedrooms plus two persons, up to a maximum of twelve (12) persons.
- F. Short-term rental dwellings shall meet all applicable building, health, fire and related safety codes at all times and shall be inspected by the fire department before any short-term rental permit can be issued.
- G. A minimum of two on-site parking spaces shall be provided for use by the short-term rental occupants.
- H. The owner-applicant shall keep on file with the city the name, telephone number, cell phone number, and e-mail address of a local contact person who shall be responsible for responding to questions or concerns regarding the operation of the short-term rental. This information shall be posted in a conspicuous location within the short-term rental dwelling. The local contact person shall be

available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied.

~~I. The owner shall, prior to April 1st annually, provide written notice to all neighboring property owners within a three hundred (300) foot distance from the lot on which the short term rental is located the following information:~~

~~1. The name, telephone number, cell phone number, and e-mail address of the local contact person provided to the city pursuant to subsection H of this section.~~

~~2. The maximum number of guests permitted to stay in the short term rental unit.~~

~~3. Parking restrictions attached to the short term rental permit.~~

~~4. Contact information for the city official that members of the public may contact to report violations of the short term rental regulations or conditions of approval attached to the short term rental permit.~~

J. The owner-applicant shall post "house policies" within each guest bedroom. The house policies shall be included in the rental agreement, which must be signed by the renter and shall be enforced by the owner-applicant or the owner-applicant's designated contact person. The house policies at a minimum shall include the following provisions:

1. Quiet hours shall be maintained from ten p.m. to seven a.m., during which noise within or outside the short-term rental dwelling shall not disturb anyone on a neighboring property.

2. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.

3. Except as permitted by the planning director, vehicles shall be parked in the designated on-site parking area and shall not be parked on the street overnight.

4. Parties or group gatherings shall be limited to two times the number of guests permitted to occupy the short-term rental dwelling pursuant to subsection E of this section, up to a maximum of twenty (20) persons.

K. Auctions, commercial functions, and other similar events are prohibited at the short-term rental property.

L. The owner-applicant shall use best efforts to ensure that the occupants and/or guests of the short-term rental use do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise, disorderly conduct, the consumption of alcohol, or the use of illegal drugs.

M. The owner-applicant shall, upon notification that occupants and/or guests of his or her short-term rental use have created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of this code or state law pertaining to noise, disorderly conduct, the consumption

of alcohol or the use of illegal drugs, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.

N. All advertising for any short-term rental shall include the number of the permit granted to the owner-applicant.

O. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required. (Ord. 12-2 § 8 (part))

17.134.050 Procedures for application and public notice.

A. Prospective owner-applicants of a short-term rental use shall apply for a permit with the planning director in accordance with the provisions of this chapter and on a form provided by the city.

B. The application shall be accompanied by a fee in an amount to be fixed from time to time by resolution to cover the administrative costs of issuing a short-term rental permit and, but not limited to, inspecting the short-term rental dwelling.

C. The application shall include the following information:

1. The name, address and phone number of the applicant, and verification that the applicant is the owner of the lot.
2. The assessor's parcel number of the lot on which the short-term rental use is proposed.
3. Certification that the permit will be nontransferable.
4. Certification that the local contact person is available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied.
5. A site and floor plan identifying the location of parking on the site and the location of any bedrooms to be used for short-term rental use.
6. A list of the names and addresses of the property owners within a three hundred (300) foot distance from the lot on which the short-term rental use is proposed, and a map, drawn to scale, that clearly identifies the lots and the assessor parcel numbers of the lots identified pursuant to this section.
7. Acknowledgement of receipt and inspection of a copy of all regulations pertaining to the operation of a short-term rental use.
8. Additional information as may be requested by the planning director to determine impact and mitigation measures.

D. Notice of Application.

1. The planning director shall provide a notice of application for a short-term rental permit to the property ~~owners~~ residents located within a three hundred (300) foot distance from the lot on which the short-term rental use is proposed.

2. The notice of application shall contain a description of the proposed short-term rental operation, parking on the site, and number of bedrooms to be used for short-term rental use, together with a location map identifying the short-term rental dwelling lot in relationship to all other lots within a three hundred (300) foot distance.

~~3. A project notice sign shall be posted at the front of the property along the main access road. The sign shall be placed five days prior to remitting an application and shall be removed no later than five days after a final decision has been rendered by the planning director or the planning commission.~~

4. The notice of application shall state that the noticed owners may file a written protest against the proposed short-term rental use with the planning director; provided, that all protests must be postmarked or received within thirty (30) days of the mailing of the notice of application. (Ord. 12-2 § 8 (part))

17.134.060 Permit processing.

A. The planning director shall approve or deny the application pursuant to the requirements of this chapter.

B. Short-term rental permit applications shall be submitted to the planning commission if any of the following occur:

1. Written protests pursuant to Section 17.134.050(D)(4) comprise thirty percent (30%) or more of the owners within a three hundred (300) foot distance from the lot on which the short-term rental use is proposed; or
2. The owner of the proposed short-term rental unit is a corporation, partnership, limited liability company, or similar entity.

The planning commission shall review and either approve or deny the application pursuant to the requirements of this chapter after considering the effects the proposed use would have on surrounding uses and the cumulative impacts within the community. In approving a short-term rental application, the planning commission must make the use permit findings contained in Chapter 17.168.

C. ~~If the application is approved but~~ no short-term rental permits are available pursuant to the limitation on short-term rentals described in Section 17.134.040(D), the planning director shall place interested property owners the application on a waiting list in the order in which they were received. ~~New-If a permits becomes available, applications shall be issued-accepted in the order they are listed on the waiting list that completed applications are received.~~

D. The planning director or planning commission may impose conditions on the granting of an application for a short-term rental permit to mitigate the impacts of the proposed land use.

~~E. Within ten (10) days of the approval of a short-term rental permit, the owner applicant shall mail to all property owners within three hundred (300) feet of the lot on which the short-term rental use is approved, notice of the issuance of a permit for short-term rental use and the name, phone number, cell phone number, and e-mail address of the local contact person available twenty-four (24) hours a day to accept telephone calls and respond physically to the short-term rental within thirty (30) minutes when the short-term rental is rented and occupied. Notice shall be provided on a form acceptable to the planning director. Within ten (10) days of the mailing, the owner applicant shall provide evidence to the planning director that such mailing occurred.~~

F. Short-term rental permits shall be valid for a period of two years. In reviewing subsequent requests for a short-term rental permit, the planning director shall require evidence of compliance with conditions of the short-term rental permit and this chapter. No subsequent permit shall be approved without written verification of tax payments, and no permit shall be approved if the operation of the short-term rental has created adverse impacts on the neighborhood in which it is situated or has otherwise caused the loss of the character of that neighborhood.

G. Short-term rental permits shall be subject to any changes to this chapter that the city council may make and conditions that the council may impose subsequent to the issuance of the permit. (Ord. 12-2 § 8 (part))

17.134.065 Renewals.

A. At least 30 days prior to the expiration of a current short-term rental permit, the permit holder should submit a renewal application and pay applicable fees to the City.

B. Upon receipt of a renewal application, the Planning Department will confirm with the Finance Department that the applicant's business license is current and that all required Transient Occupancy Taxes (TOT) have been reported and paid.

C. The Planning Department will check with the Police Department and the project file to see if there have been any complaints lodged against the property over the course of the two-year permit.

D. If the permit holder has a current business license, has been properly reporting and paying TOT, and has fewer than three complaints filed over the two years, the Planning Department can administratively approved the renewal which shall be good for an additional two years.

E. The Planning Director can deny the renewal if the applicant has violated any provision of this chapter.

17.134.070 Appeals.

Any person whose application for a short-term rental permit has been denied by the planning director, or whose permit has been suspended or revoked by the planning director, may appeal to the city council

pursuant to Section 17.08.180. The appeal shall be accompanied by a filing fee, if any, as established by city council resolution. (Ord. 12-2 § 8 (part))

17.134.080 Inspections.

A. The planning director or his or her designee shall have the right to enter upon any property at any reasonable time to make inspections and examinations for the purpose of enforcement of this chapter, subject to the provisions of Code of Civil Procedure Section 1822.50 et seq.

B. The fire department shall annually inspect the short-term rental dwelling.

C. The planning director shall have the right to inspect any records related to the use and occupancy of the short-term rental to determine that the objectives and conditions of this chapter are being fulfilled. (Ord. 12-2 § 8 (part))

17.134.090 Enforcement.

A. The planning director may revoke a short-term rental permit pursuant to Section 17.04.140 if the planning director determines that:

1. The owner-applicant gave false or misleading information during the application process;
2. There has been a violation of any of the terms, conditions and restrictions on the use of the dwelling unit for short-term rental use;
3. The owner-applicant has violated any provision of this chapter;
4. The owner-applicant has failed to timely pay the transient occupancy tax as required by this code; or

B. If an owner-applicant's short-term rental permit is revoked, the owner-applicant may not reapply for another permit for two years after the date of revocation. (Ord. 12-2 § 8 (part))

17.134.100 Violations.

A. Any property owner who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way, the availability of residential property in violation of this chapter is guilty of a misdemeanor for each day in which such residential property is used, or allowed to be used, in violation of this chapter. Such violation shall be punishable pursuant to Chapter 1.20.

B. Short-term rental use of a residential property in violation of this chapter is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by the enforcement official and also may be abated pursuant to Chapter 1.12, except that the civil penalty for a violation shall be one thousand dollars (\$1,000). Each day the violation occurs shall constitute a separate offense.

C. Any property owner who uses, or allows the use of, residential property as a short-term rental without a permit shall be liable for the transit occupancy tax that would have been owed under Chapter

3.28 had the use been legal, including the penalty and interest provisions of Section 3.28.070. (Ord. 12-2 § 8 (part))



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

MEMORANDUM

To: City Council, Planning Commission
FROM: Noah Housh, Planning Director and Aaron Hecock, Senior Planner
CC: Jennifer Phillips, City Manager
DATE: October 2, 2015
Re: Summary of Community Input Received from the September 23, 2015 Town Hall Meeting on Short-term Rentals in St. Helena

Based on the City Council's direction in June 2014, the Planning Department held a Special Town Hall meeting on September 23, 2015, to receive public input on the short-term rental ordinance and the operation of short-term rentals within the City prior to bringing the issue back before the Planning Commission and City Council. Approximately 80 people attended the meeting and a variety of input was received, including opinions on the Ordinance, desired changes and general feedback on short-term rental operations within the City. A summary of the input staff received on the short-term rental Ordinance and short-term rentals in general is provided below (comments are organized into three categories, comments of support, comments of opposition, and suggested ordinance changes):

COMMENTS IN SUPPORT OF SHORT-TERM RENTALS:

1. Short-term rentals are good for tourism and provide a cost effective alternative to hotels.
2. Many people prefer short-term rentals to hotels as they provide a different visitor experience.
3. The City is currently facing financial challenges and short-term rentals generate revenue and jobs for the City.
4. There is not a safety issue with short-term rentals.
5. Short-term rentals promote St. Helena and the Napa Valley.
6. There are poor services and a lack of hotel rooms for tourists.
7. Short-term rentals provide a more personal experience for guests, are more likely to be pet friendly and provide the homeowner with extra income.
8. Current short-term rental permit holders who are following the rules don't want to be punished by the actions of a few and illegal renters.

9. Having permits and a permitting process allows for oversight.
10. There was no recourse on unpermitted short-term rentals before the ordinance.
11. Illegal short-term rentals are unfair to hotels and B&Bs.
12. Short-term rental permit holders don't want to lose their permits, feel they are a part of the community, and welcome discussion about the ordinance.

COMMENTS IN OPPOSITION TO SHORT-TERM RENTALS:

13. There is an over concentration of short-term rentals in some areas.
14. Focus should be on St. Helena not tourists or other places.
15. There are collective commercial impacts from operating businesses in residential areas.
16. General concern about losing sense of community and character due to short-term rentals.
17. Short-term rentals raise concerns about safety, health & welfare.
18. Short-term rentals negatively impact neighbors due to privacy concerns, strangers staying next door, and unwanted noise.
19. Short-term rentals lower the property values of adjacent homes.
20. The composition of neighborhoods have changed with short-term rentals.
21. There is a lack of enforcement and follow up on complaints about short-term rentals.
22. Renters at short-term rentals are loud and exhibit disrespectful behavior.
23. There is a lack of rental housing available in St. Helena and short-term rentals take away potential rental stock.
24. 40% homes are second units which negatively effects the community and short-term rentals compound this problem.

SUGGESTED ORDINANCE CHANGES:

25. There should be no short-term rentals permitted in the City.
26. Twenty five (25) permits is too many compared to Napa.
27. Past illegal renters shouldn't be able to get a permit / have you been renting since 2012 question should be on application.
28. Permits should be revocable.
29. Size of setbacks should be considered when someone applies for a short-term rental permit.
30. Neighbors should be notified on permit renewals.
31. Allow short-term permit renewals for longer than 2 years.
32. Enforce (stop) illegal short-term rentals.

- 33. Short-term rentals should only be allowed when the house under local ownership.
- 34. A local contact number should be given to all neighbors.
- 35. Short-term rental application forms should be more substantial and contain more information.

Survey Results **of** **Neighbors of Legal STRs in St. Helena**

September 2015

SURVEY OVERVIEW

A survey of the neighbors of legal Short-Term Rentals (STRs) was taken in August and September of this year. It was conducted by the Stockton/Pine Street Neighborhood Group in order to quantify the nature of legal STRs in residential neighborhoods in the view of the people who live near them.

Neighbors of STRs in the residential part of St. Helena were contacted; STRs in the rural areas of Spring Mountain, Fulton and Pratt Avenue were not included.

The questions asked along with the responses and their statistics are below.

RATIONALE FOR A SURVEY OF OPINIONS AND POTENTIAL IMPACTS

There are two fundamental reasons for conducting our survey of legal STRs:

1. According to the City's STR Ordinance, all legal STRs presumably comply with a strict set of requirements relative to conducting a business operation in a residential zone. In order for a permit to have been approved, the findings needed for approval document that there will be no impacts due to the STR's operation. Further, the STR's operation must not harm the public health, safety and welfare, and it is required that such an operation will not change the character of the neighborhood. The Ordinance has now been on the books for nearly three years. A survey of people who live near STRs seemed appropriate to learn if the legally required "no impact" conditions are in reality being realized in our neighborhoods.
2. The official City position on STRs is that "there hasn't been a problem." A survey of those living near a legal STR, presumably constrained by the law's rules and regulations, seemed to be appropriate in order to shed some light on whether the City's "no problem" position is true.

**Short-Term Rental Survey
of Neighbors of Legal STRs
St. Helena
September 2015**

SURVEY RESULTS AND STATISTICS

- Of the residential legal STRs considered, we were able to speak with at least one neighbor relative to eleven (11) legal STRs.
- Of these eleven STRs, we were able to interview a total of twenty-eight (28) neighbors.

List of Question Items, Responses and Statistics from 28 Respondents

1. Are you aware of an STR in this vicinity?
Yes: 28 100%
No: 0 0%
2. Does the STR Impact your property in any way?
Yes: 23 82%
No: 5 18%
3. Are you OK with your specific STR situation?
Yes: 6 22%
Kind of: 4 14%
No: 18 64%
4. Do you think St. Helena should have STRs?
Yes: 4 14%
No: 24 86%
5. Do you believe that STRs change the character of your neighborhood?
Yes: 24 86%
No: 4 14%

Most Common Impact Complaints

1. Noise, Music, Talking Having to Call the Police
2. Parties, drunks, disrespectful people
3. Parking and cars coming and going.

Other Typical Complaints

1. Lack of Privacy
2. Safety, not knowing who comes and goes, fear for their children
3. Reduced property values
4. Reduced work-force housing and rental housing.

*Short-Term Rental Survey
of Neighbors of Legal STRs
St. Helena
September 2015*

TYPICAL COMMENTS FROM NEIGHBORS OF LEGAL STRs [Note: One respondent stated they were happy to have an STR next door, and there were some who didn't mind them. See Survey #2, #3, #4]

- It definitely impacts me negatively, and I'm concerned I'll have to declare it if I ever sell.
- Takes away the privacy I used to have in my backyard.
- I'm not OK with the situation, but what can I do?
- These kinds of rentals belong in a commercial area, or an area with larger lots or acreage.
- The tax income is not worth the impact on me.
- Thank goodness my kids are grown and out of the house. I'd worry about strangers next door if I had small children
- This STR has affected me greatly. People stand outside talking on their cell phones and looking straight into me kitchen and sliding door.
- The owner intimidates me. I'm a senior, and live alone. I'm intimidated by him.
- Rentals like this don't belong in areas with homes built with small side yards.
- This has changed the way I am able to live, and enjoy my home. I don't like it.
- I worry that my dog will be poisoned. The renters have thrown food into my yard.
- It affects me in that I never know who's coming and going.
- I would prefer to know my neighbors.
- It's right next door. Cars are in and out at all hours.
- It has definitely changed the character of this area.
- We don't like it, but what can we do about it?
- I have small children and I'm concerned about Megan's Law people.
- The STRs create a more transient community which reduces the community feel.
- I have to call the police about every week.
- The STR people are disrespectful and the owners don't live here so they can't do anything, and they don't contribute to the community.
- I have to call the police regularly. An ambulance came once because a drunk fell off the porch.
- The renters are disrespectful. Service people, limos, caterers and pool people are in and out all week.
- I have to call the police constantly. There are different people there every week, like it's a hotel.
- I had to buy a sound machine to mask the noise so I can sleep.

**Short-Term Rental Survey
of Neighbors of Legal STRs
St. Helena
September 2015**

BRIEF DISCUSSION

A review of the survey results begs the following questions:

- Since the STR Ordinance legally mandates that STRs will not create “impacts” nor change the character of a neighborhood, do the survey results hold up to these standards?
- Since the City claims that STRs are not a problem, do the survey results tell us otherwise?

Statements from the Results

- All respondents knew there was an STR in their vicinity.
- 82% of neighbor respondents claim they are impacted by the operation of a nearby legal STR in St. Helena
- 64% were “not OK” with their specific impact situation
- 86%, all of the respondents, regardless of whether they are personally impacted or not, felt that St. Helena SHOULD NOT have STRs
- 86% of the respondents claimed that they thought STRs change the character of their neighborhood.
- The people who were OK with St. Helena having STRs (Q #4) are the same people who thought that STRs do not change the character of their neighborhood (Q #5).

Survey conducted and reported by members of the *Stockton/Pine Street Neighborhood Group*:

- Tona Kovacevic
- Kati Lynn
- Connie Wilson
- Lana Ivanoff
- Jerry Hyde
- Michele Barberi
- Marianne Brooks
- Carolyn Kelperis

Comments before the Town Hall meeting on Short Term Rentals

**Larry Vermeulen
1350 Oak Avenue**

First, let me say that those speaking against short-term vacation rentals are not an anti-business or anti-tourism group. This is simply a group of folks who want to go home at night and relax and enjoy the privacy of their homes and yards. They want to leave the commercial part of town behind and return to the sanctuary of their residential neighborhoods where commercial activities have traditionally not been allowed.

And criticism of the ordinance is not blanket criticism of all operators of STRs. Some folks may be managing their STRs in full compliance with the ordinance and with sensitivity to their neighbors. Unfortunately too many of the STRs have become party houses whose owners have shown little regard for the surrounding neighborhoods.

St. Helena is not alone in dealing with this issue. Communities all over the country and indeed, the world, are dealing with the issues that arise from placing STRs in residential neighborhoods; impacts of noise and traffic, long term rental homes being converted to STRs and squeezing out low and moderate income renters, and inflated real estate prices due to absentee owners and speculators purchasing homes solely for use as STRs or conversely, loss of property value for the neighbor that wants to sell and has to disclose that there's a mini-hotel operating next door.

The STR ordinance was an experiment. One of its goals was to see if a limited number of tightly-regulated vacation rentals could operate in residential neighborhoods without negatively impacting those neighborhoods. Another goal of the STR ordinance was to put an end to the illegal vacation rentals that had operating with impunity in our town for years. The experiment has failed on both counts.

You've heard from many that having an STR in their neighborhoods has diminished their quality of life. And a quick search of the Internet will reveal that there are no fewer illegal STRs than there were 3 years ago.

Some would have you believe that the revenue from the TOT makes this all worthwhile. \$134,000 (last year's TOT revenue from STRs) is not chump change but it doesn't go very far toward balancing our budget either. We've heard repeatedly that the City doesn't have the resources to properly enforce the ordinance, or until recently, to even bother collecting the TOT on a regular basis. And we clearly don't have the resources to shut down the illegal rentals. What that would probably require is a full-time staff member. And that would pretty-much eat up the \$134,000, wouldn't it?

So what have you created in the end? An ordinance that destroys the quality of life in the residential neighborhoods and creates a bureaucracy to manage it, with a net gain of zero dollars. This simply isn't defensible.

Much has been made of our visitors' desire to partake in a "neighborhood experience" in the wine country. The residents of St. Helena are under no obligation to provide a neighborhood experience to anyone. Visitors cannot have a neighborhood experience because they're not neighbors. Being a

neighbor means getting to know the people that live around you. Keeping an eye on their homes. Watching out for each other's kids. When real neighbors have disputes they often work them out among themselves because they have a vested interest in getting along. They don't want to have to call the cops on each other.

But the STR ordinance has created an environment where that's often the only option. When an absentee owner rents their house to short-term vacationers there's nobody responsible to turn to when there's a problem.

