



City of St. Helena Regular City Council

Meeting

Tuesday, October 11, 2016 @ 6:00 PM
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 do so, but please observe the time limit of three minutes.

Page

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. 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.
5. 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.
6. PRESENTATIONS AND PUBLIC RECOGNITIONS
 - 6.1. Proclamation National Friends of Libraries Week October 16-22, 2016 presented to Executive Director of the Friends & Foundation Maria Stel, Library Director Chris Kreiden and Volunteer Coordinator & Librarian Mari Martinez Serrano and
[6.1](#)
7. STAFF BRIEFING
 - 7.1. None
8. 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)
 - 8.1. Consideration and proposed approval of Regular Meeting Minutes of

7 - 8

9 - 14

September 27, 2016

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Approve

[8.1](#)

- 8.2. Consideration and proposed adoption of a resolution approving a Professional Services Agreement with Coastland Civil Engineering, Inc. for Development Review and Plan Check Services in an amount not to exceed \$141,100 for services through June 30, 2018 15 - 32

CEQA Determination: Not a CEQA project

Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[8.2](#)

- 8.3. Consideration and proposed approval of a resolution authorizing the City of St. Helena Fire Department use a portion of the Wastewater Treatment Facilities (WWTP) property for use as a training facility for a fair market fee of \$800 per month totaling \$9,600 per year. Fee is to be transferred annually from the Fire Department budget to the Wastewater Enterprise Revenue Fund #571-3470-0000 "Other Revenues." 33 - 38

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301

Prepared By: April Mitts, Finance Director

Steve Palmer, Public Works Director

John Sorenson, Fire Chief

Recommendation: Adopt

[8.3](#)

- 8.4. Consideration and proposed approval of a resolution authorizing a budget increase of \$1,232 to #289-4728-2245 for FY 2016/17 for the Afterschool Enrichment Program. The \$1,232 represents funds which were not spent in FY 2015/16 for the Afterschool Enrichment Program and will increase the FY 16/17 Afterschool Enrichment Program budget from \$12,000 to \$13,232 39 - 42

CEQA Determination: Not a CEQA project

Prepared By: Haidi Arias, Recreation Director

April Mitts, Finance Director

Recommendation: Adopt

[8.4](#)

- 8.5. Consideration and proposed approval of a Resolution Approving Amendment No. 2 to the Employment Agreement with John Sorensen to re-established a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the 43 - 48

State of California or the Department of Emergency Services (OES)

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Recommendation: Approve

[8.5](#)

- 8.6. Consideration and proposed approval of resolutions supporting the League of California Cities (LOCC) Board of Directors decision at its meeting on June 24-25 that carefully reviewed ballot measures affecting California cities expected to be on the November 2016 statewide ballot: 49 - 76
- a. Opposing Proposition 53 Revenue Bonds: Statewide Voter Approval – Constitutional Amendment
 - b. Supporting Proposition 54 California Legislature Transparency Act of 2016

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Adopt

[8.6](#)

- 8.7. Consideration and proposed approval of a resolution authorizing the City Manager to Execute Amendment Number 1 to the Memorandum of Understanding (MOU) Between the Napa Valley Transportation Authority (NVTa) and the City of St. Helena for Fixed Route and On-Demand Shuttle Service through the St. Helena VINE Shuttle 77 - 88

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants and Finance Manager

Recommendation: Approve

[8.7](#)

- 8.8. Consideration and proposed approval of a resolution to approve Fiscal Year 2015-2016 budget expense increase in the amount of \$107,278 to fund 743 and a budget expense decrease to fund 741 in the amount of \$107,278 for funds received from the Capital Projects for Transportation Development Act, Article 3 (TDA-3) Grant Funded Items for the Mitchell Drive Sidewalk Project 89 - 94

CEQA Determination: Not a CEQA project

Prepared By: Tracey Perkosky, Grants & Finance Manager

Recommendation: Adopt

[8.8](#)

9. PUBLIC HEARINGS

- 9.1. Appeal of the Planning Commission Decision to Deny a Short-term Rental Permit Renewal to Steve and Brenda Podesta of 1243 Stockton Street 95 - 186

CEQA Determination: Exempt pursuant to Section 15061(B)3

Prepared By: Aaron Hecock, Senior Planner

Reviewed by: Noah Housh, Planning and Community Improvement Director

Recommendation: Grant or deny the applicant's appeal

[9.1](#)

- 9.2. Introduce by title only, and waive First Reading of an Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code to fulfill provisions E.6.A of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General permit No. CAS000004 187 - 194

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment.

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Introduce by title only and waive further reading

[9.2](#)

10. NEW BUSINESS

- 10.1. Request for Design Review and Building Permit Fee Waiver from Sun and Stars Montessori School totaling approximately \$3,162.32 and an Expedited Development Review Process 195 - 208

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from the action.

Prepared By: Noah Housh, Planning and Community Improvement Director

Recommendation: Provide direction

[10.1](#)

- 10.2. Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to opt into Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights 209 - 226

CEQA Determination: Categorically Except, Section 15301, Existing Facilities

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Director of Public Works/City Engineer

Recommendation: Adopt

[10.2](#)

- 10.3. Council consideration of the status of the Multi Cultural Committee 227 - 228

CEQA Determination: Not a CEQA project

Prepared By: Cindy Black, City Clerk

Recommendation: Provide direction

[10.3](#)

10.4. Report to City Council on Sales Tax Trends

229 - 242

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation: Receive and file

[10.4](#)

11. ADJOURNMENT

The next Regular City Council meeting is scheduled for October 25, 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 October 7, 2016.



Cindy Black, City Clerk

In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please call the City Clerk's Office (707) 967-2792. Notification 72 hours prior to the meeting as required by Section 202 of the Americans with Disabilities Act will enable the City to make reasonable arrangements to ensure accessibility to this meeting

12. 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.

13. 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 <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.

CITY OF ST. HELENA PROCLAMATION

National Friends of Libraries Week October 16-22, 2016

Whereas, Friends & Foundation, St. Helena Public Library raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year;

Whereas, the work of the Friends & Foundation, St. Helena Public Library highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present;

Whereas, the Friends & Foundation, St. Helena Public Library understand the critical importance of well funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services;

Now, therefore, be it resolved, that I, Alan Galbraith, Mayor of the City of St. Helena, do hereby proclaim October 16-22, 2016, as **Friends of Libraries week** in St. Helena, California and urges everyone to join the Friends & Foundation, St. Helena Public Library and thank them for all they do to make our library and community so much better.

Dated: October 11, 2016

Alan Galbraith, Mayor
City of St. Helena

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**Minutes
St. Helena City Council
September 27, 2016**

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

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present: Councilmembers Crull, Dohring, Pitts, White, Mayor Galbraith
Absent: None

4. PUBLIC FORUM:

Susan Kenward, Anthony McKelly, citizen and Debbie Alter-Starr addressed the City Council.

5. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, and AB 1234 REPORTS:

City Manager Jennifer Phillips announced the dates for the upcoming Measure D Workshops. The November 8th, November 22nd and December 27th City Council meetings are cancelled and a special City Council meeting will be called on November 29th.

Public Works Director Steve Palmer announced the upcoming lane closure on Spring Mountain Road for seismic testing. New Assistant Director of Public Works Erica Ahmann-Smithies was introduced.

PRESENTATIONS AND PUBLIC RECOGNITIONS

- 6.** Proclamation – Latino Heritage Month was presented to Volunteer Coordinator & Librarian Mari Martinez Serrano and Development & Communications Associate/Youth Specialist of the UpValley Family Centers Ricky Hurtado
- 7.** Proclamation – Fire Prevention Week October 9 – 15, 2016 was presented to St. Helena Fire Department Fire Chief John Sorenson

STAFF BRIEFING

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

Public Works Director Steve Palmer announced this item is continued to a future date uncertain.

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. Consideration and proposed approval of Regular Meeting Minutes of September 13, 2016

CEQA Status: Not a CEQA Project
Prepared By: Cindy Black, City Clerk
Recommendation: Adopt

10. Consideration and proposed approval of a Resolution 2016-126 approving a sole source purchase for one (1) Gear Box from Philadelphia Mixing Solutions for the Wastewater Treatment and Reclamation Plant in an amount not to exceed \$35,000

CEQA Status: Not a CEQA Project
Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt

11. Consideration and proposed approval of a resolution 2016-127 authorizing amendment to the Memorandum of Understanding between the St. Helena Police Officer Association and the City of St. Helena amending an administrative error correcting Non-sworn Personnel 7/1/16 increase to base pay to be 4.5%, which had incorrectly stated that the Non-sworn Personnel 7/1/16 increase to base pay was 3.5%; and duly adopt and approve compensation schedule to reflect the updated pay schedules

CEQA Status: Not a CEQA Project
Prepared By: Kathy Robinson, Human Resources and IT Director
Recommendation: Adopt

12. Consideration and proposed approval of a resolution 2016-128 authorizing a budget increase of \$2,000 to 101-4000-2999, a \$2,000 transfer from 101-4000-2999 to Tree City USA 283-5026-2136, and a \$2,000 budget adjustment to increase revenue account 101-3470-0000 for mitigation received from Pacific Gas and Electric Company (PG&E) for gas safety work being conducted as part of PG&E's Community Pipeline Safety Initiative in the City of St. Helena

CEQA Status: Project is deemed to qualify for a Statutory Exemption under CEQA Section 15282 (K) and a Class 1 Categorical Exemption under Section 15301 and is therefore exempt from the requirements of CEQA
Prepared By: April Mitts, Finance Director
Steven Palmer, PE, Public Works Director/City Engineer
Recommendation: Adopt

- 13.** Consideration and Proposed Adoption of Resolution 2016-129 Authorizing a Site Agreement with EVgo and approving the installation of DC Fast Charging Stations at the Oak Street/Money Way Public Parking Lot in downtown St. Helena at no cost to the City

CEQA Status: Categorically Exempt, Section 15301 minor alterations to existing facilities

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Public Works Director/City Engineer

Recommendation: Adopt

- 14.** Consideration and proposed adoption of a resolution 2016-130 accepting the work and directing the filing of the Notice of Completion for the Bell Canyon Reservoir – Install New Frame and Sluice Gate on Water Intake Tower, Capital Improvement Project W-84

CEQA Status: Categorically Exempt, Section 15301, Existing Facilities Class I

Prepared By: Tobias Barr, Public Works Project Manager
Steven Palmer, PE, Public Works Director/City Engineer

Recommendation: Adopt

Councilmember Dohring moved to approve Consent as presented. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

NEW BUSINESS:

- 15.** Second reading and proposed adoption of an ordinance 2016-11 authorizing an amendment to the Contract between the City Council of the City of St. Helena and the Board of Administration of the California Public Employee's Retirement System

CEQA Status: Not a CEQA Project

Prepared By: Mandy Kellogg, Administrative Services Manager

Recommendation: Adopt

HR and IT Director Kathy Robinson reported on this item.

No public comment was received.

Vice Mayor White moved to adopt ordinance 2016-11 authorizing an amendment to the Contract between the City Council of the City of St. Helena and the Board of Administration of the California Public Employee's Retirement System. The motion was seconded by Councilmember Crull and on roll call carried by the following vote:

AYES: Councilmembers White, Crull, Dohring, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

- 16.** Consideration and proposed approval of a resolution 2016-131 appointing an applicant to fill the vacant Library Board of Trustees position expiring on June 30, 2018; and provide additional direction regarding the unfilled Tree Committee position
- CEQA Status: Not a CEQA Project
Prepared By: Cindy Black, City Clerk
Recommendation: Appoint and provide additional direction to staff

City Clerk Cindy Black reported on this item.

Emily Armstead and Bill Ryan addressed the City Council.

Mayor Galbraith moved to appoint Emily Armstead to fill the vacant Library Board of Trustees position expiring on June 30, 2018. The motion was seconded by Councilmember Dohring and on roll call carried by the following vote:

AYES: Mayor Galbraith and Councilmembers Dohring, White, Crull, Pitts and

NOES: None

ABSENT: None

- 17.** Consideration and proposed adoption of a resolution 2016-132 accepting the Water and Waste Water Rate Study and to proceed with the Proposition 218 requirements for a Water and Wastewater Rate Increase
- CEQA Status: Not a CEQA Project
Prepared By: Jennifer Tuell, Water Conservation Coordinator
Steven Palmer, PE, Director of Public Works/City Engineer
Recommendation: Adopt

Water Conservation Coordinator Jennifer Tuell and Hansford Economic Consultant Catherine Hansford reported on this item.

Anthony McKelly, Jack Stuart, Geoff Ellsworth and Pat Dell addressed the City Council.

Councilmember Dohring moved to adopt resolution 2016-132 accepting the Water and Waste Water Rate Study and to proceed with the Proposition 218 requirements for a Water and Wastewater Rate Increase. The motion was seconded by Vice Mayor White and on roll call carried by the following vote:

AYES: Councilmembers Dohring, White, Crull, Pitts and Mayor Galbraith

NOES: None

ABSENT: None

Item No: 8.1

- 18.** Overview of project teams and presentation seeking general input on the conceptual designs submitted in response to the City's Request for Proposals on the Adams Street and City Hall properties

CEQA Status: Any chosen respondent's project will be subject to a complete review and analysis under CEQA

Prepared By: Jennifer Phillips, City Manager
Noah Housh, Planning and Community Improvement Director

Recommendation: Provide general comments

Councilmember Pitts recused himself from this item due to a conflict and left the meeting room.

Planning and Community Improvement Director Noah Housh reported in this item.

Geoff Ellsworth, Bobbie Monnette, Pat Dell, Glenn Smith, Susanne Salvestrin and Oliver Coldwell addressed the City Council.

A round table discussion ensued regarding the conceptual presentation between staff and the City Council. No action or direction was taken at this time.

ADJOURNMENT

Mayor Galbraith adjourned the meeting at 10:00 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

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Item No: 8.2

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed adoption of a resolution approving a Professional Services Agreement with Coastland Civil Engineering, Inc. for Development Review and Plan Check Services in an amount not to exceed \$141,100 for services through June 30, 2018

CEQA Determination: Not a CEQA project

Prepared By: Steven Palmer, PE, Director of Public Works/City Engineer

Approved By: Jennifer Phillips, City Manager

NJP & J.P.

BACKGROUND

Coastland Civil Engineering, Inc. (Coastland) has been providing the City with engineering staff augmentation support for design review and plan check services since March 2015. In order to ensure that services and pricing for engineering staff augmentation services remain competitive, Staff released a Request for Proposals (RFP) for Engineering Staff Augmentation Services on June 3, 2016. The RFP included three separate areas of engineering staff augmentation; Development Review and Staff Augmentation, Project Administration, and Stormwater Compliance. The RFP listed the following scope for the Development Review and Plan Check task:

"The average workload for this task is anticipated to be 15-20 hours per week. The Consultant is required to provide a staff person at City Hall for a minimum of one (1) day per week. The remainder of the work may be performed off-site.

At a minimum, the Consultant will perform the following subtasks:

- Review and provide engineering/public works conditions of approval for Development projects submitted through the Planning Department. Examples include Design/Site Plan Review, Tentative Parcel Map review, and Tentative Tract Map review.*
- Civil engineering/public works plan checks for public street, storm drain, sewer, and water improvements; and on-site grading. The Consultant is expected to coordinate with developers, engineers, staff, and the general public related to these reviews.*

Item No: 8.2

- *Civil engineering and survey map check for final parcel maps, final subdivision/tract maps, and lot line adjustments. Consultant will be required to sign maps as the City Surveyor.*
- *Prepare general correspondence and staff reports.*

The Consultant can expect typical projects to be demolish and reconstruction of a single family home, and 4-5 lot parcel maps and subdivisions."

Staff has not yet taken any action related to the Project Administration services listed in the RFP.

The City Council previously approved a Professional Services Agreement with Larry Walker Associates for Stormwater Compliance services at the City Council meeting on August 23, 2016.

DISCUSSION

Five (5) proposals were received for the Development Review and Plan Check Task from Bennett Engineering Services, Bureau Veritas, Coastland Engineering, Interwest Consulting Group, and Michael Baker, Inc. The Director of Public Works/City Engineer reviewed all the proposals and the personnel proposed by Bennett Engineering, Bureau Veritas, and Coastland Engineering provided the best combination of qualifications and experience. The Director of Public Works/City Engineer interviewed the personnel proposed by Bennett Engineering, Bureau Veritas, and Coastland Engineering and determined that the experience and qualifications of Coastland's personnel best fit with the City's needs.

FISCAL IMPACT

This contract is an as-needed, on call basis and will be billed by the hour with a not to exceed amount of \$141,100. This is the estimated cost to provide these services until June 30, 2018. The cost is estimated based on the current workload and is highly variable depending on the number and complexity of design review and permit applications that are received by the City. The approved Fiscal Year 2016/2017 operating budget for Public Works Administration includes \$47,500 for this contract, and it is funded from the General Fund, Water Utility, and Wastewater Utility (accounts # 101, 561, 5171-500-2130). In Fiscal Year 2017/2018, \$93,600 will need to be budgeted in order to fund the work provided by this agreement.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution approving and authorizing the City Manager to execute a Professional Services Agreement with Coastland Engineering for Development Review and Plan Check Services in the amount not to exceed \$141,100 for services through June 30, 2018.

ATTACHMENTS

1. Resolution
2. Professional Services Agreement

CITY OF ST. HELENA

RESOLUTION No. 2016-

Resolution Approving a Professional Services Agreement with Coastland Civil Engineering, Inc. for Development Review and Plan Check Services in an Amount Not to Exceed \$141,100 for services through June 30, 2018

RECITALS

- A. The City of St. Helena requires engineering services in order to provide efficient and responsive review of development projects and improvement plans; and
- B. On June 3, 2016 the City issued an RFP inviting consultants to submit proposals for Development Review and Plan Check Services; and
- C. On June 23, 2016, the Director of Public Works/City Engineer received and reviewed five (5) proposals; and
- D. The Director of Public Works/City Engineer interviewed three (3) firms and found that Coastland Civil Engineering, Inc.'s qualifications and experience were the most applicable to the City; and
- E. Coastland Civil Engineering, Inc. has met the City's insurance requirements; and
- F. The term of the agreement is anticipated to continue until June 30, 2018; and
- G. The City's Fiscal Year 2016/2017 Public Works Administration operating budget includes funding for this work in the amount of \$47,500; and
- H. In order to fund this work in next fiscal year, Fiscal Year 2017/2018 Public Works Administration operating budget will need to include funding of \$93,600.
- I.

RESOLUTION

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

- 1. Approves the Professional Services Agreement with Coastland Civil Engineering, Inc. for Development Review and Plan Check Services in an amount not to exceed \$141,100, and authorizes the City Manager to execute the Professional Services Agreement.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT, made and entered into on October 11, 2016 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Coastland Civil Engineering, Inc. (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Engineering Staff Augmentation Services.

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

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

SECTION 1 – BASIC SERVICES

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

SECTION 2 – ADDITIONAL SERVICES

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

SECTION 3 – TIME FOR COMPLETION

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

SECTION 4 – COMPENSATION AND METHOD OF PAYMENT

A. Subject to any limitations set forth in this Agreement, City agrees to pay consultant the amount specified in Exhibit B, “Compensation”, attached hereto and made a part hereof. Total compensation shall not exceed \$141,100, unless additional compensation is approved in accordance with Section 2.

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

invoice shall be approved and City will use its best efforts to cause Consultant to be paid within 30 days of receipt of invoice. If any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. If the City reasonably determines, in its sole judgment, that the invoiced charges and expenses exceed the value of the services performed to date and that it is probable that the Agreement will not be completed satisfactorily within the Agreement price, City may retain all or a portion of the invoiced charges and expenses. Within thirty (30) days of satisfactory completion of the project, City shall pay the retained amount, if any, to Consultant. In no event shall City be obligated to pay late fees or interest, whether or not such requirements are contained in Consultant's invoice.

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

SECTION 5 – STANDARD OF PERFORMANCE

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

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

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

SECTION 7 – INSURANCE REQUIRED

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

- A. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:
1. Insurance Services Office Commercial General Liability coverage (occurrence form CG 0001).
 2. Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).

3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

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

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

C. Professional Liability Insurance. When Consultant under this Agreement is duly licensed under California Business and Professions Code as an architect, landscape architect, professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least \$2,000,000 of professional liability insurance.

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

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

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

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

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

H. Verification of Coverage. Consultant shall furnish the City with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the City or on forms that conform to City requirements. All certificates and endorsements are to be received and approved by the City before services commence. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

SECTION 8 – INDEMNIFICATION

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

B. When Consultant under this Agreement is a design professional, the provisions of this section regarding Consultant's duty to defend and indemnify apply only to claims that arise out of or relate to the negligence, recklessness, or willful misconduct of the design professional.

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

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

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

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

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

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

SECTION 10 – CONFLICTS OF INTEREST

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

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

SECTION 11 – OWNERSHIP OF DOCUMENTS

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

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

intellectual property rights, all rights of reproduction, all rights to create derivative works, and the right to secure registrations, renewals, reissues, and extensions thereof.

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

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

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

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

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

SECTION 13 – SUSPENSION OF SERVICES

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

SECTION 14 – COMPLIANCE WITH LAW

Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this Agreement. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this Agreement. Neither City, nor any elected or appointed

boards, officers, officials, employees or agents of City, shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

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

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

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

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

SECTION 16 – RECORDS

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

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

SECTION 17 – COOPERATION BY CITY

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

SECTION 18 – NOTICES

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

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

To Consultant: John Wanger
Coastland
1400 Neotomas Avenue
Santa Rosa, California 95405

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

SECTION 19 – TERMINATION

A. City may terminate this Agreement, with or without cause, at any time by giving ten (10) days written notice of termination to Consultant. If such notice is given, Consultant shall cease immediately all services in progress.

B. If either Consultant or City fail to perform any material obligation under this Agreement, then, in addition to any other remedies, either Consultant, or City may terminate this Agreement immediately upon written notice.

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

SECTION 20 – ATTORNEY FEES

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

SECTION 21 – ENTIRE AGREEMENT

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

SECTION 22 – SUCCESSORS AND ASSIGNS

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

SECTION 23 – CONTINUITY OF PERSONNEL

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

SECTION 24 – DEFAULT

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

SECTION 25 – WAIVER

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

SECTION 26 – LAW TO GOVERN; VENUE

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

SECTION 27 – SEVERABILITY

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

SECTION 28 – SPECIAL PROVISIONS

Attachment 2

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

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

Consultant:

City:

By: _____
Name: _____
Title: _____

By: _____
Name: Jennifer Phillips
Title: City Manager

Approved as to Form:

By: _____
Name: Thomas B. Brown
Title: City Attorney

**EXHIBIT A
SCOPE OF SERVICES**

Coastland will provide staff augmentation in the form of Development Review and Plan Check Services. This work includes the following subtasks:

- Review and provide engineering/public works conditions of approval for Development projects submitted through the Planning Department. Examples include Design/Site Plan Review, Tentative Parcel Map review, and Tentative Tract Map review.
- Civil engineering/public works plan checks for public street, storm drain, sewer, and water improvements; and on-site grading. The Consultant is expected to coordinate with developers, engineers, staff, and the general public related to these reviews.
- Civil engineering and survey map check for final parcel maps, final subdivision/tract maps, and lot line adjustments. Consultant will be required to sign maps as the City Surveyor.
- Prepare general correspondence and staff reports.

The average workload for this task is anticipated to be 15-20 hours per week. Coastland is required to provide a staff person at City Hall for a minimum of one (1) day per week. The remainder of the work may be performed off-site.

The City will not be charged travel time for regularly scheduled on-site support.

Work will be provided on an on-call as needed basis and is anticipated to continue through June 30, 2018.



SCHEDULE OF HOURLY RATES
 July 01, 2016 through June 30, 2017

PROFESSIONAL SERVICES

Principal Engineer	\$175-195/hour
Supervising Engineer	\$155-175/hour
Senior Engineer	\$135-155/hour
Associate Engineer	\$120-135/hour
Assistant Engineer	\$95-120/hour
Junior Engineer	\$95-115/hour
Principal Designer	\$135-145/hour
Engineering Assistant	\$105-135/hour
Senior Engineering Technician	\$115-130/hour
Engineering Technician	\$100-115/hour
Engineering Aide	\$85-95/hour
Resident Engineer	\$140-165/hour
Construction Manager	\$135-150/hour
Construction Inspector*	\$110-125/hour
Construction Administrator	\$75-85/hour
Building Official	\$135-160/hour
Building Plan Check Engineer	\$135-155/hour
Plans Examiner	\$95-125/hour
Building Inspector	\$90-115/hour
Building Technician	\$75-85/hour

CLERICAL	\$75-85/hour
VEHICLE	\$12-16/hour
MILEAGE	\$0.65/mile**
OUTSIDE SERVICES	Cost + 15%
MATERIALS	Cost + 15%

- Computer time is included in the hourly rates used above.
- Consultation in connection with litigation and court appearances will be quoted separately.
- Additional billing classifications may be added to the above listing during the year as new positions are created.
- * Includes services subject to prevailing wage rates.
- ** Mileage rates are subject to change based on fuel cost increases

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Item No: 8.3

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution authorizing the City of St. Helena Fire Department use a portion of the Wastewater Treatment Reclamation Facility (WWTRP) property for use as a training facility for a fair market fee of \$800 per month totaling \$9,600 per year. Fee is to be transferred annually from the Fire Department budget to the Wastewater Enterprise Revenue Fund #571-3470-0000 "Other Revenues."