The ordinance says there shall be a local contact available 24-hours a day who will respond physically to the STR within 30 minutes to address problems. Based upon what we're hearing from those who live closest to some of these STRs that clearly isn't working.

I simply do not believe that if we do not provide lodging in our neighborhoods for our visitors they will cease to visit and our town will become a wasteland. There is no end to the number of folks that want to visit St. Helena and new hotel projects are coming online in the immediate and near future. There are buildings in our commercial area that could be converted to bed and breakfasts and inns. If there are folks that want to get into the hotel business then let them. Just do it in the commercial districts, not the residential neighborhoods.

You City Council Members were elected to represent the citizens of our City. And you Planning Commissioner were appointed by proxy to do the same. First and foremost among your duties must be to provide safe and secure neighborhoods for our residents. And in order for those residents to get the rest and relaxation they need at the end of the day those neighborhoods need to be relatively quiet and peaceful, not disturbed by party houses and idling livery vehicles, and excessive traffic and noise.

I ask you to give higher priority to your citizens' quality of life than to some tourist's desire for a "neighborhood experience", or some absentee owner's desire to finance their weekend home through short term rentals, or some misguided notion that we can balance our city's budget by cramming our neighborhoods full of STRs and collecting the TOT.

Noah Housh

From: Rodney Friedrich <rodney.friedrich@gmail.com>
Sent: Sunday, August 30, 2015 6:18 PM
To: Jennifer Phillips; Pam Simpson; Noah Housh
Subject: Short Term Rental Units

Jennifer and Noah,

Regarding the upcoming discussion on short term rental units:

St. Helena has had numerous illegal rental units going on within our town prior to having a short term rental agreement in place. Now that we have an ordinance in place we need to continue to work with and modify, as needed, in such a way in order to continue to legalize the ones that make sense to our community.

The process is not perfect, nor was it expected to be perfect from day one. It was written in such a way as to work through the issues and modify them as needed. This is the process we are seeing now, and with continued effort, this will legitimize what are possible legal units and take away those units that do not abide by the guidelines or those not wanted by surrounding neighbors.

To terminate the short term rental agreement completely is not the answer and will only bring back illegal units once again of which this City does not have the funds to monitor or control.

The group trying to eliminate this effort completely will only bring back illegal rental units.

Rodney Friedrich

Rodney Friedrich

PO Box 392
St. Helena, CA.
94574
707-486-7070

www.friedrichcompany.com
www.vinelandstation.com

Noah Housh

From: Gregory Hunter <gregorylanehunter@yahoo.com>
Sent: Thursday, August 27, 2015 12:55 PM
To: Noah Housh
Cc: Jennifer Phillips
Subject: City of St. Helena--Short-Term Rental Program--Town Hall Meeting--September 23, 2015--Resident Input

To Whom It May Concern:

I have resided at 974 Allison Avenue in St. Helena since March 1978 and since then I have been subjected to a few unwelcome developments and benign neglect in my general vicinity. From Steve Sherwin's adjacent 5 2-story home Manhattanization project with minimal off-street parking to the approval of at least 2 short-term rental permits at 940 Brown (Jill Russo) and 962 McCorkle (Frances Nestor Management Trust), my neighbors and I have been oppressed. Plus, despite years of promises from Mayor Britton on down, Allison and Charter Oak avenues have not been repaved and are literally falling apart. As a major Main Street bypass, Allison Avenue should be renamed Allison Speedway.

My May 9, 2013 comments, e-mailed to the then-City Planner Greg Desmond, still apply to the City's STRP review:

"I hereby protest against the short-term rental permit application, as filed by Jill Russo, regarding the property located at 940 Brown Street in St. Helena. It is a most inappropriate usage of St. Helena's very limited residential-zoned real property given the ongoing City-approved reduction in its scarce affordable rental housing. Providing more affordable rental housing options for locals should be a much higher priority than chasing TOT while further degrading our neighborhood's overall quality of life.

More specifically, this nice modern 3-bedroom residence, within easy walking distance to shopping and the CBD, was purchased for \$745,000 on March 29, 2013 with the probable objective of being changed from a local-serving single-family residence into a tourist-oriented facility, i.e., a business opportunity. Thus, one of the St. Helena City Council's clearly foreseeable but unintended consequences of its adoption of the Short-Term Rental Program, in its rapid rush to raise revenue, is an almost automatic reduction in affordable housing and upward pressure on housing prices due to the current lack of supply but not high demand for affordable housing.

The negative precedent-setting nature of approval of this particular application should be seriously considered as an approval would only serve to encourage others to seek to do the same investment in the near future."

Please seriously consider the facts and opinions expressed herein during the City's review, etc. of its current STRP.

Sinc

erely,

Attachment C

Greg

ory Lane Hunter

974

Allison Avenue

St.

Helena, CA 94574-1304

Noah Housh

From: Aaron Hecock
Sent: Friday, August 14, 2015 11:27 AM
To: Noah Housh
Subject: FW: public comment attached

FYI.

Aaron Hecock, AICP
Senior Planner
City of St. Helena
1480 Main Street
St. Helena, CA 94574
707-967-2792
aaronh@cityofsthelena.org

From: psmithrs@comcast.net [<mailto:psmithrs@comcast.net>]
Sent: Friday, August 14, 2015 11:21 AM
To: Alan Galbraith <AlanG@cityofsthelena.org>; Paul Dohring <PDohring@cityofsthelena.org>; Greg Pitts <GregP@cityofsthelena.org>; Sharon Crull <SCrull@cityofsthelena.org>; Peter White <PWhite@cityofsthelena.org>; Bobbi Monnette <BobbiM@cityofsthelena.org>; Sarah Parker <SarahP@cityofsthelena.org>; Mary Koberstein <MKoberstein@cityofsthelena.org>; Tracy Sweeney <TSweeney@cityofsthelena.org>; Grace Kistner <GraceK@cityofsthelena.org>
Cc: Jennifer Phillips <JPhillips@cityofsthelena.org>; Aaron Hecock <AaronH@cityofsthelena.org>; Cindy Black <CindyB@cityofsthelena.org>
Subject: public comment attached

August 13, 2015
City of St Helena
City Council members
Planning Commission members

re: illegal short term rentals/1134 Valley View

I am writing to urge City leaders to (follow the County's lead and) start being proactive in holding people to their permits (and penalize those acting outside of their permits). All types of businesses need to follow the rules: wineries, industrial, short term vacation rentals but this letter is in response to illegal vacation rental operations.

There are a number of short term vacation rental homes in St Helena still operating without permits. I watched somewhat incredulously the Stockton Street (alleged) illegal rental/permit application proceedings before the Planning Commission a few weeks ago. The fact that they were operating illegally was barely discussed. Instead the focus was on the width of Stockton Street. *Illegal operations alone should be cause for an automatic no vote on a permit application, without a public hearing.*

The Stockton Street owners claimed the vacation reviewers on their website were just their friends. If they didn't have a permit, why have their property online? *This "friends" defense needs to be examined in detail and the ordinance revised as necessary so future scofflaws cannot use it.*

When we debated the idea of allowing short term rentals in town originally, a couple of years ago, there was much concern for neighbors in that original discussion and the presumption was that the neighbors would know exactly what was or wasn't happening, and that they would be part of the solution and get a strong voice. Now it seems like neighborhoods have to come out in force, in person, with dates, photos and the like, in order to persuade the Commission to deny permit applications for rule evaders. Neighborhoods should NOT have to organize around denying a permit to an illegal rental. Why do they even get a hearing? *There should be a clause whereby illegal operations are denied a legal permit for some number of years, so the advantage to operating illegally is zero.*

Attachment C

A quick reading of the current ordinance on the City website says the fines are \$1000/day for illegal operations, plus TOT on all past rentals. With just the illegal operations I'm aware of over the last year or two (1134 Valley View, 710 McCorkle), this money could add up for the City, although our legal costs would rise as well, I suppose, if our ordinance is poorly written. I'm frankly surprised that *legal* holders of short term vacation rentals aren't more upset about this situation. It seems like an "unfair business advantage", to quote Napa County's David Morrison. *Please collect this money that is due to our City.*

Planning Commission and City Council, please rigorously enforce the ordinance you wrote and adopted, or rewrite it. Without proactive enforcement, you are putting full time residents in the awful position of having to rally the neighborhood. Not everyone is comfortable doing this, or has the time, and, this was not the intent of the original ordinance nor should it be the responsibility of the residents. And, it only encourages more scofflaws, who then will take more City staff time. Please take the burden off the residents. We will thank you.

PS Regarding the permit application before you for 1134 Valley View, please count us as a no vote to converting the illegal rental to a legal one in the upcoming hearing next Tuesday. We will be out of town through Labor Day, otherwise I would come and speak up in public.

Pam Smithers
1819 Vallejo Street, St Helena, CA 94574
707-696-0530

Noah Housh

From: Ethan Brown <ethanbrownemail@yahoo.com>
Sent: Friday, August 21, 2015 11:23 AM
To: Noah Housh; Aaron Hecock
Subject: Short Term Rental Town Hall meeting

Gentlemen,

My wife and I have one of the 25 short-term rental permits, and look forward to attending the Town Hall meeting in September. I have noticed a couple bits of press recently that concern me with respect to the discussion.

The first was an article about a month ago regarding a permit denial. (I do not have issue with the denial and consider the Commission's deliberation and ruling to be a good example of the ordinance working.) In that article, a statement was made that the police have received numerous calls reporting noise disturbances at short term rentals. What the article did NOT report was exactly how many calls there were or, more importantly, how many were for addresses with valid short term rental permits. This is a very important distinction for the City to understand, especially given the proliferation of illegal short term rentals. Thus, prior to the Town Hall meeting, we suggest that you work with the Police Department to determine how many of the "numerous calls to police" this past year were for actual permit holder locations versus illegal operations or simply parties by residents.

Second was the article describing this week's Planning Commission meeting that denied the Valley View permit application. In this case, the neighbors were understandably upset at the effects of this illegal operation that had gone on for some time. My concern again is that any of that activity was for an illegal operation and not by a permit holder.

I urge staff to provide the Council and Commission with as much fact-based information about violations by actual permit holders and/or calls to the police for actual permitted locations. Permit holders are highly incentivized to screen applicants and generally manage their properties to avoid disturbances to neighbors. If permit holders have in fact been successful at this, then this should provide great incentive to the City to further crack down on the illegal operations, not the legal ones! If, rather, there have been numerous infractions at permit holder locations, then of course it makes sense to consider ordinance modification to mitigate impact to the neighbors going forward.

Let me provide a couple thoughts regarding potential ordinance modifications to further mitigate parties:

First, the ordinance allows a body count of (number of bedrooms x 2) + 2 + 6 "guests of guests." So, for a typical three bedroom house, we are talking about a body count of $(3 \times 2) + 2 + 6 = 14$. Fourteen people at a short term rental—that's practically a party by definition! We would never want 14 people at our house and we don't need to offer that to book guests at the rate we want to earn. Our ideal guests are one or two adult couples, no kids, no additional guests. So, it is a no-brainer to reduce the allowable guests and/or guests of guests to mitigate the potential for party-sized gatherings.

Second, there are a number of potential penalties you can consider for violating renters and/or permit holders depending on the violation. If renters will be fined by police for noise violations or excessive guests, I would gladly post that information in our ad to discourage potential violators from applying.

Just a few thoughts for your consideration in advance of the Town Hall--happy to discuss if you wish.

Regards,

Ethan Brown
489 Fulton Lane

Noah Housh

From: Mariam Hansen <wartuhi@comcast.net>
Sent: Wednesday, August 26, 2015 6:18 PM
To: Noah Housh
Subject: Short term rentals

Dear Mr. Housh,

Thank you for the opportunity to comment on the issue of the short term rentals. I won't be able to attend Sept. 23. I believe the city should not allow short term rentals. In a small town surrounded by vineyards housing is already in short supply for those on a budget. The residents of the city are not served by purchasers of our meager supply of houses who want to use them as investments.

We need homes in St. Helena to be for people who work here and need to live here. Adding money making potential to a residential home increases its value, putting it out of reach for middle class people who are part of our community and want to buy here. We are already seeing this happening. Just ask the full time neighbors how many houses on their street are owned by part timers. Some whole blocks are owned by part timers. These part timers want to make money when they are not in town.

The recent example on Valley View is a classic case of the aforementioned. Thanks to the neighbors for speaking up and to the city for saying no.

I used to live next to a short term rental on Pope Street. The renters hired a live band, invited 200 people and blasted us out of our house. Then the police department issued a noise permit the next week and they did it again!!!! They damaged the property and the owners had to collect for repairs.

Don't let this happen to our housing stock. Stop short term rentals now. Don't put more pressure on our vineyards to be torn out!!

Best wishes,
Mariam Hansen
5 San Lucas Ct.
St. Helena, CA 94574

Noah Housh

To: Tona Kovacevic; Aaron Hecock; Alan Galbraith
Subject: RE: TOWN HALL MEETING TENTATIVELY SCHEDULED FOR SEPTEMBER 23RD

Tona,

Thank you for reaching out to share your opinions on the Short Term Rental issue.

Yes, the Planning Department has tentatively scheduled a Town Hall Meeting for September 23, 2015, from 5-7 at Vintage Hall to receive public input on the STR issue. This is an informational meeting intended to inform the policy process. No decisions will be made and no formal actions will be taken. This meeting is in response to both the variety of community interest and opinion on the issue and to Council direction (provided when the ordinance was passed) to bring the item back before the Council for review approximately one year after adoption of the current ordinance. Prior to bringing the issue back to the Council, staff is seeking public input to inform the recommendations.

Separate from this information gathering process, the existing ordinance is guiding the procedures for review. As existing permit holders relinquish their permits and those on the waiting list become eligible to receive permit approval, they are reviewed in accordance with the existing ordinance requirements and stipulations.

To answer your specific questions:

- 1) With complaints filed against the owners of 1134 Valley View for running an illegal STR, who made the decision to allow them to submit an application for a permit? No individual made a decision. 1134 Valley View was next on the waiting list when an STR permit became available and, according to the provisions of the adopted ordinance, they are next to be reviewed.
- 2) With proof that the applicant had been operating a short term rental illegally for quite some time, why weren't they placed at the BOTTOM of the list of applicants? To ensure they are legally binding, all decisions must be made in keeping with the adopted ordinance, which does not dictate the next be placed at the "bottom of the list" due to unpermitted rental of the property.
- 3) It is painfully obvious to me that the owners of 1134 Valley View do not have any connection to St. Helena or to our community at large, let alone their neighborhood. The owners are based in London, England, they could not possibly give two hoots about St. Helena and the impact this STR could have on their Valley View neighbors. When they agreed to pay their back taxes, why weren't they told that they would not be allowed to submit a permit application for a lengthy period of time? Say 12 to 24 months, as a punishment, of sorts, for their blatant disregard for St. Helena's ordinances??? Again to ensure the decision is legally binding, all decisions must be made in keeping with the adopted ordinance, which does not dictate the punishment you suggest.

Again, I thank you for your interest and will take these comments as suggestions for Ordinance revisions when the policy is brought before the Council.

Noah Housh
Planning and Community Improvement Director
City of Saint Helena
(707) 968-2659

From: Tona Kovacevic [mailto:tonak@rombauer.com]
Sent: Friday, August 14, 2015 9:16 AM
To: Aaron Hecock; Noah Housh; Alan Galbraith
Subject: TOWN HALL MEETING TENTATIVELY SCHEDULED FOR SEPTEMBER 23RD
Importance: High

Good Morning Gentlemen: Thank you for taking the time to read this email. After reading the agenda for the Planning Commission meeting scheduled for Tuesday, August 18th, I have a few questions about the STR application for 1134 Valley View Avenue.

It is my understanding that the City of St. Helena is planning a town hall meeting for September 23rd to bring the community together to discuss STR permits. If this is the case, then why wouldn't the permit request for 1134 Valley View be placed on hold until after that meeting? The applicants have already admitted that they have violated the regulations and have finally paid the back taxes, bully for them!!! So now the city may REWARD them by granting this permit for another 2 years – that makes no sense to me.

My specific questions are as follows, I would greatly appreciate a reply:

- 1) With complaints filed against the owners of 1134 Valley View for running an illegal STR, who made the decision to allow them to submit an application for a permit?
- 2) With proof that the applicant had been operating a short term rental illegally for quite some time, why weren't they placed at the BOTTOM of the list of applicants?
- 3) It is painfully obvious to me that the owners of 1134 Valley View do not have any connection to St. Helena or to our community at large, let alone their neighborhood. The owners are based in London, England, they could not possibly give two hoots about St. Helena and the impact this STR could have on their Valley View neighbors. When they agreed to pay their back taxes, why weren't they told that they would not be allowed to

PCL XL error

Subsystem: TEXT

Error: InternalError 0x50

Operator: Text

Position: 1836

Date: September 17, 2015

To: City of St. Helena Planning Department

From: Carolyn Kelperis

Re: **City of St. Helena Short Term Rental Town Hall Meeting**

The following comments are submitted to be included in the Staff Report in preparation for the Town Meeting scheduled for September 23, 2015.

I have been a resident of St. Helena for the past 45 years. I have also been a St. Helena landlord (long term rentals) for approximately 30 years. I am writing these comments as an individual, not a representative of any group.

An illegal short term rental was conducted next door to my residence for over 10 years. I submitted frequent written complaints regarding the ongoing operation. The City finally was able to bring an end to the activities, and the owner paid back TOT taxes.

The Short Term Rental Ordinance adopted in April of 2012 established a permitting process whose stated purpose was to (1) ensure the collection and payment of TOTs, (2) to minimize the negative secondary effects on surrounding residential neighborhoods and (3) to retain the character of such neighborhoods.

Allowing commercial operations in residential neighborhoods, is the antithesis of the stated purpose of the General Plan—to preserve the small town quality and character of St. Helena,

If the City chooses to continue the STRs, consider the following modifications:

TYPES OF PROPERTIES ELIGIBLE FOR STR PERMITS—OWNER OCCUPIED VS. ABSENTEE?

There is a considerable difference between an onsite homeowner who chooses to rent a portion of a single family residence or a "granny" unit to short term guests, versus buyers who purchase a single family residence (previously occupied by long term owners or tenants), with the sole purpose of making it a short term vacation rental without ever living there. This removes the property from the possibility of becoming a residence for a working family.

Should STRs be owner occupied?

RADIUS OF NOTIFICATION TO ADJACENT PROPERTIES

I watched the February 18, 2014 Planning Commission meeting on delayed video-on-demand. As I recall, there was some discussion with reference to the fact that the 300 foot radius of notification was too broad. It is the immediately adjacent residents who are most affected.

Should the radius be reduced to 100 or 150 feet?

NOTIFICATION OF RESIDENTS, NOT JUST OWNERS

Only owners of properties within the stated radius receive notice of the permit application. If the owner of a property has a different mailing address from the one nearest the applicant address, ***there should also be a notice sent to "Resident" of the nearby address, since they would be most affected.***

FINDINGS REQUIRED TO GRANT PERMIT

The 30% threshold of objections to the proposed permit only results in a hearing before the Planning Commission.

The objections of adjacent residents to the permit should in itself be given weight in the "findings"—not simply bring about a hearing.

NOTIFICATIONS REQUIRED AFTER PERMIT GRANTED

Sec. 17.134.060 Permit processing:

The current ordinance requires that within 10 days of the approval of a permit, the owner-applicant shall notify all property owners within 300 feet, the contact information of the person available 24 hours a day. Notice shall be on a form acceptable to the Planning Director. Within 10 days of the mailing of such notice, the owner-application shall provide evidence that such mailing occurred.

In addition, **17.134.040 Restrictions and standards**

I. The owner shall, prior to April 1st annually, provide written notice to all neighboring property owners within a three hundred (300) foot distance from the lot on which the short-term rental is located the following information:

1. The name, telephone number, cell phone number, and e-mail address of the local contact person provided to the city pursuant to subsection H of this section.
2. The maximum number of guests permitted to stay in the short-term rental unit.
3. Parking restrictions attached to the short-term rental permit.
4. Contact information for the city official that members of the public may contact to report violations of the short-term rental regulations or conditions of approval attached to the short-term rental permit.

The Planning Department has confirmed that this required notification process by the owner-applicant is not monitored due to limited staff. If the radius is reduced from 300', there would be fewer notifications required by the permit owners, and less to be monitored by Planning Department staff.

LOCATING PERMITTED STRs

The location of the permitted STRs can only be found on the City website, buried under Financial Reports. Even there, there is no listing of the site address of the STR.

There needs to be an indexed place on the City website that identifies the location of the permitted STRs and includes the expiration date of the permit.

PERMIT RENEWALS

I recently learned that when a permit comes up for renewal, there is no notification of nearby owners or residents—because there is no provision in the current ordinance for such notice.

Requests for permit renewals should be required to go through the same notification process as the initial application.

COMPLAINTS

I attended the community meeting at the Firehouse earlier this year, at which time the Interim Planning Director, Victor Carniglia, stated that due to lack of resources, ordinances were not being enforced unless they were complaint driven.

There is no procedure in place whereby the Planning Department is notified of complaints made regarding the disruptive behavior of guests. The Police Department has no way of knowing if a disturbance is occurring at a permitted STR.

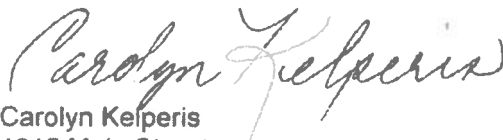
There needs to be a workable procedure for reporting and monitoring complaints so that the Planning Department may determine if appropriate action should be taken to terminate a permit.

ENFORCEMENT

If STRs are to continue to be permitted, the provisions need to be of such a nature that they can be enforced with the resources and staff available.

In its present form, added to the lack of enforcement, the current ordinance is as effective in regulating STRs in St. Helena, as the National Do-Not-Call Registry is in controlling telemarketers!

Sincerely,



Carolyn Kelperis
1615 Main Street
St. Helena, CA 94574
Email: ckelperis@hotmail.com

From: tmbelt@comcast.net [tmbelt@comcast.net]
Sent: Tuesday, June 30, 2015 3:07 PM
To: Alan Galbraith
Cc: ; regp@cityofsthenelena.org; Paul Dohring
Subject: Short Term Rental Permits

Dear Mayor Galbraith,

I have been told by two St. Helena residents that the city council will be reviewing its municipal code section regarding short term rental permits in the next few months. First of all, can you confirm that this will be taking place?

Secondly, I would like to express my concerns and the concerns of many of my neighbors, about the city continuing to allow these permits:

1. The city does not currently have the staff to monitor the illegal verses legal short term rentals existing in our town. Today, I went online to the VRBO website and counted 51 listings for St. Helena rentals offered on a daily or weekly basis. It is my understanding that there are 24 approved short term rental permits, of which two are currently available. And VRBO is only one rental website advertising short term rentals.

2. The city does not currently have a municipal code that empowers our police department to issue citations to the unruly renters of these properties when the neighbors of the short term rentals call about late night noise disturbances. While our police department will respond to noise complaints and contact the responsible parties of the complaint, they will not issue citations to the disturbing parties, even if the complaint reoccurs on the same date. As a result of this, there have been several instances where St. Helena residents have called the police department multiple times a night because of reoccurring noise, and the disturbance continues. According to our past and present police chiefs, if a police officer responds to a "public" disturbance call after hours and witnesses the loud noise them-self, they cannot issue a citation because they are not considered the public. In order to have a citation issued, the neighbor calling in the complaint must have the responding officer issue a citizen's arrest to the unruly renters. This requires the neighbor to sign the citation initiating the arrest. Obviously, this pits neighbor against neighbor and has the potential to cause even more grief. I can confirm this with an email I have received from our present chief of police and by the personal experiences my neighbors and I have had to endure.

3. To my knowledge, there is no system in place for our police department to document the complaints it receives about short term rentals and reporting those complaints to the city council. In deed, it wouldn't surprise me if the city council was unaware of how many residents in our town have complained about the late night disturbances or how grave the situation is.

In summation, based upon the fact that our city does not have the staff to effectively control the illegal short term rental market in our town and because our police department cannot by itself enforce disturbance complaints, I would like the city council to postpone extending any current short-term rental permits and cease any consideration off expanding the number of permits issued until such time as the city can responsibly manage the adverse impact these permits have in our neighborhoods.

Tom Belt

Noah Housh

From: Alan Galbraith
Sent: Wednesday, July 08, 2015 2:44 PM
To: Sara Cakebread
Subject: Re: Vacation Rentals

Thanks, Sara. This issue, and how the city should approach it, is much on my mind. Best, Alan

Sent from my iPad

On Jul 8, 2015, at 1:13 PM, Sara Cakebread <scakebread@comcast.net> wrote:

Dear Mayor Galbraith, Vice Mayor White and Members of the St. Helena City Council:

As much of the conversation in the city these days is around budgets and austerity measures, I wanted to share a thought about a potential source of revenue; vacation rentals. This came to mind after reading about the property on Scott St. that is facing a lawsuit for operating a short term vacation rental illegally, and then learning that a few of my neighbors are doing the same thing—and making a lot of money. It seems unfair to single out one property owner when, according to my very rough calculations, there are possibly 20 or so St. Helena listings on Airbnb, and 50+ listings on VRBO that are likely not following the rules either.

As it took me just a few minutes to find the above, it would not take long for a volunteer, intern or modestly paid high school student to find all the addresses of these listings, compare them to the list of permit holders and see if they are in the city limits. Then, the city could either fine those renting illegally, enhance an existing source of funding by increasing the number of vacation rental permits, or go for the most you can and do both. In addition to neighbors renting for weekends and weeks under the table, I also have friends with permits who are following the rules and paying the taxes. The system as it is now does not seem fair nor should it be ignored, especially in light of our financial challenges.

I'm sure I'm not the first or last to suggest this, but it just seems to make a lot of sense.

Thank you for your time and consideration.

Sara Cakebread

"Life is too important to be taken seriously." -- Oscar Wilde

990 Allison Ave.
St. Helena, CA 94574
707-254-5309
scakebread@comcast.net

Noah Housh

From: rhnunn <rhnunn@aol.com>
Sent: Sunday, September 06, 2015 8:07 PM
To: Noah Housh
Subject: Vacation Rentals in St Helena

September 6, 2015

Thank you for compiling feedback from the community of St Helena on the Vacation Rental Ordinance that was sadly approved a few years ago.

As a long time resident of St Helena (and the west side of town), Vacation Rentals have done an enormous damage to the tranquility of our neighborhoods. Not only are there disturbances of noise, but constant changes of visitors coming in and out of the streets at all hours.

The small town character we so value is very fragile and more commercial activity has not helped anyone~~not even the City's coffers. Legal challenges, police security issues, and additional administrative work are all directed in a non- productive way.

Also it seems very unfair to the legal hospitality businesses, as Hotels, Inns, and Bed and Breakfasts who indeed will pay the Transient Occupancy Tax.

This has been a ill conceived Ordinance from the very beginning. It will be doing the City of St Helena a large FAVOR to rescind the Vacation Rentals!

We have been overwhelmed with the avarice of the City to grab more and more revenue~~losing forever what is so special about our small town.

It shouldn't always be about money.

Thanking you in advance for your attention to this matter.

Hannah and Ron Nunn
1385 St James Drive
St Helena, CA (707) 963-3431

Noah Housh

From: joyrb@aol.com
Sent: Wednesday, September 23, 2015 1:38 PM
To: Noah Housh
Subject: short term rental

Commissioners:

Despite whatever attendance this evening's meeting elicits... this issue is very important to virtually all fulltime residents and there are many opinions circulating.

The following are some of mine:

1. Any and all of the 25 permitted short term rentals should be identified and listed.
2. A city street map with *starred* addresses indicated would be beneficial.
3. Contact persons and numbers for all parties (owners and managers) should be notated.
4. Fines for failing to follow permitted uses should be identified.
5. Consequences for repeat violations should result in loss of permit.
6. Any parties operating short term rentals without permit should be fined and lose the privilege of acquiring any future permit.
7. All parties who violate city rules and regulations should not benefit...e.g. (forgiveness vs permission).

The abuses and problems with existing short term rentals are well known.
Noise is an ongoing problem...as is parking and trespassing.
Calling the police does not solve any of these issues.

Thanks for the meeting. I hope many resolutions are discussed and new ideas forthcoming

Sincerely,
Joy Roades

Noah Housh

From: Shannon Pestoni <shannon@jellyjarwines.com>
Sent: Friday, October 02, 2015 9:36 AM
To: Noah Housh
Subject: Short term rentals

Hello Noah,

I'm writing to you regarding the short term rentals in St. Helena. The number of rentals permits is up for review, as I understand, and I would like to urge the city to keep them at the 25 currently permitted without increasing the number. One of these 25 permitted rentals (1025 Pratt Ave) is behind our home. I've never formally placed a complaint since I was able to find out that they are, indeed, operating legally, but I will say it is a huge nuisance. Every weekend or so there is a new, large group of people who are partying and loud. The noise carries into our backyard, kitchen, living room and bedroom. It's like living next to a hotel, which we would not have chosen to do had we known when purchasing our home. Not only do these rentals rob you of your privacy, I fear they will devalue property value as they are not desirable neighbors.

We live in an area where many of us are reliant on the tourism for business, I get that. We are in the wine business ourselves and support progress and business here, but at the end of the day we should be able to come home to our own home and have some privacy and to get away from the tourism and have a peaceful place to raise our families and enjoy our own backyards.

I urge you to keep the permits at 25 and not to increase the number. I also would like to see more enforcement of those operating illegal rentals. VRBO show 90+ rentals in St. Helena alone. I'm not sure if all of these are in the city limits, but that is a lot more than 25. Clearly there is an issue with illegal short term rentals at this moment.

My husband and I were both raised in St. Helena, and while change is inevitable, we are saddened to see a loss of community due to the overabundance of absentee owners and investors buying properties in the hopes of operating short term rentals. We have always had a special community and I really would hate to see it totally disappear.

Thank you for your time.

Best regards,
Shannon Pestoni

Shannon Pestoni
Jelly Jar Wines | Hearsay Wines
707-738-3050
www.jellyjarwines.com

Noah Housh

From: Rodney Smith <rbsmith1160@gmail.com>
Sent: Wednesday, September 23, 2015 2:05 PM
To: Noah Housh
Subject: Short term vacation rentals

Hi Noah, I'm unable to attend the meeting this evening but I'd like to say a few words on the subject. I live next door to a short term vacation rental and I would not recommend it to anyone.

The renters are often drunk and loud late at night when most people are trying to sleep. If the city is looking for revenue sources, look elsewhere, the short term vacation rentals in residential neighborhoods do not improve the quality of life in St. Helena. Thanks for listening, Rod Smith

Sent from my iPad

Noah Housh

From: mcoy@napanet.net
Sent: Tuesday, September 22, 2015 12:01 PM
To: Noah Housh
Subject: short term vacation rentals

Importance: High

Dear Mr. Housh,

We are writing because we wanted to voice our opinions on the short-term rental ordinance as we can not attend the meeting this Wednesday. There has been such a dramatic change in St. Helena since the vacation home trend escalated and it is not for the good of our town. The fact that there are many vacation or 2nd/3rd homes and many of them end up being rented, some legally but many not. It has impacted the city, citizens and sense of community in a negative way.

I applaud the Planning Commission on their two recent denials of short-term rental permits. Houses in neighborhoods with not much space between dwellings are not conducive to such rentals. The noise and traffic are too much. I agree that the Police Dept. and the department that handle these agreements are not communicating when there are complaints.

People who come to stay at these rentals, though not all, think of their stay as PARTY TIME!. They show no concern for the noise they make at all hours, how their voices carry to neighboring yards and residences, how their parking impact those that live near by and the hours they keep. They paid good money for the rental and figure it is their right to use it how they want.

We back up to a vacation home, though to our knowledge it has never been rented for a short term. The owners have been very loud on occasion. They probably did not know of the noise ordinance and hours. It took a phone call from us to the police after midnight for them to become aware. Then as a result of our call they made a derogatory remark from their yard that was heard by us. Since that time things have been a little better.

On our street now recent home sales have been to part timers. Though one of the new owners are very nice and respectful of the neighborhood the other is another story which we have already spoken about to the Planning Commission. But my concern is that future sales may attract those interested in short term rentals. That is our fear.

As a person active in the community through a service club I am finding that it is hard to get new members. I have shared this concern with others and it seems to be happening with other clubs too. Enrollment in our public schools is declining. Having less full time residences, not to mention the lack of affordable housing for the MIDDLE CLASS and those that grew up in St. Helena and now work here, is the cause.

I realize we must adapt to change but how much should we put up with just so the city can get more money through tourism? We moved here to live when I got a teaching job at the local high school. We chose to make this our home and raise a family. We want to keep St. Helena nice for others to do the same thing. If we wanted to live in a resort town we would have moved to Tahoe or Carmel.

Thank you for your time to hear how this ordinance is affecting locals. I hope this makes it in time for the meeting on Wednesday, September 23rd.

Sincerely,

Marilyn and Nick (Louis) Coy
1221 Soring Brook Ct.
St. Helena, CA 94574
963-306

Noah Housh

From: Alan Galbraith
Sent: Tuesday, May 19, 2015 11:14 PM
To: Noah Housh
Cc: Jennifer Phillips
Subject: Short Term Vacation Rentals

A constituent asked today whether the City could post on its website the addresses of the 25 permittee holders. My reaction was that this might be a good idea as it would assist residents in identifying illegal operators. I would appreciate your reaction to this idea. Best. Alan

P.S.: I am assuming this issue falls in your bailiwick. Also, FYI, there is significant history on the general issue, and I am happy to brief you at some point if relevant to your work. I was the author of a substantial study prepared for the Planning Department that identified the many illegal rentals and set out the pros and cons of allowing them.

Sent from my iPad

Noah Housh

From: Katalin Kádár Lynn <editor@helenahistorypress.com>
Sent: Thursday, September 24, 2015 12:43 PM
To: Noah Housh
Cc: Aaron Hecock; Douglas G. Lynn
Subject: STR Town Hall Meeting

Dear Noah,

Doug and I want to congratulate you and your team on a well run and valuable forum last night. I think almost everyone who wished to speak had an opportunity to do so, which was wonderful. Thank you for organizing the forum and for gently keeping everyone "on message". You did a terrific job!

Some thoughts related to STR's which would be valuable to add to our future conversation on this subject.

All the best,

Kati & Doug Lynn
1440 Stockton St.

1. There are investors who have purchased homes in St. Helena with the specific intent of using them as STR's. If you look at the application for our next door neighbors at 1450 Stockton which was denied, it is clear from the dates that immediately after purchasing their home they applied for an STR permit but also were renting the home for short term rental for the two years while they waited to be considered for a permit as proven by the VRBO comments on line. While they were denied (a good thing) the \$1000 fine for violation of the short term permit ordinance was not imposed, nor were they retroactively charged TOT. We believe imposition of this fine is not optional, it is the law. Once imposed, it will send a clear message that the City of St.Helena is not going to tolerate scofflaws. If the per-stay fine is difficult to calculate retroactively in order to impose it, then the ordinance needs to be re-written to impose a fine that is sizable and non-negotiable i.e. \$10,000 that is imposed for all infractions.

We would also like to suggest that a provision be written into the STR ordinance that any homeowner who applies for an STR permit who has been proven to rent their home commercially prior to the STR being issued is DENIED a permit for a period of no less than 3 years. Why reward people who simply ignore the law?

In this same vein the young homeowner last night who says he can't apply for an STR because he would owe \$25,000 we can all calculate that at 12% he has income of over \$ 200,000 from his property!! In addition to committing a misdemeanor by ignoring the STR ordinance and shortchanging the city of St. Helena (and US as taxpayers) is he also not reporting the income to the proper tax authorities - another misdemeanor. Something must be done about persons renting illegally sooner rather than later as it makes a mockery of the law and sends a message that one can easily get away with it.

2. If STR's continue require proof from the STR permit holders that they are declaring the revenue from the STR rentals. That should also separate those who are operating professionally vs those who think they will pay for their vacation home with undeclared income.

3. The point made about local ownership of STR's is also a good one. A local resident who has to face his neighbors if an STR gets out of hand is going to be more responsive than the investor in London! If the

ordinance could be written to give preference to local owners that would take a big step toward shutting down many of the problems we heard about last night.

4. If STR's are going to continue to be allowed, real estate firms must be required to disclose a nearby STR to potential buyers of property in St. Helena. There is no question that it devalues a property to have a commercial establishment next door or nearby. We would never have purchased our home at 1440 Stockton had we known that 1450 Stockton had an application in for an STR. NEVER. We still see traffic in and out on short term basis and lots of non local cars - while the owners deny they rent short term and these are all "friends and family". Coincidentally, none of their "guests" have occupied the home for 30 days or more.

Dr. Katalin Kádár Lynn PhD

Editor in Chief

Helena History Press LLC

www.helenahistorypress.com

USA 1 415 518-1089

Hungary 36 30 924-7626

Noah Housh

From: Carolyn Bond <bond@napanet.net>
Sent: Friday, September 25, 2015 11:25 AM
To: Noah Housh
Subject: Wednesday night STR meeting

Dear Commissioner Housh,

Thank you for your leadership during the discussion Wednesday night. I thought it was respectful and fair and I learned and understood more about all sides of this complicated issue.

However, I'm sure you understand that the vote at the end was completely skewed and made meaningless, in my opinion, by the last minute plea for ending STRs. That camp went right over and voted for that option, while the other side scattered their votes throughout the points listed.

Again, I feel that overall, it was a very valuable evening, despite the heat!

Respectfully,

Carolyn Bond
1165 Valleyview Street

Sent from my iPad

Noah Housh

From: Donna Hinds <dhinds@me.com>
Sent: Thursday, September 24, 2015 10:22 AM
To: Noah Housh; Aaron Hecock
Subject: Additional Thoughts related to STR's
Attachments: Cities with Short term rental ordinances.docx

Noah and Aaron,

Thank you for putting on the town hall meeting. I believe it was very successful and enabled everyone who has an opinion on the issue of short term rentals to voice their opinions.

I have some additional thoughts that were too detailed to share at the meeting last night. The first thought relates to insuring that the STR ordinance maximizes revenues for the city. I was surprised to hear that the city is only collecting \$130K +/- in TOT. I think there is much more potential income from STR's. If there are permit holders that are only renting a few times a year, they are preventing a possible more serious STR owner from obtaining a permit and providing additional revenue to the city. It is also possible that some of the STR's are not generating revenue because they are not getting great reviews and are not building referral and repeat business. There are a few ways of maximizing the income to the city: Option 1: Require the permit holders to produce a minimum level of TOT annually to retain their permits (maybe \$5000); Option 2: Rank the income of the permit holders and have the bottom 2 or 3 performers lose their permits each year; Option 3: Provide for a annual permit fee that would make it uneconomical for the non performers to retain their permits. New permit holders should be given a two year period to build their business prior to being subject to this review. The city should also provide for a system of insuring that the STR owners are reporting all income. This could be accomplished, in part, by having the owners keep a log of guests and dates that must be kept current at all times and open for review.

The current trend around the country is ordinances allowing "home sharing". This is renting out a portion of personal homes to vacationers. The most common website used is airbnb.com. Some ordinances are providing for two categories of rentals: one for STR's and one for home sharing. Several of the current STR permit holders are actually doing home sharing. The city should consider, as a means to increase revenue, creating two categories of rentals. My suggestion would be to create a new category of Home Sharing permits and start with 15 permits in this category. This could be defined to include all situations where the owner is on the premises with the renters (renting out rooms in a house or a guest house as long as the owner is sleeping on the premises). The current holders of STR permits that are actually home sharing could move into this category and create openings on the wait list for new STR owners. The home sharers should not be subject to the minimum fee requirements that I am suggesting for STR's, as many of them may be doing this on a part time basis to supplement their income. There seems to be consensus among the proponents and opponents to STR's that when the owner is on premises, the concerns of noise and parties are diminished. For this reason, the opponents of STR's may be willing to accept the addition of home sharing permits. Napa is considering this two category approach.

Finally, I believe the number of STR's could be expanded provided the ordinance is revised to include a detailed process for dealing with complaints and penalties for offenders. Based on what I heard at the meeting, the owners who provide their guests with clear rules and requirements concerning noise and respect for neighbors do not seem to be creating issues. The ordinance should provide that every guest must sign a form notifying them of the noise requirements and penalties. These forms should be maintained in a binder by the owner and subject to review by the city in the event of complaints.

I am attaching a list of cities that I found in my brief google search that have ordinances regulating short term rentals (STR's). I thought this may be of help to the planning commissioners as they move forward with possible modifications

to the current ordinance. I am willing to help the planning commissioners with review of other city ordinances and drafting, if that would be helpful.

Please include this email in the packet you are preparing for the planning commissioners. Thank you for consideration of my suggestions.

Warm regards,

Donna Hinds
Cell: 707-799-4844

September 20, 2015

To: City of St. Helena Planning Department

Aaron Hecock: Director of Planning

Re: STR Permits in St. Helena

As St. Helena homeowners for more than 18 years my husband and I wish to share our views regarding the ordinance that permits STR's in our city.

The STR Permit Situation in St. Helena:

- 1) The current ordinance makes little or no provision for monitoring, compliance and follow up after STR permits are granted. By their own admission the city does not have the staff to follow up and make certain that residences are in compliance. Since the STR ordinance has been in place it has put the burden on the neighbors and the neighborhood in which the STR are located to "police" STR's that are not following the letter of the law. No City ordinance should be passed that cannot be supervised and monitored by the paid professionals of the city administration.
- 2) At the same time the city of St. Helena appears not to have tracked complaints by its citizens since the ordinance has been in force. That means that data available related to STR issues other than gathered by neighbors of STR's is non-existent. The city administration should have a system in place which flags all calls to the police or city hall that are related to STR's. This should have been done when the ordinance was passed. If STR's are to be allowed to continue a transparent reporting system regarding STR complaints must be established in this regard.
- 3) If the City of St. Helena continues to allow STR's the contract should be amended to require the owners of the STR's to report the income that they are deriving from STR's to the appropriate US tax authorities.

The present situation we find ourselves in is unacceptable and potentially dangerous. Essentially the city of St. Helena has permitted 25 short term rental properties with virtually no controls placed over them save the fact that they need to report their income and pay their prescribed tax. The notion that STR's would manage themselves without city oversight seems to have been the practice. And while hotels have to adhere to life safety issues such as sprinklers, handicapped access, these properties do not, nor is there any form of control over or supervision of these "transients visitors" that we find in our residential neighborhoods throughout the city. Unlike hotels where there are personnel in place who can be on

the lookout for problems – our neighborhoods have had short term visitors foisted on them who are present without any form of oversight.