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 1 Categorical Exemption under Section 15301

Prepared By: April Mitts, Finance Director

Steven Palmer, PE, Public Works Director/City Engineer

John Sorenson, Fire Chief

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The Wastewater Enterprise owns four (4) parcels located at 1 Chaix Lane in the City of St. Helena. This property currently houses the City's Wastewater Treatment and Reclamation Plant Facility (WWTRP). The City of St. Helena Fire Department is requesting use of a portion of one of the properties (APN 030-240-013) for Fire Department training exercises. The portion of property the Fire Department is requesting to use is the northwest corner and is approximately 0.3 acres of the 21.5-acre parcel (Attachment A).

DISCUSSION

Fire departments periodically conduct drills for multiple scenarios such as rescue, vehicle extraction, drills, and truck company operations. The St. Helena Fire Department is requesting use of a portion of the WWTP located at 1 Chaix Lane to conduct necessary drills one (1) to two (2) times per month for training exercises, primarily held on Thursday evenings. The St. Helena Fire Department will be responsible for any improvements made to the property for the benefit of their training exercises. In addition, the St. Helena Fire Department will have the right to be on the property for training purposes only and

Item No: 8.3

allowed to be on the property as long as there is no disturbance to the remaining portion of the property. The Fire Department has agreed to pay a fair market fee of \$800 per month, totaling \$9,600 per year. This fee will be payable through an annual transfer of funds from the Fire Department Training Budget #101-4800-2155 to the Wastewater Enterprise Fund revenues.

FISCAL IMPACT

The fiscal impact will be a lease rate of \$800 per month for a total of \$9,600 per year (12 months) payable through an annual transfer of funds from the Fire Department #101-4800-2155 to the Wastewater Enterprise Fund #571-3470-0000 "Other Revenues"

Funds are available in the FY 16/17 Adopted Budget.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution authorizing use of the WWTP by the St. Helena Fire Department for training purposes for a cost of \$800 per month for a total of \$9,600 per year.

ATTACHMENTS

1. Attachment 1 – Lease Area Map
2. Attachment 2 – Resolution No. 2016-_____



CITY OF ST. HELENA

RESOLUTION No. 2016-

Resolution authorizing the City of St. Helena Fire Department use of a portion of the Wastewater Treatment and Reclamation Facility (WWTRP) property for use as a training facility for a fair market fee of \$800 per month totaling \$9,600 per year. Fee is to be transferred annually from the Fire Department training budget#101-4800-2155 to the Wastewater Enterprise Revenue Fund #571-3470-0000 "Other Revenues"

RECITALS

- A. The Wastewater Enterprise owns four parcels located at 1 Chaix Lane in the City of St. Helena;
- B. The City of St. Helena Fire Department is requesting use of a portion of one of the properties (APN 030-240-013) for Fire Department training exercises one to two times per month;
- C. The portion of property the Fire Department will use is the northwest corner and is approximately 0.3 acres of the 21.5-acre parcel;
- D. The Fire Department has agreed to pay a fair market fee of \$800 per month, totaling \$9,600 per year for use of a portion of the property; and
- E. The fee for use will be transferred annually from the Fire Department training budget #101-4800-2155 to the Wastewater Enterprise Revenue Fund #571-3470-0000.

RESOLUTION

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

- 1. Approves the use of approximately 0.3 acres of the 21.5-acre parcel located at 1 Chaix Lane for a fee of \$800 per month, totaling \$9,600 per year; and
- 2. Approves an annual transfer of \$9,600 from the Fire Department Training Budget Account #101-4800-2155 to the Wastewater Enterprise Revenue Fund #571-3470-0000 for use of the property.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, 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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Item No: 8.4

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution authorizing a budget increase of \$1,232 to #289-4728-2245 for FY 2016/17 for the Afterschool Enrichment Program. The \$1,232 represents funds which were not spent in FY 2015/16 for the Afterschool Enrichment Program and will increase the FY 16/17 Afterschool Enrichment Program budget from \$12,000 to \$13,232.

CEQA Determination: Not a CEQA project

Prepared By: Haidi Arias, Recreation Director

April Mitts, Finance Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On September 9, 2015 the City entered into an agreement with the St. Helena Unified School District (SHUSD) to provide Afterschool Enrichment Programs. The contract amount was for \$18,000. Of this \$18,000, \$6,000 would go towards administration of the system and the remaining \$12,000 would be to pay for vendors providing enrichment opportunities.

DISCUSSION

At the end of Fiscal Year 2015/16 the City's Recreation Department spent \$10,768 on enrichment programs leaving a balance of \$1,232. The Recreation Department is requesting a budget adjustment for FY 2016/17 to account #289-4728-2245 (Afterschool Enrichment Program) of \$1,232 so the money can continue to be spent on enrichment programs in FY 2016/17. This budget adjustment will increase the FY 16/17 Afterschool Enrichment Program budget from \$12,000 to \$13,232.

FISCAL IMPACT

The Fiscal Impact will be an increase in expenses to #289-4728-2245 of \$1,232, this budget adjustment will increase the FY 16/17 Afterschool Enrichment Program budget from \$12,000 to \$13,232. The funding is available in Recreation Fund 289 for this increase.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution authorizing the budget adjustment.

ATTACHMENTS

1. Resolution No. 2016-_____

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**RESOLUTION APPROVING A BUDGET INCREASE OF \$1,232 TO
#289-4728-2245 IN FISCAL YEAR 2016/17**

RECITALS

- A. The City entered into an agreement with the St. Helena Unified School District on September 9, 2015 to provide Afterschool Enrichment programs; and
- B. The agreement was for a total of \$18,000 - \$6,000 for administrative expenses and \$12,000 to pay for vendors providing enrichment opportunities; and
- C. At the end of FY 2015/16 a total of \$10,768 had been spent on enrichment opportunities leaving an unused balance of \$1,232; and
- D. City Staff is requesting a budget increase in FY 2016/17 of \$1,232 to Account #289-4728-2245 to provide additional enrichment opportunities in the current fiscal year.
- E. The budget adjustment will increase FY 2016/17 Afterschool Enrichment Program budget from \$12,000 to \$13,232.

RESOLUTION

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

1. Approve the budget adjustment increase of \$1,232 to #289-4728-2245.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, 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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Item No: 8.5

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a Resolution Approving Amendment No. 2 to the Employment Agreement with John Sorensen to re-established a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES)

CEQA Determination: Not a project

Prepared By: Kathy Robinson, Human Resources & IT Director

Approved By: Jennifer Phillips, City Manager

BACKGROUND

Municipal Code Section 2.48.040 states that the following, "The officers of the fire department shall consist of a chief, a first assistant chief, a second assistant chief, a fire marshal, and company officers as may be provided by the bylaws of the fire department. The Chief shall be appointed by the City Council. The chief shall be appointed every three years in January of the three year cycle. The fire department may recommend to the City Council prior to appointment of a chief its choice or choices for chief. The chief shall hold office until the chief's successor is appointed. The other officers of the fire department shall be selected as provided in the bylaws of the fire department. (Prior code § 5A.4)" As is customary, based on the recommendation of the volunteer members of the Fire Department, the City Council appoints a Fire Chief.

Every three years since January 28, 2010, the members of the Fire Department have voted in favor of recommending John Sorensen as Fire Chief; upon that recommendation, the City Council has appointed John Sorensen as the Fire Chief of the St. Helena Fire Department every three years. The most recent appointment was made when City Council adopted Resolution 2016-25 appointing John Sorenson for a three year term expiring January 31, 2019.

As part of process to transition the City's pay-per-call volunteer fire department to a permanent part-time fire department, the City Council adopted Resolution 2016-11 transitioning the fire department to permanent part-time and rescinded Resolution 2012-60.

DISCUSSION

The Fire Chief's current employment agreement states the following under Compensation and Benefits:

Salary. City agrees to pay Chief for his services rendered an annual salary of \$22,800 from February 2010-June 2013 plus additional pay for each call out payable in the same manner as Volunteer Firemen during the same timeframe and an annual salary of \$31,000 from July 2013-January 2016 inclusive of any call outs responded to payable in monthly installments and subject to all applicable payroll taxes and withholdings. Such salary may be adjusted from time to time with approval of the City Council by written modification of this Agreement. The Chief shall be an "exempt" employee under all applicable state and federal labor laws, including, but not limited to, the Federal Labor Standards Act and any applicable regulations of the California Industrial Welfare Commission. In addition, Chief will receive compensation in the form of bonus pay for services rendered as a team leader or while on overhead assignment outside of the City of St. Helena jurisdiction and billed to the State of California or the Department of Emergency Services (OES).

Resolution 2012-60 had established firefighters' active duty pay and included the Chief's then established hourly rate of \$54.80. This hourly rate was the established rate in 2012, and was used for the Chief's overhead assignments outside of the City of St. Helena jurisdiction and billed to the State of California or the Department of Emergency Services (OES). In order for the City to receive the full reimbursement for these overhead assignments, the established rate must be approved and authorized by the City Council. When Resolution 2012-60 was rescinded, the City rescinded the supportive documentation (Resolution) which is needed for auditing purposes. The state agencies cannot reimburse for any hourly rates that are not approved and authorized by City Council (i.e. resolution, employment agreement, MOU, etc.)

To continue compliance with the various state agencies' auditing requirements, the City must re-establish the hourly rate for the Fire Chief. Although the hourly rate was \$54.80 staff recommends that the hourly rate be \$74.51. This hourly rate factors in inflation as well as the increased responsibilities of the Fire Chief directing a new service model of a permanent part-time fire department. The increase was based on the Chief's base salary increase which was 36 percent and is in line with the top steps of other department heads, namely planning, public works and police.

FISCAL IMPACT

There is no fiscal impact to the City. The hourly rate is used solely for the purposes of the Chief's overhead assignments which are reimbursed to the City.

Item No: 8.5

RECOMMENDED ACTION

Approve.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION NO. 2016-25

Approving Amendment No. 2 to the Employment Agreement with John Sorensen to re-established a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES)

RECITALS

- A. Municipal Code Section 2.48.040 states, "The officers of the fire department shall consist of a chief, a first assistant chief, a second assistant chief, a fire marshal, and company officers as may be provided by the bylaws of the fire department. The chief shall be appointed by the city council. The chief shall be appointed every three years in February of the three year cycle. The fire department may recommend to the city council prior to appointment of a chief its choice or choices for chief. The chief shall hold office until the chief's successor is appointed. The other officers of the fire department shall be selected as provided in the bylaws of the fire department. (Prior code § 5A.4)"; and
- B. Every three years since January 28, 2010, the members of the Fire Department have voted in favor of recommending John Sorensen as Fire Chief; upon that recommendation, the City Council has appointed John Sorensen as the Fire Chief of the St. Helena Fire Department every three years; and
- C. The most recent appointment was made when City Council adopted Resolution 2016-25 appointing John Sorenson for a three year term expiring January 31, 2019; and
- D. As part of process to transition the City's pay-per-call volunteer fire department to a permanent part-time fire department, the City Council adopted Resolution 2016-11 transitioning the fire department to permanent part-time and rescinded Resolution 2012-60; and
- E. Resolution 2012-60 had established firefighters' active duty pay and included the Chief's then established hourly rate of \$54.80; and
- F. The City Council approved hourly rate is used for the Chief's overhead assignments outside of the City of St. Helena jurisdiction and billed to the State of California or the Department of Emergency Services (OES); and
- G. In order for the City to receive the full reimbursement for these overhead assignments, the established rate must be approved and authorized by the City Council; and

- H. To continue compliance with the various state agencies' auditing requirements, the City must re-establish the hourly rate for the Fire Chief.

RESOLUTION

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

1. Approves Amendment No. 2 to the Employment Agreement with John Sorensen re-establishing a specified hourly rate of \$74.51 for the Chief's overhead assignments outside of the City of St. Helena jurisdiction billed to the State of California or the Department of Emergency Services (OES).

I HEREBY CERTIFY that the this Resolution was adopted at a regular meeting of the City Council held on October 11, 2016 by the following roll call vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

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Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of resolutions supporting the League of California Cities (LOCC) Board of Directors decision at its meeting on June 24-25 that carefully reviewed ballot measures affecting California cities expected to be on the November 2016 statewide ballot:

- a. Opposing Proposition 53 Revenue Bonds: Statewide Voter Approval – Constitutional Amendment
- b. Supporting Proposition 54 California Legislature Transparency Act of 2016

CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

DISCUSSION

The City received a request from League of California Cities North Bay Division Regional Public Affairs Manager Nancy Hall Bennett for Council resolutions supporting the League of California Cities Board of Directors positions on two ballot.

Proposition 53 Revenue Bonds: Statewide Voter Approval - Constitutional Amendment

This measure would require statewide voter approval prior to the state issuing or selling any revenue bonds of \$2 billion or more for state projects that are financed, owned, operated or managed by the state or a joint agency created by or for the state.

League Position: Oppose

This measure would make it more difficult for state, regional, and local public agencies to use revenue from a common funding source to finance critical infrastructure projects. This concern is valid as cities and counties could also be members to joint powers agencies created by the state. Additionally, the broadest interpretation could prevent critical state improvements in a community, even under the \$2 billion threshold, as long as they're "proximate, physically joined/connected, and/or cannot be complete without the other project."

Regional projects (such as the Bay Bridge) subject to the threshold would require a statewide vote. Thus, regional and local projects would be subject to the control of voters

in other areas of the state even when they are neither impacted by the projects nor required to pay for them.

Local Precedent Concern: While the immediate impact on a city from this proposal can be debated, its enactment would set a legal and policy precedent of having revenue bonds subject to public votes. Such a precedent could lead to future efforts to expand such a requirement to apply to local government revenue bonds in the future, further limiting local flexibility.

Proposition 54 California Legislature Transparency Act of 2016.

This measure would prohibit the Legislature from passing legislation until it has been in print and published online for at least 72 hours prior to the vote unless it is a case of public emergency. The Legislature would be required to record all proceedings (except closed sessions) and make available online.

League Position: Support

The League supports this measure because it will improve the transparency of the California's legislative process. Last-minute bills and amendments can often be harmful to local agencies and communities. Complex measures are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.

The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better laws, while thwarting political favoritism and power grabs. Additional access for the public to recordings of legislative proceedings will enhance transparency and accountability.

FISCAL IMPACT

Not applicable

RECOMMENDED ACTION

It is recommended for Council to support the League of California Cities Board of Directors positions and adopt the proposed resolutions.

ATTACHMENTS

1. Request from LOCC North Bay Division Regional Public Affairs Manager Nancy Hall Bennett
2. Proposition 53 Fact Sheet and the full text initiative
3. Proposition 54 Fact Sheet and the full text initiative
4. Resolution Opposing Proposition 53 Revenue Bonds: Statewide Voter Approval – Constitutional Amendment
5. Resolution Supporting Proposition 54 California Legislature Transparency Act of 2016

Cindy Black

Subject: FW: Sample City Resolutions- Propositions 53 & 54
Attachments: LOCC 2016 Ballot Positions.docx; SAMPLE RESOLUTION IN OPPOSITION OF PROPOSITION 53.pdf; SAMPLE RESOLUTION IN SUPPORT OF PROPOSITION 54.pdf

From: Nancy Hall Bennett [<mailto:nbennett@cacities.org>]
Sent: Thursday, September 15, 2016 8:24 AM
Subject: Sample City Resolutions- Propositions 53 & 54

North Bay Cities:

This summer, the League reviewed eight ballot measures affecting cities which will be on the November statewide ballot. The full list of positions is attached. Of these measures, the League Board has directed us to actively engaged on:

- **Oppose: Proposition 53 Revenue Bonds: Statewide Voter Approval- Constitutional Amendment**
- **Support: Proposition 54 California Legislature Transparency Act of 2016**

I have attached sample city resolutions and information below on these two measures. If your city council votes to adopt these resolutions, please send me a copy at nbennett@cacities.org. Feel free to call or email me if you have any questions.

Thank you,
Nancy Hall Bennett

Proposition 53 Revenue Bonds: Statewide Voter Approval - Constitutional Amendment

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Local Precedent Concern: While the immediate impact on a city from this proposal can be debated, its enactment would set a legal and policy precedent of having revenue bonds subject to public votes. Such a

Attachment 1

precedent could lead to future efforts to expand such a requirement to apply to local government revenue bonds in the future, further limiting local flexibility.

[Proposition Text](#)

[No on Prop 53 Fact Sheet](#)

[Local Projects at Risk](#)

[No on Prop 53 Website](#)

Proposition 54 California Legislature Transparency Act of 2016.

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The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better laws, while thwarting political favoritism and power grabs. Additional access for the public to recordings of legislative proceedings will enhance transparency and accountability.

[Proposition Text](#)

[Yes on Prop 54 Fact Sheet](#)

[Frequently Asked Questions](#)

[Yes on Prop 54 Website](#)

NO 53 ON PROP

Stop Attack on Local Control

www.NoProp53.com

Attachment 2

PROP 53 UNDERMINES LOCAL CONTROL AND VITAL INFRASTRUCTURE

Prop 53 is opposed by a broad, bipartisan coalition of organizations including the California Professional Firefighters, California Chamber of Commerce, California Hospital Association, California State Sheriffs Association, firefighters, paramedics, family farmers, environmentalists, law enforcement, and local governments. Prop 53 takes away local control by requiring a statewide vote even for some local infrastructure projects. The measure would add new layers of bureaucracy and red tape that will delay or derail needed improvements to critical infrastructure, including after emergencies and natural disasters. Here are some facts:

Prop 53 Erodes Local Control by Requiring Statewide Vote for Some Local Projects

- Under this measure, cities and towns that want to come together with the state and form a JPA to issue revenue bonds to upgrade local water systems, roads, bridges, and universities would have to put their project on a statewide ballot.
- That means voters in faraway regions could veto some local projects your community needs and supports – even though those distant voters don't use, won't pay for, and don't care about your local community improvements.
- That's why groups representing California's cities, counties and local water agencies, including the League of California Cities and Association of California Water Agencies, all oppose Prop 53.

Prop 53 Jeopardizes Ability to Repair Outdated Infrastructure

- Our communities already suffer from a massive backlog of local infrastructure needs, including outdated water supply and delivery systems, unsafe bridges, overpasses and freeways, and community hospitals that need to be upgraded to make them earthquake safe.

Reliable Infrastructure is critical to public safety. This measure erodes local control and creates new hurdles that could block communities from upgrading critical infrastructure such as bridges, water systems and hospitals."

**- Sheriff Donny Youngblood, President,
California State Sheriffs' Association**

Prop 53 Threatens Water Supply and Drought Preparedness

- The Association of California Water Agencies says: "Prop 53 could threaten a wide range of local water projects including storage, desalination, recycling and other vital projects to protect our water supply and access to clean, safe drinking water. Prop 53 will definitely impede our ability to prepare for future droughts."

Prop 53 Contains No Exemptions for Emergencies or Natural Disasters

- Because Prop 53 fails to contain an exemption for emergencies, in cases of an earthquake or flood, local governments and the state may need to wait as long as two years in order to get voter approval to begin rebuilding damaged or destroyed roads, freeways, bridges, hospitals and water delivery systems.

California Professional Firefighters, representing 30,000 firefighters and paramedics, warns: "Prop 53 irresponsibly fails to contain an exemption for natural disasters or major emergencies. That flaw could delay our state's ability to rebuild critical infrastructure following earthquakes, wildfires, floods or other natural or man-made disasters."

Prop 53 Makes No Fiscal Sense.

- Private investors bear the financial risk for revenue bonds, not the state or its general fund. And revenue bonds are repaid by users of a project who directly benefit, not taxpayers. For instance, repairs to a bridge would be paid by tolls on the bridge, or customers in a specific water district would pay to build a water recycling plant, not taxpayers. It makes no sense to have a statewide election on projects not financed by taxpayers for which the state and local governments bear none of the financial risk.

Prop 53 is Financed and Promoted by Multi-millionaire with a Personal Agenda

- This measure is financed entirely by one multi-millionaire and his family, who are spending millions in an attempt to disrupt a single water infrastructure project. Irrespective of one's position on that single project, his initiative has far-reaching, negative implications for other infrastructure projects throughout California. We cannot allow one wealthy person to abuse the initiative system to push his narrow personal agenda.

Paid for by No on Prop 53 – Californians to Protect Local Control, a coalition of public safety, local government, business and labor organizations, and taxpayers. Major funding by California Construction Industry Labor Management Cooperation Trust and Members' Voice of the State Building and Construction Trades Council of California (Committee).

January 7, 2015

RECEIVED

JAN 07 2015

**INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE**

VIA PERSONAL DELIVERY

The Honorable Kamala D. Harris
Attorney General
1300 I Street, 17th Floor, P.O. Box 944255
Sacramento, CA 95814

Attention: Ashley Johansson, Initiative Coordinator

Re: Request for Title and Summary for Proposed Initiative Constitutional
Amendment

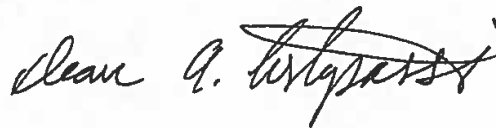
Dear Ms. Harris:

Pursuant to Article II, Section 10(d) of the California Constitution, I hereby submit the attached proposed Initiative Constitutional Amendment, entitled the "No Blank Checks Initiative," to your office and request that you prepare a title and summary of the measure as provided by law. Included with this submission is the required proponent affidavit signed by the proponent of this measure pursuant to Section 9608 of the California Elections Code. My address as a registered voter is attached to this letter, along with a check for \$200.00.

All inquires or correspondence relative to this initiative should be directed to
Nielsen, Merksamer, Parrinello, Gross & Leoni, LLP, 1415 L Street, Suite 1200,
Sacramento, CA 95814, (916) 446-6752, Attention: Kurt Oneto (telephone: 916/446-
6752).

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, reading "Dean A. Cortopassi". The signature is written in a cursive style with a large, stylized initial 'D'.

Dean Cortopassi, Proponent

Enclosure: Proposed Initiative Constitutional Amendment

Section 1. Title.

This Act shall be known and may be cited as the No Blank Checks Initiative.

Section 2. Findings and Declarations.

The People of the State of California find and declare as follows:

(a) The politicians in Sacramento have mortgaged our future with long-term bond debt obligations that will take taxpayers, our children, and future generations decades to pay off.

(b) Under current rules, the sale of state bonds only needs to be approved by voters if they will be repaid out of the state's general revenues. But state politicians can sell billions of dollars of additional bond debt without ever getting the voters' approval if the bonds will be repaid with specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents. The politicians should not be allowed to issue blank checks Californians have to pay for. Voters must provide prior approval for all major state bond sale decisions, because voters are the ones who ultimately pay the bill.

(c) According to a 2014 report from California's independent, nonpartisan Legislative Analyst's Office, the State of California is carrying \$340 billion in public debt. (*Legislative Analyst's Office*, "Addressing California's Key Liabilities," Mar. 7, 2014.) Interest and principal payments on our long-term debt obligations will cripple the state if we keep spending the way we do now—reducing cash available for public safety, schools, and other vital state programs.

(d) Moreover, voters are rarely told the true costs of bond-funded projects. We were originally told that the bullet train would cost \$9 billion. But now the estimated cost has ballooned to nearly \$70 billion. (*Los Angeles Times*, "The Hazy Future of California's Bullet Train," Jan. 14, 2014.)

(e) This measure puts the brakes on our state's public debt crisis by giving the voters a say in all major state bond debt proposals that must be repaid through specific revenue streams or charges imposed directly on Californians like taxes, fees, rates, tolls, or rents.

Section 3. Statement of Purpose.

The purpose of this measure is to bring the state's public debt crisis under control by giving the voters a say in all major state bond-funded projects that will be paid off through specific revenues streams or higher taxes, fees, rates, tolls, or rents collected from Californians, their children, and future generations.

Section 4. Section 1.6 is added to Article XVI of the California Constitution, to read:

Section 1.6. (a) Notwithstanding any other provision of law, all revenue bonds issued or sold by the State in an amount either singly or in the aggregate over two billion dollars (\$2,000,000,000) for any single project financed, owned, operated, or managed by the State must first be approved by the voters at a statewide election. "State" means the State of California, any agency or department thereof, and any joint powers agency or similar body created by the State or in which the State is a member. "State" as used herein does not include a city, county, city and county, school district, community college district, or special district. For purposes of this section, "special district" refers only to public entities formed for the performance of local governmental functions within limited boundaries.

(b) A single project for which state revenue bonds are issued or sold in an amount over two billion dollars (\$2,000,000,000) may not be divided into, or deemed to be, multiple separate projects in order to avoid the voter approval requirements contained in this section. For purposes of this section, multiple allegedly separate projects shall be deemed to constitute a single project including, but not limited to, in the following circumstances: (1) where the allegedly separate projects will be physically or geographically proximate to each other; or (2) where the allegedly separate projects will be physically joined or connected to each other; or (3) where one allegedly separate project cannot accomplish its stated purpose without the completion of another allegedly separate project.

(c) The two billion dollar (\$2,000,000,000) threshold contained in this section shall be adjusted annually to reflect any increase or decrease in inflation as measured by the Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Bureau of Labor Statistics. The Treasurer's Office shall calculate and publish the adjustments required by this subdivision.

Section 5. Liberal Construction.

This act shall be liberally construed in order to effectuate its purposes.

Section 6. Conflicting Measures.

(a) In the event that this measure and another measure or measures relating to voter approval requirements for state bonds shall appear on the same statewide election ballot, the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures shall be null and void.

(b) If this measure is approved by the voters but superseded in whole or in part by any other conflicting initiative approved by the voters at the same election, and such conflicting initiative is later held invalid, this measure shall be self-executing and given full force and effect.

Section 7. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word, or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivision, paragraph, clause, sentence, phrase, word, and application not declared invalid or unconstitutional without regard to whether any portion of this Act or application thereof would be subsequently declared invalid.

Section 8. Legal Defense.

If this Act is approved by the voters of the State of California and thereafter subjected to a legal challenge alleging a violation of federal law, and both the Governor and Attorney General refuse to defend this Act, then the following actions shall be taken:

(a) Notwithstanding anything to the contrary contained in Chapter 6 of Part 2 of Division 3 of Title 2 of the Government Code or any other law, the Attorney General shall appoint

independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

(b) Before appointing or thereafter substituting independent counsel, the Attorney General shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that independent counsel will faithfully and vigorously defend this Act. The written affirmation shall be made publicly available upon request.

(c) A continuous appropriation is hereby made from the General Fund to the Controller, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to faithfully and vigorously defend this Act on behalf of the State of California.

**Endorsements:**

League of Women Voters of California
 California State Conference of the NAACP
 California Common Cause
 Californians Aware
 League of California Cities
 First Amendment Coalition
 California Forward
 California Chamber of Commerce
 California Black Chamber of Commerce
 California Business Roundtable
 NFIB California
 La Raza Roundtable de California
 Latin Business Association of California
 Hispanic 100
 Howard Jarvis Taxpayers Association
 California Taxpayers Association
 Small Business Action Committee
 Los Angeles Area Chamber of Commerce
 San Francisco Chamber of Commerce
 Fresno Chamber of Commerce
 San Jose/Silicon Valley NAACP
 Monterey County Business Council
 Valley Contractors Exchange
 The R Street Institute

**Partial List*

GIVE POWER BACK TO VOTERS, NOT THE SPECIAL INTERESTS

Proposition 54 would rein in the special interests, give voters more access to the legislative process, and make sure legislators are working for the voters, not the special interests.

Special interests have too much influence in the Legislature

Special interests at the State Capitol routinely make last-minute changes to legislation to push through political favors without public comment or discussion. Hundreds of pages of legislation are drafted behind closed doors, dropped onto lawmakers' desks, and put to an immediate vote before anyone can read it. This creates reckless legislation benefiting a few special interests at the expense of voters.

Also, although the State Constitution says legislative meetings are supposed to be open to the public, few people are able to attend those meetings in person. Many proceedings go completely unobserved by the public and press, often leaving no record of what was said. These off-the-record meetings only benefit the lobbyists paid to strike backroom deals while the public interest is cut out of the process.

Proposition 54 would give power back to the voters

Proposition 54 would restore legislative transparency and level the playing field for the average voter to hold politicians accountable – by doing three things:

1. Each bill must be in print and posted online for at least 72 hours before it may pass out of either house

This 72-hour notice period would give legislators time to review the legislation, hear from their constituents, and be held accountable for the votes they ultimately cast.

The initiative would prohibit any bill from being passed by either house of the Legislature until it has been printed and posted online for at least 72 hours. The bill must be printed and posted in its final form before being voted on by either house, so that all amendments to the bill are made public for at least 72 hours before any floor vote.

This would end the practice of special interests sneaking new legislation through the process without public comment or review. And by bringing new legislation out into the light of day, this initiative would deter political favoritism and allow a responsible evaluation of new policies before they become law.

Paid for by Yes on 54 – Voters First, Not Special Interests, sponsored by Hold Politicians Accountable, with major funding by Charles T. Munger, Jr. | 2350 Kerner Blvd #250, San Rafael, CA 94901

The initiative would even specify that, if either house breaks the 72-hour rule by passing a bill without 72 hours' notice, then the bill cannot become a statute.

The initiative allows exceptions to the notice period for cases of emergency when legislation is needed immediately.

2. *Requires the Legislature to post online a video record of every legislative meeting that is supposed to be open to the public*

The initiative would require the Legislature to post a complete video record of each meeting within 24 hours of the meeting's adjournment, allowing citizens to watch legislative meetings and keep informed. The videos would be kept online, freely available for public viewing, for at least 20 years. This would become a valuable resource for the public, the press, and the academic community.

Hundreds of local governments already do this. So why can't the State Legislature?

Any costs of making or keeping these videos would be absorbed by the Legislature's existing budget so there would be no impact on taxpayers. And these costs would be minor, according to the nonpartisan Legislative Analyst, comprising less than one-percent of the Legislature's existing budget. Plus the Legislature's budget is projected to grow independently next year by enough to easily absorb the costs of this initiative without compromising the level of resources currently available to lawmakers.

3. *Allows all individuals to create and share their own recordings of legislative proceedings*

In addition to creating an official video record, this initiative would guarantee the right of all individuals to freely make their own recordings of any legislative meeting that is supposed to be open to the public, and share the video with any members of the public who are interested. This has been allowed in meetings of city councils and other local boards for years – So why can't the State Legislature catch up?

This initiative would liberate the potential of basic modern technology to hold the Legislature accountable for its actions (and its required recording of those actions) and give all citizens the tools they need to be informed and participate in the political process.

By enacting these commonsense reforms, Proposition 54 would ensure legislative proceedings are conducted fairly and openly, and enable the public to observe and share what is happening in the Legislature so citizens may more fully participate in the political process.

Hold Politicians Accountable

November 16, 2015

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

RECEIVED

NOV 16 2015

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Amendments: Proposed Initiative 15-0083

Dear Initiative Coordinator:

In accordance with subdivision (b) of Section 9002 of the Elections Code and in connection with the proposed statewide ballot measure ("California Legislature Transparency Act") filed with your office on October 12, 2015, the undersigned proponents submit the enclosed amended text.

Please proceed to prepare the Circulating Title and Summary, in light of these amendments.

Thank you for your time and attention to this important matter.

SUBMITTED BY:

Charles T. Munger, Jr.

CHARLES T. MUNGER, JR.

SAM BLAKESLEE

Enclosures

Hold Politicians Accountable

November 16, 2015

Initiative Coordinator
Office of the Attorney General
State of California
PO Box 994255
Sacramento, CA 94244-25550

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SUBMITTED BY:

CHARLES T. MUNGER, JR.



SAM BLAKESLEE

Enclosures

Initiative Measure to Be Submitted Directly to the Voters

SECTION 1. Title.

This act shall be known and may be cited as the California Legislature Transparency Act.

SECTION 2. Findings and Declarations.

The People of the State of California hereby find and declare that:

- a. It is essential to the maintenance of a democratic society that public business be performed in an open and public manner, and highly desirable that citizens be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.
- b. However, last-minute amendments to bills are frequently used to push through political favors without comment or with little advance notice.
- c. Moreover, complex bills are often passed before members of the Legislature have any realistic opportunity to review or debate them, resulting in ill-considered legislation.
- d. Further, although our Constitution currently provides that the proceedings of each house and the committees thereof shall be open and public, few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.
- e. Yet, with the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.
- f. Accordingly, to foster disclosure, deliberation, debate, and decorum in our legislative proceedings, to keep our citizens fully informed, and to ensure that legislative proceedings are conducted fairly and openly, our Constitution should guarantee the right of all persons, including members of the press, to freely record legislative proceedings and to broadcast, post, or otherwise transmit those recordings.
- g. To supplement this right to record legislative proceedings, the Legislature itself should also be required to make and post audiovisual recordings of *all* public proceedings to the Internet *and* to maintain an archive of these recordings, which will be a valuable resource for the public, the press, and the academic community for generations to come.
- h. California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.
- i. The opportunity for an orderly and detailed review of bills by the public, the press, and legislators will result in better bills while thwarting political favoritism and power grabs.
- j. These measures will have nominal cost to taxpayers, while promoting greater transparency in our legislative proceedings to benefit the People.

SECTION 3. Statement of Purpose.

In enacting this measure, the People of the State of California intend the following:

- a. To enable we, the People, to observe through the Internet what is happening and has happened in any and all of the Legislature's public proceedings so as to obtain the information necessary to participate in the political process and to hold our elected representatives accountable for their actions.

- b. To enable we, the People, to record and to post or otherwise transmit our own recordings of those legislative proceedings in order to encourage fairness in the proceedings, deliberation in our representatives' decision-making, and accountability.
- c. To give us, the People, and our representatives the necessary time to carefully evaluate the strengths and weaknesses of the final version of a bill before a vote by imposing a 72-hour public notice period between the time that the final version is made available to the Legislature and the public, and the time that a vote is taken, except in cases of a true emergency declared by the Governor.

SECTION 4. Amendments to Article IV of the California Constitution.

Section 4.1. Section 7 of Article IV of the Constitution is amended to read:

SEC. 7. (a) Each house shall choose its officers and adopt rules for its proceedings. A majority of the membership constitutes a quorum, but a smaller number may recess from day to day and compel the attendance of absent members.

(b) Each house shall keep and publish a journal of its proceedings. The rollcall vote of the members on a question shall be taken and entered in the journal at the request of 3 members present.

(c) (1) Except as provided in paragraph (3), the proceedings of each house and the committees thereof shall be open and public. The right to attend open and public proceedings includes the right of any person to record by audio or video means any and all parts of the proceedings and to broadcast or otherwise transmit them; provided that the Legislature may adopt reasonable rules pursuant to paragraph (5) regulating the placement and use of the equipment for recording or broadcasting the proceedings for the sole purpose of minimizing disruption of the proceedings. Any aggrieved party shall have standing to challenge said rules in an action for declaratory and injunctive relief, and the Legislature shall have the burden of demonstrating that the rule is reasonable.

(2) Commencing on January 1 of the second calendar year following the adoption of this paragraph, the Legislature shall also cause audiovisual recordings to be made of all proceedings subject to paragraph (1) in their entirety, shall make such recordings public through the Internet within 24 hours after the proceedings have been recessed or adjourned for the day, and shall maintain an archive of said recordings, which shall be accessible to the public through the Internet and downloadable for a period of no less than 20 years as specified by statute.

(3) Notwithstanding paragraphs (1) and (2) However, closed sessions may be held solely for any of the following purposes:

(A) To consider the appointment, employment, evaluation of performance, or dismissal of a public officer or employee, to consider or hear complaints or charges brought against a Member of the Legislature or other public officer or employee, or to establish the classification or compensation of an employee of the Legislature.

(B) To consider matters affecting the safety and security of Members of the Legislature or its employees or the safety and security of any buildings and grounds used by the Legislature.

(C) To confer with, or receive advice from, its legal counsel regarding pending or reasonably anticipated, or whether to initiate, litigation when discussion in open session would not protect the interests of the house or committee regarding the litigation.

(42) A caucus of the Members of the Senate, the Members of the Assembly, or the Members of both houses, which is composed of the members of the same political party, may meet in closed session.

(53) The Legislature shall implement this subdivision by concurrent resolution adopted by rollcall vote entered in the journal, two-thirds of the membership of each house concurring, or by statute, and ~~shall prescribe that, when in the case of a closed session is held pursuant to paragraph (34), shall prescribe that~~ reasonable notice of the closed session and the purpose of the closed session shall be provided to the public. If there is a conflict between a concurrent resolution and statute, the last adopted or enacted shall prevail.

(d) Neither house without the consent of the other may recess for more than 10 days or to any other place.

Section 4.2. Section 8 of Article IV of the Constitution is amended to read:

SEC. 8. (a) At regular sessions no bill other than the budget bill may be heard or acted on by committee or either house until the 31st day after the bill is introduced unless the house dispenses with this requirement by rollcall vote entered in the journal, three fourths of the membership concurring.

(b)(1) The Legislature may make no law except by statute and may enact no statute except by bill. No bill may be passed unless it is read by title on 3 days in each house except that the house may dispense with this requirement by rollcall vote entered in the journal, two thirds of the membership concurring.

(2) No bill may be passed or ultimately become a statute unless until the bill with any amendments has been printed, and distributed to the members, and published on the Internet, in its final form, for at least 72 hours before the vote, except that this notice period may be waived if the Governor has submitted to the Legislature a written statement that dispensing with this notice period for that bill is necessary to address a state of emergency, as defined in paragraph (2) of subdivision (c) of Section 3 of Article XIII B, that has been declared by the Governor, and the house considering the bill thereafter dispenses with the notice period for that bill by a separate rollcall vote entered in the journal, two thirds of the membership concurring, prior to the vote on the bill.

(3) No bill may be passed unless, by rollcall vote entered in the journal, a majority of the membership of each house concurs.

(c) (1) Except as provided in paragraphs (2) and (3) of this subdivision, a statute enacted at a regular session shall go into effect on January 1 next following a 90-day period from the date of enactment of the statute and a statute enacted at a special session shall go into effect on the 91st day after adjournment of the special session at which the bill was passed.

(2) A statute, other than a statute establishing or changing boundaries of any legislative, congressional, or other election district, enacted by a bill passed by the Legislature on or before the date the Legislature adjourns for a joint recess to reconvene in the second calendar year of the biennium of the legislative session, and in the possession of the Governor after that date, shall go into effect on January 1 next following the enactment date of the statute unless, before January 1, a copy of a referendum petition affecting the statute is submitted to the Attorney General pursuant to subdivision (d) of Section 10 of Article II, in which event the statute shall go into effect on the 91st day after the enactment date unless the petition has been presented to the Secretary of State pursuant to subdivision (b) of Section 9 of Article II.

(3) Statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes shall go into effect immediately upon their enactment.

(d) Urgency statutes are those necessary for immediate preservation of the public peace, health, or safety. A statement of facts constituting the necessity shall be set forth in one section of the bill. In each house the section and the bill shall be passed separately, each by rollcall vote entered in the journal, two thirds of the membership concurring. An urgency statute may not create or abolish any office or change the salary, term, or duties of any office, or grant any franchise or special privilege, or create any vested right or interest.

SECTION 5. Amendments of the Government Code

Section 5.1. Section 9026.5 of the Government Code is amended to read as follows:

9026.5. Televised or other audiovisual recordings of public proceedings~~Television signal of Assembly; prohibited use; violation~~

(a) Televised or other audiovisual recordings of the public proceedings of each house of the Legislature and the committees thereof may be used for any legitimate purpose and without the imposition of any fee due to the State or any public agency or public corporation thereof. No television signal generated by the Assembly shall be used for any political or commercial purpose, including, but not limited to, any campaign for elective public office or any campaign supporting or opposing a ballot proposition submitted to the electors.

~~As used in this section, "commercial purpose" does not include either of the following:~~

~~(1) The use of any television signal generated by the Assembly by an accredited news organization or any nonprofit organization for educational or public-affairs programming.~~

~~(2) As authorized by the Assembly, the transmission by a third party to paid subscribers of an unedited video feed of the television signal generated by the Assembly.~~

(b) The Legislature's costs of complying with paragraph (2) of subdivision (c) of Section 7 and of paragraph (2) of subdivision (b) of Section 8 of Article IV of the California Constitution shall be included as part of the total aggregate expenditures allowed under Section 7.5 of Article IV of the California Constitution. Any person or organization who violates this section is guilty of a misdemeanor.

Section 5.2. Section 10248 of the Government Code is amended to read as follows:

10248. Public computer network; required legislative information

(a) The Legislative Counsel shall, with the advice of the Assembly Committee on Rules and the Senate Committee on Rules, make all of the following information available to the public in electronic form:

(1) The legislative calendar, the schedule of legislative committee hearings, a list of matters pending on the floors of both houses of the Legislature, and a list of the committees of the Legislature and their members.

(2) The text of each bill introduced in each current legislative session, including each amended, enrolled, and chaptered form of each bill.

(3) The bill history of each bill introduced and amended in each current legislative session.

(4) The bill status of each bill introduced and amended in each current legislative session.

(5) All bill analyses prepared by legislative committees in connection with each bill in each current legislative session.

(6) All audiovisual recordings of legislative proceedings that have been caused to be made by the Legislature in accordance with paragraph (2) of subdivision (c) of Section 7 of Article IV. Each recording shall remain accessible to the public through the Internet and downloadable for a minimum period of 20 years following the date on which the recording was made and shall then be archived in a secure format.

~~(6)~~(7) All vote information concerning each bill in each current legislative session.

~~(7)~~(8) Any veto message concerning a bill in each current legislative session.

~~(8)~~(9) The California Codes.

~~(9)~~(10) The California Constitution.

~~(10)~~(11) All statutes enacted on or after January 1, 1993.

(b) The information identified in subdivision (a) shall be made available to the public by means of access by way of the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the greatest feasible access to the general public in this state. Any person who accesses the information may access all or any part of the information. The information may also be made available by any other means of access that would facilitate public access to the information. The information that is maintained in the legislative information system that is operated and maintained by the Legislative Counsel shall be made available in the shortest feasible time after the information is available in the information system. The information that is not maintained in the information system shall be made available in the shortest feasible time after it is available to the Legislative Counsel.

(c) Any documentation that describes the electronic digital formats of the information identified in subdivision (a) and is available to the public shall be made available by means of access by way of the computer network specified in subdivision (b).

(d) Personal information concerning a person who accesses the information may be maintained only for the purpose of providing service to the person.

(e) No fee or other charge may be imposed by the Legislative Counsel as a condition of accessing the information that is accessible by way of the computer network specified in subdivision (b).

(f) The electronic public access provided by way of the computer network specified in subdivision (b) shall be in addition to other electronic or print distribution of the information.

(g) No action taken pursuant to this section shall be deemed to alter or relinquish any copyright or other proprietary interest or entitlement of the State of California relating to any of the information made available pursuant to this section.

SECTION 6. Defense of Initiative Measure.

Section 6.1. Section 12511.5 is added to the Government Code to read as follows:

Section 12511.5. Defense of the California Legislature Transparency Act

If an action is brought challenging, in whole or in part, the validity of the California Legislature Transparency Act, the following shall apply:

(a) The Legislature shall continue to comply with the act unless it is declared unconstitutional pursuant to a final judgment of an appellate court.

(b) Except as set forth in subdivision (c), the Attorney General shall defend against any action challenging, in whole or in part, the validity of the act, and shall have an unconditional right to intervene in any action addressing the validity of the act.

(c) If the Attorney General declines to defend the validity of the act in any action, the Attorney General shall nonetheless file an appeal from, or seek review of, any judgment of any court that determines that the act is invalid, in whole or in part, if necessary or appropriate to preserve the State's standing to defend the law in conformity with the Attorney General's constitutional duty to see that the laws of the State are adequately enforced.

(d) The official proponents of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponents are also authorized to act on the State's behalf in asserting the State's interest in the validity of the act in any such action and to appeal from any judgment invalidating the act.

(e) Nothing in this section precludes other public officials from asserting the State's interest in the validity of the act.

SECTION 7. Repeal of any Conflicting Statute Proposed at the Primary Election.

If the Legislature places a measure on the ballot for the June 2016 primary election that is approved by a majority of votes thereon, any provision of that measure that is inconsistent with, or interferes in any way with, the purpose or provisions adopted by this initiative measure shall be rendered void and without legal effect.

SECTION 8. Severability.

The provisions of this act are severable. If any provision of this act or its application is held to be invalid, that invalidity shall not affect the other provisions or applications that can be given effect in the absence of the invalid provision or application. Without limiting in any way the generality of the foregoing, the voters declare (1) that the amendments to Section 7 of Article IV of the California Constitution are severable from the amendments to Section 8 of Article IV of the California Constitution, (2) that the Legislature's obligations to cause to be made, to make public, and to maintain audiovisual recordings of legislative proceedings are severable from the right of any person to record the proceedings and broadcast or otherwise transmit such recordings pursuant to the amendments to Section 7 of Article IV, (3) that the right to record proceedings is severable from the right to broadcast or otherwise transmit the recordings, and (4) that the statutory amendments of this initiative measure are severable from the constitutional amendments.

SECTION 9. Amendments.

The statutory provisions of this act shall not be amended except upon approval of the voters, except that the Legislature may amend Government Code section 10248, subdivision (a)(6) to extend the time that recordings shall remain accessible to the public through the Internet and downloadable by passing a statute by a rollcall vote entered in the journal, a majority of the membership of each house concurring.

SECTION 10. Conflicting Ballot Propositions.

- (a) In the event that this initiative measure and any other measure or measures that relate to the transparency of the legislative process with respect to any of the matters addressed herein are approved by a majority of voters at the same election, and this initiative measure receives a greater number of affirmative votes than any other such measure or measures, this initiative measure shall control in its entirety and the other measure or measures shall be rendered void and without legal effect.
- (b) If this initiative measure and a statutory measure placed on the ballot by the Legislature are approved by a majority of voters at the same election, the constitutional amendments in this initiative measure shall control over any statutory measure placed on the ballot by the Legislature to the extent that the statutory measure conflicts with, is inconsistent with, or interferes with the purpose, intent, or provisions of this initiative measure.
- (c) If this initiative measure is approved by voters but is superseded in whole or in part by any other conflicting measure approved by the voters and receiving a greater number of affirmative votes at the same election, and the conflicting measure or superseding provisions thereof are subsequently held to be invalid, the formerly superseded provisions of this initiative measure, to the extent superseded by the subsequently invalidated provisions of the conflicting measure, shall be self-executing and given the full force of law.

CITY OF ST. HELENA
RESOLUTION NO. 2016-

**Resolution of the City Council of the City of St. Helena Opposing Proposition 53
Revenue Bonds: Statewide Voter Approval – Constitutional Amendment**

RECITALS

1. California and its local communities have a backlog of essential infrastructure needs, including crumbling local streets and roads, unsafe bridges and overpasses, aging water supply infrastructure, inadequate public transportation systems, and overcrowded hospitals and universities; and
2. Proposition 53 on the November ballot would erode local control and undermine the ability of cities, counties and other local agencies and the state to form partnerships to finance the construction of some critical public infrastructure projects; and
3. This initiative would require a statewide vote on certain local infrastructure projects financed through revenue bonds, where local governments have joined in a Joint Powers Authority (JPA) in partnership with the state or where the state was involved in the creation of the JPA; and
4. By requiring a statewide vote on some local or regional projects, this initiative would erode local control by empowering voters in distant communities to reject projects which they do not use and do not fund; and
5. This measure could derail and delay [CITY]'s ability to make improvements to critical infrastructure, including after emergencies and natural disasters; and
6. No on 53 is a growing coalition of organizations representing local governments, water agencies, public safety leaders, businesses, labor unions, hospitals, family farmers, environmentalists and educators that have come together to officially oppose this initiative.