Ultimately the leadership of the City of St. Helena will have to decide which is more important to the quality of life in our community – a few hundred thousand dollars in tax revenue or the potential destruction and commercialization of our residential neighborhoods. Strangers living next door for a day or two, noise, traffic, safety. Had the city recorded the complaints to police department and logged them in as STR related the city management would have long ago been aware that STR's have been and are a problem

Property owners already have the right to rent on a more than 30 day basis and there are many members of our community who do rent their properties for 30 days or more – we welcome those non-transient residents. It is the transients guests next to which we object.

We join the majority of our neighbors in the Stockton Pine Street community to urge the City of St. Helena administration to revoke STR permits in St. Helena's residential neighborhoods.

Sincerely,

Katalin Kádár Lynn and Douglas G. Lynn

1440 Stockton St.

Noah Housh

From: Peter White
Sent: Tuesday, June 30, 2015 5:18 PM
To: William Imboden; Noah Housh
Subject: FW: Short Term Rental Permits

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Bill and Noah,

When you have time, could you review Mr. Belt's letter and advise me on the accuracy of his assertions? I know short term rentals has been a hot topic and considered a nuisance to some residents and I would very much like to hear your perspectives.

Thanks,

Peter

Peter White
City Council
1480 Main Street
St. Helena, CA 94574
707-480-9958
PeterW@ci.st-helena.ca.us

From: tmbelt@comcast.net [tmbelt@comcast.net]
Sent: Tuesday, June 30, 2015 3:18 PM
To: Peter White
Subject: Fwd: Short Term Rental Permits

Sorry Peter, I mistakenly sent your copy of this message to Alan to the wrong address.
Tom Belt

From: tmbelt@comcast.net
To: alang@cityofsthelena.org
Cc: ", " <pwhite@cityofsthelena.org>, regp@cityofsthelena.org, pauld@cityofsthelena.org
Sent: Tuesday, June 30, 2015 3:07:54 PM
Subject: Short Term Rental Permits

Dear Mayor Galbraith,
I have been told by two St. Helena residents that the city council will be reviewing its municipal code section regarding short term rental permits in the next few months. First of all, can you confirm that this will be taking place?

Secondly, I would like to express my concerns and the concerns of many of my neighbors, about the city continuing to allow these permits:

1. The city does not currently have the staff to monitor the illegal versus legal short term rentals existing in our town. Today, I went online to the VRBO website and counted 51 listings for St. Helena rentals offered on a daily or weekly basis. It is my understanding that there are 24 approved short term rental permits, of which two are currently available. And VRBO is only one rental website advertising short term rentals.

2. The city does not currently have a municipal code that empowers our police department to issue citations to the unruly renters of these properties when the neighbors of the short term rentals call about late night noise disturbances. While our police department will respond to noise complaints and contact the responsible parties of the complaint, they will not issue citations to the disturbing parties, even if the complaint reoccurs on the same date. As a result of this, there have been several instances where St. Helena residents have called the police department multiple times a night because of reoccurring noise, and the disturbance continues. According to our past and present police chiefs, if a police officer responds to a "public" disturbance call after hours and witnesses the loud noise them-self, they cannot issue a citation because they are not considered the public. In order to have a citation issued, the neighbor calling in the complaint must have the responding officer issue a citizen's arrest to the unruly renters. This requires the neighbor to sign the citation initiating the arrest. Obviously, this pits neighbor against neighbor and has the potential to cause even more grief. I can confirm this with an email I have received from our present chief of police and by the personal experiences my neighbors and I have had to endure.

3. To my knowledge, there is no system in place for our police department to document the complaints it receives about short term rentals and reporting those complaints to the city council. In deed, it wouldn't surprise me if the city council was unaware of how many residents in our town have complained about the late night disturbances or how grave the situation is.

In summation, based upon the fact that our city does not have the staff to effectively control the illegal short term rental market in our town and because our police department cannot by itself enforce disturbance complaints, I would like the city council to postpone extending any current short-term rental permits and cease any consideration off expanding the number of permits issued until such time as the city can responsibly manage the adverse impact these permits have in our neighborhoods.

Tom Belt

Noah Housh

From: joyrb@aol.com
Sent: Wednesday, September 23, 2015 1:38 PM
To: Noah Housh
Subject: short term rental

Commissioners:

Despite whatever attendance this evening's meeting elicits... this issue is very important to virtually all fulltime residents and there are many opinions circulating.

The following are some of mine:

1. Any and all of the 25 permitted short term rentals should be identified and listed.
2. A city street map with *starred* addresses indicated would be beneficial.
3. Contact persons and numbers for all parties (owners and managers) should be notated.
4. Fines for failing to follow permitted uses should be identified.
5. Consequences for repeat violations should result in loss of permit.
6. Any parties operating short term rentals without permit should be fined and lose the privilege of acquiring any future permit.
7. All parties who violate city rules and regulations should not benefit...e.g. (forgiveness vs permission).

The abuses and problems with existing short term rentals are well known.
Noise is an ongoing problem...as is parking and trespassing.
Calling the police does not solve any of these issues.

Thanks for the meeting. I hope many resolutions are discussed and new ideas forthcoming

Sincerely,
Joy Rodes

Noah Housh

From: mcoy@napanet.net
Sent: Tuesday, September 22, 2015 12:01 PM
To: Noah Housh
Subject: short term vacation rentals

Importance: High

Dear Mr. Housh,

We are writing because we wanted to voice our opinions on the short-term rental ordinance as we can not attend the meeting this Wednesday. There has been such a dramatic change in St. Helena since the vacation home trend escalated and it is not for the good of our town. The fact that there are many vacation or 2nd/3rd homes and many of them end up being rented, some legally but many not. It has impacted the city, citizens and sense of community in a negative way.

I applaud the Planning Commission on their two recent denials of short-term rental permits. Houses in neighborhoods with not much space between dwellings are not conducive to such rentals. The noise and traffic are too much. I agree that the Police Dept. and the department that handle these agreements are not communicating when there are complaints.

People who come to stay at these rentals, though not all, think of their stay as PARTY TIME!. They show no concern for the noise they make at all hours, how their voices carry to neighboring yards and residences, how their parking impact those that live near by and the hours they keep. They paid good money for the rental and figure it is their right to use it how they want.

We back up to a vacation home, though to our knowledge it has never been rented for a short term. The owners have been very loud on occasion. They probably did not know of the noise ordinance and hours. It took a phone call from us to the police after midnight for them to become aware. Then as a result of our call they made a derogatory remark from their yard that was heard by us. Since that time things have been a little better.

On our street now recent home sales have been to part timers. Though one of the new owners are very nice and respectful of the neighborhood the other is another story which we have already spoken about to the Planning Commission. But my concern is that future sales may attract those interested in short term rentals. That is our fear.

As a person active in the community through a service club I am finding that it is hard to get new members. I have shared this concern with others and it seems to be happening with other clubs too. Enrollment in our public schools is declining. Having less full time residences, not to mention the lack of affordable housing for the MIDDLE CLASS and those that grew up in St. Helena and now work here, is the cause.

I realize we must adapt to change but how much should we put up with just so the city can get more money through tourism? We moved here to live when I got a teaching job at the local high school. We chose to make this our home and raise a family. We want to keep St. Helena nice for others to do the same thing. If we wanted to live in a resort town we would have moved to Tahoe or Carmel.

Thank you for your time to hear how this ordinance is affecting locals. I hope this makes it in time for the meeting on Wednesday, September 23rd.

Sincerely,

Marilyn and Nick (Louis) Coy
1221 Soring Brook Ct.
St. Helena, CA 94574
963-306

Noah Housh

From: mdmilat@comcast.net
Sent: Tuesday, September 22, 2015 7:42 PM
To: Noah Housh; Alan Galbraith; Sharon Crull; Greg Pitts; Paul Dohring; Bobbi Monnette; Grace Kistner; Sarah Parker; Tracy Sweeney; Mary Koberstein; Peter White
Cc: sthelenastrong@gmail.com
Subject: Short term rental ordinance

Sept. 22, 2015

Dear Mayor, Councilmembers and Commissioners,

I hope you will listen to your constituents and revise the short-term rental ordinance. The rules contained in the original ordinance have been blatantly ignored and violated since it was put in place.

These rentals were originally mostly bed and breakfast rooms in private homes, with the owners present. Now we have people, often from out of town or even out of the country, buying single family homes in strictly residential neighborhoods and turning them into mini commercial hotels. The city has done a very poor job of implementing and policing this ordinance. There are only 25 permits. A quick look at VRBO and other sites shows over 90 such properties, mostly within the city limits. It should not be that hard to identify them and stop them. We know that even if they are shown to be 30 day minimum rentals, they are routinely rented for shorter periods. You should publish a list of the 25 legal sites so we can tell if the ones in our neighborhoods are illegal. Some of these homes are on very small lots with the neighboring homes only a few feet away. Many have only 5 foot side yards to separate us. Some are even in condo complexes with only walls separating them. If these uses are permitted, they should be in mixed use or agriculture zoning on larger lots, preferably with the owners living on the property.

There should be no additional permits issued unless there is a thorough study of how the existing permits are being used and the impact on the neighbors involved. Nobody who has been running an existing illegal rental should be allowed to apply for a permit, at least without a long waiting period, and should be fined for the illegal use. The \$1000 per day fine is ridiculous. Make it a reasonable amount and actually collect it.

With the rental housing shortage in St. Helena these strictly family homes in residential neighborhoods should be kept that way. While the prospect of collecting the transient tax may be tempting, it's not worth it. There are enough hotels now being built or in the planning pipeline to significantly increase the taxes collected.

Mark Milat
1180 Valley View St.

Noah Housh

From: Daniel E. Siri <dan@desiricpa.com>
Sent: Thursday, September 24, 2015 9:39 AM
To: Noah Housh
Cc: 'Denise Siri <denise.siri@gmail.com>'
Subject: Comments on Short Term Rental Permit town hall

Noah:

Thank you for a very well organized and well run town hall meeting last night.

Denise and I have been STRP holders since June 2012; our St Helena home is located at 1242 Madrona Avenue; it has 2 bedrooms/2 baths, and is conveniently located on a nice corner lot that allows us and our rental guests to easily walk to the downtown area for dining and shopping.

We have two neighbors that abut our property; Peter and Karen Dahl at 1234 Madrona Avenue, and Richard and Charlene Paulson at 1660 Oak Avenue; the set back between these 3 homes is very small as these homes very constructed well before the modern day set back requirements.

In the 3 years we have had short term rental guests the Dahls and the Paulsons have never experienced in negative impacts such as excess cars or traffic, loud noise or any other type of disturbance; as a matter of fact some of our guests have greeted them in person while walking the neighborhood; both of these neighbors have told us we are the "ideal" neighbor to have as a STRP holder. We also allow family and close friends to use our home outside of the rental program – that use would continue even if we did not have a STRP as it is not a violation of any city ordinance.

We are very selective about our rental guests; this is a second home to us and we expect our rental guests to treat it in the same manner. Our typical guest renters are mature and responsible; they prefer staying in a house with kitchen and laundry amenities that they would not get at a hotel/motel/B&B.

I will summarize my points:

1. There is a small vocal minority that simply don't want STRP's – I don't believe they will prevail in eliminating the ordinance, and I don't think the ordinance should be eliminated.
2. There is definitely a lack of enforcement by the Planning Dept – back in June 2014 I attended a City Council meeting to request a renewal process be put in place – at that time there was no permanent city manager or planning director which resulted the STRP program being ignored as a city priority; now that these two positions have real city employees I think they may take some steps to do better enforcement for noise and disturbance violations, and illegal operators.
3. There seem to be a couple of STRP's that are pushing their rentals beyond what I thought STRP's were about – we were about allowing couples and families to rent our houses as alternatives to higher priced hotel/motel/B&B alternatives whereby they have multiple bedrooms and baths, a kitchen and laundry facility, and an enjoyable outdoor patio and garden; this was not about having catering trucks, buses, and large party gatherings at our homes; remember, these are homes and not meant to be commercial gathering places; your guests are meant to "live and stay" like it was their own second home.
4. For those properties that may fall into the complaint and enforcement process I think you need to realize that your STRP can be revoked and possibly never renewed.

Please include this communication in your report to the Planning Commission and City Council.

Sincerely yours,

Dan Siri

Daniel E. Siri CPA
363 Village Square
Orinda, CA 94563-2505
T: 925-253-4882
F: 925-253-4898
C: 925-766-6107
E-mail: dan@desiricpa.com

Noah Housh

From: Paul Dohring
Sent: Wednesday, July 08, 2015 1:31 PM
To: Sara Cakebread
Cc: Noah Housh
Subject: RE: Vacation Rentals

Hi Sara,

Thank you for sharing your comments. I am not sure what the total number is but I have heard from others that we may have several illegal rentals within the city limits. As a planning commissioner Alan did a report a few years ago about the existence of these illegal operations but I am not sure whether that information has been updated since the short-term rental ordinance was adopted. I agree that we need to get a better handle of the situation for the reasons you cite. One way to reduce or eliminate illegal operations inside the city is to bring well-publicized enforcement actions. Such actions could dissuade others from going down the wrong path.

Paul

From: Sara Cakebread [scakebread@comcast.net]
Sent: Wednesday, July 08, 2015 1:10 PM
To: Alan Galbraith; Peter White; Sharon Crull; Greg Pitts; Paul Dohring
Subject: Vacation Rentals

Dear Mayor Galbraith, Vice Mayor White and Members of the St. Helena City Council:

As much of the conversation in the city these days is around budgets and austerity measures, I wanted to share a thought about a potential source of revenue; vacation rentals. This came to mind after reading about the property on Scott St. that is facing a lawsuit for operating a short term vacation rental illegally, and then learning that a few of my neighbors are doing the same thing—and making a lot of money. It seems unfair to single out one property owner when, according to my very rough calculations, there are possibly 20 or so St. Helena listings on Airbnb, and 50+ listings on VRBO that are likely not following the rules either.

As it took me just a few minutes to find the above, it would not take long for a volunteer, intern or modestly paid high school student to find all the addresses of these listings, compare them to the list of permit holders and see if they are in the city limits. Then, the city could either fine those renting illegally, enhance an existing source of funding by increasing the number of vacation rental permits, or go for the most you can and do both. In addition to neighbors renting for weekends and weeks under the table, I also have friends with permits who are following the rules and paying the taxes. The system as it is now does not seem fair nor should it be ignored, especially in light of our financial challenges.

I'm sure I'm not the first or last to suggest this, but it just seems to make a lot of sense.

Thank you for your time and consideration.

Sara Cakebread

"Life is too important to be taken seriously." -- Oscar Wilde

**990 Allison Ave.
St. Helena, CA 94574
707-254-5309
scakebread@comcast.net**

**St. Helena City Council
1480 Main Street
St. Helena, CA**

September 14, 2015

Dear St. Helena City Council,

We are writing in support of the Short Term Rental Ordinance. Current permit holders in full compliance who have had no opposition should not be penalized for the transgressions of others. A stringent permit application process is currently in place. A permit renewal process, which would allow any new opposition to be addressed, would mitigate any future problems.

We have been full time residents of St. Helena for 25 years. We live in our home 100% of the time and do not own a second home. We raised our children here and are active community members. Now that we are retired we have the opportunity to travel more often. For security reasons we prefer our home to be occupied while we are away. Having a short-term rental permit has allowed us to occasionally rent our home while we are away, and thus keep the house occupied.

We live down a country lane and all residents have ample space surrounding their properties. We have the support of our neighbors and have had no issues, opposition, or complaints of any kind. It has been a win-win situation for us, our visitors, and the City of St. Helena, which benefits from the TOT taxes we pay each month.

We urge the City Council to uphold the Short Term Rental Ordinance for permit holders who are in full compliance. With 2708 households in St. Helena, the 25 permit holders constitute less than 1% of the households. If a permit holder is in full compliance their permit should remain valid. Energy should be spent on preventing homeowners from renting their homes for short terms without permits.

Thank you,

David and Kathi Brotemarkle

**503 Fulton Lane
St. Helena, CA
Permit number PL14-052**

October 26, 2015

Dear Mayor, City Council, Planning Commission, and Planning Department,

We would like to thank you for holding the recent Town Hall Meeting about the Short Term Rental Permit Ordinance. We were unable to attend but we later watched the video and feel that much valuable information was gathered.

We understand that some in our community would like to abolish the STR Ordinance. We commiserate with those who have been adversely affected by rentals in close proximity to their homes. But we must focus on the primary issues discussed at the meeting: enforcement, regulation, and a stringent renewal process. Abolishing the STR Ordinance would be a mistake. Having a strong ordinance in place would provide a valuable tool to control short term rentals in St. Helena by providing enforceable parameters. The September 30th editorial in the St. Helena Star also suggests there is room for compromise.

The group St. Helena Strong is currently circulating a petition aimed at abolishing the STR Ordinance. Many residents who are unaware of the issue and not directly affected by it are being urged to sign this petition. St. Helena Strong and others opposed to the ordinance continue to state that one third of St. Helena's homes are second homes. This fact is not relevant to the STR ordinance issue. With 2708 households in St. Helena, 25 legal short term rental permits constitute less than 1% of all households. We cannot prevent people from buying second homes in St. Helena, but we can limit the number of rental permits and strictly regulate them.

It was clear from the Town Hall meeting that several crucial points need to be addressed. The ordinance needs to be rewritten, an enforcement process needs to be established, a stringent renewal policy is required, as well as penalties for permit violations. A properly enforced and regulated STR Ordinance can be successful and will provide revenue for the City. The amount of TOT tax collected from short term rentals can be significant and should not be ignored. Restrictions could be incorporated into a revised ordinance and might include a limit on the number of people allowed on the property, prohibiting of parties, events, and weddings, and a limit on the number of rental days per year.

Short term rental permits for current permit holders who are in full compliance should remain valid. We trust the city staff and our elected officials to give this issue thoughtful review. By focusing on the facts, and not emotions, we are confident a reasonable solution will be achieved.

Thank you,



David and Kathi Brotemarkle

503 Fulton Lane
St. Helena, CA
Permit number PL14-052



Noah Housh

From: Nick Leinen <nickl@gailmaterials.net>
Sent: Wednesday, September 23, 2015 12:04 PM
To: Noah Housh
Subject: short term rental

Please excuse this late submittal. I am in So. Cal on business and have had the stomach flu since Monday. I live at 1537 main St. St. Helena. My immediate two neighbors are Both established B&B's I am across the street from city hall and for all practical purposes live in a commercial like setting. After eight years my remaining children are gone with my youngest starting college at P.U.C. I have a 5 bedroom home with a guest cottage in back. In addition I have a neighbor behind me with a short term rental which I believe is active. With all the noise in my location it seems to me my home would make an ideal location for a short term rental as the noise is already present. In addition I think my two remaining residential neighbors fill the same way. I can't say for sure if this program works everywhere in the city but surely in high traffic areas like mine it should be looked at closely. With the city of St. Helena being the only city in the Napa valley struggling to pay its bills this city counsel has inherited a hornets nest to clean up. If we keep doing the same, things will stay the same. All forms of revenue should be looked at closely so we can remain the heart of the Napa Valley. Good luck. Nick Leinen

Noah Housh

From: Mila Holt <mholt@johlt.com>
Sent: Saturday, September 26, 2015 8:04 AM
To: Noah Housh
Subject: Short Term Rental comments
Attachments: curb in front of Tona's house on Stockton Street.png; looking down the street from Doug and Kati Lynne's house parking.png; Pine Street and Stockton Street parking.png

Hi,

I have some suggestions after the meeting Wednesday. Thanks so much for your consideration.

NOISE ENFORCEMENT:

Perhaps renters could put down not just a security deposit, but a "noise" deposit. If a noise complaint by a neighbor is corroborated by police or by the property manager, a portion of the noise deposit is forfeit. Even better, the money should go to a local charity of the neighbors' choice. If there is money involved, people will be quiet. Neighbors should have contact numbers for the property manager and owner.

SHORT TERM RENTAL LOCATION:

I don't agree that there should be limitations based on parcel size or setbacks or local ownership. The program should exist and be available on an equal basis to all, because success rests on the owner and renters. A responsible owner and considerate renters can be quiet and considerate in a densely populated neighborhood. We have been renting on the west side and never caused any complaint from neighbors. However, if the permit holder can't control guests' noise, they lose their permit. Innocent until proven guilty! If the owner does a good job of booking respectful guests, a rental will work in any neighborhood.

PERMIT APPLICATION HEARINGS:

Respectfully, I believe the hearing process should get an overhaul. Right now, it is spectacularly unfair to permit applicants. Since decisions are made somewhat naturally on the basis of which side can draw the biggest crowd and make the most noise, the applicant is immediately at a disadvantage. No applicant can drum up 15 or 20 supporters to come to her hearing. Friends and neighbors who support, or don't oppose, will not take time out of their busy lives, nor want to confront angry neighbors. A group like St. Helena Strong, while well-intentioned in many ways, I can get together and agree on a line of argument. In my hearing, they insisted that the 1450 block of Stockton Ave has a terrible parking and traffic problem. My application was denied on this basis. No traffic or parking problem exists near my house (see photos). It is simply untrue. Yet I was one lone voice against what felt like a mob of people, and I had no proof on hand (since I never anticipated this line of argument). A planning commissioner visited the block after the hearing to see for herself, and my neighbor Gregg Pitts will surely confirm that there is plenty of parking in front of my home and that you could eat breakfast in the middle of the street without having to move for a passing car (my husband did this after the hearing):).

There needs to be a method for rebuttal once the commissioners weigh in, or a chance to ask for a continuance to gather proof.

Speakers should only include those truly affected by the permit. At my hearing, I only recognized three of the speakers (one spoke in support of my application). The rest lived on other blocks, or too far away to truly be bothered by a short term rental in my home. It is just too easy for someone who lives five blocks away to state unequivocally that "this is clearly the wrong place for a permit." What does this person actually know about the

situation? He knows nothing about the house, the applicant, the actual details at all. He is just there because he is part of a group that works together and has organized an all-purpose offensive strategy against short-term rentals.

Narrow the distance range for notifications of a permit application:

300 feet casts too wide a net. The people notified at my hearing included people who lived a block down, around the corner, and in three houses. This person couldn't possibly be affected by a rental at my home, unless my tenants threw a gigantic party (in which case nearer neighbors would surely complain).

I realize residents resent second home-owners like me. Please know that many second homes here are owned by people who come every single week, care about the community, and want a great relationship with neighbors. We are not owners visiting once a year. We live an hour and fifteen minutes away. Not local, but quite close. Our property manager lives across the street and practically on our property. We have never had a noise complaint. Our renters have been quiet and responsible (and mostly elderly). There is no parking or traffic issue on our street. No limos have ever lined up in front of our home to disturb neighbors. There have been no parties. There was no real reason we should have been turned down for a permit we waited two years and ponied up \$1400 in fees for. The hearing process really and truly needs an overhaul.

Thanks so much for taking the time to read this and for opening up the matter for discussion. I really like being part of the political process in St. Helena, meeting more neighbors, and hearing their perspective. Neighbors should not suffer because of short term rentals. Bad actors need to lose their permits.

Cheers,

Mila Holt

P.S., For commissioners who were absent, I am attaching photos of my block to demonstrate that there really is no traffic or parking problem and to prove that the complaints about this were trumped up. I don't think neighbors were trying to be unfair, as much as they were looking for a way to win their argument and ban permits in St. Helena. It's only human. By the way, I felt that the survey taken by St. Helena Strong and quoted at the meeting should have included quotes they got in support of the program, if such quotes exist.

--

.....

M I L A H O L T

Executive Producer I President
JOHLT Productions
6400 Hollis Street, Suite 10
Emeryville, CA 94608
510.879-7620 X102
Cell: 510-599-9689

website: johlt.com

.....

Noah Housh

From: Stone, Jim <jstone@frostrhrconsulting.com>
Sent: Sunday, September 20, 2015 11:20 AM
To: Noah Housh
Subject: Short Term Rental Permits- Permit Holder Comments

Noah,

My name is Jim Stone and I am one of the 25 City of St. Helena Short Term Rental Permit holders. Our property is located at 2080 Spring Mountain Road. I have noted the scheduled town hall meeting on this coming Wednesday, September 23 and I plan to travel from Austin in order to attend the meeting. However, I thought it might be helpful for me to put some of my comments in writing as I hope to be helpful as an interested party.

As background, please note my wife and I live in Austin, Texas, which happens to be the corporate home of Home Away-one of the main players promoting short term rentals. Just this morning there was an article in our main Austin newspaper discussing the fact that the Austin City Council was being challenged by Austin residents and homeowners to reconsider the rules and regulations concerning this type of business activity. And recently we owned a home in Beaver Creek, Colorado which also has had a troubled time defining and fine tuning how short term rentals should be regulated and controlled. I mention this only to suggest to you that it is certainly a hot topic and few have yet to conclude exacting standards that have met the expectation of all stakeholders.

I would also like to state that my wife and I do spend about one week every month in our St. Helena home and plan to eventually retire in St. Helena and live in our current home. So I am sensitive to the neighbors and homeowners of St. Helena and I would also be troubled if a neighboring property became an obvious transient location that caused noise, parking problems, excessive trash, periodic rude occupants who did not value the standards and goals of most St. Helena neighborhoods and homeowners. And despite whatever rules and regulations are in place you sometimes just cannot control (the homeowner or police department) the actions of other people, especially one-time renters. Based on my experiences, here are some concerns/suggestions I would have as a neighbor or homeowner or official of the City staff or elected official:

- The City of St. Helena chose to implement guidelines and regulations to permit 25 Short Term Rental Permits. If you are going to enact such regulations, please know you must enforce them fairly. In 2012 I spent a considerable amount of time and effort and attorney fees to get my permit. Our property has rental activity most every month of the calendar year and we have paid our TOT and filled out the required forms and paid for an annual business license. Why should I continue if the City openly disregards its' own regulations by allowing so many other properties to operate without paying the TOT, getting the permit and business license. I know staffing positions are over-burdened but if you cannot fairly and equitably enforce the STR regulations then you should abandoned them until such time as you can properly go forward.
- The City needs revenue and I know that a lot of citizens would like to think that growth and tourism is not needed to support the facilities and infrastructure that they want and demand. But they are wrong. Like it or not, the City of St. Helena is an expensive community in which to both live and maintain. One of the City's best attributes is the ability to attract tourism. And it is possible to control growth and high quality standards for the types of businesses endorsed and permitted so that you drive the type of visitor you want to attract. Just like the discussion of possible hotel additions for added tax base revenue, Short Term Rentals can also be a great source of added revenue. But if you are only going to permit 25 perhaps you need some stated goals as to locations, density targets and expected TOT. Maybe so many of the permits should be allocated for high end properties, so many for inter-city densely populated properties, etc.
- Related to my last point, over the years I have rented a number of vacation homes and now I own one. What has been successful in the homes I have rented and what I think has been successful for our St. Helena property is the fact that many of these homes tend to sit in a somewhat private setting. Certainly I think you should have

some very strong goals with respect to densely populated areas- maybe greater distances between adjacent properties in regard to applicable entrances and entertainment areas.

- Perhaps you should have different permits for rentals that are full property rentals (the whole house) versus those renting a portion- and maybe that is already in place more under the bed and breakfast type concept.
- I do think that it would be reasonable for you to impose monetary penalties for the STR permit holders to help control noise and the like. I think that permit holders could ask for a refundable deposit by renters so that they have some greater clout to avoid unwanted behaviors- but those need to be at a level to have some meaning and also recognize that there (again) is the added burden on the City for regulation and enforcement.

Thanks for the opportunity to be part of the conversation.

Jim Stone

Jim Stone
Frost HR Consulting
President and Director
401 Congress Avenue, 14th Floor
Austin, Texas 78701
512-473-4560 (Direct)
512-751-7829 (Mobile)

Compensation | Consulting | HR Outsourcing

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Noah Housh

From: Gisela Campagne <campagne123@socal.rr.com>
Sent: Monday, September 21, 2015 10:35 AM
To: Alan Galbraith; Peter White; Sharon Crull; Greg Pitts; Paul Dohring
Cc: Bobbi Monnette; Grace Kistner; Sarah Parker; Tracy Sweeney; Mary Koberstein; Noah Housh
Subject: SHORT TERM RENTAL REVIEW

Honorable Mayor Galbraith and Members of the City Council
Cc: City Planning Commission
Noah Housh, Planning & Community Development Director

Dear Distinguished Leaders,

We are Charles Sheldon and Ingrid Campagne, owners of a home at 1160 Church Street, St. Helena. We have owned our home in excess of 10 years. We live in San Francisco, however have enjoyed and are continuously enjoying spending a lot of time IN beautiful St. Helena.

We have been very fortunate in obtaining a short term rental permit since its inception. This has been such a wonderful partnership, for the City of St. Helena, the folks coming to St. Helena to visit and, of course, for us.

I am hoping you'll continue this amazing short rental program because it benefits so many. This practice is so very good for the city. First of all, the City benefits with the added revenue. Our rental alone brings the City of St. Helena a minimum of \$5,000 annually. Think about the number of families you're helping because there is no other option for a family to stay economically in the Valley. Please give some consideration to all the added income our guests bring to your city by visiting the restaurants and local businesses. You must see that it's a WIN-WIN for everyone.

I know our neighbors are more than happy with having folks come and stay at our house. We follow the rules and our guests often make new friends with the neighbors. Right now, St. Helena is providing a great service, and we, the homeowner are delighted to pay our fair share of taxes through the short rental program. Please don't allow a few disgruntled folks to take such a great privilege away.

We sincerely thank you and are in great hope that you will allow the continuance of this practice because it benefits a great many wonderful people.

Thank you and best regards,

Ingrid Campagne
Charles Sheldon

Best regards,

714-328-8661



<http://www.WagsNWine.com>

<http://www.WagginTrails.org>

Noah Housh

From: Katie Leonardini <katie@whitehalllane.com>
Sent: Tuesday, September 29, 2015 11:25 AM
To: Noah Housh; Noah Housh
Subject: Short Term Rentals in St. Helena

Hi Noah,

Thank you for hosting the Town Hall Meeting last week to discuss Short Term Rentals. I attended the meeting and thought it was a healthy way for our town to discuss the item at hand.

I own a home on the corner of Allyn and Pine (1504 Allyn Ave). I have not had any issues with short term rentals as neighbors, so I do not have any horror stories to share!

I do believe that if short term rentals become illegal once again, many home owners will continue to host these short term guests, and the problems we have heard will increase. If we continue to have rules and regulations in place, and improve enforcement of the rules, then we can co-exist with minimal issues. Most home owners want to be law abiding citizens and follow the rules that have been put in place.

KEEP SHORT TERM RENTALS AS THEY ARE WITH IMPROVED ENFORCEMENT OF RULES.

The number of short term rental permits should not be increased. I do believe that 25 is a good number for the size our town. The map on the city website is really helpful in order to grasp the number of rentals in a town of our size. Again, improvement of rule enforcement will minimize issues. Further, those that continually break the rules, should have their permits revoked. **KEEP THE NUMBER OF SHORT TERM RENTAL PERMITS AT 25.**

There is one additional note that I would like to add. When an application is submitted for a permit, please take special note of the address. If there are already one or two permits on that block, please bear this in mind. It would be unfortunate for full time residents if multiple homes on their block were short term rentals. In other words, **DO NOT ALLOW FOR A HEAVY CONCENTRATION OF SHORT TERM RENTALS ON ANY ONE BLOCK.**

Thanks again, Noah.

Katie Leonardini

Whitehall Lane Winery
1563 St. Helena Hwy
St. Helena, CA 94574
C: 707-815-3650

Noah Housh

From: Kimberly Phinney <kimbophinney@gmail.com>
Sent: Thursday, October 01, 2015 7:05 AM
To: Noah Housh
Subject: Short Term Rentals

Hello Noah,

I attended the Town Hall meeting to discuss short term rentals but had to leave around 6:15pm.

I appreciated the opportunity to have this discussion take place and think it is definitely a hot, yet important topic for our community.

Below are my thoughts regarding short term rentals:

-The guidelines in place are good and make sense without completely handcuffing a paying guest, while respecting the neighborhoods with parking, noise and time restrictions.

-We should not punish those abiding by the guidelines currently. There seems to be a few that are doing a fantastic job of respecting the neighbors, the community and the rental guidelines set up by the city of St. Helena.

-I do not think we should add any more permits, 25 is great and is a suitable amount for a community our size. I believe in a use it or lose it approach. Maybe a minimum of revenue if there isn't a high enough fee to have a rental warranting a permit in the first place.

-Enforcement is paramount. Giving neighbors that have issues with neighboring rentals a voice and back up is essential. I think one warning per house is suitable since the rules are laid out so well. Along with a list of addresses for these short term rentals, it would be nice to see the owners name and contact phone number. It puts a person/name with a rental property and furthers their responsibility knowing that they could be called as well, at any hour, like the police.

As a side note generally speaking of short term rentals, there is an obvious short term rental in our neighborhood by the amount of car turnover, out of state plates and the cleaning crew regularly. I have had two morning encounters regarding this property and the cars being parked there. You pointed out at the night of the meeting that two on property parking spaces are required. I thought that was one of the best guidelines. This house has zero and yet is still operating, frequently. The address is 1512 Hudson Ave. My reason for mentioning this is not only to further the enforcement of rentals, but ask how they got their permit in the first place?

Thank you for your time on this and again for having the town hall meeting. If you would like any of this discussed further due to lack of understanding with my writing, please let me know.

Thank you again.

Ciao,
Kim Phinney

CITIES WITH SHORT TERM RENTAL ORDINANCES

1. Napa, Ca
2. Petaluma, Ca
3. Newport Beach, Ca
4. San Bernardino County, CA
5. Carlsbad, CA
6. Monterey County, CA
7. Solana Beach, Ca
8. San Francisco, CA
9. Palm Desert, Ca
10. Santa Monica, CA (House Sharing)
11. Ventura, Ca
12. Indian Wells, CA
13. Dana Point, CA
14. Encinitis, CA
15. Pacific Grove, Ca

1. Spokane, WA
2. Savannah, GA
3. Charlottesville, VA
4. Manzanita, OR
5. Aspen, Co
6. Charleston, SC
7. Cape Elizabeth, Mn
8. Santa Fe, NM
9. New Orleans, LA
10. Portland, OR
11. Austin, Tx
12. Cape Code, Ma
13. Maui, Ha
14. Bend, Or
15. Nashville, TN

Noah Housh

From: Nick Leinen <nickl@gailmaterials.net>
Sent: Wednesday, September 23, 2015 12:04 PM
To: Noah Housh
Subject: short term rental

Please excuse this late submittal. I am in So. Cal on business and have had the stomach flu since Monday. I live at 1537 main St. St. Helena. My immediate two neighbors are Both established B&B's I am across the street from city hall and for all practical purposes live in a commercial like setting. After eight years my remaining children are gone with my youngest starting college at P.U.C. I have a 5 bedroom home with a guest cottage in back. In addition I have a neighbor behind me with a short term rental which I believe is active. With all the noise in my location it seems to me my home would make an ideal location for a short term rental as the noise is already present. In addition I think my two remaining residential neighbors fill the same way. I can't say for sure if this program works everywhere in the city but surely in high traffic areas like mine it should be looked at closely. With the city of St. Helena being the only city in the Napa valley struggling to pay its bills this city counsel has inherited a hornets nest to clean up. If we keep doing the same, things will stay the same. All forms of revenue should be looked at closely so we can remain the heart of the Napa Valley. Good luck. Nick Leinen

Noah Housh

From: Alan Galbraith
Sent: Wednesday, September 23, 2015 10:38 AM
To: Noah Housh
Subject: Fwd: letter for commissioners for short term rentals
Attachments: short term rental pg 1.pdf; ATT00001.htm; short term rental pg 2.pdf; ATT00002.htm

For the record. Alan

Sent from my iPhone

Begin forwarded message:

From: Darlene Walsh <walsh3dsw@gmail.com>
Date: September 23, 2015 at 9:36:04 AM PDT
To: Bobbi Monnette <BMonnette@cityofsthelena.org>, Grace Kistner <gkistner@cityofsthelena.org>, Sarah Parker <sparker@cityofsthelena.org>, Tracy Sweeney <TSweeney@cityofsthelena.org>, Mary Koberstein <MKoberstein@cityofsthelena.org>, Alan Galbraith <AGalbraith@cityofsthelena.org>, Peter White <PWhite@cityofsthelena.org>, "shraonc@cityofsthelena.org" <shraonc@cityofsthelena.org>, Greg Pitts <GPitts@cityofsthelena.org>, Paul Dohring <PDohring@cityofsthelena.org>
Subject: Fwd: letter for commissioners for short term rentals

Hello,

I am writing to you regarding the short term rental process. I have lived in St Helena for over 30 years and as a Real Estate Appraiser, I have observed numerous changes in our community, some good and some not so good. Having most recently been a part of the short term rental process, I would like to share a few thoughts. I am unable to attend the forum this evening but felt there may be a few things I observed that may shed some light on how this process is going. I thank you for taking the time to read my attached letter.

Sincerely

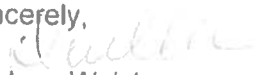
Darlene Walsh

Another Commissioner based her vote on a neighbors comment regarding traffic (which was stated in the St Helena Star) did they know her house was in escrow at the time of the hearing and she no longer lives on this street, in fact has moved out of town? The neighbor to the South of the house complained about parking issues. I live directly across from this house and never see anyone parked there for any length of time. That neighbor has ~~chosen~~ to convert their garage to an office and has a five "one car" drive way which they choose not to use. Then there was a comment from a neighbor on the adjoining street "Pine Street" a dead end street. This neighbor spoke about traffic. I have never seen traffic on Pine Street or an issue of them with egress and ingress from Pine Street onto Stockton (I live across from the entrance). They spoke about the safety of 90 year old Mr Del Bondio walking on the dead end Pine Street. How was that a valid concern? After the meeting, I met with Sara Parker at my house. I wanted to interview her about what it is like being on the planning commission. At the end of our visit I asked her if she had heard traffic and her answer was no, as there is very little traffic on this street.

I apologize for the long letter but it is my hope you see where I am going with this. If you continue to have these short term rental discussions, let's try to have them be more pertinent to who is most directly involved and let's get away from the " I want you to make changes for me so I can have it like I want it but once you do that, don't let it change for anyone else" mentality that we have risen to. Take time after you hear public comment to further look into the issues and not make an on the spot decision. If you do not want short term rentals in neighborhoods, build criteria that would eliminate this issue. If parcel size is not sufficient, make the criteria start with a larger parcel size with greater set backs. I was disenchanted by the reaction I heard that night. The folks at the hearing all took the guilty before proven innocent stand. Yes the permit does allow for 20 people maximum at a party, yes it does allow for two to four cars but not everyone who rents a house on a shot term rental basis wants a rager. It has been my experience that the renters that I have seen in this area are considerate, quiet and respectful of our neighborhoods and city. I see short term rentals' as an opportunity to explore all we have to offer and potentially become permanent residences further supporting our city and its resources. This used to be a great community where everyone supported everyone else. It is sad to see its demise.

Thank you for listening

Sincerely,


Darlene Walsh

Noah Housh

From: Carolyn Bond <bond@napanet.net>
Sent: Friday, September 25, 2015 11:25 AM
To: Noah Housh
Subject: Wednesday night STR meeting

Dear Commissioner Housh,

Thank you for your leadership during the discussion Wednesday night. I thought it was respectful and fair and I learned and understood more about all sides of this complicated issue.

However, I'm sure you understand that the vote at the end was completely skewed and made meaningless, in my opinion, by the last minute plea for ending STRs. That camp went right over and voted for that option, while the other side scattered their votes throughout the points listed.

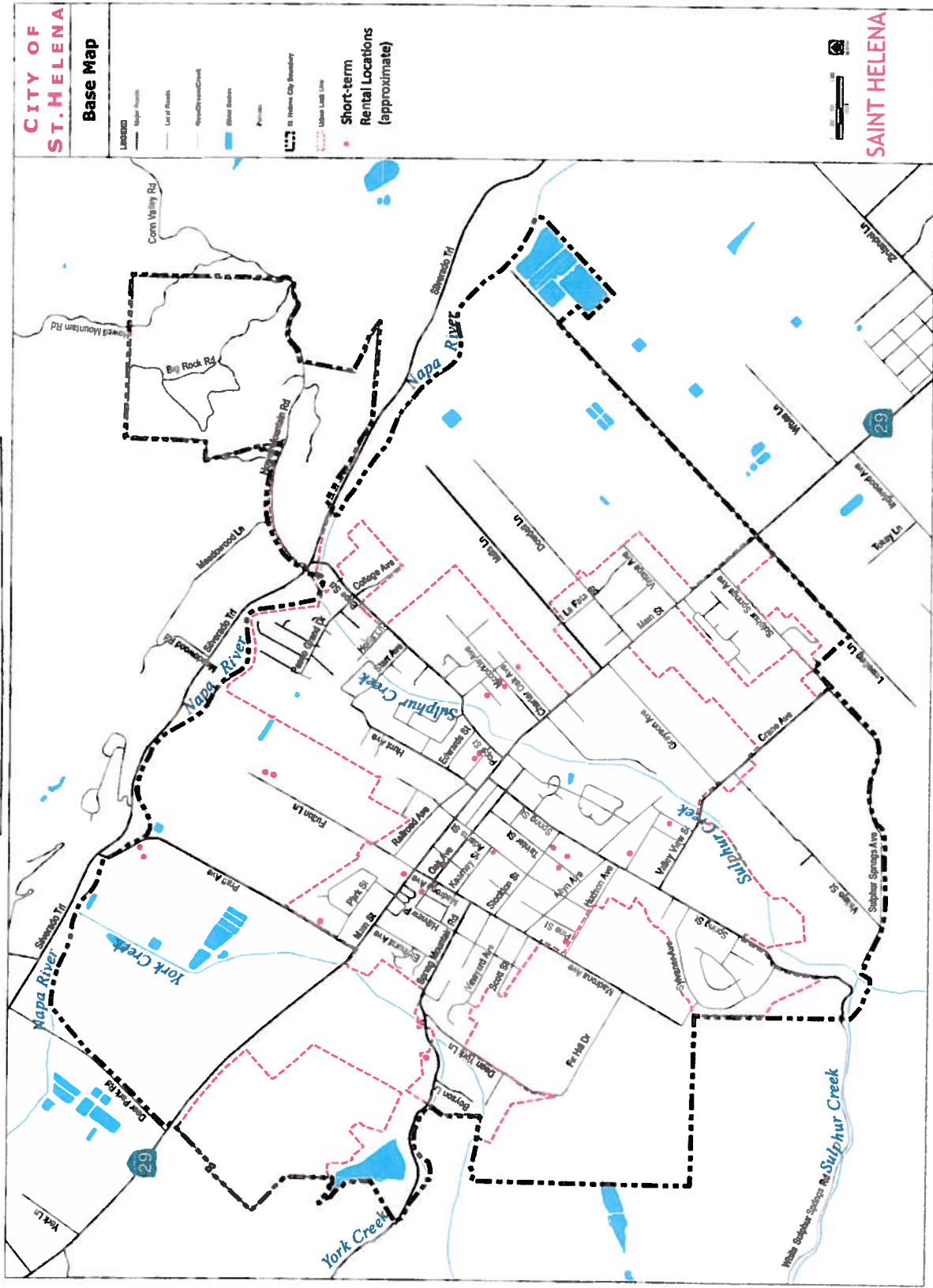
Again, I feel that overall, it was a very valuable evening, despite the heat!