RESOLUTION

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

1. The City of St. Helena opposes Proposition 53 and will join No on 53 coalition.
2. The City Council directs staff to email a copy of this adopted resolution to Kyle Griffith of the No on 53 campaign at kgriffith@bcfpublicaffairs.com.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, 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
RESOLUTION NO. 2016-

**Resolution of the City Council of the City of St. Helena Supporting Proposition 54
California Legislature Transparency Act of 2016**

RECITALS

1. It is essential to the maintenance of a democratic society that public business by the California Legislature be performed in an open and public manner and residents be given the opportunity to fully review every bill and express their views regarding the bill's merits to their elected representatives, before it is passed.
2. Last-minute amendments to bills in the Legislature are frequently pushed through without sufficient opportunities for public comment, or advance notice, providing members of the Legislature with no realistic opportunity to review or debate them, resulting in ill-considered legislation.
3. Few citizens have the ability to attend legislative proceedings in person, and many legislative proceedings go completely unobserved by the public and press, often leaving no record of what was said.
4. With the availability of modern recording technology and the Internet, there is no reason why public legislative proceedings should remain relatively inaccessible to the citizens that they serve.
5. California should also follow the lead of other states that require a 72-hour advance notice period between the time a bill is printed and made available to the public and the time it is put to a vote, allowing an exception only in the case of a true emergency, such as a natural disaster.
6. Proposition 54, the California Legislature Transparency Act, prohibits the Legislature from voting on a bill until it has been published online in its final form for at least 72 hours. In addition, Proposition 54:
 - a. Allows this 72-hour notice period to be waived to address a state emergency declared by the Governor, followed by a two thirds vote of the legislative body, prior to action being taken on the measure for which the rules are being waved; and
 - b. Requires the Legislature, by January 1, 2019, to ensure audiovisual recordings of all public proceedings are publicly accessible on the Internet within 24 hours and archived for at least 20 years thereafter (excludes closed session meetings), and allows all recordings of public proceedings to be used for any legitimate purpose.

RESOLUTION

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

1. The City of St. Helena supports Proposition 54, the California Legislature Transparency Act and will join the Yes on 54 coalition.
2. The City Council directs staff to email a copy of this adopted resolution to Kristi K. Thielen with the Yes on 54 Campaign at acostaconsulting.org

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016,
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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Item No: 8.7

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution authorizing the City Manager to Execute Amendment Number 1 to the Memorandum of Understanding (MOU) Between the Napa Valley Transportation Authority (NVTa) and the City of St. Helena for Fixed Route and On-Demand Shuttle Service through the St. Helena VINE Shuttle

CEQA Status: Not a CEQA project

Prepared By: Tracey Perkosky, Grants and Finance Manager

Approved By: Jennifer Phillips, City Manager

BACKGROUND

In 2002, the City and Napa Valley Transportation Authority (NVTa), formerly known as Napa County Transportation and Planning Agency, began discussions and implemented the St. Helena VINE Shuttle to provide public shuttle service within city limits. In 2013, following public input and analysis, the shuttle was changed to be limited fixed route and door-to-door service.

The current fixed route service primarily serves the schools and local commuters. The service runs in the morning from 7:40 a.m. to 8:30 a.m. and in the afternoon from 3:15 p.m. to 4:05 p.m. Fixed route service is free to youth and seniors; adults must pay \$0.50. The door-to-door service is on-demand with a first-come, first-serve appointment system. The door-to-door service is available Monday through Thursday from 7:45 a.m. to 6:00 p.m., Friday from 7:45 a.m. to 11:00 p.m., Saturday from 10:00 a.m. to 11:00 p.m., and Sunday from 12:00 p.m. to 7:00 p.m. Fares are \$0.50 for youth, seniors and disabled persons and \$1.00 for adults. There were 11,406 rides in Fiscal Year (FY) 2015-16. There is no service on New Year's Day, Memorial Day, Labor Day, Independence Day, Thanksgiving Day and Christmas Day. The attached map (Attachment 2, Exhibit A) shows the fixed route and door-to-door service area.

Per the most recent MOU, the City pays a share of the cost of the VINE Shuttle at the agreed rate of the difference between the fares collected and 10% of the annual fully allocated operating expenses of this service. Over the past four years, the average contribution is about \$21,500. NVTa provides the operation, management, marketing

Item No: 8.7

activities and materials, bus stop maintenance, administration and ridership information. The operation of the transit service is contracted to a third party.

DISCUSSION

The City of St. Helena is requesting Amendment No. 1 to the July 9, 2013 Memorandum of Understanding with NVRTA to provide fixed route and door to door shuttle service within city limits. The current agreement expired on June 30, 2016 and this short-term amendment through March 31, 2017 will continue to provide valuable public transit and paratransit to the City while staff is reviewing the routes and ridership for possible improvements. Staff will bring future amendments to Council for approval.

FISCAL IMPACT

The costs for the Shuttle are already included in the FY 2016-17 Budget with \$30,000 budgeted in 101-4000-2405.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution authorizing the City Manager to execute Amendment Number 1 to the Memorandum of Understanding between the Napa Valley Transportation Authority and the City of St. Helena for fixed route and door-to-door shuttle service through the St. Helena VINE Shuttle.

ATTACHMENTS

1. Resolution
2. Memorandum of Understanding
3. Amendment Number 1

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Authorize the City Manager to Execute Amendment
Number 1 to the Memorandum of Understanding (MOU)
Between the Napa Valley Transportation Authority
(NVTa) and the City of Saint Helena for Fixed Route and
Door-to-Door Shuttle Service through the St. Helena
VINE Shuttle**

RECITALS

- A. On February 12, 2002, the City Council approved Resolution 2002-26 to initiate the operation of the St. Helena VINE Shuttle, a local shuttle bus service; and
- B. In 2013 the City in cooperation with the Napa Valley Transportation Authority (NVTa), which was formally known as the Napa County Transportation and Planning Agency (NCTPA), and community stakeholders reassessed the service and began providing both fixed route and door-to-door service;
- C. As part of the 2013 agreement, the City agreed to participate in cost sharing, at the rate of the difference between fares collected and 10% of the annual fully allocated operating expenses of the service; and
- D. The 2013 agreement expired on June 30, 2016 and the City and NVTa desire to continue to provide the St Helena VINE Shuttle Service, this amendment will extend the current agreement through March 31, 2017; and
- E. During this 9 month extension, staff will explore options to optimize the St Helena VINE shuttle via improved hours of operation, City cost share and all other pertinent items.

RESOLUTION

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

- 1. Authorizes the City Manager to execute amendment number 1 to the Memorandum of Understanding between the Napa Valley Transportation Authority and the City of Saint Helena for fixed route and on-demand shuttle service through the St. Helena VINE Shuttle.

Approved at a Regular Meeting of the St. Helena City Council on Month Day, 2016, 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

RESOLUTION 2013-50

**ADOPTING THE MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN
NAPA COUNTY TRANSPORTATION & PLANNING AGENCY (NCTPA) AND
THE CITY OF ST. HELENA**

RECITALS

- A. On February 12, 2002, the Council approved Resolution 2002-26 to initiate the operation of the St. Helena VINE, a local shuttle bus service; and
- B. In January 2013, NCTPA began the process of reassessing the current shuttle service through a series of meetings soliciting feedback from current riders, public policy makers, key stakeholders and the general public; and
- C. Following the reassessment, a combination of fixed route and door-to-door service has been recommended by NCTPA; and
- D. The City of St. Helena is in general agreement with the assessment and recommendations from NCTPA and recommends approval of the MOU; and
- E. The City of St. Helena will pay a share of the cost of the VINE Shuttle Bus Service at the agreed rate of the difference between fares collected and 10% of the annual fully allocated operating expenses of the service.

RESOLUTION

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

- 1. To adopt the Memorandum of Understanding (MOU) between Napa County Transportation & Planning Agency (NCTPA) and the City of St. Helena.

Approved at a Regular Meeting of the St. Helena City Council on July 9, 2013 by the following vote:

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

NOES: None

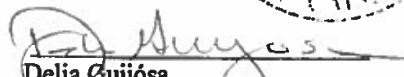
ABSENT: Mayor Nevero

APPROVED:

ATTEST:



Sharon Crull
Vice Mayor


Delia Guijosa
City Clerk



MEMORANDUM OF UNDERSTANDING

between

The Napa County Transportation and Planning Agency

and

City of St. Helena

I. Preamble

This Memorandum of Understanding (hereinafter referred to as the "Agreement") is made and entered into this 18th day of September, 2013, by and between the Napa County Transportation and Planning Agency a (hereinafter referred to as "NCTPA") and the City of St. Helena (hereinafter referred to as "CITY") and collectively referred to as the "Parties."

II. Recitals

WHEREAS, NCTPA through a prior agreement with the CITY has been providing transportation services formerly known as the St. Helena VINE Shuttle for residents of the City of St. Helena, California:

NOW, THEREFORE, the parties do hereby agree as follows:

III. Responsibilities' of the Parties

A. NCTPA shall provide a draft fiscal year budget to the CITY by the end June of each year. For purposes of this Agreement, a fiscal year is July 1 to June 30. From the commencement of expanded service hours in fiscal 2013/14, the City shall pay quarterly the difference between fares collected and 10% of the annual fully allocated operating expenses of the service.

B. NCTPA shall manage and operate the St. Helena VINE Shuttle to serve the general public of the City of St. Helena by providing no less than 3,939 in-service annual service hours on days and hours most responsive to public benefit and demand. There will be no service on New Year's Day, Memorial Day, Labor Day, Independence Day, Thanksgiving Day and Christmas Day unless by special arrangement at least 30 days in advance charged to the CITY separately at NCTPA's usual and customary rates for such service.

C. NCTPA will provide the operation, management, marketing activities and materials, bus stop maintenance, funding, administration and monthly reporting of rides provided for the St. Helena VINE Shuttle service. Monthly ridership reports shall be sent to the City Manager and Public Works Director. NCTPA will assign the operation of the St. Helena VINE Shuttle service to a third party.

NCTPA will, at NCTPA's expense, provide facilities, vehicles, equipment (including a two-way radio or cell phones per vehicle), maintenance, materials and supplies necessary to accomplish obligations under this Agreement, except as may otherwise be expressly provided for herein after.

D. NCTPA shall operate service as a demand responsive door-to-door service during most service hours within the designated service area and except for the time when the service shall be operated on a fixed route as noted in EXHIBIT A. The NCTPA shall respond to call-in trip requests on a first call-first serve basis. Trips will be grouped for efficiency and advance reservations beyond the same day will not be accepted.

IV. Term of the Agreement

This Agreement will become effective upon signatures of both parties and will terminate on June 30, 2016, unless amended, extended, or terminated pursuant to the terms of this Agreement.

V. Indemnity

Each party hereto shall indemnify, defend and hold harmless the elected or appointed governing body, the agents, representatives, and employees of the other party hereto, from liability or claims of liability for damages to persons or property arising out of, or resulting from, any act or omission of the parties in the performance or failure to perform any action or activity contemplated, necessary, or authorized under this Agreement.

VI. Termination

This Agreement may be terminated as follows:

A. By mutual agreement of the NCTPA and CITY upon such terms and conditions as may be agreed upon.

B. By either party at any time without cause by delivering written notice to the other party at least 30 days in advance of the proposed date of termination.

C. If the Agreement is terminated pursuant to this Section, neither party may nullify obligations already incurred for performance of services prior to the date of notice or, unless specifically stated in the notice, required to be performed through the effective date of termination. Any notice of termination will incorporate necessary transition arrangements and will comply with all such arrangements.

VII. Entire Agreement

This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.

VIII. Applicable Law

The laws of the United States and the State of California will govern this Agreement.

IX. Modifications

No changes, amendments or alterations to this Agreement will be effective unless in writing and signed by the parties.

X. Insurance

NCTPA shall maintain, throughout the term of this Agreement, a policy or policies of insurance, with a solvent and responsible company authorized to do business in the State of California, insuring NCTPA against loss by reason of injury or damage that may result to persons or property from operations or construction of such transportation service or any other cause connected with the service provided under the term of this Agreement. Said policy shall be a minimum of two million dollars (\$2,000,000) aggregate, including appropriate general liability and auto liability. Said policy shall name CITY as additional insured and shall provide 30 days prior notice to CITY of the cancellation of any policy during the effective period of this agreement.

XI. Notices

All notices required or authorized by this Agreement shall be in writing and shall be delivered in person or by deposit in U.S. Mail, by certified mail, postage prepaid or return receipt requested. Any mailed notice, demand, request, consent, approval or communication that either party desires to give the other party shall be addressed to the other party at the address set forth below. Any notice sent by mail in the manner prescribed by this paragraph shall be deemed to have been received on the date noted on the return receipt or five days following date of deposit, whichever is earlier. Changes may be made in the names and addresses of the person to who notices are to be given by giving notice pursuant to this Paragraph.

To NCTPA: Executive Director
Napa County Transportation
and Planning Agency
625 Bumell Street
Napa, CA 94559

To CITY: City Manager
City of St. Helena
1480 Main Street
St. Helena, CA 94574

XII. Access to Records / Retention

NCTPA and CITY shall have access to any books, documents, papers and records of each other, which are directly pertinent to the subject matter of this Agreement for the purpose of making audit, examination, excerpts and transcriptions. Except where longer retention is required by any federal or state law, NCTPA and CITY shall maintain all required records for at least five (5) years after all pending matters are closed.

XIII. Severability

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

XIV. Adjustments to Service

The shuttle service may be adjusted throughout the term of this contract to better serve the needs of the passengers. NCTPA or CITY may recommend a change or modification of service criteria. Modifications may include, but are not limited to, adding or deleting service areas; changing service types; modifying or eliminating time points; increasing, decreasing or changing operating hours; and expanding or decreasing vehicle service hours and/or days. Modifications to increase service hours may not exceed 15 percent annually. In all cases, NCTPA and CITY will agree to said changes prior to approval by the NCTPA Board.

XV. License and Permits

NCTPA, or its subcontractor, will procure at its expense all licenses and permits as required by federal, state or local laws, rules and regulations for the performance of its obligations under this Agreement, and will comply with all applicable laws, rules or regulations in performing its obligations hereunder.

IN WITNESS WHEREOF, NCTPA and City of St. Helena have executed this Agreement on the 18th day of September, 2013.

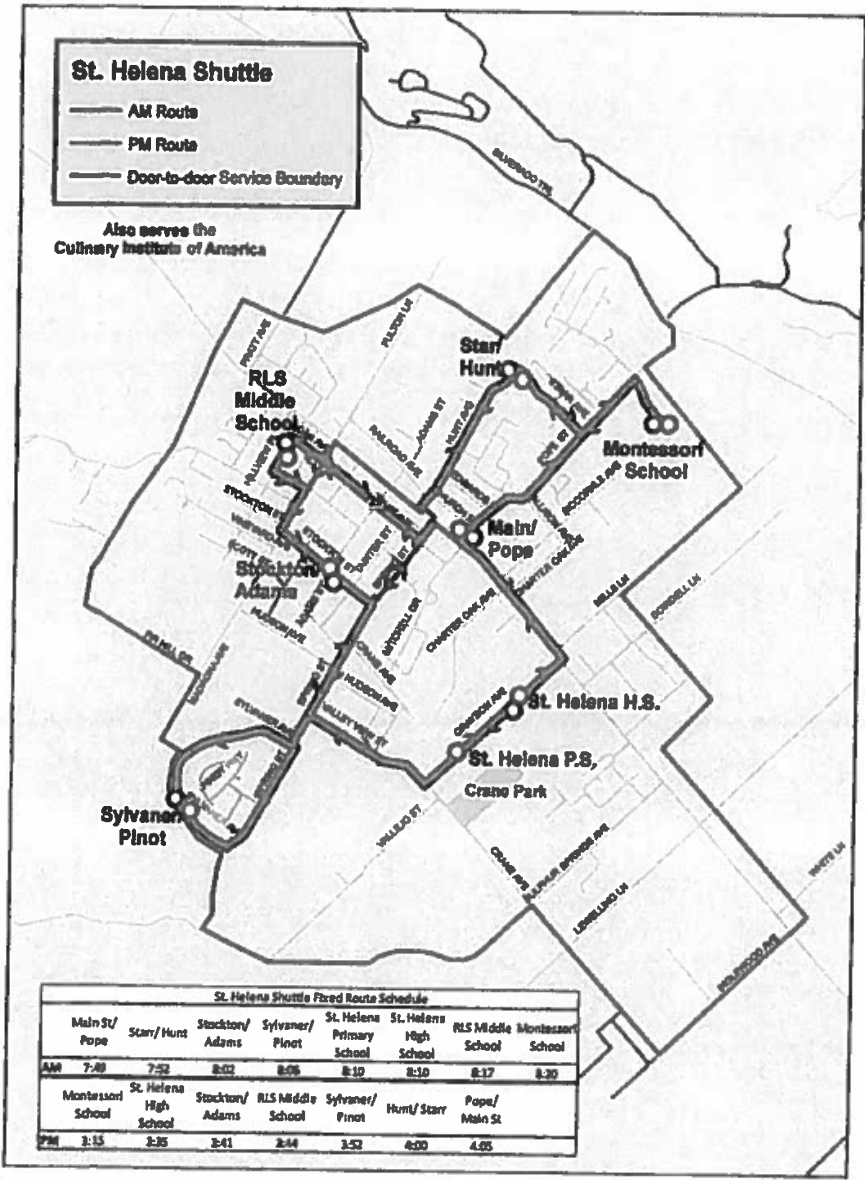
By: 
Keith Caldwell, NCTPA Chair

Approved as to Form

By: 
Janice D. Killion, NCTPA Legal Counsel

By: 
Ann Nevero, Mayor, City of St. Helena

EXHIBIT A





**FIRST AMENDMENT TO THE
NAPA VALLEY TRANSPORTATION AUTHORITY'S ("NVRTA")
MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ST HELENA**

THIS FIRST AMENDMENT TO THE NAPA VALLEY TRANSPORTATION AUTHORITY'S ("NVRTA") MEMORANDUM OF UNDERSTANDING WITH THE CITY OF ST HELENA herein after referred to as "Agreement" is made and entered into as of this _____ day of October, 2016 between the NAPA VALLEY TRANSPORTATION AUTHORITY (hereinafter referred to as "NVRTA"), and the City of St. Helena, whose mailing address is 1480 Main St. St. Helena, CA 94574, hereinafter referred to as "CITY";

RECITALS

WHEREAS, in September 2013 NVRTA through a prior agreement with the CITY has been providing transportation services formerly known as the St. Helena VINE Shuttle for residents of the City of St. Helena, California:

WHEREAS, the Agreement term was scheduled to expire in June 2016; and

WHEREAS, the parties desire to amend the Agreement to extend the term in order to allow NVRTA to provide CITY with the services as set forth in the Agreement,

TERMS

NOW, THEREFORE, the NVRTA and CITY agree to amend the Agreement as follows:

1. Section IV. Term of the Agreement shall be changed to read as follows:

IV. Term of the Agreement.

This Agreement will become effective upon signatures of both parties and **will terminate March 31, 2017**, unless amended, extended, or terminated pursuant to the terms of this Agreement.

2. Except as set forth above, the terms and conditions of the Agreement shall remain in full force and effect as previously approved.

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

"NVTA"

NVTA, a joint powers authority organized
under the laws of the State of California

By _____
Kate Miller, Executive Director

ATTEST:

By _____
Karalyn E. Sanderlin, NVTA Board Secretary

Approved as to Form:

By _____
, NVTA Legal Counsel

"CITY"

City of St. Helena

By _____
Jennifer Phillips, City Manager

ATTEST:

By _____
Cindy Black, City Clerk

Approved as to Form:

By _____
Thomas B. Brown, City Attorney



Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution to Approve Fiscal Year 2015-2016 Budget Expense Increase in the Amount of \$107,278 to Fund 743 and a Budget Expense Decrease to Fund 741 in the amount of \$107,278 for Funds received from the Capital Projects for Transportation Development Act, Article 3 (TDA-3) Grant Funded Items for the Mitchell Drive Sidewalk Project

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action.

Prepared By: Tracey Perkosky, Grants & Finance Manager

Approved By: Jennifer Phillips, City Manager

BACKGROUND

On June 23, 2015, City Council approved the Five-Year Capital Improvement Plan (CIP) which included \$107,278 in expenditures from Fund 741 for the Mitchell Drive Sidewalk Project which was to be reimbursed with Transportation Development Act, Article 3 (TDA-3) grant funds. TDA-3 is a reimbursement grant awarded through NCTPA and MTC for local bicycle and pedestrian projects. The grant funded portion of the project was \$107,278 and included both design/engineering and construction costs.

DISCUSSION

TDA-3 funds require an audit of the project, including full financial statements, prior to the release of reimbursement funds. The audit must be completed and submitted prior to December 31st of any calendar year in which funds were expended. In order to complete the required audit, grant expenses are to be placed into a separate fund so the audit focuses on the full financial statements of the single fund.

This budget adjustment request is administrative in nature to allocate expenses for the TDA-3 grant. Once the Journal Entry is complete to move the expenses, which have already been incurred, from Fund 741 to Fund 743, there will be no net impact on the City's fund balance. While these expenses were incurred in Fiscal Year 2015-16, this

Item No: 8.8

adjustment is still possible and will be seen in the Fiscal Year 2015-16 Comprehensive Annual Financial Report (CAFR) when completed.

Below is a summary of the required Journal Entry:

Description	Amount	Credit	Debit
Engineering Services	\$15,137.50	743-5014-2130	741-5014-2130
Construction	\$92,140.50	743-5014-2145	741-5014-2145

Once the audit is complete, anticipated revenue in the amount of \$107,278 will be deposited to Fund 743's revenue account.

Fund 743 will facilitate future TDA-3 grants to meet the audit requirements and all future TDA-3 projects will be budgeted to this account.

FISCAL IMPACT

Approval of this budget amendment will increase expenses in Fund 743 by \$107,278 and will decrease expenses in Fund 741.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution authorizing the necessary budget adjustments for FY 2015-2016 for TDA-3 grants.

ATTACHMENTS

1. Resolution

CITY OF ST. HELENA

RESOLUTION No. 2016-

Resolution to Authorizing Fiscal Year 2015-2016 Budget Expense Increase in the Amount of \$107,278 to Fund 743 and a Budget Expense Decrease to Fund 741 in the amount of \$107,278 for Funds received from the Capital Projects for Transportation Development Act, Article 3 (TDA-3) Grant Funded Items for the Mitchell Drive Sidewalk Project

RECITALS

- A. The City of St. Helena previously approved the Five Year Capital Improvement Plan which included revenues and expenditures for a Transportation Development Act Article 3 grant; and
- B. The project was completed in Fiscal Year 2015-16 in the amount of \$107,278; and
- C. To meet the audit guidelines set forth by the State of California a separate accounting fund is needed to track revenues and expenditures; and
- D. Council approval is needed to set the FY 2015-16 revenues and expenditures.

RESOLUTION

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

- 1. Approves the budget expense increase in the amount of \$107,278 to Fund 743 Transportation Development Act Article 3 for Fiscal Year 2015-16 as listed in Exhibit A.
- 2. Approves the budget expense decrease in the amount of \$107,278 to Fund 741 as listed in Exhibit A.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Black, City Clerk

Exhibit A – Budget Adjustments

Fund	Dept	Account	Amount
743	5014	2130	\$ 15,137.50
743	5012	2145	\$ 92,140.50
TOTAL			\$ 107,278.00

A budget transfer totaling \$107,278 will be done from the following accounts to the TDA-3 Fund. The \$107,278 is accounted for in the chart above.

741	5014	2130	\$ 15,137.50	Transfer to 743-5014-2130
741	5012	2145	\$ 92,140.50	Transfer to 743-5012-2145
Total			\$ 107,278.00	

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Item No: 9.1

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: **Public Hearing**

Subject: **Appeal of the Planning Commission Decision to Deny a Short-term Rental Permit Renewal to Steve and Brenda Podesta of 1243 Stockton Street.**

CEQA Determination: **Exempt pursuant to Section 15061(B)3**

Prepared By: **Aaron Hecock, Senior Planner**

Reviewed By: **Noah Housh, Planning and Community Improvement Director** *NJH*

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

BACKGROUND

The applicant received their short-term rental (STR) permit on July 31, 2012 and was subsequently renewed for two-years in 2014. The applicant's current STR permit expired on July 31, 2016. As required by the STR ordinance, the applicant submitted a STR permit renewal application 30 days prior to the permit expiring. This renewal application was originally scheduled to be heard by the Planning Commission on August 2, 2016 due to the number of incidents associated with the STR at this location, however the item was continued at the applicant's request. The public hearing and Planning Commission denial of the application occurred on September 6, 2016.

DISCUSSION

As detailed in the attached Resolution of Denial, the Planning Commission denied the applicant's request for a STR permit renewal because they determined that the establishment of a short-term rental at the project site is not compatible with, and will be detrimental to, the character of the Stockton Street neighborhood and surrounding land uses given the narrow street, limited parking, smaller lot sizes and reduced setbacks associated with the historic development pattern of this area. Further, the Planning Commission found that activities associated with a short-term rental at this particular location could be injurious to public health, safety or welfare due to the unique character of Stockton Street, (e.g. narrow streets, parking on one side of the street only, and compact nature of development), the increased traffic and noise associated with the operation of a Short Term Rental at the location and the overall density of short term rental operations in this area of the City, and is therefore subject to the limitations imposed by Chapter 17.134 of the Municipal Code.

The Planning Commission also found that the operation of a Short Term Rental at 1243 Stockton Street has created adverse impacts to the neighborhood and resulted in a loss of character based on the evidence presented, the number of complaints received by the City and the testimony made at the public hearing.

In addition to the six (6) calls to the Police Department detailed in the attached staff report to the Planning Commission, there have been three (3) incidents related to the property since the original Planning Commission date of August 2, 2016. These incidents are summarized below:

CALLS/REPORTS TO POLICE (since 1 st P.C. Hearing)	
Call Date	Incident
9-7-16	Call to police – private issue.
9-9-16	Call to police – neighbor dispute.
9-12-16	Visit to police – neighbor requesting assistance in dealing with the operators of the STR.

In addition to these formalized complaints and calls to the SHPD, planning staff has fielded several complaints and concerns regarding STR activity at this property from neighboring residents. In one instance, planning staff responded to a concern over STR patrons parking their vehicles on the street by visiting the property. Upon getting to the 1243 Stockton, all street parking spaces were taken, however no cars were parked in the driveway and no one answered the door. Based on this, staff was unable to substantiate the validity of the concerns regarding STR patrons parking on the street.

APPLICANT APPEAL

The applicant is appealing the Planning Commission's decision to deny their request for permit renewal as they feel the decision was not supported by the facts nor based on the requirements of the municipal code according to their written statement (attached).

FISCAL IMPACT

Upholding the Planning Commission's decision would result in a short-term decline in TOT paid to the City as no TOT would be paid until a new STR permit is issued. Granting the appeal would maintain the status quo as the applicant would be required to submit TOT based on the number of times they rent their property.

RECOMMENDED ACTION

Staff recommends the City Council consider the appeal, staff report, and all testimony, written and spoken and either grant or deny the applicant's appeal of the Planning Commission's decision to deny their request for a short-term permit renewal.

ATTACHMENTS

1. Resolution Denying Appeal
2. Resolution Granting Appeal
3. Applicant Statement(s)
4. September 6, 2016 Planning Commission Report
5. Planning Commission Resolution of Denial
6. Correspondence

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**DENIAL OF AN APPEAL TO A PLANNING COMMISSION DECISION TO
DENY AN APPLICATION FOR A SHORT-TERM RENTAL PERMIT
RENEWAL TO STEVE AND BRENDA PODESTA AT 1243 STOCKTON
STREET IN THE MR: MEDIUM DENSITY RESIDENTIAL DISTRICT
(PL16-065)**

PROPERTY OWNER: Steve and Brenda Podesta

APN: 009-313-270

RECITALS

1. The applicant originally received approval to operate a Short-term Rental at 1243 Stockton Street in 2012 and was subsequently renewed for two-years in 2014; and
2. The applicant submitted the required request for a permit renewal to continue to operate a Short-term Rental at 1243 Stockton Street in the MR: Medium Density Residential district; and
3. Based on the number of complaints to the St Helena Police Department and general neighborhood concerns voiced regarding the short term rental operations at the location, the Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing to review the requested renewal on September 6, 2016.
4. At the conclusion of the public hearing on September 6, 2016, having considered the record of the proceedings before it, the written evidence submitted prior to the close of the public hearing, and the testimony and other evidence submitted at the aforementioned public hearing and having deliberated the matter, the Planning Commission denied the application for a Short-term Rental Permit Renewal.
5. The Applicant and the Property Owner filed a timely appeal of the decision of the Planning Commission to the City Council.
6. The City Council considered the Applicants' Appeal at a duly noticed public hearing on October 11, 2016. The City Council, after reviewing materials provided from the Planning Commission Public Hearing, as well as considering the record of the proceedings before the City Council, the written evidence submitted for the Council Public Hearing, and the testimony and other evidence submitted at the Council Public Hearing, voted to uphold the decision of the Planning Commission denying the Appeal and denying the Short-term Rental Permit Renewal.

RESOLUTION

The City Council of the City of St. Helena, State of California, hereby denies the appeal of the Planning Commission's decision to deny a Short-term Rental Permit Renewal to the owners of real property located at 1243 Stockton Street on the following basis:

A. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.

B. Compliance with CEQA.

The City Council further finds that the project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and Section 15270(a) in which CEQA does not apply to projects that a public agency rejects or disapproves.

C. Findings.

Short-term Rental Permit Processing. In order to grant a request for a Short-term Rental Permit, Section 17.134.060 of the St. Helena Municipal Code requires that the City Council make the following findings:

1. The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.
2. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.
3. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.
4. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.

The City Council finds that it cannot make all of the required findings, above in that:

- 1. The establishment of a short-term rental at the project site is not compatible with, and will be detrimental to, the character of the Stockton Street neighborhood and surrounding land uses given the narrow street, limited parking, smaller lot sizes and reduced setbacks associated with the historic development pattern of this area.*
- 2. Activities associated with a short-term rental at this particular location could be injurious to public health, safety or welfare due to the unique character of Stockton Street, (e.g. narrow streets, parking on one side of the street only, and compact nature of development), the increased traffic and noise associated with the operation of a Short Term Rental at the location and the overall density of short term rental operations in this area of the City, and is therefore subject to the limitations imposed by Chapter 17.134 of the Municipal Code.*
- 3. Operation of a Short Term Rental at 1243 Stockton Street has created adverse impacts to the neighborhood and resulted in a loss of character*

based on the evidence presented, the number of complaints received by the City and the testimony made at the public hearing.

D. Denial of Appeal. Based on the foregoing, the City Council does hereby deny the appeal of the Planning Commission's decision to deny a Short-term Rental Permit Renewal to the owners of real property located at 1243 Stockton Street

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, 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

RESOLUTION NO. 2016-

**GRANTING THE APPEAL OF STEVE AND BRENDA PODESTA TO
OVERTURN THE PLANNING COMMISSION DENIAL OF AN
APPLICATION FOR A SHORT-TERM RENTAL PERMIT RENEWAL AT
1243 STOCKTON STREET IN THE MR: MEDIUM DENSITY
RESIDENTIAL DISTRICT (PL16-065)**

PROPERTY OWNER: Steve and Brenda Podesta

APN: 009-313-270

RECITALS

1. The applicant originally received approval to operate a Short-term Rental at 1243 Stockton Street in 2012 and was subsequently renewed for two-years in 2014; and
2. The applicant submitted the required request for a permit renewal to continue to operate a Short-term Rental at 1243 Stockton Street in the MR: Medium Density Residential district; and
3. Based on the number of complaints to the St Helena Police Department and general neighborhood concerns voiced regarding the short term rental operations at the location, the Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing to review the requested renewal on September 6, 2016.
4. At the conclusion of the public hearing on September 6, 2016, having considered the record of the proceedings before it, the written evidence submitted prior to the close of the public hearing, and the testimony and other evidence submitted at the aforementioned public hearing and having deliberated the matter, the Planning Commission denied the application for a Short-term Rental Permit Renewal.
5. The Applicant and the Property Owner filed a timely appeal of the decision of the Planning Commission to the City Council.
6. The City Council considered the Applicants' Appeal at a duly noticed public hearing on October 11, 2016. The City Council, after reviewing materials provided from the Planning Commission Public Hearing, as well as considering the record of the proceedings before the City Council, the written evidence submitted for the Council Public Hearing, and the testimony and other evidence submitted at the Council Public Hearing, voted to overturn the decision of the Planning Commission granting the Appeal and granting the Short-term Rental Permit Renewal.

RESOLUTION

The City Council of the City of St. Helena, State of California, hereby (i) grants the Appeal of Steve and Brenda Podesta to overturn the decision of Planning Commission and (ii) grants the Short-term Rental Permit Renewal for the single-family home located at 1243 Stockton Street, on the following basis:

- A. Incorporation of Recitals. The foregoing Recitals are true and correct and are incorporated herein and form a part of this Resolution.
- B. Compliance with CEQA. The City Council hereby finds that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
- C. Short-term Rental Permit Findings. In accordance with Municipal Code Section 17.134.060, the City Council makes the following findings to support the granting of the Applicant's request for a Short-term Rental Permit on the subject parcel:
1. *The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.*
 2. *The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.*
 3. *The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.*
 4. *The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.*
- D. Conditions of Approval. The Short-Term Rental Permit for the above described parcel is granted subject to compliance with the following conditions. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of the permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed. Pursuant to the St. Helena Municipal Code, Section 17.134.040. Short-Term Rentals shall be subject to the following restrictions and standards:
1. The short-term rental use shall be permitted in no more than one single-family dwelling per lot.
 2. 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.
 3. 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.
 4. The total number of permits for short-term rental dwellings shall not exceed twenty-five (25) at any time.

5. 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.
6. 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 activity can occur.
7. A minimum of two on-site parking spaces shall be provided for use by the short-term rental occupants.
8. 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. The city shall post the name and contact information of the local contact person associated with each short-term rental on the city's webpage.
9. 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:
 - a. 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.
 - b. Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited.
 - c. 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.
 - d. Parties or group gatherings which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
10. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.

11. The owner-applicant shall 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 or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
12. The owner-applicant, 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, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
13. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the owner-applicant.
14. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required.
15. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the city of St. Helena shall be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.
16. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.
17. Short-term rental permit holders are required to rent their properties on a short-term basis a minimum (average) of sixty (60) days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the director) have their renewal denied and/or reviewed by the planning commission at a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement.
18. This permit is valid for 2 years and the owner must reapply for subsequent Short Term Rental Permits to extend the use beyond this period.
19. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all

claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Steven and Brenda Podesta

1243 Stockton Street
Saint Helena, CA 94574
Tel.: (707)-299-8902
Email: stevepodesta@gmail.com

September 13, 2016

Town Council
City of Saint Helena
1480 Main Street
Saint Helena, CA. 94574

**Re: PL16-049-Short-Term Rental Permit-1243 Stockton Street
Notice of Appeal**

Dear Members of the Town Council:

This matter involves an appeal from the planning departments denial of my short-term rental permit for my primary residence. Noah Housh, the Planning Director, recently emailed me a copy of the Resolution, which is the factual basis for the denial of my short-term rental permit. Having the read the Planning Committee's reasons in the Resolution, it has become somewhat obvious to me that the denial of the permit was not based on the requirements of the municipal code. There must have been some other hidden agenda and, therefore, I respectfully submit the following facts in response to the Planning Committee's Resolution.

First, my house has off-street parking for up to eight (8) vehicles. When guests come to stay they never park on the street. It is the rule and not the exception that they do so and rarely are there more than two guest vehicles parked in my long driveway. In that same vein, on the whole, my guests rarely come and go in their vehicles when they stay in Saint Helena. Typically, visitors to the Napa Valley are gone all day and, when they return to my house, are usually ready to relax and wind down. In short, my guests never park on the street. This is based on the undeniable fact that my house has off-street parking for eight (8) vehicles.

Second, Stockton Street, while classified as a "narrow street," has become a main thoroughfare for the many commercial and industrial vehicles operating in the area. Construction vehicles of all sizes use Stockton Street starting early in the morning and continue to use it throughout the work-day. Again, when I do have guests, they are not the problem. I invite each and every one of the members to

visit Stockton Street on any given regular work day and witness for themselves the high commercial traffic that utilizes Stockton Street in their normal course of business. I will, of course, present video and photographic evidence of the commercial traffic to prove my point. I submit the increased regular commercial use of Stockton Street affects the character of the neighborhood more than any short-term visitor I rent to from out of State. Again, the planning committee's reliance on "*noise associated with the operation of a short-term rental operations in this area of the City*," is not based on any reliable evidence and appears to be more boilerplate language to justify their decision. Had any committee member performed any due diligence, the decision to deny the renewal of my short-term rental permit could not be based on the reasons stated in the Resolution. The noise created by the commercial vehicles, local construction, and school yard playtime makes up the overwhelming bulk of any unwanted noise, not my occasional guest.

Third, my lot has a very large setback from my neighbor behind me and the house sits well off Stockton Street. The many trees and shrubs growing all around the property also provide ample privacy and a natural sound barrier to all of my neighbors. Again, I invite every member of the town council to come visit my home and see for themselves what is really going on in the neighborhood.

Finally, the complaints allegedly received by the City and the testimony made at the public hearing do not rise to a level that would even require a hearing under the municipal code. As I previously outlined in my initial correspondence, the majority of the calls to the police department have come from Amir Kashani. He is currently restrained under court order from contacting or disturbing me, my family or any of my guests. Knowing this fact, the planning committee allowed Mr. Kashani to make public comments at the hearing. In one of his public comments, over objection, Mr. Kashani, in no uncertain terms, suggested I rent to "rapist." How this can be tolerated is unacceptable. The committee's ratification of such outright defamation is, to say the least, most disconcerting. Be that as it may, I will let the justice system deal with such a clear violation of the Napa County Superior Court's restraining order.

As full-time residents of Saint Helena with deep ties to the community, my wife and I value the sanctity and peace of our neighborhood. We have made every effort to satisfy both our neighbors and this town's concerns regarding the law pertaining to short-term rentals. Quite frankly, the only reason I occasionally rent my home is to pay for my recent kidney transplant and the medicine required to keep me alive. Nonetheless, I feel the planning committee paid no attention to the facts. Over twenty-one local business owners provided letters of support. Most of my neighbors also provided strong letters of support. Why none of these facts were considered by the planning committee is contrary to the intent of the relevant law governing short-term rentals in Saint Helena.

Please be advised that I will present photographic and/or other video-graphic evidence that supports my request at the hearing. I anticipate several local business owners and neighbors to show up and express unqualified support for my permit renewal as well.

I respectfully request that the Town Council renew my permit in accordance with and pursuant to Section 17.134 of the Municipal Code as all of the conditions thereto have been satisfied.

Very sincerely yours,

Steven Podesta

Steven and Brenda Podesta

1243 Stockton Street
Saint Helena, CA 94574
Tel.: (707)-299-8902
Email: stevepodesta@gmail.com

City of St Helena, City Hall
Received

SEP 07 2016

1480 Main St.
St Helena, CA 94574

September 7, 2016

Aaron Hecock
Planning Department
City of Saint Helena
1480 Main Street
Saint Helena, CA. 94574

Re: PL16-049-Short-Term Rental Permit-1243 Stockton Street
Notice of Appeal

Dear Aaron:

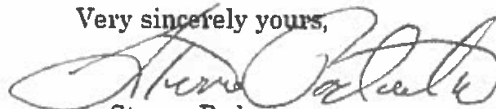
Last night, the Planning commission's decision to not renew my Short-term rental permit, to say the least, was a very disheartening. Needless to say, it has raised new issues regarding the Permit.

First, I have executory contracts that need to be performed. I legally rented my personal residence to folks coming from as far as Europe and need to honor those contracts. The contracts were executed based on the legally issued rental permit and, therefore, the conditions precedent thereof, will be performed. The parties coming to Saint Helena have booked other high-priced events, such as weddings and family reunions. As you know, the months of September and October are "crush" months and attract visitors from all over the world. Should any adverse conduct to our visitors stay occur, it will, in all likelihood, create a scenario in which damages will be pursued and most likely awarded. Personally, I would like to avoid further legal embattlements.

From what I personally observed, last night, only four members of the commission voted on and decided our fate. Unbelievably, and knowing the Kashani's were ordered by the Napa County Superior Court to not slander me or my family, over objection, the committee allowed both Kashani's to make defamatory remarks about me and my wife. The suggestion that I house "rapist's" was totally unacceptable and will be handled accordingly. In fact, I am obligated to notify commissioner Victoria Wood of the violation of her court order.

Unfortunately, the committee's decision will in all likelihood only give the Kashani's more fuel to ignite their well-documented and ongoing harassment campaign against me and my family. Again and, much to my dismay and utter disappointment, I will need to necessarily become inextricably intertwined with the Kashani's when my guests arrive. You can help me with the anticipated and foreseeable harassment of my guests by making it perfectly clear to them of the legality of our ongoing rental based upon the enclosed Appeal to the Town Council.

Very sincerely yours,



Steven Podesta

Encl.: Notice of Appeal,
Civil Mediation Agreement

c.c. Saint Helena Police Dept.
Commissioner Victoria Wood,
Napa County Superior Court

**CITY OF ST. HELENA
PLANNING DEPARTMENT 1480 MAIN STREET- ST. HELENA, CA 94574
PLANNING COMMISSION**

SEPTEMBER 6, 2016

AGENDA ITEM: 6

FILE NUMBER: PL16-049

SUBJECT: Request by Steve Podesta for a Short-term Rental Permit Renewal in order to continue the ability to rent the single-family home located at 1243 Stockton Street in the MR: Medium Density Residential district in accordance with the requirements of the short-term rental ordinance.

PREPARED BY: Aaron Hecock, Senior Planner

REVIEWED BY: Noah Housh, Planning Director

APPLICATION FILED: 06/29/16

ACCEPTED AS COMPLETE: 07/18/16

LOCATION OF PROPERTY: 1243 Stockton Street

APN: 009-313-270

GENERAL PLAN/ZONING: MR: Medium Density Residential

APPLICANT: Steve Podesta

PHONE: (707) 299-8902

DESCRIPTION

The applicant received their short-term rental (STR) permit on July 31, 2012 and was subsequently renewed for two-years in 2014. The applicant's current STR permit set to expire on July 31, 2016. As required by the STR ordinance, the applicant submitted a STR permit renewal application 30 days prior to the permit expiring. This renewal application is now before the Planning Commission for consideration for the reasons detailed below.

ANALYSIS

CEQA

The project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

GENERAL PLAN/ZONING

The property has a General Plan and Zoning designation of Medium Density Residential (MR). This district provides for single-family detached homes, accessory

dwelling units and compatible uses. Short-term rentals are a permitted use within the MR district with the issuance of a short-term rental permit.

SHORT-TERM RENTAL PERMIT

Municipal Code Section 17.134 regulates short-term rentals within the City. Section 17.134.065 pertains to permit renewals and states the following:

- A. A minimum of thirty (30) days prior to the expiration of a current short-term rental permit, the permit holder shall submit a short-term rental permit 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 (see Chapter 5.08 for addressing lack of payment/business license).
- C. The planning department will refer the application to the St. Helena police department to request all police calls for services and/or complaints lodged against the property over the course of the two-year permit.
- D. If the permit holder has a current business license, has rented their property on a short-term basis for an average of sixty (60) days per year (as applicable), has been properly reporting and paying TOT, and has fewer than three STR related complaints filed over the two years, the planning department may administratively approve the renewal which shall be good for an additional two years. If all of these provisions are not met, the renewal shall be referred to the planning commission for action at a public hearing. The planning department also has discretion to refer the renewal application to the planning commission for a decision pursuant to the process and standards set forth in Section 17.134.060.
- E. The planning director may deny the renewal if the applicant has violated any provision of this chapter.

The planning commission shall review and either approve or deny the application pursuant to Section 17.134.060 of the STR Ordinance 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 following findings:

- 1. The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.
- 2. The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.

3. The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.

4. The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.

Staff Response: *While the applicant submitted their renewal application on-time, the application was deemed incomplete as not all required fees were paid. The required fees were paid on July 18, 2016 and the application was placed on the next available Planning Commission agenda. According to the Finance Department, the applicant has failed to remit one TOT form in the last fiscal year which is not uncommon among permit holders as the monthly reporting requirement is sometimes overlooked. The Planning Department is actively working with the Finance Department to ensure that all permit holders are aware of the reporting requirements. The reason this application is before the Planning Commission is that according to the Police Department, there have been six (6) calls to the police department since April 2015 related to this address. Of these calls, three (3) were neighbor complaints about the short-term rental however, short-term renters were only involved in one (1) of the calls regarding on-street parking and noise problems (see below):*

CALLS TO POLICE (term of permit)	
Call Date	Incident
4-24-15	Neighbor dispute.
8-1-15	Neighbor dispute.
10-25-15	Neighbor dispute over STR – STR renters not involved.
4-1-16	Complaint of renters parking on-street and on-going noise problems. City Hall to handle parking issue and advised to report noise issues at time of occurrence.
4-19-16	Neighbor dispute over STR – STR renters not involved.
4-22-16	Neighbor dispute.

Staff felt that the number of police incidents at this address required this application to come before the Planning Commission for approval in order to give the neighbors an opportunity to comment on any outstanding issues or concerns with short-term rentals at this specific address and for the applicant to be able to respond to those issues and concerns.

CORRESPONDENCE

As of the completion of this report, staff has received five (5) letters in opposition to this application and three (3) letters in support of the application.

STAFF RECOMMENDATION

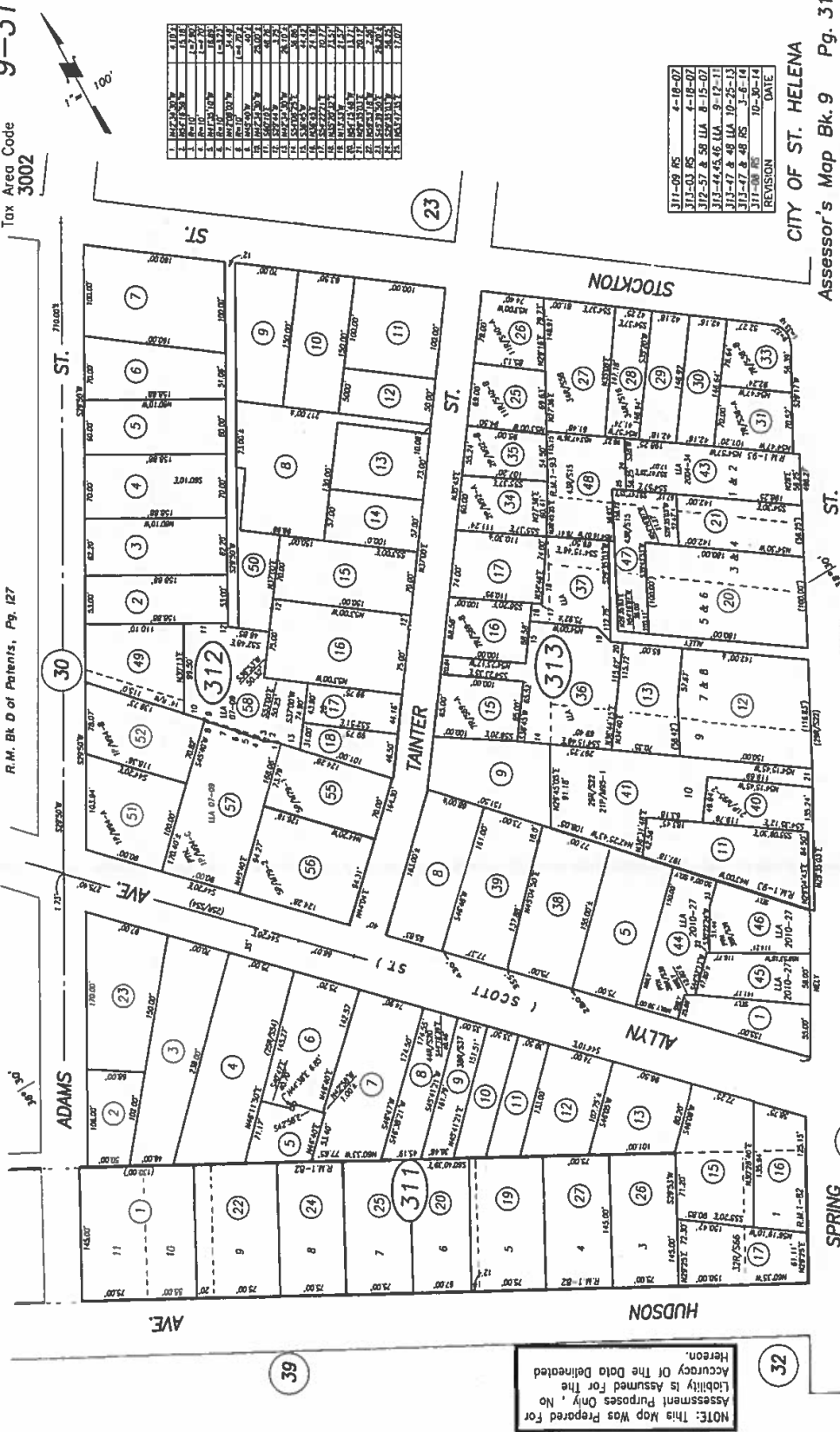
Staff recommends that the Planning Commission consider the information presented above and at the public hearing and either approve or deny the application after considering the required findings and:

1. The project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. Accept or reject the required findings and approve or deny the proposed short-term rental permit at 1243 Stockton Street.