Respectfully,

Carolyn Bond
1165 Valleyview Street

Sent from my iPad

SHORT-TERM RENTAL LOCATIONS - 2015



ORDINANCE O2015-__

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, AMENDING NAPA MUNICIPAL CODE SECTION 17.08.020 "RESIDENTIAL DISTRICTS", SECTION 17.10.020 COMMERCIAL DISTRICTS, SECTION 17.12.020 "RESIDENTIAL OFFICE AND OFFICE DISTRICTS" AND REPEALING EXISTING SECTION 17.52.515 AND REPLACING IT WITH A NEW SECTION 17.52.515 "VACATION RENTAL PERMITS"

WHEREAS, on April 7, 2009, and September 21, 2010, the City Council adopted Ordinance Nos. O2009-6 and O2010-16, as codified in Napa Municipal Code Section 17.52.515, which established regulations and procedures for the submittal of applications for, and the issuance and implementation of, permits for the operation of vacation rentals within the City; and

WHEREAS, pursuant to the requirements of Napa Municipal Code Section 17.52.515, in 2009, the City issued vacation rental permits to vacation rental businesses, and as of the City Council's consideration of this ordinance there are 41 vacation rental businesses operating under previously issued vacation rental permits (referred to herein as "2009 Permits"); and

WHEREAS, on June 2, 2015, the City Council heard public testimony regarding requested changes to the City's regulations of vacation rentals, and the Council directed City staff to prepare an ordinance to implement specified changes to previously adopted regulations, primarily related to a provision to allow the permitting of up to 60 new "hosted accommodations," and a provision to allow a conditional transfer of previously issued vacation rental permits from one business owner to a new business owner; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meeting of the City Council identified herein, including any supporting reports by City Staff and recommendations by the Planning Commission, and any information provided during public meetings.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

SECTION 1: Findings. As required by Napa Municipal Code Section 17.66.080, the City Council hereby makes the following findings in support of the amendments to the zoning regulations set forth under this Ordinance:

A. The proposed amendment is consistent in principle with the General Plan.

The proposed amendments are consistent with the General Plan in that the amendments merely extend entitlements already granted which are consistent with the General Plan. Specifically, the proposed amendments are consistent with Land Use Goal LU-4 which seeks to preserve and enhance the residential character of existing neighborhoods. Providing for "Hosted Accommodations" allows the property owner to maintain the home as a residence and limits the non-residential use to a maximum of two rooms.

B. The public health, safety and general welfare are served by the adoption of the proposed amendment.

The proposed amendment is beneficial to the public health, safety and general welfare as it establishes performance standards to ensure the compatibility between vacation rentals and the residential character of neighborhoods in which they may be located. Performance standards include annual property inspections, house rules and quiet times in the evening hours.

C. If a rezoning to a district with a larger minimum lot size is proposed, effectively reducing the planned residential density, the City shall also find that the remaining sites in the Housing Element are adequate to accommodate the jurisdiction's share of the regional housing need pursuant to California Government Code section 65584; or if not, that it has identified sufficient additional, adequate and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

This finding is not applicable to this project because the project does not include any proposal to increase a minimum lot size nor does it eliminate any site designated in the Housing Element from future use as a housing site.

SECTION 2: Amendment. The Land Use Regulations table set forth in Subsection 17.08.020.B "Public and Quasi-Public Uses" is hereby amended to add "Vacation Rentals" in the appropriate alphabetical location within the table; with conditionally permitted with applicable standards or "CS" in each row under the columns labeled "RS", "RI", "RT" and "RM"; and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations".

SECTION 3: Amendment. Table B – Downtown Specific Plan Area set forth in Subsection 17.10.020.C "Visitor Accommodations" is hereby amended to add "Vacation Rentals" in the appropriate alphabetical location within the table; with "CS" in each row under the columns labeled "DMU" and "DN"; and "See standards Ch. 17.52" under the column "Specific Standards Apply".

SECTION 4: Amendment. The Land Use Regulations table set forth in Subsection 17.12.020.B "Commercial Uses" is hereby amended to add "Vacation Rentals" in the appropriate alphabetical location within the table; with "CS" under the

column labeled "RO" and "See standards Ch. 17.52" under the column labeled as "Added Use Regulations".

SECTION 5: Amendment. Napa Municipal Code Section 17.52.515 is hereby amended by repealing the previous language in its entirety, and by adopting new language as set forth below:

"17.52.515 Vacation Rental Permits.

A. Scope, Purpose and Findings.

1. The purposes of this Section (which may be referred to as the "Vacation Rental Ordinance") are to:
 - a. Document the procedures and regulations that govern the application for, and the issuance and implementation of, permits for the operation of any vacation rental use within the City.
 - b. Establish that transient occupancy uses are not permitted or conditionally permitted in residential or non-residential zoning districts, unless either: (1) the City has approved a hotel use in a non-residential zoning district pursuant to Title 17, or (2) the City has approved a use permit for a bed and breakfast inn pursuant to section 17.52.060 of this Chapter, or (3) the City has approved a vacation rental permit pursuant to this Section.
2. The City Council hereby finds that unregulated transient occupancy uses in residential and non-residential districts present a threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in compliance with the Housing Element of the General Plan.
3. The City Council hereby finds that the adoption of a comprehensive ordinance regulating the issuance of and operating conditions attached to vacation rental permits is necessary to protect the public health, safety and welfare. The purpose of this Section is to provide a permit system and to impose operational requirements to minimize the potential adverse impacts of transient uses in residential neighborhoods and zoning districts on traffic, noise and density, to ensure the health, safety and welfare of renters and guests patronizing vacation rentals, and to impose limitations on the total number and types of permits issued in order to ensure the long term availability of housing stock in compliance with the Housing Element of the City of Napa General Plan.
4. The City Council hereby finds that the provisions of this Section which impose restrictions on commercial speech, pursuant to the restrictions on advertisements set forth in Subsection 17.52.515(E)(5), are necessary in order to advance the City's legitimate interest in preventing rental activity that

violates this Code, and in regulating fraudulent, misleading, or deceptive advertising. These restrictions on advertising are necessary in order to prevent advertisers from engaging in unlawful rental activity and from misleading the general public to think that a particular property in the City of Napa is available for transient occupancy if, in fact, the advertised property is not authorized to be used for transient occupancy purposes in accordance with this Section.

5. The City Council hereby finds that the City's regulation of vacation rental uses in accordance with this Section is a valid exercise of the City's police power in furtherance of the legitimate governmental interests documented in this Section.

B. Definitions. As used in this Section:

"2009 Permit" means each of the 41 vacation rental permits which were in effect prior to July 1, 2015, and which were issued pursuant to City Ordinance Nos. O2009-6 and O2010-16 (former versions of vacation rental regulations). Each 2009 Permit shall be deemed by the City to be "approved" and "issued" pursuant to this Section," as those phrases are used in this Section, including but not limited to Subsections 17.52.515(A)(1)(b), 17.52.515(D)(1), 17.52.515(E), 17.52.515(F), and 17.52.515(H).

"Advertise" means any communication that induces or encourages any person to rent for transient occupancy purposes, or that provides information (to any person) that promotes the availability to rent for transient occupancy purposes, any building in the City of Napa.

"Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity, combination of entities or consortium who seeks or seek approval of a vacation rental permit under the authority of this Section.

"Authorized Agent" means the person specifically authorized by an owner to represent and act on behalf of the owner and to act as an operator, manager and contact person of a non-hosted accommodation, and to provide and receive any notices identified in this section on behalf of the owner, applicant, permittee, or authorized agent.

"Bedroom" is as defined by Section 17.06.030 of this Code.

"Director" means the Director of the Community Development Department of the City, or a designee of the Community Development Director or City Manager.

"Enforcement Officer" means the Director, Chief Building Official, Fire Marshall, City Code Enforcement Officer, City Department Manager (to the extent

responsible for enforcing provisions of this Code), or any other City employee designated by the Director or City Manager to enforce this section.

"Guest" means an invitee of a renter or other person visiting a renter of a vacation rental unit who does not rent the unit.

"Hosted Accommodation" means a vacation rental business for which the owner resides at the vacation rental unit, and the owner sleeps at the vacation rental unit while it is being rented, and no more than two bedrooms are rented for transient occupancy pursuant to this Section.

"Non-hosted Accommodation" means a vacation rental business for which the authorized agent is not required to reside at the vacation rental unit which is rented for transient occupancy pursuant to this Section.

"Owner" means the person holding fee title to the real property that is the subject of a vacation rental permit.

"Permittee" means the person to whom a vacation rental permit is issued pursuant to this Section. To the extent that this Section identifies requirements of a Permit, or obligations of the Permittee, the owner and any identified authorized agent shall be jointly and severally liable as a "responsible person" (see Section 1.16.010).

"Renter" means a person, not an owner, renting or occupying a vacation rental unit in accordance with the terms of this Section.

"Reside," as used in this section, means the "domicile" of a person, as defined by California Elections Code Section 349, which generally means the place in which the person's habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

"Transient Occupancy" is as defined by Section 17.06.030 of this Code.

"Vacation Rental" means any transient occupancy use for which the City has issued a vacation rental permit pursuant to this Section. The term "vacation rental" shall be used to include all vacation rental businesses operating pursuant to a "2009 Permit," all "hosted accommodation" vacation rentals, and all "non-hosted accommodation" vacation rentals.

"Vacation Rental Unit" means the structure in which the vacation rental use is permitted to operate, pursuant to a permit issued in accordance with this Section.

- C. The Director shall invite applications for vacation rental permits pursuant to this Subsection 17.52.515(C).

1. The Director shall issue a written notice inviting applications for vacation rental permits in accordance with this Section. Each written notice pursuant to this Subsection shall be published in accordance with California Government Code Sections 6060 and 6061, and the Director shall endeavor to use other reasonably available means of communications such as the City's internet website.
2. Each written notice inviting applications shall identify the date and time which applications must be received by the Director, not less than thirty days after publication of the notice.
3. Each written notice inviting applications shall refer to the permit requirements of this Section. Each application for a vacation rental permit shall include the following information, signed by the owner (and the authorized agent for non-hosted accommodations), documented in a form acceptable to the Director:
 - a. Identify the owner of the real property on which the vacation rental is proposed (include the name, mailing address, email address, and telephone number).
 - b. Identify whether the application is for a hosted accommodation or a non-hosted accommodation.
 - i. If the vacation rental is proposed as a hosted accommodation, provide adequate documentation that establishes the owner will reside at the vacation rental unit.
 - ii. If the vacation rental is proposed as a non-hosted accommodation, identify the owner's authorized agent (include the name, mailing address, email address, and telephone number). An authorized agent must be identified for each non-hosted accommodation; however, the authorized agent may be the owner, or a person other than the owner.
 - c. Identify the number of bedrooms and approximate square footage in the vacation rental unit, and the maximum number of overnight renters under the limitations imposed under Subsection 17.52.515(E)(4)(b). For hosted accommodations, identify the location of each room to be rented as a vacation rental.
 - d. Document that all designated bedrooms meet all local building and safety code requirements.
 - e. Identify the number and location of designated on-site parking spaces, and the maximum number of vehicles allowed for overnight occupants.
 - f. Acknowledge that the owner (and authorized agent for non-hosted accommodations) have read all regulations pertaining to the operation of a vacation rental, including this Section, the City's business license requirements (Chapter 5.04 of this Code), the City's transient occupancy tax requirements (Chapter 3.20 of this

- Code), and any additional administrative regulations promulgated by the Director to implement this Section.
- g. Provide a copy of the form rental agreement, rental rules and regulations and any associated materials as required by Subsection 17.52.515(E)(4).
 - h. Provide any other information as the Director deems reasonably necessary to administer this Section, as identified in the notice inviting applications.
 - i. Acknowledge and agree that claims, requests, objections and arguments not timely raised in the vacation rental permit application are and shall be deemed waived.
 - j. Agree that any and all use of the property for vacation rental/transient occupancy purposes shall cease upon the expiration or revocation of the vacation rental permit pursuant to Subsection 17.52.515(E)(1).
 - k. Agree to hold harmless, indemnify and defend the City against claims and litigation arising from the issuance of the vacation rental permit.
 - l. Certify the accuracy of the information submitted and agree to comply with all conditions of the permit.
- D. The Director shall evaluate permit applications, and process the applications for approval, conditional approval, or denial of vacation rental permits, pursuant to this Subsection 17.52.515(D):
- 1. The number of vacation rental permits issued pursuant to this Section shall not exceed 41 non-hosted accommodations and 60 hosted accommodations.
 - 2. For all applications that were received by the Director prior to the date and time on which applications were required to be received (pursuant to Subsection 17.52.515(C)(2)), the Director shall randomly select each application, and sequentially number each application in the order selected (the first selected application will be assigned the lowest application number, and the last selected application will be assigned the highest application number). A separate application list and application evaluation and issuance process will be established for: (a) hosted accommodations, and (b) non-hosted accommodations.
 - 3. Beginning with the application with the lowest application number, and proceeding sequentially with each application thereafter (subject to the numerical limitation on the number of permits that may be issued, as set forth in Subsection 17.52.515(D)(1)), the Director shall select and evaluate each application to determine if the requirements of this Section have been satisfied. The Director shall provide a written notice to the applicant identified on each selected application, and shall identify the date and time on which the following supplemental submittal must be received by the Director, not

less than thirty (30) days after the date of the notice. Each applicant shall provide the following supplemental submittal in a form acceptable to the Director:

- a. Payment of the application and processing fee established by City Council resolution based on the City's estimated reasonable costs to process and review the application materials.
 - b. A public notice mailing label submittal (to notify neighboring property owners, pursuant to Subsection 17.68.070(A)(3).
 - c. If the property that is the subject of the application is within 500 feet of a bed and breakfast inn (permitted in accordance with Section 17.52.060) or a vacation rental (approved or conditionally approved by the Director pursuant to this Section 17.52.515), the applicant shall submit supplemental information that establishes that the applicant will adequately mitigate potential adverse impacts of a concentration of transient occupancies on the character and livability of adjacent residential properties.
 - d. Provide any other information as the Director deems reasonably necessary to establish that the applicant will comply with all requirements of this Section, as identified in the notice.
4. If the Director determines that an applicant has failed to satisfy the application requirements of Subsections 17.52.515(C) or 17.52.515(D), the Director is authorized to provide written notice to the applicant of the determination of denial.
5. If the Director determines supplemental evidence at a public hearing is warranted in order to determine whether an applicant adequately mitigated potential adverse impacts to the public health, safety, or welfare (e.g., due to concerns raised by neighbors, or to evaluate the impacts of a concentration of uses, under Subsection 17.52.515(D)(3)(c)), the Director shall notice a public hearing of the Planning Commission pursuant to Sections 17.68.070 through 17.68.100 of this Code. The Planning Commission is authorized to deny, approve, or conditionally approve the permit in accordance with the criteria set forth in this Section, particularly incorporating the requirements of Subsections 17.52.515(D)(6) through 17.52.515(D)(8).
6. If the Director determines that an applicant has satisfied the application requirements of Subsections 17.52.515(C) and 17.52.515(D), and that the owner has borne the burden of proving that the owner will adequately mitigate potential adverse impacts on the public health, safety, and welfare, the Director shall provide written notice to the applicant that the vacation rental permit is conditionally approved, subject to compliance with the conditions identified by the Director in the notice. The notice shall identify the date and time on which the following supplemental submittal must be received by the Director, not less than ten (10) calendar days after the date of the notice.

- a. The applicant shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this Section.
 - b. The applicant shall comply, and provide documentation that the owner (and authorized agent for non-hosted accommodations) agree to comply, with all requirements of this Section and the permit, particularly including the rules set forth in Subsection 17.52.515(E)(4).
- 7. Upon the Director's receipt of the documentation of agreement from the applicant (pursuant to Subsection 17.52.515(D)(6)(b)), the Director shall provide written notice to all property owners within 500 feet of the conditional approval of the vacation rental, to include:
 - a. A concise summary of the terms of the permit, including: (i) the maximum number of occupants permitted to stay in the vacation rental unit, (ii) the maximum number of vehicles which are allowed to be parked on the property, (iii) any special conditions or restrictions applied to the vacation rental permit, and (iv) how to obtain a complete copy of the permit and this Section.
 - b. The name of the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) of the vacation rental, and the telephone numbers at which the owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) may be reached at all times, 24-hours per day.
 - c. The City of Napa Code Enforcement telephone number which members of the public may report violations of the vacation rental permit (including this Section and any conditions of approval).
 - d. The right of an interested person to file an appeal within ten (10) calendar days of the permit approval (pursuant to Section Chapter 17.70 of this Code), or to identify concerns related to a permit extension pursuant to Subsections 17.52.515(H) and 17.52.515(I).
- 8. Each vacation rental permit issued pursuant to this Section shall be effective on the date determined pursuant to the provisions of Section 17.68.110 of this Code. Each vacation rental permit issued pursuant to this Section shall be subject to the appeal procedures set forth in Chapter 17.70 of this Code.
- E. Each vacation rental permit issued pursuant to this Section shall be subject to all of the following requirements:
 - 1. Each vacation rental permit issued under the authority of this Section shall be valid for one year after the effective date, unless approved by the Director for a longer period under the terms of Subsections 17.52.515(H) and (I). Upon expiration or lapse of any vacation rental permit, it shall be of no further force,

validity or effect, and use of the property for transient occupancy purposes shall cease.

2. The owner shall comply with all requirements of the Business License Ordinance (Chapter 5.04 of this Code) and the Transient Occupancy Tax Ordinance (Chapter 3.20 of this Code) for the vacation rental use.
3. The owner shall comply with each of the requirements of this Subsection 17.52.515(E)(3). The owner shall permit the Enforcement Officer to conduct an annual inspection of the vacation rental premises to confirm compliance with this Section, and particularly including this Subsection.
 - a) The property address shall be visible from the street and in contrasting colors for quick identification by emergency responders.
 - b) Smoke detectors shall be installed per the California Building Code.
 - c) No double keyed dead bolts may be installed on exit doors.
 - d) A portable fire extinguisher shall be provided.
 - e) Exit doors may not be obstructed and/ or prohibited from fully opening.
 - f) Clearance from ignition sources such as luminaries, heaters and flame-producing devices shall be maintained in an approved manner.
 - g) Hot ashes or coals shall be disposed in a metal container with a tight-fitting lid and kept a minimum of ten (10) feet from the building.
 - h) BBQs and open fires must be in an approved appliance or enclosure.
 - i) No electrical wiring may be exposed or open in any outlet, switch or junction boxes.
 - j) The electrical breaker box shall be labeled for distribution to appliances and may not contain any open slots.
 - k) The garage firewall shall not have any penetrations in sheet rock.
 - l) An informational packet of emergency numbers shall be prepared for renters to direct them in the event of an emergency.
4. Each Vacation Rental Permit will be subject to the house rules set forth in this Subsection 17.52.515(E)(4). The permittee shall provide the Director with a copy of the house rules prior to rental of the vacation rental unit, and shall promptly notify the Director in writing identifying any changes to the house rules. Prior to each rental of a vacation rental unit, a copy of the house rules, the rental agreement, and the vacation rental permit shall be posted in a

prominent location inside the vacation rental unit, including, at a minimum, the following:

- a. As part of the application for rental, the prospective renter shall sign an agreement acknowledging the house rules and promising to comply with them.
- b. The permittee shall limit overnight occupancy of the vacation rental to the specific number of renters designated in the permit, with the number of renters not to exceed two persons per bedroom meeting building and fire code requirements, plus two additional persons per vacation rental unit. Each bedroom that is a part of the vacation rental use shall have an emergency escape or rescue exit and shall comply with all applicable provisions and requirements of Title 15 of this Code. In no case may more than 10 persons be allowed to sleep at the vacation rental unit.
- c. The permittee shall limit the number of vehicles of overnight renters to the maximum number of overnight renters designated in the permit, and shall require overnight renters to utilize designated on-site parking spaces to the maximum extent possible.
- d. The permittee shall provide access to the garage of the residence if that area has been included in the determination of the number of available onsite spaces per this Code.
- e. It is the intent of the City to enforce sections of the Streets and Highways Code related to the provision for emergency vehicle access. Accordingly, no limousine or bus parking, and no stopping without the driver's presence, shall be allowed in any manner that would interfere with emergency vehicle access. In the event of an emergency, the vehicle driver shall immediately move the vehicle from the emergency access area.
- f. The permittee shall provide appropriate refuse and recycling service for the vacation rental business. Property shall be free of debris both onsite and in the street. Trash cans shall be maintained in a clean and sanitary manner in conformance with Chapter 5.60 of this Code. Trash cans shall not be placed on the street prior to 24 hours before pick up day and shall be promptly removed from the street following service.
- g. Quiet times shall be 9PM to 7AM Sunday through Thursday evenings and 10PM to 7AM Friday and Saturday evenings.
- h. The permittee shall ensure that the renters and/or guests of the vacation rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate provisions of this code or any state law pertaining to noise or disorderly conduct; provided, however, that the City does not intend to authorize, and the City does not authorize, the permittee to act as a peace officer or place himself or herself in harm's way.