ATTACHMENTS

1. APN Map
2. Aerial
3. STR Permit Locations Map
4. Applicant Statement
5. Comment Letters
6. Approval Resolution
7. Denial Resolution

POR. RANCHO CARNE HUMANA
 R.M. BK. D of Patents, Pg. 127

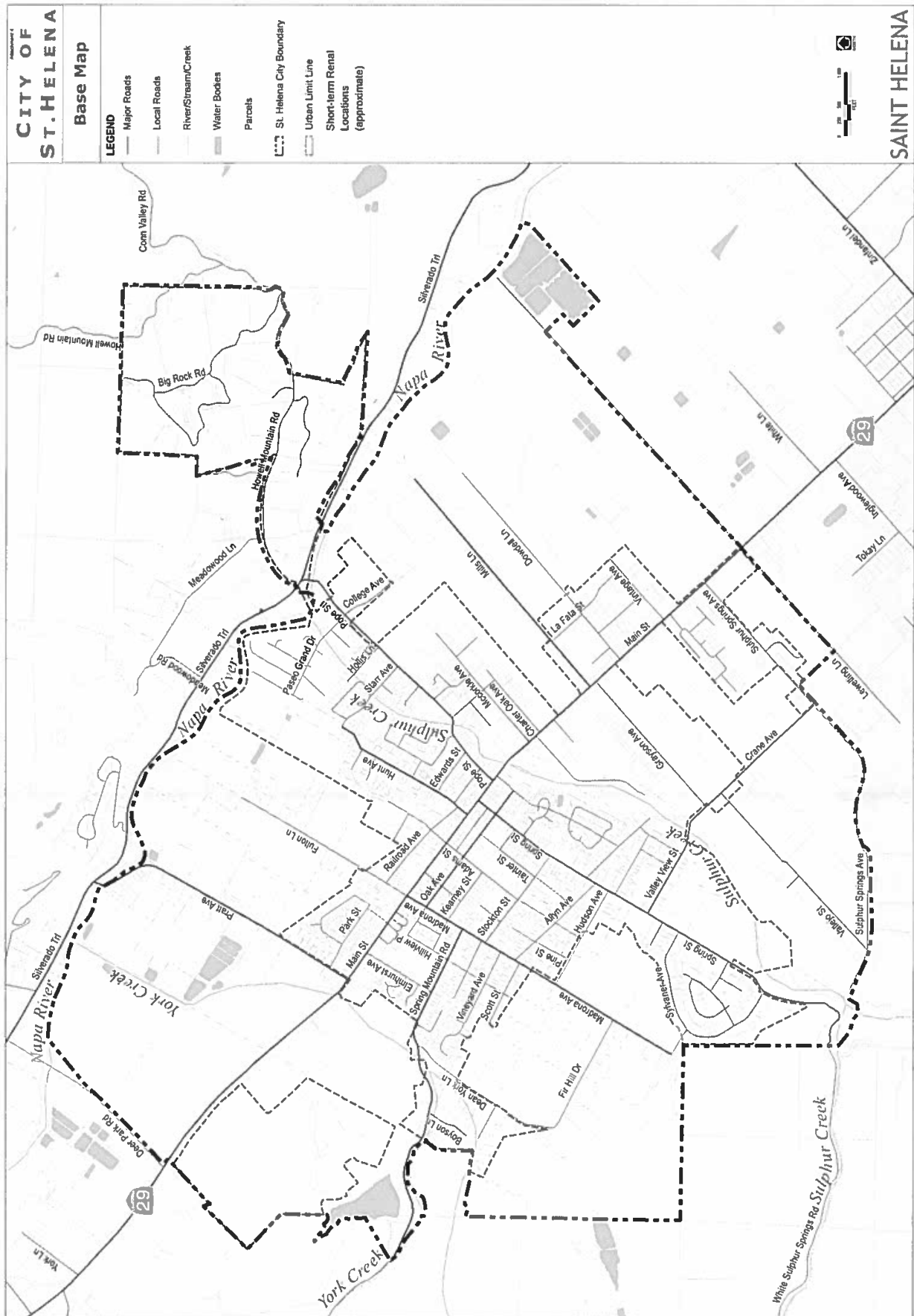


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REVISION	DATE
311-09-05	4-18-02
311-03-05	4-18-02
312-57 & 58	8-15-02
312-44 & 45	9-12-11
312-47 & 48	10-25-13
312-47 & 48	3-6-14
311-09-05	10-30-14

CITY OF ST. HELENA
 Assessor's Map Bk. 9 Pg. 31
 County of Napa, Calif.
 1954-66-61





Steven and Brenda Podesta

1243 Stockton Street
Saint Helena, CA 94574
Tel.: (707)-299-8902

Email: stevepodesta@gmail.com

August 17, 2016

Aaron Hecock
Planning Department
City of Saint Helena
1480 Main Street
Saint Helena, CA. 94574

Re: PL16-049-Short-Term Rental Permit-1243 Stockton Street
Hearing Date: September 6, 2016

Dear Aaron:

In response to our recent communication please consider the following. As you are aware, my wife, Brenda, appeared before the members of the planning department on August 2, 2016 to address any and all of your questions or concerns regarding the short-term rental of our primary and only residence located at 1243 Stockton Street. At the time, however, she was too distraught over the recent passing of my father and was unable to proceed with the hearing. Nonetheless, I would like to present the following facts in support of the renewal of our short-term rental permit number 2012-31, issued on July 23, 2012.

My wife and I have made Saint Helena our home and primary residence since 2006. Saint Helena is our home. I am a member in good standing of the Saint Helena chapter of the International Order of Oddfellows and the Meadowood County Club. When we do, on occasion, choose to rent our home, we strictly follow and abide by the Saint Helena Municipal Code, Section 17.134.040, restrictions, standards and our own personal house policies.

The permit is issued in my name and I am the owner of 1243 Stockton Street. My home has four bedrooms and we never allow more than eight persons to stay at our home. All applicable building, health, fire and related safety codes are met and followed. I have off-street parking at my house that can accommodate at least seven cars but rarely are there more than two when the house is rented. This is

because we attempt to avoid renting to people from California especially close to our home to avoid the possibility of unknown friends of guests showing up. That being said, we do however rent to friends and family of our Saint Helena community. Thus offering them an affordable haven for them to accommodate their guests while visiting them here in Saint Helena. The SHFD has inspected and determined the house to be in compliance as well.

All of the necessary onsite contact information has been made available to the public and the City pursuant to subsection (H) of section 17.134. In addition, we have posted rigorous "house policies" within each guest bedroom in accordance with subsection (F), see enclosed signs we have included with this letter. Pursuant to our house rules, quiet hours are maintained from 9:00 p.m. to 9:00 a.m. Amplified sound that is audible beyond the property is forbidden and we look for renters who are more mature in their age than others, preferably over 50. We also don't allow renters to have additional guests, group gatherings or pets of any kind. Toward that end, I screen any potential renters thoroughly before they are allowed to stay.

Regarding the July 29, 2016 letter typed but not signed by "Anonymous," I don't believe this should be considered as credible given its unsigned and anonymous nature. We don't know who anonymous is and, as such, have no ability to confront or address such anonymous hearsay. The neighbors at 1219 Stockton, Ana Canales and Bruce Streblow, prepared a positive and supporting letter on August 2, 2016. Additionally, the neighbor at 1240 Stockton, Rick Garber, prepared a positive letter on August 2, 2016 (enclosed herein). Of the fifty or so neighbors notified of the renewal, only four have apparently sent in written comments. Of the four, one was anonymous, two were positive and one was not based on accurate facts and does not own the home as she is a renter herself. The bottom line, however, is that only 2% of the fifty neighbors notified have responded, which is far less than the 30% needed to even raise a valid concern according to the planning departments regulations.

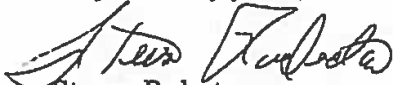
Of the six calls apparently made to the police between April 24, 2015 and April 22, 2016, only one involved a renter and it was promptly dealt with in accordance with our house policies and the Cities regulations. The overwhelming bulk of the calls involved our neighbor, Amir Kashani, and he is currently under Court Order not to contact, engage in verbal dialogue or statements, annoy or harass me, my wife, immediate family or our guests anywhere in town or to others (see enclosed Civil Mediation Agreement). Which leads me back to the "anonymous" letter of complaint to the city. Per this court order, if this letter is from this particular neighbor, which we don't have any proof of who and what address, this would be a violation of Item 4

of the Court Order, Mediation Agreement; which is considered to be contempt of court.

With regards to our Transient Tax Payments, we have paid TOT for the months of January, May, June and July, and will be making the August payment as scheduled for 2016, see enclosed proof of all payments. I am missing the May 2016 receipt because it was in my car, which was stolen from the driveway of my parents' home while in Reno, Nevada, taking care of my father, who passed away. However, the city has proof of this payment, which I've requested a copy, but do not have at the time of this letter.

As full-time residents of Saint Helena with deep ties to the community as stated herein, we value the sanctity and peace of our neighborhood. We have made every effort to satisfy both our neighbors and this department's concerns regarding the law pertaining to short-term rentals and have played by the rules. Recently, we have installed security cameras around the property where we can view in real time the street, backyard, driveway and the premise itself, as an added measure to maintain the sanctity and security of our home. As such, I respectfully request that the planning department renew our permit in accordance with and pursuant to Section 17.134 of the Municipal Code as all of the conditions thereto have been satisfied.

Very sincerely yours,



Steven Podesta

Encl.

VERY IMPORTANT - PLEASE READ IMMEDIATELY

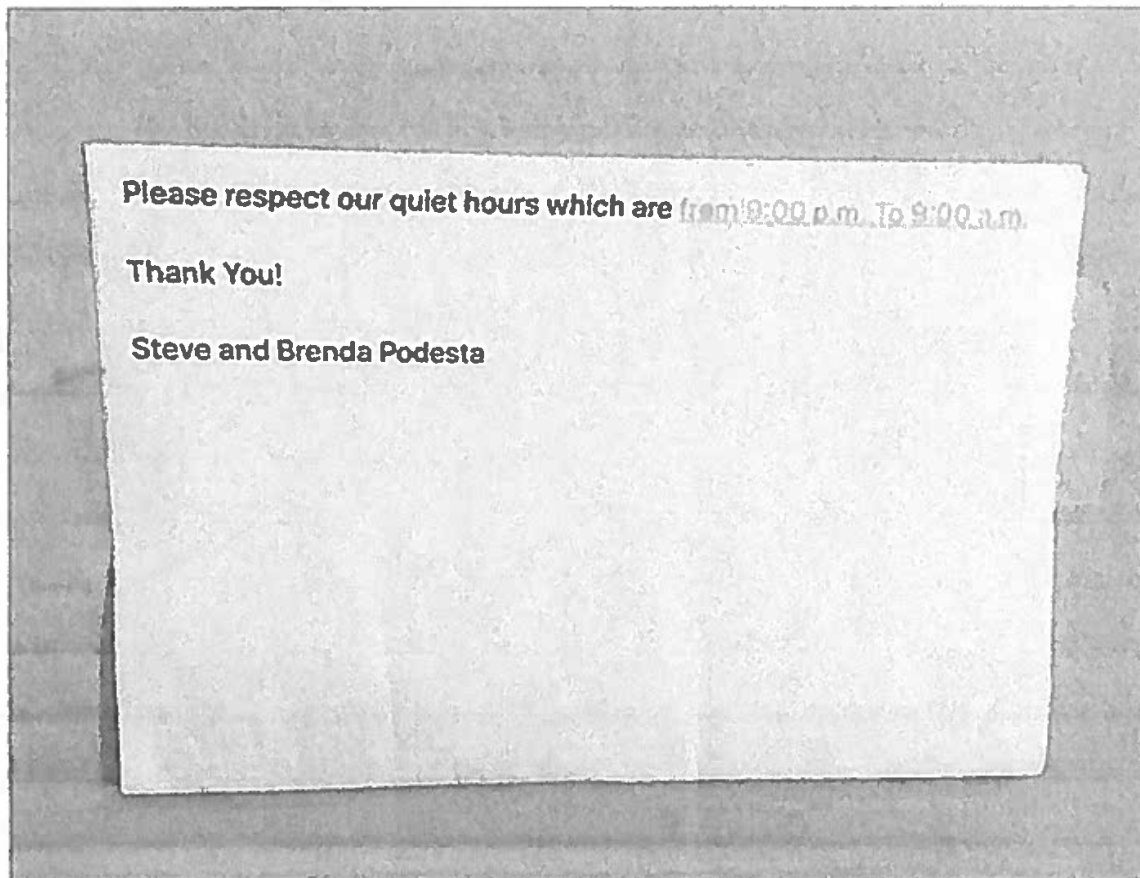
PLEASE PARK IN OUR DRIVEWAY. AS PART OF ST HELENA'S RENTAL ORDINANCE AND TO BE KIND TO OUR NEIGHBORS, THE CITY ASKS ALL VACATION RENTERS TO PARK IN THE DRIVEWAY. THIS IS A MUST. IT IS REPORTED TO US BY OUR NEIGHBORS WHEN OUR GUESTS ARE PARKING ALL OVER OUR STREET AND NOT IN OUR DRIVEWAY WHICH CAN ACCOMMODATE UP TO 7 VEHICLES.

THANKS FOR HELPING US KEEP THE NEIGHBORHOOD HAPPY!

STEVE AND BRENDA PODESTA

From: **Brenda Podesta** brenda@brendapodesta.com
Subject: **Quiet hours print**
Date: **Today at 3:36 PM**
To: **Steve Podesta 707-299-8902** stevepodesta@gmail.com

Attachment 4



Sent from my iPhone

In light of the unprecedented water issues facing our beautiful state this year, we ask that you conserve our water resources wherever possible.

Thank you kindly,

The Podesta's

CIVIL MEDIATION AGREEMENT

FILED

MAY 16 2016

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF NAPA**

Clerk of the Napa Superior Court
By: [Signature]
Deputy

IN THE MATTERS OF:

**Steven Jack Podesta vs Amir Kashani
Amir Kashani vs Steven Jack Podesta**

CASE NUMBERS:

**16CV000260
16CV000286
16CV000296**

OUTCOME: Full Agreement

MEDIATION DATE: May 12, 2016

MEDIATOR: Kathleen O'Neill, MA

PARTIES PRESENT:

Steven Jack Podesta
Brenda Podesta
Amir Kashani
Mary Kashani

AGREEMENT:

The parties hereby agree:

1. Neither party shall slander the other to third parties.
2. The parties will stay a minimum of 10 feet away from each other.
3. The parties will not be on either's private property.
4. The parties will not engage in verbal dialogue or statements.
5. The parties will not shout or yell profanities at one another, or at others on their respective properties, or in their respective residences.
6. The parties will not use hand gestures or profane body language toward one another.
7. The Podesta vehicles will advance as far as possible when using the Kashani neighbor's driveway.
8. The parties will not agitate each other's visitors and/or pets.

Case Numbers:

16CV000260

16CV000286

16CV000296

CIVIL MEDIATION AGREEMENT

Read and Accepted by:

Steven Jack Podesta 5/12/16
Steven Jack Podesta Date

Amir Kashani 5-12-16
Amir Kashani Date

Brenda Podesta 5/12/2016.
Brenda Podesta Date

IT IS SO ORDERED:

Victoria Wood
Commissioner of the Superior Court
Victoria Wood

5.12.16
Date

Case Numbers:
16CV000260
16CV000286
16 CV000296

Date: May 12, 2016

August 2, 2016

TO: St. Helena City Council and Planning Commission

FROM: Ana Canales and Bruce Streblow
1219 Stockton Street
St. Helena, CA 94574

RE: Podesta Short Term Rental
1243 Stockton Street, St. Helena, CA 94574

As a neighbor, we would like to report that the Podesta short-term rental property has not been an issue for us over the last several years. When it was first rented, we had an issue – ONCE. We called the police as folks were up late into the night. The Podestas arrived at our door step the next day to apologize and reiterate their introduction letter to the neighbors which gave a phone number to reach them in case of a problem – PROBLEM SOLVED.

Since that time, we have never encountered a problem. Their latest guests happen to be friends of ours - Koerner Rombauer's daughter Sheana and her three adult children who all grew up in St. Helena. It was a joy to have them in our neighborhood as they children were former students of Ana's and Bruce has known Sheana since she was a child.

We believe that if people follow the rules, the short term rental situation is a win-win for St. Helena.

Attachment 4

From: ragarber@me.com
Subject: Fwd: 1243 Stockton
Date: August 2, 2016 at 5:49 PM
To: dgkatz@mac.com

----- Forwarded message -----

From: ragarber@me.com
Date: Aug 2, 2016, 8:19 PM -0400
To: Brenda Podesta <brenda@brendapodesta.com>
Subject: 1243 Stockton

Brenda, please share this email as appropriate at the hearing for your permit.

Having purchased 1240 Stockton in September of 2015, Brenda and Steve Podesta warmly welcomed us to the neighborhood. As a part-time resident they have been extremely helpful in many ways, many times. We have no complaints in regard to them or their guests. As a bonus we have the pleasure looking at their beautiful yard whenever we are on our front porch.

Best Regards,

Cheers,
Rick
Rick Garber

From: **Derek Dwyer** (lyardwyer@gmail.com)
Subject: **Character Reference**
Date: Today at 7:45 AM
To: **Steve Podesta 707-299-8902** stovepodesta@gmail.com

To Whom it may concern,

Steve Podesta is known to me through our membership in the Independent Order of Oddfellows. He is a generous and contributing member to both our organization and the community. I believe that he is a vital member of this town. He represents a member of the small group of owners of short term rentals who actually pay their fair share of taxes and should be valued as such.

Sincerely, Derek Dwyer

July 29, 2016

Please forward to the planning commission.

I am not one to usually complain, but frustration has compelled me to write. I am a full time St. Helena resident and live on Stockton street. When I moved here I presumed it was a quiet residential neighborhood, which it is for the most part, but our neighbors, Steve and Brenda Podesta, at 1243 Stockton street seem to attract a lot of commotion.. I understand that they do short term rentals and that is one of the reason for many of the comings and goings, as well as strangers parking up and down the street. Normally, I would try and talk to the owners, but on the few occasions I've spoken with Brenda, she seemed to find it amusing that her neighbors were upset with the situation. So talking to them would be out of the question.

I am signing this anonymously as the Podesta's have been known to retaliate.

Sincerely,

Anonymous

Jony McQuiddy.

July 29, 2016

TO:

The Planning Commission of
St Helena, CA for consideration at the
August 2nd, 2016 meeting.

Pursuant to the Short Term
Rental Renewal request of the home
at 1243 Stockton Street:

The 1200 block of Stockton Street
consists of mostly small homes on
narrow lots, physically quite close
together with street parking allowed
on one side only.

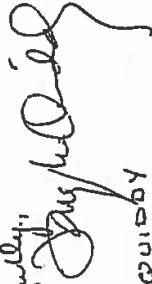
Conducting a "motel style" business
at one centrally-located property with
strangers and multiple cars and
limousines (commonly to visitors
although listed on VRBO since 2007
and then by permit to current) has
created a stressful atmosphere and
negatively affected the previous
neighborhood character.

This is simply the wrong business
in the wrong place.

Also please consider adding a
requirement for a permit be that
the Rental house be at least

100 feet from the nearest home
plus the Applicant submit
written approval of the business
by at least 75% of the neighbors
within 300 feet.

Respectfully,



JONY MCQUIDDY
1227 STOCKTON ST
ST HELENA, CA 94574
Telephone, 707-963-1517

Aaron Hecock

From: Carolyn Kelperis <ckelperis@hotmail.com>
Sent: Sunday, July 31, 2016 5:26 PM
To: Noah Housh
Cc: Aaron Hecock; Sarah Parker; Grace Kistner; Mary Koberstein; Bobbi Monnette
Subject: PL 16-049 STR RENEWAL APPLICATION 1243 STOCKTON STREET
Attachments: 7-31-2016 RE 1243 STOCKTON STR.docx

Dear Noah, Aaron & Planning Commission,

I'm writing in response to the Agenda Item #7 for August 2, 2016

Short-term Rental Permit Renewal

LOCATION: 1243 Stockton Street
APPLICANT: Steve Podesta
APN: 009-313-270

Although I do not live near this particular property, I do live next door to 1603 Main Street which operated as an illegal STR. The previous owner not only added a 2nd unit without a building permit, but used the residence as an extension of her B&B elsewhere in St. Helena. I complained to the City for over 10 years, when finally (in the mid-1990s) the operation was shut down and the owner was assessed fines and back TOT taxes.

In February of 2016, it was reported in the local press that the owner of 1134 Valley View had agreed to pay \$20,000 in penalties. This matter came to light when the owner submitted an application for an STR permit after having operated illegally. The application was subsequently denied following a hearing in 2015.

http://napavalleyregister.com/news/local/owners-of-illegal-st-helena-rental-will-pay-in-penalties/article_a08d6527-5253-5b2c-8261-e737f0acc508.html

I point out the above incidents after reviewing the VRBO website for 1243 Stockton Street.

<https://www.vrbo.com/119992#ownerprofile>

The owners clearly state they have been "members of VRBO since 2007". In response to two recent written complaints by the guests at this STR, the owner states, "I have not received one bad review in the past eight years." (See attached)

My question is--in view of the fact that this owner has been operating as an STR since 2007, how much in back TOT has been paid for the period prior to the issuance of a permit on July 31, 2012?

Sincerely,
Carolyn Kelperis
St. Helena

Attachment 4

From: juliana ganick [mailto:julianag01@yahoo.com]
Sent: Monday, August 01, 2016 12:59 PM
To: Noah Housh
Subject: Response to STR renewal request

August 1, 2016

To Whom It May Concern;

RE: Renewal of Short Term Rental Permit / 1243 Stockton Street

Each STR is unique to its impact on its neighborhood and I can only speak to this particular STR.

TRAFFIC/SPACE: Stockton Street is a very narrow street. Parking is allowed on one side of street only. The allowed parking side of the street consists of 5 houses and 6 driveway accesses. Additional vehicle's the STR brings creates a negative impact on the neighborhood. STR visitors often tend to rely on a transport service, day and night, to and from, their daily vacation itineraries. Limousines, vans, and occasionally large buses navigate down the block. It is rarely possible for a limo to have enough room on the parking side of the street, so they will either choose to block a driveway (which is illegal), park on the no parking side of street (which is illegal), or simply park in the middle of the street. The latest guests at this STR parked 3 nights (7/28 -7/30) on street. I believe that off street parking is to be provided as part of the STR permit.

SAFETY & NOISE: A certain degree of safety is taken into account when we have a choice of where we want to live. One never knows who is staying next to you when you have a 'motel' living atmosphere within the neighborhood. I have had the pleasure of meeting some very pleasant, friendly and respectful guests staying at this STR. However, I have witnessed a guest pulling up in front of this STR, jumping out of his car and urinating alongside the driveway, in the middle of the day! I have witnessed aggressive behavior from intoxicated guest late in the evenings, at this STR. I have been awakened numerous times throughout the years from this STR home by loud, vulgar and aggressive behavior. Evening drop offs are especially noisy, with loud music coming from the limousines and vans/buses. Shopping carts left on sidewalk from the local grocery store. These guests are vacationing, in an otherwise quiet, established, family oriented, small neighborhood.

At the end of the day, in all fairness, the neighboring families should not have the burden of "policing" these STR issues and the rules that they are obligated to abide by. The owners are not on premises when their home is rented, therefore are not aware of all that transpires while their guests are there, without the "policing" by their neighbors. This, at times, creates a negative tone in the neighborhood (unspoken and sometimes 'outspoken')! I do believe a property owner has the right as to how his or her property is used. But, I also believe that if there are rules and regulations set by the City to permit / allow specific businesses to operate within this 'non-commercial' area, those who acquire permits have to comply.

Respectfully,
Juliana Ganick

Aaron Hecock

From: Tona Kovacevic <tonak@rombauer.com>
Sent: Tuesday, August 30, 2016 2:10 PM
To: Noah Housh; Aaron Hecock
Subject: Short Term Rental renewal for 1243 Stockton Street, St. Helena

Importance: High

Gentlemen: Thank you both for taking the time to read this short, but heartfelt email concerning the STR renewal application for 1243 Stockton Street. When my neighbors and I were protesting the STR application for 1450 Stockton, our concerns were heard by you and the Planning Commission. That request was denied for many reasons, one being the narrow street (Stockton) and the lack of parking on the west side of the street. With the complaints logged with the PD about noise and parking issues for the neighbors adjacent to 1243 Stockton, I believe the same restrictions that were applied to 1450 Stockton should be applied to 1243 Stockton. Thank you for your time and consideration. Respectfully, Tona Kovacevic, *your favorite St. Helena Native*

Tona Kovacevic
Rombauer Vineyards
3522 Silverado Trail North
St. Helena, CA 94574
**LAND OF THE FREE,
BECAUSE OF THE BRAVE**
PH 707-963-5170
FX 707-963-5752
DIRECT PHONE: 707-963-6600

AUG 31 2016

City of St. Helena

August 31, 2016

To: The City of Saint Helena and City Council – Planning Commission

RE: Short Term Rental Permit renewal, 1243 Stockton Street, Saint Helena, CA

I have been a long term resident in the city of Saint Helena. I grew up here and am currently raising my children here. I am now a neighbor to the Podesta's, thanks to Brenda's hard work in helping me secure a home in the area where my kids can be close to their schools.

I have known Brenda and Steve for several years. Initially, through business, eventually they became friends. We have attended Halloween festivities and other family and friendly get togethers at their house over the years.

They are fine people and are very concerned about being respectful to their neighbors. We're always being "shushed" by Steve and Brenda while we are there, especially during the evening hours. It has become quite obvious there're a few very sensitive neighbors on their block who love to single them out for one reason or another. Several years ago, I came over to visit Brenda on a business basis, while coming up her front walk way I was confronted by one such neighbor, asking me if I was vacation renting their home. When I told Brenda what had happened she said it's not the first time. On another occasion, while I was dropping off some paperwork, their cleaning lady came in and was all upset. Come to find out she had just been balled out by the neighbor across the street at 1230 Stockton Street for parking her car in front of his house. I believe these same neighbors have been giving them a hard time since the day they moved in. At least that has been my experience since I have known them. It's almost like they have "bullies" or "harassers" on the block. It's now allowed in schools, nor should it be condoned with neighbors.

I understand their Short Term Rental Permit is coming due for renewal. I hope you seriously consider granting them the renewal. There are so many others in this town who rent illegally. Steve and Brenda have done everything to be above board. Unlike so many other people renting, the Podesta's actually contribute revenue to our town. When you go into their home, you can see they really care about the others in the neighborhood. They post signs all over their house. One such sign requests that under no uncertain terms to not park in front of the neighbor's house at 1230 Stockton Street. The other sign they have posted is one requesting their guest to "please keep this door shut at all times to keep the noise down for this particular neighbor". There are many many other signs posted to keep order at their home while it is rented.

I have read the other letters and notice those who are complain about the comings and goings from their home is like a hotel. In fact, I not only don't notice it, I find their home to be pretty quiet most of the time. They live at this home a majority of the year. They're a family of four with lots of friends and family who come to visit all the time. Furthermore, they both work from home with people coming and going for business purposes. How is this different than the small amount of time they have people renting their home? How do you differentiate? They should be entitled to live in their home and have people come and go as they please. To call out the vacation renters as the problem is being short sighted. By the very nature of their business and being empty nesters they always have people coming and going.

Steve and Brenda have their two adult children in addition to themselves that manage their property at all times, all whom are here locally. I recently found out they are installing cameras with live audio and video feed so they can monitor the comings and goings in around the house live and ensure there isn't any ruckus going on around or in front of the home.

Traffic on the street of Stockton is not because of Steve and Brenda's vacation rental. Prior moving into my new home here in the neighborhood, I stayed with them for a week until my home was ready to move in. I saw more traffic and parking on the street from the neighbors, Fed Ex Trucks, construction workers, delivery people, on the next block and by the school, none of which were related or having to do with the Podesta's home. What I did notice while I was visiting with them that week, like myself, when I come over, I always park in their driveway. They have a huge driveway and whether it's the carpet cleaning people, a Car Service picking people up, friends coming over, I mostly notice them pulling right into the driveway, it's so convenient.

Their home and their sensitive to the neighbors and respect for their primary residence is evident when you meet or are visiting them. They bring revenue to the city and to the merchants and restaurants of this city which is important for a city to thrive.

I truly hope you consider their renewal. They are running a first class operation and should be allowed to continue to do so. They are a living example of how a legal short term rental in Saint Helena should be ran, not one that should be ran out of town.

Sincerely,

Diana Isdahl

Neighbor, Saint Helena Resident

August 31, 2016

To: Noah Housh

cc. Aaron Hecock, Sarah Parker, Grace Kistner, Mary Koberstein, BMonette

From: Katalin Kádár Lynn on behalf of the Stockton, Pine Street Neighborhood Group

Re: Short Term Permit Renewal for 1243 Stockton Street

Application Number: 009-313-270

Dear Noah, Aaron and the Planning Commission,

At the upcoming September 6 Planning Commission the application for renewal of the Short Term Permit held by Steve Podesta at 1243 Stockton Street is on the agenda - (held over from the August 2 meeting agenda).

My husband and I live at 1440 Stockton Street, having been St. Helena homeowners for two decades. It is our full time residence. When the property owners adjacent to ours (1450 Stockton) were denied a STR permit Resolution #PC2015-021 there were several key findings in that resolution related to that application which could not be made.

The findings in the above denial relate to the property at 1243 Stockton Street as much as they did to 1450 Stockton.

Permit me to quote from that resolution and the reasons for denial.

Resolution

B. 2_ "In this case the Planning Commission finds that the narrow lots and smaller than normal setbacks in and around 1450 Stockton Street create a unique environment where neighbors would be adversely affected by usual activities associated with a short-term rental property".

B. 7 " ...However, the neighborhood around 1450 Stockton Street is characterized by unusually narrow streets and smaller than normal setbacks between houses which makes a short -term rental incompatible with the surrounding residential land uses.

B. 9 " The Planning commission finds that activities associated with a short-term rental at this particular location could be injurious to public health, safety or welfare due to the unique character of Stockton Street (e.g. narrow streets, lack of parking, lot size and width, etc.).

Additionally the PC also agreed that as Stockton is the narrowest street in St. Helena, with lack of safety at the driveways, (driveways require tandem parking and the

residents backing out of their driveways) Stockton driveways constitute a safety hazard.

In the case of 1243 Stockton Street, the exact same conditions apply to that portion of the street as the 1400 block. In fact perhaps it is even more heavily trafficked a block as cars turn off Spring Street onto Stockton at the corner, making it a greater safety hazard.

In addition to the general conditions unique to Stockton Street, Mr. Podesta's application has come to the Planning Commission for approval renewal due to the complaints lodged with the St. Helena Police department regarding the property. Now that the Podesta's have had their permit, it has been proven that the same concerns apply here, as there indeed have been issues of parking, unloading, etc. which constitute safety concerns, profanity, disruption of the quiet neighborhood and noise and commotion issues.

The three letters submitted to the Planning Commission by August 2 advocating denial of a renewal to 1243 Stockton amply illustrate the above points. They provide graphic evidence of traffic/space problems as a result of the STR as well as safety and noise issues. They also provide evidence of the "...negative tone in the neighborhood (unspoken and sometimes spoken)." ¹

Another letter states "conducting a 'motel style' business at one centrally -located property with strangers and multiple cars and limousines (covertly to neighbors although listed on VRBO since 2007 and then by permit to the current) has created a stressful atmosphere and negatively affected the previous 'neighborhood character'. This is simply the wrong business in the wrong place." ²

Finally, the third letter in opposition from a Stockton Street resident is most disturbing. It recounts the same issues as the other two letters but was sent anonymously "as the Podesta's have been known to retaliate". ³

That is the most frightening statement of all. The thought that a member of our community would feel intimidated enough by a fellow neighbor to live in FEAR of retaliation is completely unacceptable!

Summary: My husband, Douglas G. Lynn and I and the undersigned members who compose the Stockton/Pine Street Neighborhood Group respectfully request that 1243 Stockton be denied a renewal of its STR Permit and that the Planning Commission pass a resolution that denies STR Permits be issued on any portion of Stockton Street between Madrona Avenue and Spring Streets, due to the unique nature of that portion of Stockton Street as has already been recognized by the Planning Commission.

Respectfully,

Katalin Kádár Lynn PhD

Douglas G. Lynn

Michele Barberi Hyde

Jerry Hyde

Marianne Brooks

Lana Ivanoff

Carolyn Kelperis

Tona Kovacevic

Connie Wilson

Dianne Wilson

¹ Letter of Juliana Ganick to the St. Helena Planning Commission dated August 1, 2016

² Letter of Jony McQuiddy to the St. Helena Planning Commission dated July 29, 2016

³ Anonymous letter from a Stockton Street resident to the St. Helena Planning Commission dated July 29, 2016

CITY OF ST. HELENA PLANNING COMMISSION

**SHORT-TERM RENTAL PERMIT RENEWAL NO. PL16-049
GRANTED TO 1243 STOCKTON STREET**

PROPERTY OWNER: Steve Podesta

APN: 009-313-270

Recitals

1. The applicant submitted a request for a permit renewal to operate a Short-Term Rental at 1243 Stockton Street in the MR: Medium Density Residential district.
2. The Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing on September 6, 2016.

Resolution

1. The Planning Commission hereby finds that the project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The Planning Commission hereby finds that the Short-Term Rental Permit renewal application complies with the following required findings pursuant to Section 17.134.060 of the St. Helena Municipal Code:
 - a) The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.
 - b) The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.
 - c) The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.
 - d) The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.
3. The Short-Term Rental Permit for the above described parcel is granted subject to compliance with the following conditions. The permit shall be in conformance with all City ordinances, rules, regulations and policies in effect at the time of issuance of the permit. The conditions noted below are particularly pertinent to this permit and shall not be construed to permit violation of other laws and policies not so listed.
4. Pursuant to the St. Helena Municipal Code, Section 17.134.040. 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 activity can occur.
- 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. The city shall post the name and contact information of the local contact person associated with each short-term rental on the city's webpage.
- I. 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 which exceed the maximum number of allowed guests and/or which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
- J. Auctions, weddings, commercial functions, and any other similar events which have the potential to cause traffic, parking, noise or other problems in the neighborhood are prohibited from occurring at the short-term rental property, as a component of short-term rental activities.
- K. The owner-applicant shall 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 or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
- L. The owner-applicant, 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, shall prevent a recurrence of such conduct by those occupants or guests or be subject to fines and penalties levied by the city up to and including revocation of the short-term rental permit.
- M. All advertising for any short-term rental, including electronic advertising on short-term rental websites, shall include the number of the short-term rental permit granted to the owner-applicant.
- N. The owner-applicant shall maintain city business licenses and pay all transient occupancy taxes in accordance with Chapter 3.28 as required.
- O. Preference for the review and issuance of new short-term rental permits shall be given to current residents of St. Helena over nonresident applicants. Applicants whose primary residence is within the city of St. Helena shall be reviewed and acted on ahead of other nonresident applications to implement the local preference policy for short-term rental permits.
- P. Applicants for short-term rental permits are required to have owned their homes for a minimum of three years prior to applying for and being issued a short-term rental permit.
- Q. Short-term rental permit holders are required to rent their properties on a short-term basis a minimum (average) of sixty (60) days per year. Individual permit holders who do not meet this minimum rental activity may (at the determination of the director) have their renewal denied and/or reviewed by the planning commission at

a noticed public hearing. Short-term rental permit holders who utilize their primary residence for short-term rental activities are exempted from this requirement.

5. This permit is valid for 2 years and the owner must reapply for subsequent Short Term Rental Permits to extend the use beyond this period.
6. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's approval of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

I HEREBY CERTIFY that the foregoing short-term rental renewal permit was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on September 6, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning Director

CITY OF ST. HELENA PLANNING COMMISSION

**SHORT-TERM RENTAL PERMIT RENEWAL NO. PL16-049
DENIED TO 1243 STOCKTON STREET**

PROPERTY OWNER: Steve Podesta

APN: 009-313-270

Recitals

1. The applicant submitted a request for a permit renewal to operate a Short-Term Rental at 1243 Stockton Street in the MR: Medium Density Residential district.
2. The Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing on September 6, 2016.

Resolution

1. The Planning Commission hereby finds that the project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
2. The Planning Commission hereby finds that the Short-Term Rental Permit renewal application does not comply with the following required findings pursuant to Section 17.134.060 of the St. Helena Municipal Code:
 - a) The establishment of a short-term rental at the subject property is consistent with the purpose of the general plan, including policies regarding the displacement of rental units in the housing stock.
 - b) The establishment of a short-term rental at the subject property will not be detrimental to a building, structure or feature of significant aesthetic, cultural, architectural or engineering interest or value of a historical nature.
 - c) The establishment of a short-term rental at the project site is compatible with and will not be detrimental to the character of the neighborhood and surrounding land uses.
 - d) The establishment of a short-term rental at the project site will provide an enhanced visitor experience and accommodation as an alternative to the hotel, motel, and bed and breakfast accommodations currently existing in the city and will help to ensure the collection and payment of transient occupancy taxes.
3. In any action or proceeding to attack, challenge, invalidate, set aside, void or annul the City's denial of applicant's Project, in whole or in part, applicant shall defend, at its own expense and without any cost to the City, and with counsel acceptable to the City, and shall fully and completely indemnify and hold the City, its agents, officers, and employees harmless from and against any and all claims, causes of action, damages, costs, attorney's fees and liability of any kind, so long as the City reasonably promptly notifies the applicant of any such claim, action, or proceedings and the City cooperates fully in the defense of the action or proceedings.

I HEREBY CERTIFY that the foregoing short-term rental renewal permit was duly and regularly denied by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on September 6, 2016 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Grace Kistner
Chair, Planning Commission

Noah Housh
Planning Director

CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION PC2016-034

**SHORT-TERM RENTAL PERMIT RENEWAL NO. PL16-049
DENIED TO 1243 STOCKTON STREET**

PROPERTY OWNER: Steve Podesta

APN: 009-313-270

Recitals

1. The applicant originally received approval to operate a Short Term Rental at 1243 Stockton Street in 2012; and
2. The applicant submitted the required request for a permit renewal to continue to operate a Short-Term Rental at 1243 Stockton Street in the MR: Medium Density Residential district; and
3. Based on the number of complaints to the St Helena Police Department and general neighborhood concerns voiced regarding the short term rental operations at the location, the Planning Commission of the City of St. Helena, State of California, held a duly noticed public hearing to review the requested renewal on September 6, 2016.

Resolution

1. The Planning Commission hereby finds that the project is exempt from CEQA pursuant to Section 15061(B)3, which exempts any project where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and Section 15270(a) in which CEQA does not apply to projects that a public agency rejects or disapproves.
2. The Planning Commission hereby finds that this Short-Term Rental Permit renewal application does not comply with required findings pursuant to Section 17.134.060 3. of the St. Helena Municipal Code in that:
3. The establishment of a short-term rental at the project site is not compatible with, and will be detrimental to, the character of the Stockton Street neighborhood and surrounding land uses given the narrow street, limited parking, smaller lot sizes and reduced setbacks associated with the historic development pattern of this area.

Further, the Planning Commission finds that activities associated with a short-term rental at this particular location could be injurious to public health, safety or welfare due to the unique character of Stockton Street, (e.g. narrow streets, parking on one side of the street only, and compact nature of development), the increased traffic and noise associated with the operation of a Short Term Rental at the location and the overall density of short term rental operations in this area of the City, and is therefore subject to the limitations imposed by Chapter 17.134 of the Municipal Code.

In addition, the Planning Commission finds that the operation of a Short Term Rental at 1243 Stockton Street has created adverse impacts to the neighborhood and resulted in a loss of character based on the evidence presented, the number of

complaints received by the City and the testimony made at the public hearing. Therefore, pursuant to Municipal Code Section 17.134.060 E. no permit allowing the operation of a short term rental shall be issued to this property owner at this location.

I HEREBY CERTIFY that the foregoing short-term rental renewal permit was duly and regularly denied by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on September 6, 2016, by the following roll call vote:

AYES: Commissioners Monnette, Parker, Koberstein and Kistner

NOES: None

ABSENT: None

ABSTAIN: None

RECUSED: Commissioner Sweeney

APPROVED:



Grace Kistner
Chair, Planning Commission

ATTEST:



Noah Housh
Planning Director

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

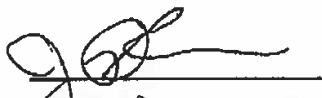
Dear Mr. Hecock:

I am the owner of Flora Springs Tasting Room located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,


Owner: owner
Name: Nat Komer
Date: 9-6-16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

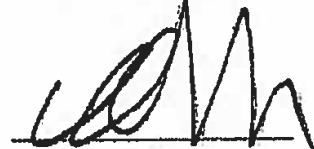
Dear Mr. Hecock:

I am the owner of MARTIN DESIGN located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: MARTIN DESIGN - 1118 HUNT AVE
Name: ERIN MARTIN
Date: 9/6/16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of Napa Valley drive oil, located in the City of Saint Helena, California. I am aware of the Cities current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: owner

Name: Giuliano Particelli

Date: 9.6.16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

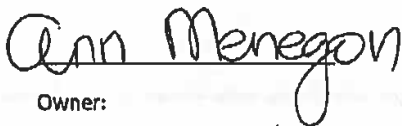
Dear Mr. Hecock:

I am the owner of STEVES HOWE, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner:

Name: Ann Menegon

Date: 9/6/2016

Sen 06 2016.04.23 PM 1:11:11

7079685001 PAGE 51 22

Date: September 6, 2016

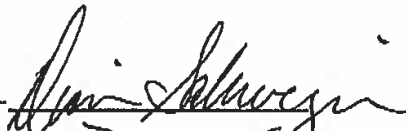
Dear Mr. Hecock:

co-owner
I am the owner of Schwartz Vineyards located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,


Owner: Dana Schwartz

Name:

Date:

9/5/16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

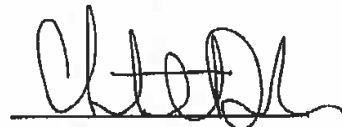
Dear Mr. Hecock:

I am the owner of Chantal Duboc located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: Au Curé

Name: Chantal Duboc

Date: 9/6/16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

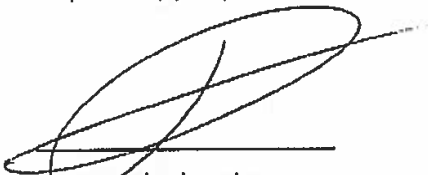
Dear Mr. Hecock:

I am the owner of SOGNI DI DOLCE, located in the City of Saint Helena, California. I am aware of the Cities current rules and regulations regarding short-term rentals of our local residences homes. The Importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: John Lockwood
Name: Adam DeLeon
Date: 9/3/2016

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

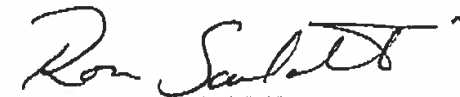
Dear Mr. Hecock:

I am the owner of Mario's Napa Valley, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

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As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner:

Name:

Date:


9-4-16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of _____, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

Owner: _____

Name: _____

Date: 9-3-16

Market Restaurant .

Roman Florez - Owner .

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

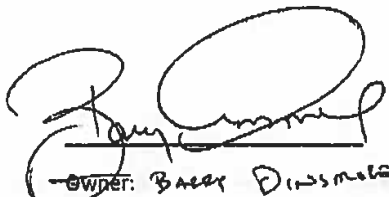
Dear Mr. Hecock:

I am the ^{cm} owner of Dean & Debra, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,


Owner: Brian Dinsmore
cm
Name: Brian Dinsmore
Date: 9/3/16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of broker Pacific Union International, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

*I also own 2 residences
in the city limits.*

Cessna Barrett

Owner:

Name: CESSNA BARRETT

Date: 9/4/16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of Anne Claire (29 years)!! located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

Rene' Sculatti

Owner:

Anne Claire

Name:

Owner + Citizen for 43 years!! Shopkeeper in the Valley for 43 years!!

Date:

Tired of putting
brick walls
that support
business
inequality!!

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of the scattered light located in the City of Saint Helena, California. I am aware of the Cities current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: ✓

Name: DARYL CICLE

Date: 6 SEPT 16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of Invisible Chef, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

Michelle Cheatham

Owner: Michelle Cheatham

Name: Same

Date: 9/6/2016

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of St. Helena Chiropractic located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: Dr. Daniel W. Hamlin

Name: D. Hamlin

Date: 9-6-16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

manager of Vine Cliff Tasting Room in St. Helena
I am the owner of _____, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

Carolyn C Sweeney

Owner:

Name: *Carolyn C Sweeney*

Date: *Sept. 5, 2016*

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

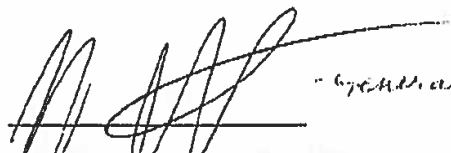
Dear Mr. Hecock:

I am the ^{G-M} owner of Fairwinds Estate Winery, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,


Owner: Brandon Chaney
Name:
Date: 9/7/2016

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

Wdu Platypus Wine Tours
a Limo Driver
I am the owner of *Rob Vannocini* located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

Rob Vannocini

Owner: Driver

Name: ROB VANNOVINI

Date: 9/3/2016.

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

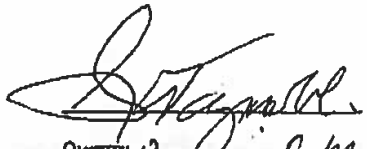
Dear Mr. Hecock:

I am the ^{Regional Manager} owner of Rabo Bank, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: Regional Manager Agricultural Lending

Name: Steve Tagnoli

Date: 9/6/2016

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of T+O Masonry, Inc. located in the City of Saint Helena, California. I am aware of the Cities current rules and regulations regarding short-term rentals of our local residences/homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,

Michael Stauffer
Owner: *Michael Stauffer* T+O Masonry, Inc
Name: *[Signature]*
Date: *[Signature]*

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

I am the owner of Parati, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner: Sam Dalia

Name:

Date: 9/3/16

TO: Aaron Hecock, Senior Planner, Saint Helena.

FROM: Saint Helena Merchant

SUBJECT: Short-term Rental Renewal

Date: September 6, 2016

Dear Mr. Hecock:

THORNHILL TASTING ROOM

MANAGER Ruben DuArri

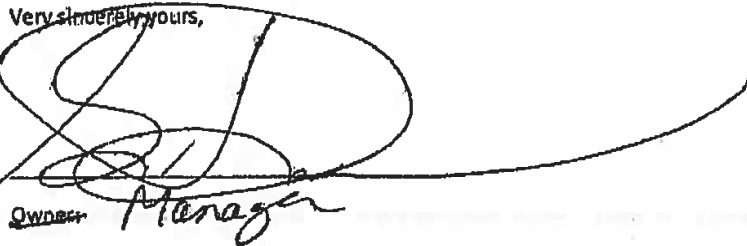
I am the owner of

THORNHILL TASTING ROOM, located in the City of Saint Helena, California. I am aware of the City's current rules and regulations regarding short-term rentals of our local residences homes. The importance of attracting visitors to our town is vital to my business. This town certainly needs to do everything reasonably possible to draw more tourist dollars so that we, as local business owners, can keep our doors open and make a living.

In my opinion, the short-term rental market provides a reasonable means to help drive business to our local community. The merchants on main street, limo drivers, restaurants and many wineries all benefit from the tourist dollars directly generated by the short-term rental market.

As such, I wish to support the continued development of the short-term rental ordinance. Furthermore, I wish to express my support for Steve and Brenda Podesta's renewal. I know they provide a well-kept residence and provide vital tourist and tax dollars for this community.

Very sincerely yours,



Owner

Manager

Name:

Date:

9/3/2016.

August 2, 2016

TO: St. Helena City Council and Planning Commission

FROM: Ana Canales and Bruce Streblow
1219 Stockton Street
St. Helena, CA 94574

RE: Podesta Short Term Rental
1243 Stockton Street, St. Helena, CA 94574

As a neighbor, we would like to report that the Podesta short-term rental property has not been an issue for us over the last several years. When it was first rented, we had an issue – ONCE. We called the police as folks were up late into the night. The Podestas arrived at our door step the next day to apologize and reiterate their introduction letter to the neighbors which gave a phone number to reach them in case of a problem – PROBLEM SOLVED.