- i. The permittee shall, upon notification that renters and/or guests of his or her vacation rental have violated any house rules (including any unreasonable noise or disturbances, disorderly conduct, or violations of this Code or state law) promptly act to stop the violation and prevent a recurrence of the violation.
 - j. Pool and hot tubs shall be adequately screened from adjacent properties to minimize noise impacts and shall have the hours of operation clearly posted adjacent to the facility. Hours shall comply with Subsection 17.52.515 (E)(4)(g).
 - k. Exterior lighting shall also be adequately shielded from adjacent properties to minimize light pollution impacts in accordance with Subsection 17.08.040(I) of this Code.
 - l. It is prohibited to use the vacation rental unit for any wedding, auction, commercial function, or other similar event that is inconsistent with the use of the property for transient occupancy in a residential neighborhood.
 - m. Pets may be permitted by vacation rental business owner, however the pet must be attended to at all times and must have current vaccinations.
- 5. Each written advertisement (whether paper or electronic form) for a vacation rental use shall include the "City of Napa Certified Vacation Rental" permit number as part of the rental offering. No person shall advertise the use of a building in a residential or non-residential zoning district of the City for a transient occupancy use unless: (a) the use is a hotel use in a non-residential zoning district approved by the City pursuant to Title 17, or (b) the use has a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this Chapter, or (c) the City has approved a vacation rental permit pursuant to this Section.
- 6. For each vacation rental use:
 - a. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be available by telephone at all times when the vacation rental is rented, 24-hours per day.
 - b. The owner (for a hosted accommodation) and the authorized agent (for a non-hosted accommodation) must be on the premises of the vacation rental unit within one hour of being notified (by a renter, or by the Director or Enforcement Officer) that there is a need for the owner (for a hosted accommodation) or the authorized agent (for a non-hosted accommodation) to address an issue of permit compliance or the health, safety, or welfare of the public or the renter.
 - c. Only one rental agreement per vacation rental unit shall be in effect at any one time.

- d. It is a violation of this Section for any accessory second unit (as defined by Section 17.52.020 of this Code) to be used for transient occupancy purposes.
- 7. For each hosted accommodation:
 - a. The owner must reside at the vacation rental unit, and the owner must sleep at the vacation rental unit while it is being rented.
 - b. The owner must reside and sleep in a bedroom that is not rented to any renter.
 - c. No more than two bedrooms may be rented for transient occupancy uses.
- F. Each vacation rental permit issued in accordance with this Section shall be personal to the owner to whom the permit is issued (hereinafter "Permitted Owner"), and no person shall transfer, or attempt to transfer, the permit to any other person, unless the transfer is made in accordance with this Subsection 17.52.515(F). Any attempt to transfer a vacation rental permit, or use a transferred vacation rental permit, that is not transferred in accordance with this Subsection shall be void, and shall constitute a violation of this Code.
 - 1. A Hosted Accommodation Vacation Rental Permit shall not be transferred by any person.
 - 2. A Non-Hosted Accommodation Vacation Rental Permit may be transferred by the permitted owner to a purchaser of the real property on which the permitted vacation rental unit is located, subject to the conditions set forth in this Subsection 17.52.515(F)(2). No purchaser shall operate a vacation rental use under the permitted owner's vacation rental permit until after the Director has approved the transfer of the permit in accordance with this Subsection.
 - a. Prior to the expiration of the permit, the permitted owner shall submit to the Director a written notice of intent to transfer the permit to the purchaser.
 - b. Prior to the expiration of the permit, the purchaser shall submit to the Director all submittals and fee payments required pursuant to Subsections 17.52.515(C)(3) and 17.52.515(D)(3).
 - c. The Director shall evaluate and process the purchaser's application for approval, conditional approval, or denial, in accordance with the criteria set forth in Subsections 17.52.515(D)(4) through 17.52.515(D)(8).
- G. On or before January 1, 2017, and at least once per calendar year thereafter, the Director shall establish and update, in writing, a waiting list of applicants for a vacation rental permit, and a list of available permits (one set for hosted accommodations, and one set for non-hosted accommodations).

1. Applicants included on the waiting list will include each application selected pursuant to Subsection 17.52.515(D)(2) for which: (a) a permit was not issued, and (b) the application was not denied pursuant to Subsection 17.52.515(D)(4). The order of applicants on the initial waiting list shall be as set forth in Subsection 17.52.515(D)(2).
2. The list of available permits shall identify the number of permits that are unissued or no longer in effect (based on expiration, termination, or lapse).
3. To the extent there are one or more permits identified on the list of available permits, the Director is authorized to evaluate permit applications, and process the applications for approval, conditional approval, or denial, in accordance with Subsection 17.52.515(D).
4. If the Director determines that additional applications are warranted (based on a comparison of the number of applicants on the waiting list to the list of available permits), the Director shall issue a written notice inviting applications for vacation rental permits, which shall be published and processed in accordance with Subsections 17.52.515(C) and 17.52.515(D). Any applicants selected by the Director in accordance with this Subsections 17.52.515(G)(4) and 17.52.515(D)(2) shall be added to the waiting list beginning with a number higher than the highest number on the waiting list.

H. Each vacation rental permit issued pursuant to this Section shall be subject to an annual permit review. No later than one year after the effective date of the permit, and no earlier than 275 days after the effective date of the permit, the owner shall submit to the Director the annual inspection fee along with all of the information set forth in this Subsection 17.52.515(H), documented in a form acceptable to the Director. For the purpose of this Subsection, "effective date" is as defined by Subsections 17.52.515(D)(8) and 17.52.515(I); and the first "effective date" of each 2009 Permit shall be April 1, 2016, unless otherwise specifically documented on the 2009 Permit.

1. The owner shall pay the annual inspection fee established by City Council resolution based on the City's estimated reasonable costs to perform the annual inspections identified in this Section. The owner shall document compliance with the requirements of Subsection 17.52.515(E)(3).
2. The owner shall document compliance with all requirements of the Business License Ordinance (Chapter 5.04 of this Code).
3. The owner shall document compliance with all requirements of the Transient Occupancy Tax Ordinance (Chapter 3.20, particularly Section 3.20.060, of this Code). The owner shall also document each date on which the vacation rental was rented during the previous term of the permit. If the owner fails to document rentals of at least ten days during the permit term, the Director may

determine that the permit is inactive and ineligible for approval of an extended term.

4. The owner shall identify any notice of violation or concern (including any compliance order or citation issued by the City, or any concern or complaint identified by a neighbor) issued for the vacation rental use during the permit term, and shall document how the violation or concern has been addressed. If the Director determines that any past violation or concern has not been adequately addressed, or that a history of past violations is detrimental to the public health, safety, or welfare, the Director may determine that the permit is ineligible for approval of an extended term.
 5. The owner shall document that written notice was provided to property owners within 500 feet of the vacation rental unit, with the information required by Subsection 17.52.515(D)(7).
- I. Following an annual permit review (pursuant to Subsection 17.52.515(H)):
 1. If the Director determines that the permittee is in compliance with all requirements of this Section and the permit, the Director shall provide written notice to the permittee that the permit term is extended for one year, and the notice shall identify the newly established "effective date" of the permit.
 2. If the Director determines that the permittee has failed to comply with this Section or the permit, the Director shall either: (a) notice a public hearing of the Planning Commission pursuant to the criteria of Subsection 17.52.515(D)(5), or (b) provide written notice to the permittee that the term of the permit is expired.
 3. Upon expiration of any vacation rental permit, it shall be of no further force, validity or effect, and use of the property for transient occupancy purposes shall cease.
 - J. At any time during the term of a vacation rental permit, the Director is authorized to initiate proceedings to revoke or modify the permit (or pursue any other remedy set forth in Title 1 of this Code), if the Director determines in his or her discretion that: (i) a vacation rental use is detrimental to the public health, safety, or welfare; (ii) the permittee has provided materially false or misleading information in any submittal required under this Section; or (iii) the permittee is in violation of, or has failed to comply with, any requirements of this Section or the permit. In the event that the Director determines that any of the conditions described above exists, the Director is authorized to issue a compliance order in accordance with the procedures set forth in Section 1.24.040 of this Code. If the permittee fails to cure the violations identified in the order within the time frame specified in the compliance order (which cure may include the Director's approval

of a modification to the terms or conditions of the permit), the Director or the Enforcement Officer may either:

1. Pursue any of the remedies set forth in Chapter 17.72 of this Code; including, but not limited to, issuance of a stop order under Section 17.72.060, or notice a public hearing of the Planning Commission to consider a revocation or modification of the permit under Section 17.72.070.
 2. Pursue any of the remedies set forth in Chapter 1.16 of this Code, including, but not limited to, issuance of an administrative citation in accordance with Chapter 1.24 and Subsection 17.52.515(K).
- K. It is a violation of this Code, subject to enforcement pursuant to Chapter 1.16 of this Code, for any person to establish or operate a transient occupancy use in any residential or non-residential zoning district unless: (a) the use is in compliance with a hotel use in a non-residential zoning district approved by the City pursuant to Title 17, or (b) the use is in compliance with a vacation rental permit pursuant to this Section, or (c) the use is in compliance with a use permit for a bed and breakfast inn pursuant to Section 17.52.060 of this Code. In addition to the fines and enforcement costs set forth in Section 1.16.050 of this Code, and notwithstanding the limitations of Section 1.24.060 of this Code, the amount of the fine imposed for each violation of this Section 17.52.515 shall be:
1. \$500 for a first violation,
 2. \$750 for a second violation of the same code section within 12 months, and
 3. \$1,000 for each day of each additional violation of the same code section within 12 months.
- L. Any determination made by the City pursuant to this Section shall be final unless appealed pursuant to the requirements of this Subsection 17.52.515(L).
1. Any determination by the Director or the Planning Commission to: approve, conditionally approve, or deny a permit application (pursuant to Subsection 17.52.515(D)), to transfer a permit to a purchaser (pursuant to Subsection 17.52.515(F), to extend the term of a permit or to determine that a permit has expired following an annual review (pursuant to Subsections 17.52.515(H) and (I)), or to modify or revoke a permit (pursuant to Subsection 17.52.515(J)) may be appealed only in accordance with the requirements of Chapter 17.70 of this Code.
 2. Any enforcement action taken by the Director or the Enforcement Officer pursuant to Subsections 17.52.515(J)(2) or 17.52.515(K) may be appealed only by requesting an administrative hearing in accordance with the requirements of Sections 1.24.070 through 1.24.090 of this Code.
 3. Failure to timely appeal in the manner required by this Subsection 17.52.515(L) shall constitute a waiver of the appeal and a failure to exhaust

administrative remedies, and shall preclude any and all relief and claims arising in connection with the determination by the City pursuant to this Section."

SECTION 6: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 7: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

City of Napa, a municipal corporation

MAYOR: _____

ATTEST: _____
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }
COUNTY OF NAPA } SS:
CITY OF NAPA }

I, Dorothy Roberts, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the 20th day of October, 2015, and had its second reading and was adopted and passed during the public meeting of the City Council on the 3rd day of November, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST: _____
Dorothy Roberts
City Clerk

Approved as to Form:

Michael W. Barrett
City Attorney



**ACTION MINUTES
ST. HELENA PLANNING COMMISSION
VINTAGE HALL BOARD ROOM – 2ND FLOOR
465 MAIN STREET, ST. HELENA
NOVEMBER 17, 2015
6:00 P.M. REGULAR MEETING**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER AND ROLL CALL:

3. Chairperson: Sarah Parker

Vice Chair: Grace Kistner

Commissioners: Bobbi Monnette, Tracy Sweeney, Mary Koberstein

STAFF: Noah Housh, Planning Director, Aaron Hecock, Senior Planner, Jim Kerrigan Building Permit Technician

4. PUBLIC FORUM: This is an opportunity for the public to address the Commission on items of interest to the public that are NOT listed on the agenda. Because of restrictions imposed by the Brown Act, the Commission may not engage in discussion nor take action on matters not described on the agenda. **Please observe the time limit of three minutes.**

Chair Parker opened Public Forum.

Geoff Ellsworth addressed the Commission.

Chair Parker closed Public Forum.

CONSENT ITEMS: Members of the Commission or the public may ask that any items be considered individually for purposes of considering alternative action, for extended discussion, or for public comment. Unless this is done, one motion may be used to adopt all recommended actions. (Roll Call Vote)

5. APPROVAL OF MINUTES: *October 20, 2015*

MOTION: *It was moved by Commissioner Kistner and seconded by Commissioner Monnette to approve the minutes of October 20, 2015.*

Ayes: Commissioners Koberstein, Sweeney, Monnette, Kistner Chair Parker

Noes: None

Abstain: None

Absent: None

Chair Parker requested that Department Report be heard before Public Hearings

DEPARTMENT REPORT: This is an opportunity for staff to report on or update the Commission on any relevant matters.

- *General update on Planning Department activities.*

PUBLIC HEARINGS:

Commissioner Sweeney recused herself from Item 6 and left the room.

- 6. DESCRIPTION:** *Consider conceptual amendments to the City's Zoning Ordinance, St. Helena Municipal Code ("SHMC") Chapter 17.134, Short-term Rentals.*

RECOMMENDED ACTION: *Staff recommends that the Planning Commission review and discuss the proposed options for revisions to the STR Ordinance and provide direction on any recommended revisions to SHMC Chapter 17.134, Short-term Rentals to the City Council.*

Noah Housh reported on Item 5.

Chair Parker opened Public Hearing.

Chair Parker invited Sgt. Scott Fleming of the St. Helena Police Department to the podium to answer questions from the audience present.

Maryann Brooks, Tom Belt, Geoff Ellsworth, Lana Ivanoff, Dave Brotemarkle, Pam Simpson, Susan Gaze, Lisa Cabral, Tona Kovacevic, Jim Sweeney, Conie Wilson, Jill Russo, Paulina Wedesgreen, Kathy Brotemarkle, Larry Vermulon, Tom Belt, Kevin Diamond, Byron Smith, David Tate, Matthew Demchek addressed the Commission.

Chair Parker closed Public Hearing.

MOTION: *It was moved by Commissioner Kistner and seconded by Commissioner Koberstein to make revisions to the Ordinance and improve enforcement mechanisms, allow time for these improvements to be enacted and properly enforced and review the Ordinance again in a short time to see if the community impacts are lessened.*

Ayes: Commissioners Koberstein, Monnette, Kistner Chair Parker

Noes: None

Recusal: Commissioner Sweeney

Absent: None

DEPARTMENT REPORT: ~~This is an opportunity for staff to report on or update the Commission on any relevant matters.~~

- ~~• General update on Planning Department activities.~~

ADJOURNED: 8:14 pm

APPROVED:

ATTEST:

Sarah Parker
Chair, Planning Commission

Noah Housh
Planning Director

DRAFT

City of St. Helena
 Transient Occupancy Tax/NVTID Cash Flow Projections
 Fiscal Year 2015/2016

Fiscal Year	Rooms	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
2015/2016 TOT	291	197,201	200,328	233,656	224,439	138,539	84,539	97,439	91,439	99,814	179,064	179,064	179,089	1,904,609
Number of Entities Reporting TID		16	13	16										24,315
Local TID (25%)		7,500	7,773	9,042										71,971
County TID (74%)		22,200	23,008	26,763										973
City Admin (1%)		301	311	361										97,259
Total NVTID		30,000	31,092	36,166										97,259
Transient Occupancy Tax														
Collection 10 Year History:														
2014/2015	275	175,360	192,423	199,877	217,524	132,903	80,119	92,568	103,175	128,892	147,236	189,266	189,075	1,848,419
2013/2014	262	170,563	189,281	207,972	217,841	138,308	76,384	73,669	86,657	100,122	138,545	159,450	172,948	1,731,740
2012/2013	262	154,875	164,371	186,233	197,870	119,125	71,904	69,130	79,784	104,822	128,702	170,405	162,818	1,610,039
2011/2012	262	156,739	158,065	193,920	189,082	107,113	71,125	63,210	80,978	96,604	109,080	144,576	146,964	1,517,456
2010/2011	262	138,073	148,821	169,534	188,827	95,122	62,726	68,776	77,136	99,777	120,248	129,187	143,858	1,442,085
2009/2010	262	109,608	124,658	144,270	147,745	86,024	36,830	51,590	61,266	83,837	96,109	129,896	120,937	1,192,770
2008/2009	260	144,740	177,064	174,634	180,924	92,686	48,928	53,400	56,745	62,481	85,761	114,467	115,537	1,307,367
2007/2008	260	148,691	173,879	181,507	188,359	112,254	74,016	70,815	79,443	93,996	105,374	160,944	147,958	1,537,236
2006/2007	259	141,677	160,322	176,914	189,708	105,316	67,801	63,260	72,211	101,464	112,654	147,021	154,433	1,492,781
2005/2006	239	121,671	134,239	146,470	145,686	93,674	58,045	56,767	77,466	98,549	100,751	137,492	135,465	1,306,275
10 year Average		146,200	162,312	178,133	186,357	108,253	64,788	66,319	77,486	97,054	114,446	148,270	148,999.22	1,498,617
Transient Occupancy Tax														
Budget to Actual Comparison:														
2015/2016 TOT		July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	Total
Adopted Budget		181,789	199,189	206,814	224,439	138,539	84,539	97,439	91,439	99,814	179,064	179,064	179,089	1,861,216
Actual to Date		197,201	200,328	233,656										631,185
Variance - Actual/Budget		15,412	1,139	26,842	(224,439)	(138,539)	(84,539)	(97,439)	(91,439)	(99,814)	(179,064)	(179,064)	(179,089)	34%

Hotel/B&B Occupancy and Average Daily Room Rate						
Period	Gross Rent Reported	Total Room Nights Available	Total Room Nights Rented	Occupancy Percentage	Average Daily Room Rate	
July 2015	\$1,471,793.32	6,448	4,864	73%	\$272.35	
August 2015	\$1,537,766.30	6,448	4,898	74%	\$294.87	
September 2015	\$1,782,371.87	6,300	5,140	80%	\$289.10	
October 2015		6,448				
November 2015		6,300				
December 2015		6,448				
January 2016		6,448				
February 2016		5,824				
March 2016		6,448				
April 2016		6,300				
May 2016		6,448				
June 2016		6,300				
Year to Date Average Daily Room Rate:					\$71.36	

Short Term Rental Occupancy and Average Daily Room Rate						
Period	Gross Rent Reported	Total Room Nights Available	Total Room Nights Rented	Occupancy Percentage	Average Daily Room Rate	
July 2015	\$160,249.11	713	230	34%	\$642.64	
August 2015	134,731.81	713	236	35%	\$709.38	
September 2015		690	279	42%	\$695.28	
October 2015		713				
November 2015		690				
December 2015		713				
January 2016		713				
February 2016		644				
March 2016		713				
April 2016		690				
May 2016		713				
June 2016		690				
Year to Date Average Daily Room Rate:					\$187.28	

Hotel/B&B Reporting Properties			Short Term Rental Reporting Properties		
Name	Room Count		Name	Room Count	
Adagio Inn	2		1132 Church Street	1	
Ambrose Blerce House	4		Bella Notte	1	
Wine Country Villa	2		Casa de Vigne	1	
Culinary Institute of America	58		Brotmarkle STR	1	
Creekside Inn *See Note 7	3		Casa Robles	1	
El Bonita Motel	48		Daniel & Denise Siri	1	
Harvest Inn	78		Ethan Brown	1	
Hotel St. Helena	18		Ingrid Campagne & Charles Sheldon	1	
Southbridge - Napa Valley	21		Jackson & Sandra Carr	1	
Judy's B & B	1		James and Patricia Stone	1	
Inn St. Helena	3		Jean Cabral	1	
Sunny Acres	2		Jill Russo	1	
Vineyard Country Inn	20		Joel and Lisa Toller	1	
Wydown Hotel	12		Kearney House Rental	1	
Total Available Rooms:	272		Koscy Family Vacation Rental	1	
			Maison Bleu	1	
			Matthew Demchuk	1	
			Napa Valley Hideaway	1	
			Pamela Dunn	1	
			Podesta Property Management	1	
			Susan Moyer	1	
			Venge STR	1	
			Total Available Rooms:	22	

Notes:

- 1) Monthly Estimates based on the adopted budget, historical distribution and the five year average.
- 2) Rooms in town increased by twenty in April 2006.
- 3) Rounding may result in minor Variances to totals.
- 4) History does not include penalties.
- 5) Short Term Rentals have the option of reporting TID Assessment.
- 6) Red Door Inn was purchased by Inn St. Helena 05/01/2014
- 7) Creekside Inn closed June 30, 2014
- 8) Bylund House was purchased by Wine Country Villa on 09/01/2014

City of St. Helena
FY 15-16

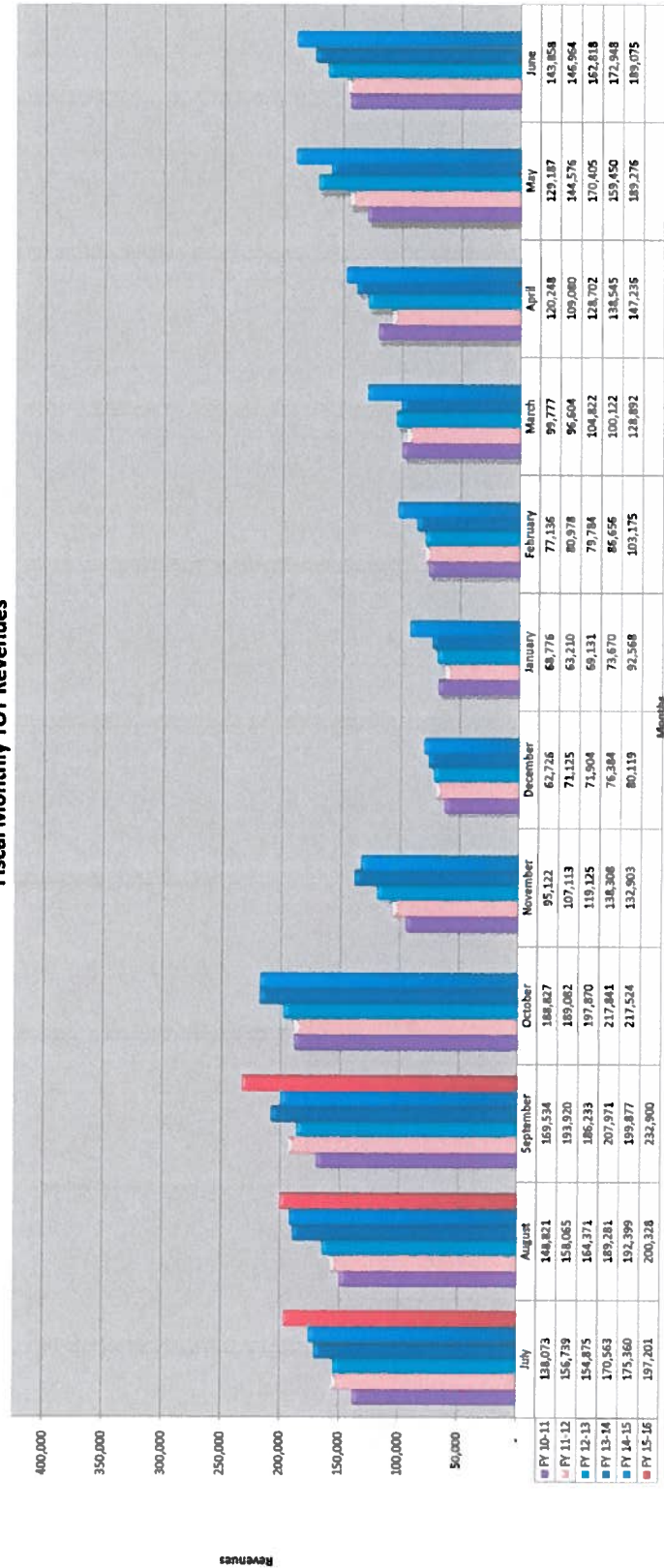
TOT Revenues Summary

TOT Operator	Total Fiscal Year					City Tax Due 12%	TBD Tax Due 2%	TOT/TD PAID	(Under) Over Paid		Penalties Paid Interest	Penalty
	Receipts	Less Example	Yacable Receipts	Exempt								
July	1,843,342	-	1,843,342	-	187,201	30,126	227,328	-	228	-	32	193
August	1,872,488	3,100	1,869,388	3,100	200,338	31,014	231,342	-	0	-	26	153
September	1,954,633	-	1,940,633	-	232,800	36,167	269,022	-	(0)	-	20	120
October	-	-	-	-	-	-	-	-	-	-	-	-
November	-	-	-	-	-	-	-	-	-	-	-	-
December	-	-	-	-	-	-	-	-	-	-	-	-
January	-	-	-	-	-	-	-	-	-	-	-	-
February	-	-	-	-	-	-	-	-	-	-	-	-
March	-	-	-	-	-	-	-	-	-	-	-	-
April	-	-	-	-	-	-	-	-	-	-	-	-
May	-	-	-	-	-	-	-	-	-	-	-	-
June	-	-	-	-	-	-	-	-	-	-	-	-
TOTAL ACTUALS	5,570,473	10,800	5,253,573	630,429	97,306	728,591	225	468				

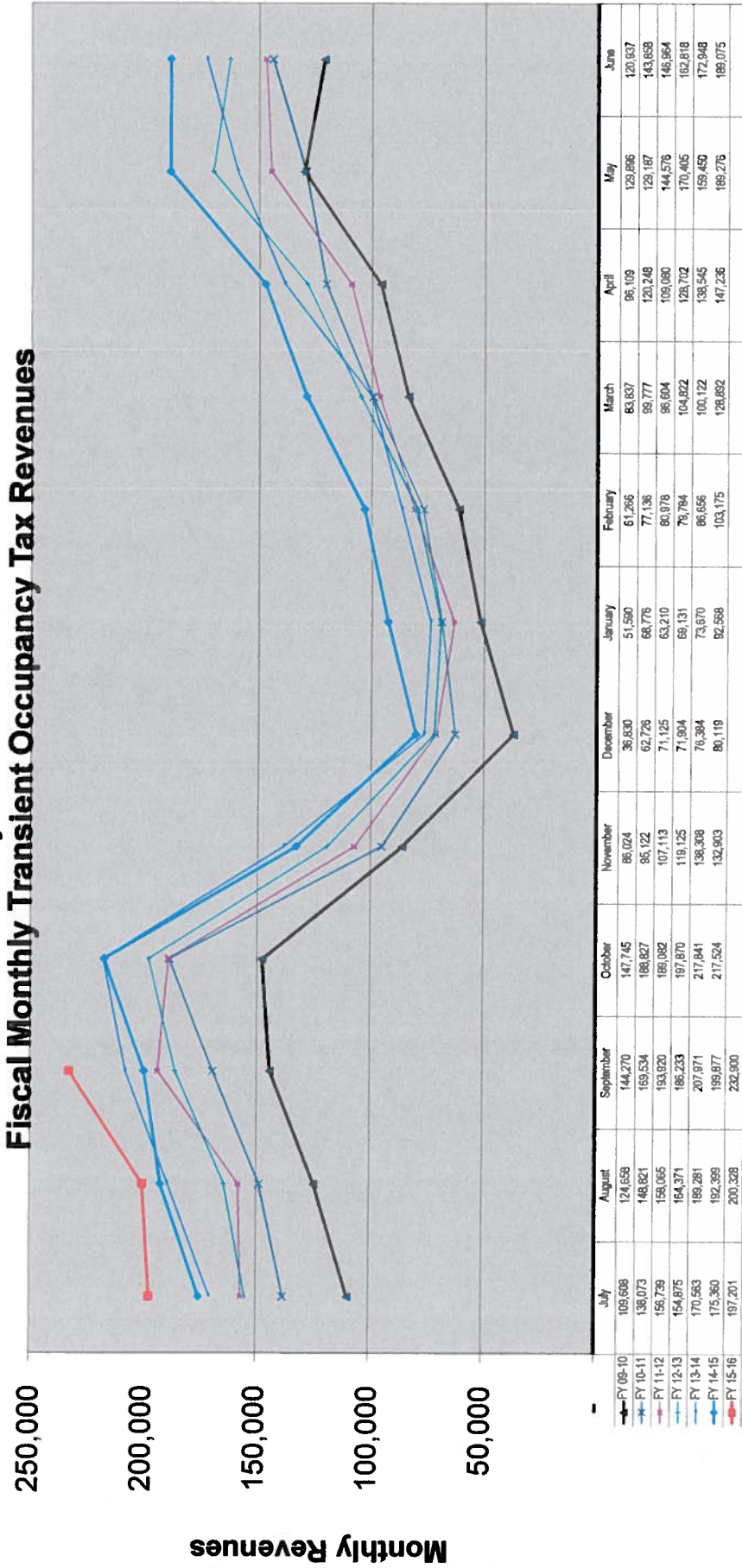
CHART 2

City of St. Helena
City Transient Occupancy Tax Revenues [1] [2]

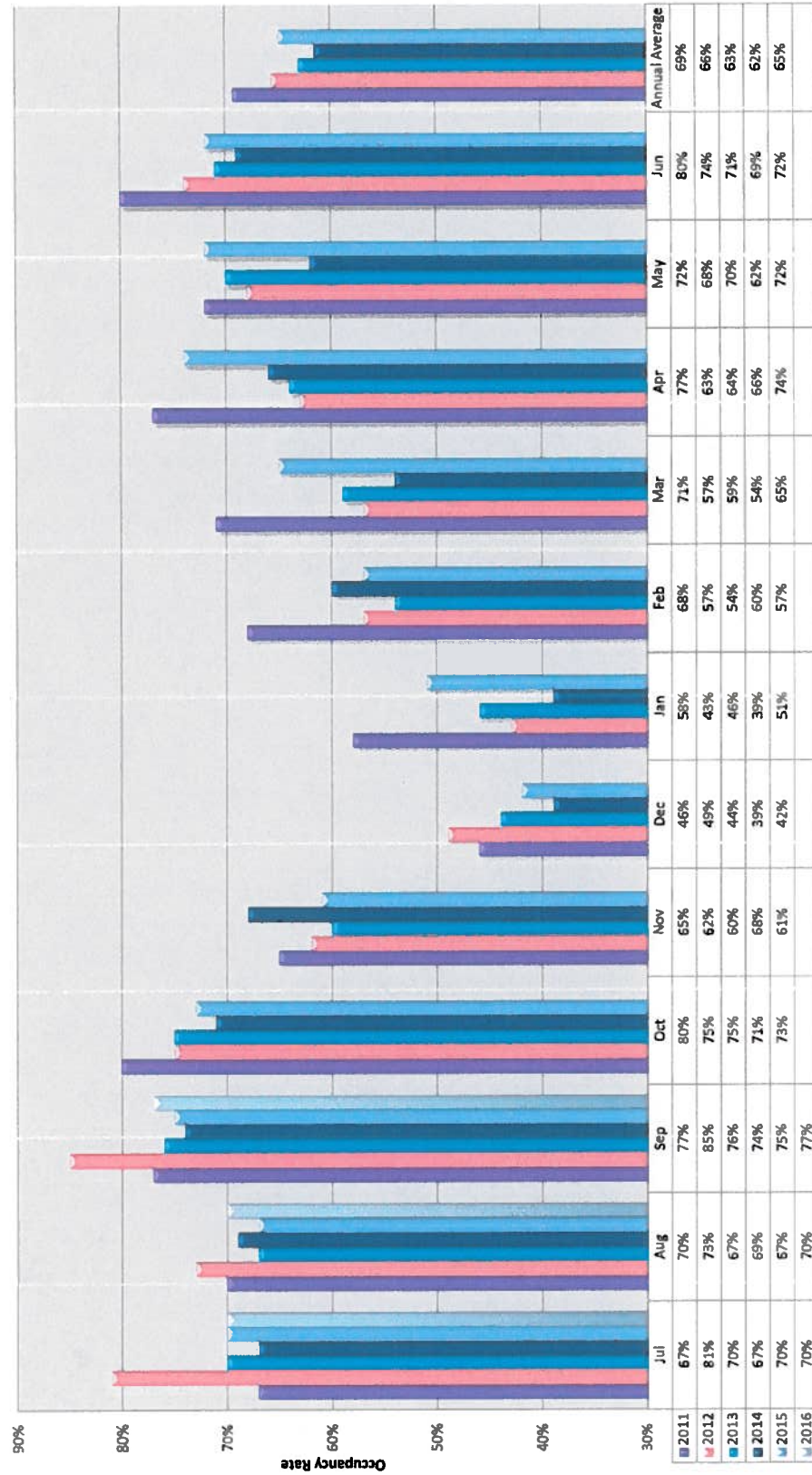
	By Fiscal Years												Completed FY Years Average			Percent of Total Year		
	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12	% Change	FY 12-13	% Change	FY 13-14	% Change	FY 14-15	% Change	FY 15-16	% Change	10th	Qtr	Sum	
July	148,691	144,740	109,608	138,021	156,739	13.3%	154,671	-1.2%	170,563	10.1%	175,360	2.8%	187,201	12.5%	149,831	8.8%		
August	177,979	177,064	124,658	149,873	154,875	8.2%	156,085	1.5%	164,371	4.0%	158,281	-1.5%	192,399	4.1%	168,067	10.9%		
September	181,507	174,634	144,270	168,534	193,820	14.4%	186,233	-4.0%	207,871	11.7%	198,877	-3.9%	232,600	16.5%	182,243	12.0%		
October	188,359	180,924	147,745	188,937	199,082	0.1%	197,670	4.6%	217,641	10.1%	217,524	-0.1%	-	-	191,022	12.5%		
November	112,254	92,666	86,024	95,122	107,113	12.6%	116,126	11.2%	138,308	18.1%	132,903	-3.8%	-	-	110,442	7.2%		
December	74,918	48,928	36,830	71,125	107,113	13.4%	71,904	1.1%	78,384	6.2%	80,119	4.9%	-	-	69,254	4.3%		
January	70,816	53,400	51,590	68,776	63,210	-8.1%	69,131	9.4%	73,670	92.568	25.7%	-	-	63,254	4.5%			
February	79,443	61,268	67,745	77,136	80,978	5.0%	79,784	-1.5%	86,656	8.6%	103,175	28.1%	-	-	67,885	4.3%		
March	93,996	62,481	83,837	99,777	86,604	-3.2%	104,822	18.7%	100,122	-4.5%	128,892	28.7%	-	-	98,316	6.3%		
April	105,374	85,781	86,109	120,248	109,080	-9.3%	128,702	18.0%	138,545	7.6%	147,236	6.3%	-	-	116,382	7.5%		
May	160,944	114,467	128,896	129,187	144,576	11.9%	170,405	-6.4%	159,450	-6.4%	189,276	16.7%	-	-	148,775	9.8%		
June	147,858	115,537	120,937	143,958	148,864	2.2%	162,818	10.8%	172,948	8.2%	189,075	9.3%	-	-	150,012	9.8%		
Annual Totals	1,637,236	1,307,367	1,192,770	1,442,085	1,617,456	27.3%	1,610,040	6.1%	1,731,739	7.6%	1,848,404	7%	630,439	259.5%	1,523,387.13	100.0%	43.2%	



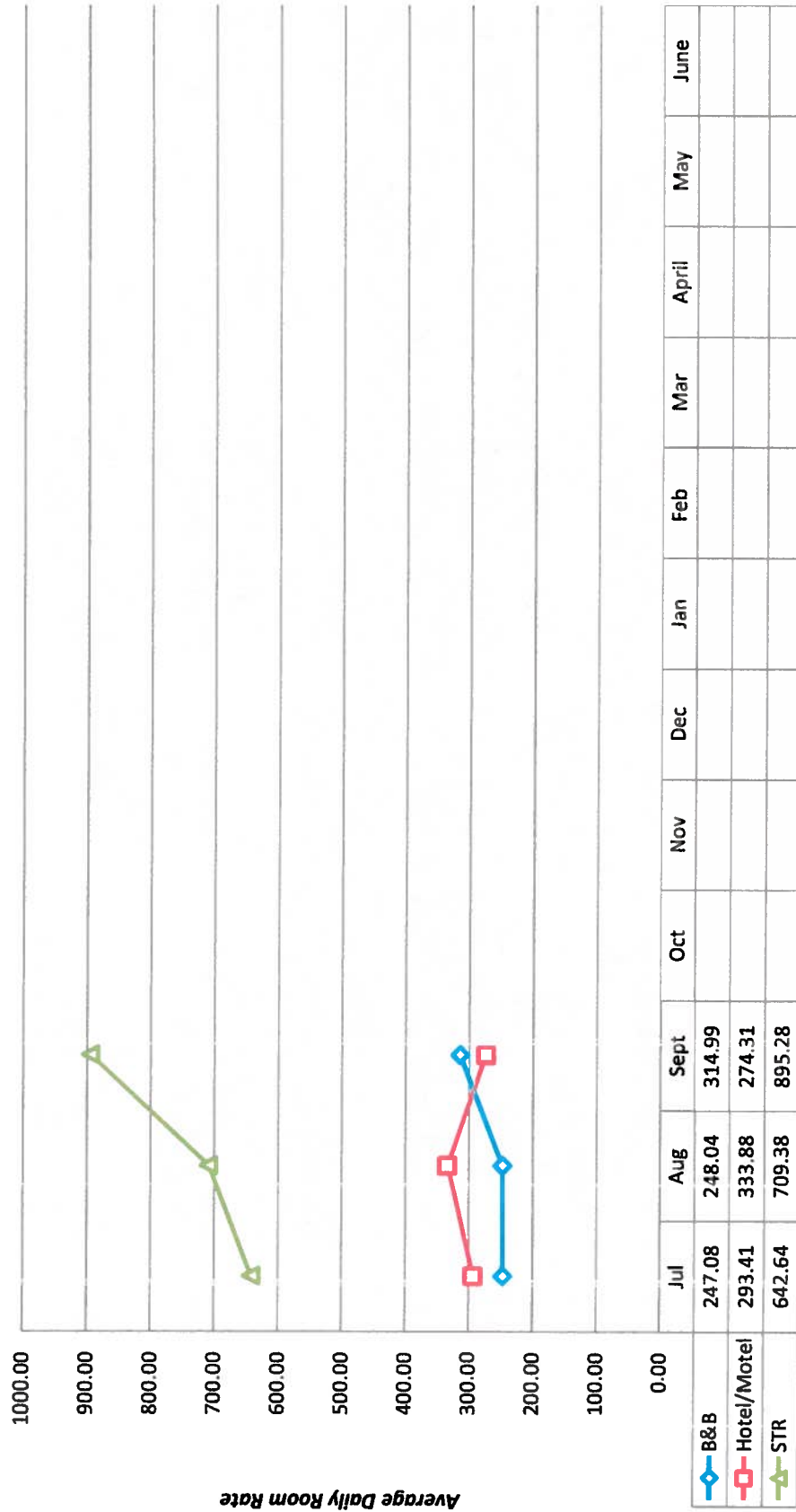
City of St. Helena Fiscal Monthly Transient Occupancy Tax Revenues



CITY OF ST. HELENA
Transient Occupancy Rate Comparison by Fiscal Year



City of St. Helena
Average Daily Room Rate



# of Permits	Rental Address	# of Complaints	Details	Confirmed Violations/ Disturbances
1	1670 Spring Street	None	N/A	0
2	1160 Church Street	2	6/26/15 loud subjects in backyard, officer abated issue - 9/29/15 barking dog, owner contacted & brought dog inside	2
3	950 Mccorkle Avenue	None	N/A	0
4	1516 Oak Avenue	1	10/27/13 parking complaint, vehicle parked for 4 days...UTL vehicle, no longer in the area	0
5	1172 Hudson Avenue	None	N/A	0
6	1025 Pratt Avenue	None	N/A	0
7	956 Mccorkle Avenue	None	N/A	0
8	931 Charter Oak Avenue	1	11/23/13 loud music playing all morning, while on line advised music has stopped & will call back if restarts...PD later responded, quiet on arrival, neighbor advised she hasn't heard loud music all day	0
9	1242 Madrona Avenue	None	N/A	0
10	1512 Hudson Avenue	4	5/12/12 @ 0053hrs loud subjects outside, subjects contacted & agreed to keep noise down 3/30/13 @ 2104hrs wedding occurring, concerned if they have a catering permit or limit of # of guests...L5 handled 11/8/14 @ 2225hrs loud party, contacted & music turned off 10/9/15 @ 2344hrs loud subjects in backyard, intoxicated wedding party contacted & agreed to go inside	3
11	1132 Church Street	None	N/A	0
12	200 Pratt Avenue	None	N/A	0
13	1243 Stockton Street	4	7/22/12 0025hrs party bus with loud intoxicated subject, tossing garbage on neighbors property, renter strongly warned 4/21/13 1239hrs leaf blower, warning given 9/14/13 @ 0100hrs loud party, contacted & agreed to go inside for the night 7/14/14 @ 2345hrs loud subjects on the front porch, contacted & agreed to go inside	4
14	2080 Spring Mountain Road	None	N/A	0
15	1732 Main Street	3	3/1/14 @ 0241hrs noise comp, HBD subjects in 6/17/15 @ 2251 hrs loud subjects in backyard, contacted & agreed to keep it down 6/19/15 @ 0030hrs loud subjects, officer could hear voices but not excessive, still contacted & agreed to keep it down more	2

16	2150 Spring Mountain Road	1	9/13/13 @ 0922hrs landscapers, gone on arrival	0
17	940 Brown Street	None	N/A	0
18	1407 Kearney Street	2	8/15/14 @ 1054hrs barking dog 2/8/15 @ 1826hrs barking dog, occurs nightly, owner contacted & advised of need to resolve matter	2
19	1990 Birch Street	None	N/A	0
20	489 Fulton Lane	None	N/A	0
21	1702 Tainter Street	None	N/A	0
22	503 Fulton Lane	1	7/8/15 @ 0802hrs leaf blower, citation issued	1
23	In Process			
24	In Process			
25	In Process			

25 MAX

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