Since that time, we have never encountered a problem. Their latest guests happen to be friends of ours - Koerner Rombauer's daughter Sheana and her three adult children who all grew up in St. Helena. It was a joy to have them in our neighborhood as they children were former students of Ana's and Bruce has known Sheana since she was a child.

We believe that if people follow the rules, the short term rental situation is a win-win for St. Helena.

Attachment 6

From: ragarber@me.com
Subject: Fwd: 1243 Stockton
Date: August 2, 2016 at 5:49 PM
To: dgkatz@mac.com



----- Forwarded message -----

From: ragarber@me.com
Date: Aug 2, 2016, 8:19 PM -0400
To: Brenda Podesta <brenda@brendapodesta.com>
Subject: 1243 Stockton

Brenda, please share this email as appropriate at the hearing for your permit.

Having purchased 1240 Stockton in September of 2015, Brenda and Steve Podesta warmly welcomed us to the neighborhood. As a part-time resident they have been extremely helpful in many ways, many times. We have no complaints in regard to them or their guests. As a bonus we have the pleasure looking at their beautiful yard whenever we are on our front porch.

Best Regards,

Cheers,
Rick
Rick Garber

July 29, 2016

Please forward to the planning commission.

I am not one to usually complain, but frustration has compelled me to write. I am a full time St. Helena resident and live on Stockton street. When I moved here I presumed it was a quiet residential neighborhood, which it is for the most part, but our neighbors, Steve and Brenda Podesta, at 1243 Stockton street seem to attract a lot of commotion.. I understand that they do short term rentals and that is one of the reason for many of the comings and goings, as well as strangers parking up and down the street. Normally, I would try and talk to the owners, but on the few occasions I've spoken with Brenda, she seemed to find it amusing that her neighbors were upset with the situation. So talking to them would be out of the question.

I am signing this anonymously as the Podesta's have been known to retaliate.

Sincerely,

Anonymous

Jony McQuiddy.

July 29, 2016

TO: The Planning Commission of
St Helena, CA for consideration at the
August 2nd, 2016 meeting.
Pursuant to the Short Term
Rental Renewal request of the house
at 1243 Stockton Street.
The 1200 block of Stockton Street
consists of mostly small houses on
narrow lots, physically quite close
together with street parking allowed
on one side only.

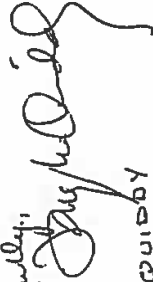
Conducting a "motel-style" business
at one centrally-located property with
strangers and multiple cars and
limousines (convenient to neighbors
although listed on VRBO since 2007
and then by permit to current) has
created a stressful atmosphere and
negatively affected the previous
neighborhood "character".

This is simply the wrong business
in the wrong place.

Also please consider adding a
requirement for a permit be that
the Rental House be at least

100 feet from the nearest home
plus the Applicant submit
written approval of the business
by at least 75% of the neighbors
within 300 feet.

Respectfully,



JONY McQUIDDY
1227 STOCKTON ST
ST HELENA, CA 94574
telephone 707-963-1517

Aaron Hecock

From: Carolyn Kelperis <ckelperis@hotmail.com>
Sent: Sunday, July 31, 2016 5:26 PM
To: Noah Housh
Cc: Aaron Hecock; Sarah Parker; Grace Kistner; Mary Koberstein; Bobbi Monnette
Subject: PL 16-049 STR RENEWAL APPLICATION 1243 STOCKTON STREET
Attachments: 7-31-2016 RE 1243 STOCKTON STR.docx

Dear Noah, Aaron & Planning Commission,

I'm writing in response to the Agenda Item #7 for August 2, 2016

Short-term Rental Permit Renewal

LOCATION: 1243 Stockton Street
APPLICANT: Steve Podesta
APN: 009-313-270

Although I do not live near this particular property, I do live next door to 1603 Main Street which operated as an illegal STR. The previous owner not only added a 2nd unit without a building permit, but used the residence as an extension of her B&B elsewhere in St. Helena. I complained to the City for over 10 years, when finally (in the mid-1990s) the operation was shut down and the owner was assessed fines and back TOT taxes.

In February of 2016, it was reported in the local press that the owner of 1134 Valley View had agreed to pay \$20,000 in penalties. This matter came to light when the owner submitted an application for an STR permit after having operated illegally. The application was subsequently denied following a hearing in 2015.

http://napavalleyregister.com/news/local/owners-of-illegal-st-helena-rental-will-pay-in-penalties/article_a08d6527-5253-5b2c-8261-e737f0acc508.html

I point out the above incidents after reviewing the VRBO website for 1243 Stockton Street.

<https://www.vrbo.com/119992#ownerprofile>

The owners clearly state they have been "members of VRBO since 2007". In response to two recent written complaints by the guests at this STR, the owner states, "I have not received one bad review in the past eight years." (See attached)

My question is--in view of the fact that this owner has been operating as an STR since 2007, how much in back TOT has been paid for the period prior to the issuance of a permit on July 31, 2012?

Sincerely,
Carolyn Kelperis
St. Helena

From: juliana ganick [mailto:julianag01@yahoo.com]
Sent: Monday, August 01, 2016 12:59 PM
To: Noah Housh
Subject: Response to STR renewal request

August 1, 2016

To Whom It May Concern;

RE: Renewal of Short Term Rental Permit / 1243 Stockton Street

Each STR is unique to its impact on its neighborhood and I can only speak to this particular STR.

TRAFFIC/SPACE: Stockton Street is a very narrow street. Parking is allowed on one side of street only. The allowed parking side of the street consists of 5 houses and 6 driveway accesses. Additional vehicle's the STR brings creates a negative impact on the neighborhood. STR visitors often tend to rely on a transport service, day and night, to and from, their daily vacation itineraries. Limousines, vans, and occasionally large buses navigate down the block. It is rarely possible for a limo to have enough room on the parking side of the street, so they will either choose to block a driveway (which is illegal), park on the no parking side of street (which is illegal), or simply park in the middle of the street. The latest guests at this STR parked 3 nights (7/28 -7/30) on street. I believe that off street parking is to be provided as part of the STR permit.

SAFETY & NOISE: A certain degree of safety is taken into account when we have a choice of where we want to live. One never knows who is staying next to you when you have a 'motel' living atmosphere within the neighborhood. I have had the pleasure of meeting some very pleasant, friendly and respectful guests staying at this STR. However, I have witnessed a guest pulling up in front of this STR, jumping out of his car and urinating alongside the driveway, in the middle of the day! I have witnessed aggressive behavior from intoxicated guest late in the evenings, at this STR. I have been awakened numerous times throughout the years from this STR home by loud, vulgar and aggressive behavior. Evening drop offs are especially noisy, with loud music coming from the limousines and vans/buses. Shopping carts left on sidewalk from the local grocery store. These guests are vacationing, in an otherwise quiet, established, family oriented, small neighborhood.

At the end of the day, in all fairness, the neighboring families should not have the burden of "policing" these STR issues and the rules that they are obligated to abide by. The owners are not on premises when their home is rented, therefore are not aware of all that transpires while their guests are there, without the "policing" by their neighbors. This, at times, creates a negative tone in the neighborhood (unspoken and sometimes 'outspoken')! I do believe a property owner has the right as to how his or her property is used. But, I also believe that if there are rules and regulations set by the City to permit / allow specific businesses to operate within this 'non-commercial' area, those who acquire permits have to comply.

Respectfully,
Juliana Ganick

Aaron Hecock

From: Tona Kovacevic <tonak@rombauer.com>
Sent: Tuesday, August 30, 2016 2:10 PM
To: Noah Housh; Aaron Hecock
Subject: Short Term Rental renewal for 1243 Stockton Street, St. Helena

Importance: High

Gentlemen: Thank you both for taking the time to read this short, but heartfelt email concerning the STR renewal application for 1243 Stockton Street. When my neighbors and I were protesting the STR application for 1450 Stockton, our concerns were heard by you and the Planning Commission. That request was denied for many reasons, one being the narrow street (Stockton) and the lack of parking on the west side of the street. With the complaints logged with the PD about noise and parking issues for the neighbors adjacent to 1243 Stockton, I believe the same restrictions that were applied to 1450 Stockton should be applied to 1243 Stockton. Thank you for your time and consideration. Respectfully, Tona Kovacevic, *your favorite St. Helena Native*

Tona Kovacevic
Rombauer Vineyards
3522 Silverado Trail North
St. Helena, CA 94574
**LAND OF THE FREE,
BECAUSE OF THE BRAVE**
PH 707-963-5170
FX 707-963-5752
DIRECT PHONE: 707-963-6600

August 31, 2016

To: The City of Saint Helena and City Council – Planning Commission

RE: Short Term Rental Permit renewal, 1243 Stockton Street, Saint Helena, CA

I have been a long term resident in the city of Saint Helena. I grew up here and am currently raising my children here. I am now a neighbor to the Podesta's, thanks to Brenda's hard work in helping me secure a home in the area where my kids can be close to their schools.

I have known Brenda and Steve for several years. Initially, through business, eventually they became friends. We have attended Halloween festivities and other family and friendly get togethers at their house over the years.

They are fine people and are very concerned about being respectful to their neighbors. We're always being "shushed" by Steve and Brenda while we are there, especially during the evening hours. It has become quite obvious there're a few very sensitive neighbors on their block who love to single them out for one reason or another. Several years ago, I came over to visit Brenda on a business basis, while coming up her front walk way I was confronted by one such neighbor, asking me if I was vacation renting their home. When I told Brenda what had happened she said it's not the first time. On another occasion, while I was dropping off some paperwork, their cleaning lady came in and was all upset. Come to find out she had just been balled out by the neighbor across the street at 1230 Stockton Street for parking her car in front of his house. I believe these same neighbors have been giving them a hard time since the day they moved in. At least that has been my experience since I have known them. It's almost like they have "bullies" or "harassers" on the block. It's now allowed in schools, nor should it be condoned with neighbors.

I understand their Short Term Rental Permit is coming due for renewal. I hope you seriously consider granting them the renewal. There are so many others in this town who rent illegally. Steve and Brenda have done everything to be above board. Unlike so many other people renting, the Podesta's actually contribute revenue to our town. When you go into their home, you can see they really care about the others in the neighborhood. They post signs all over their house. One such sign requests that under no uncertain terms to not park in front of the neighbor's house at 1230 Stockton Street. The other sign they have posted is one requesting their guest to "please keep this door shut at all times to keep the noise down for this particular neighbor". There are many many other signs posted to keep order at their home while it is rented.

I have read the other letters and notice those who are complain about the comings and goings from their home is like a hotel. In fact, I not only don't notice it, I find their home to be pretty quiet most of the time. They live at this home a majority of the year. They're a family of four with lots of friends and family who come to visit all the time. Furthermore, they both work from home with people coming and going for business purposes. How is this different than the small amount of time they have people renting their home? How do you differentiate? They should be entitled to live in their home and have people come and go as they please. To call out the vacation renters as the problem is being short sighted. By the very nature of their business and being empty nesters they always have people coming and going.

Steve and Brenda have their two adult children in addition to themselves that manage their property at all times, all whom are here locally. I recently found out they are installing cameras with live audio and video feed so they can monitor the comings and goings in around the house live and ensure there isn't any ruckus going on around or in front of the home.

Traffic on the street of Stockton is not because of Steve and Brenda's vacation rental. Prior moving into my new home here in the neighborhood, I stayed with them for a week until my home was ready to move in. I saw more traffic and parking on the street from the neighbors, Fed Ex Trucks, construction workers, delivery people, on the next block and by the school, none of which were related or having to do with the Podesta's home. What I did notice while I was visiting with them that week, like myself, when I come over, I always park in their driveway. They have a huge driveway and whether it's the carpet cleaning people, a Car Service picking people up, friends coming over, I mostly notice them pulling right into the driveway, it's so convenient.

Their home and their sensitivity to the neighbors' concerns and respect for their primary residence is evident when you meet or are visiting them. They bring revenue to the city and to the merchants and restaurants of this city which is important for a city to thrive.

I truly hope you consider their renewal. They are running a first class operation and should be allowed to continue to do so. They are a living example of how a legal short term rental in Saint Helena should be ran, not one that should be ran out of town.

Sincerely,

Diana Isdahl

Neighbor, Saint Helena Resident

Steven and Brenda Podesta

1243 Stockton Street
Saint Helena, CA 94574
Tel.: (707)-299-8902
Email: stevepodesta@gmail.com

September 8, 2016

Thomas B. Brown
Attorney at Law
City of Saint Helena
1480 Main Street
Saint Helena, CA. 94574

**Re: PL16-049-Short-Term Rental Permit-1243 Stockton Street
Notice of Appeal**

Dear Mr. Brown:

This matter involves an appeal from the planning departments denial of my short-term rental permit for my primary residence. As you know, the planning committee voted to deny the renewal of my short-term rental permit. The following issues have necessarily presented themselves based on the committee's decision.

First, I have entered in valid legal contracts with folks based on the fact that I currently have a valid, active and legal permit to rent my primary residence pursuant to the provisions of the Municipal Code (extended during the appeals process). Some of the renters are coming as far away as Europe and most of the visitors to our City have booked other high-priced events such as Weddings and Family reunions. The dates for my performance of said short-term rental contracts are executory in nature given the fact that the dates for said performance are to be executed in the up-coming months. As such, they need to be performed.

Please confirm in writing that those contracts can be honored without any adverse legal involvement by the City of Saint Helena. My concern being the foreseeable substantial damages that will be caused if the renters are turned away should my current valid permit be revoked. Should that occur, and the City Council denies the renewal of my permit, the damages that will be incurred by renters who have already made plans for other high-priced events mentioned above and necessarily having to find other accommodations, will be substantial.

Second, please confirm in writing that during the time that my permit remains active, can I enter into new contracts for renters to stay in the not too distant future. Again, as with all short-term rental agreements, the performance is executory until the renters stay has ended. I have done everything by the book and complied with the Cities municipal code from the beginning. I have paid all fees and taxes in reliance on the Municipal Code yet seem to keep running into resistance from the four planning committee members opposed to the short-term rental law (one member, Tracy Sweeney, recused herself as she is a short-term rental permit holder).

For the record, and in effort to stay transparent during this legal process, please confirm and advise me that the two scenarios mentioned above will not be interfered with by any potential legal action by the City upon the performance of both. Again, the agreements are valid executory contracts and I cannot afford to breach any of them.

Thank you for your anticipated cooperation and professionalism.

Very sincerely yours,

Steven Podesta

Steven and Brenda Podesta

1243 Stockton Street
Saint Helena, CA 94574
Tel.: (707)-299-8902
Email: stevepodesta@gmail.com

September 8, 2016

Town Council
City of Saint Helena
1480 Main Street
Saint Helena, CA. 94574

**Re: PL16-049-Short-Term Rental Permit-1243 Stockton Street
Notice of Appeal**

Dear Members of the Town Council:

This matter involves an appeal from the planning departments denial of my short-term rental permit for my primary residence.

The following facts support the renewal of my short-term rental permit number 2012-31, issued on July 23, 2012:

My wife and I have made Saint Helena our home and primary residence since 2006. I am a member in good standing of both the Saint Helena chapter of the International Order of Oddfellows and the Meadowood County Club. When we do, on occasion, choose to rent our home, we strictly follow and abide by the Saint Helena Municipal Code, Section 17.134.04 and our own personal house policies.

My permit is issued in my name and I am the owner of 1243 Stockton Street. My home has four bedrooms and we never allow more than eight persons to stay at our home. I can attest that all applicable building, health, fire and related safety codes are met and followed. Additionally, I have off-street parking at my house that can accommodate at least eight cars. Rarely, however, are there more than two vehicles parked at my house when it is rented. Why? Because we never rent to people from California. We do this to avoid the possibility of unknown friends of guests showing up. Needless to say, on occasion, we have allowed residence of Saint Helena to rent our home on a short-term basis.

As you know, The SHFD has inspected and determined my house to be in compliance as well. All of the necessary onsite contact information has been made available to you and the public. Pursuant to our house rules, quiet hours are maintained from 9:00 p.m. to 700 a.m.

I have forbidden any audible or misfit skullduggery at my house. The use of amplified sound, which is audible to our neighbors, is not tolerated and we only rent to couples over the age of fifty (50). Moreover, I don't allow renters to have additional guests, group gatherings or pets of any kind. Toward that end, I screen any potential renters thoroughly before they are allowed to stay at my house. A quick review of my house will demonstrate how particular, totally finished and brilliant I maintain my home.

Regarding the July 29, 2016 letter typed but not signed by "Anonymous," I don't believe this should be considered as credible. Personally, I don't know who anonymous is and, as such, have no ability to confront or address such anonymous hearsay. The neighbors at 1219 Stockton, Ana Canales and Bruce Streblow, prepared a positive and supporting letter on August 2, 2016. Additionally, the neighbor at 1240 Stockton, Rick Garber, prepared a positive letter on August 2, 2016 (both are enclosed herein). Of the fifty or so neighbors notified of the renewal, only four have apparently sent in written comments. Of the four, one was anonymous, two were positive and one was not based on accurate facts and does not own the home she lives in because she is a renter herself.

Of the six calls apparently made to the police between April 24, 2015 and April 22, 2016, only one involved a renter and it was promptly dealt with in accordance with our house policies and the cities regulations. The overwhelming bulk of the calls involved our neighbor, Amir Kashani, and he is currently under Court Order not to contact, annoy or harass me, my wife, immediate family or our guests (see enclosed Civil Mediation Agreement). The bottom line, however, is that only 2% of the fifty neighbors notified have responded, which is far less than the 30% needed to even raise a valid concern according to the planning departments regulations.

As full-time residents of Saint Helena with deep ties to the community, my wife and I value the sanctity and peace of our neighborhood. We have made every effort to satisfy both our neighbors and this department's concerns regarding the law pertaining to short-term rentals. Quite frankly, the only reason I occasionally rent my home is to pay for my recent kidney transplant and the medicine required to keep me alive.

Recently, we have purchased and are in the process of installing security cameras around the property, where we can view, in real time, the street, backyard,

driveway and the premise itself, as an added measure to maintain the sanctity and security of our home and this neighborhood.

I respectfully request that the planning department renew our permit in accordance with and pursuant to Section 17.134 of the Municipal Code as all of the conditions thereto have been satisfied.

Very sincerely yours,

Steven Podesta

Encl.

1. Flora Springs Tasting Room – J. Nat Komes (Owner)
2. Market Restaurant – Roman Florez (Owner)
3. Sogni Di Dolci – Adam DeLeon (investor and part owner)
4. Steve's Hardware – Ann Menegon (Owner)
5. Dean and Doluca – Barry Dinsmore (General Manager)
6. Schweiger Winery – Diana Schweiger – Owners
7. Napa Valley Olive Oil – Giuliano Particelli (Owner) Saint Helena
8. Martin Design (M) – Erin Martin (Owner, Designer)
9. Martin Design (M) -
10. Mario's Men's Clothing– Nick Roman and Rob Scalatti (Owner's) Saint Helena
11. Amelie Claire Clothing, Shoes and Accessories – Rene Scalatti (Owner) Saint Helena
12. Pavati Jewelry and Art Gallery – Sam Dalia and Amber Vargas (Owner's)
13. Thornhill Vineyards Tasting Room – Main Street – Gerlinde Duratori (Manager)
14. VineCliff Tasting Room, Saint Helena, - Carolyn Sweeney, Manager of Tasting Room
15. Pacific Union International – Cessna Barrett (Broker) Saint Helena
16. Fairwinds Estate Winery – Brandon Chaney (Owner); Joey Podesta Tasting Room Manager, Saint Helena
17. Splendora Studio – Esthetician, Pedi and Mani, Adams Street, Robynn (Owner), Saint Helena
18. Platypus Wine Tours – Rob Vanoncini – Driver, Napa Valley
19. Rabobank – Steve Tagnolli – Regional Manager Agriculture Financing, Napa Valley
20. T & O Masonry, Inc. – Melinda Taylor (Owner) Saint Helena
21. Saint Helena Chiropractic – Dr. Daniel Hamlin (Owner) Saint Helena
22. The Scattered Light – Daryl Cicle (Owner) Saint Helena
23. The Invisible Chef – Michelle Cheatham (Owner – Private Chef) Saint Helena

Thank you!!!!

Steve and Brenda Podesta

October 5, 2016

TP

The Mayor and Members of the St Helena City Council
concerning Steve Podesta's Appeal re Daniel by Planning Commission of Short Term Rental Renewal 2016;

I am the owner of the small Cottage on a narrow lot at 1243 Stockton Street in St Helena since October 2000, next door to 1243 Stockton Street.

Today, in addition to all the reasons discussed at the September 6, 2016, Planning Commission Meeting, I would add a few of what has continued to occur over the past weeks since that Meeting:

- Rowdy and inebriated Renters at the Grill Dug against the cedar fencing a few feet from and causing a most frightening "flame up"
 - Privacy fence with Renter/Strangers on their side stoop higher than fence
 - A large bus (not a line) dropping off Renter "parties" at 2:30 A.M., loud enough to awaken a neighbor
- To my knowledge, the Podestas were nowhere around to monitor or control these activities.

I have also recently been informed that there are State and Federal American Disability Laws (ADA) concerning the advertised lodging of two or more rooms to be in the same category as a hotel with wheelchair accessibility among other requirements re bathroom, etc.

Access to the Front Door at 1243 Stockton is by a series of winding steps without handrails leading to steep stairs with railings. Two rear and one side (close to

(TO Mayor and City Council Members, cont) pg 2

my Property) entries have steep stairs with railings. There is no visible wheelchair access.

It has become increasingly clear to me that Mr Podesta has been for the past decade (five years illegally, currently by Permit and "grace period") operating a high-end, very attractive small boutique hotel. At the center of our traditionally "old town St Helena" narrow one-sided parking street, rising half a story above most small surrounding cottages, it is the focal point of the block in many ways, and its commercial aspects have already altered the previous neighborhood character.

I respectfully suggest the decision of the Planning Commission be upheld.

Finally, please note that the reality of the situation is that there are a number of other close Residents who for various legitimate reasons prefer not to "go Public", although they do not want on STK here.

Originally I was one of them for years.

One of them wrote a "signed Anonymous" letter to the Planning Commission while Mr. Podesta on record claimed "did not count."

That real live Person does, however, very much count, as does another (signed) letter writer Mr. Podesta on record (and to that Person "in person") dismissed as "just a letter".

(To Mayor and City Council Members, cont.) pg 3

that Person has been a Resident here long
before Mr. Podesta arrived — and
changed everything.

It is simply the wrong Business in the
wrong Place.

Sincerely, 

JONY MCQUIDDY
1227 STOCKTON ST
ST HELENA, CA 94574
707-963-1517

RECEIVED
PLANNING DEPARTMENT

OCT 05 2016

• City of St. Helena

**TONA KOVACEVIC
1565 PINE STREET
ST. HELENA, CA 94574**

To: Mayor Galbraith and St. Helena City Council Members;
Peter White, Sharon Crull, Paul Dohring & Greg Pitts – via
email

CC: Noah Housh, Planning Director - via email

Subject: 1243 Stockton Street Appeal from Resolution PC2016-034
Denial of STR Permit Renewal

As a lifelong resident of St. Helena, living on the corner of Stockton and Pine Streets since 1971, I am aware of the traffic issues that can arise while driving Stockton Street from Spring to Madrona and back. The street is narrow but well-traveled with full time residents, second homeowners and students walking and riding bikes at various times of the day.

I am in full support of the Planning Commission's denial of the Short Term Rental Permit Renewal for 1243 Stockton Street. Stockton Street residents are already dealing with tight setbacks and parking issues with such a narrow street, continuing to operate a boutique hotel in this particular location, is irresponsible and disrespectful of the neighbors.

I encourage the City Council to support the unanimous decision of the Planning Commission in denying the STR Permit Renewal for 1243 Stockton.

Thank you for your time and consideration.

Respectfully,





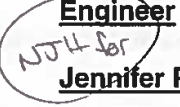
Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: New Business

Subject: Introduce by title only, and waive First Reading of an Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code to fulfill provisions E.6.A of the State Water Resources Control Board Water Quality Order No. 2013-0001-DWQ, NPDES General permit No. CAS000004

CEQA Determination: This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment.

Prepared By: Tobias Barr, Public Works Project Manager 
Steven Palmer, PE, Director of Public Works/City
Engineer

Approved By: 
Jennifer Phillips, City Manager

BACKGROUND

The City's storm drain system is regulated by the State Water Resources Control Board (SWRCB) Water Quality Order No. 2013-0001-DWQ, Phase II Small Municipal Separate Storm Sewer System (MS4) National Pollution Discharge Elimination (NPDES) Permit, General Permit No. CAS000004 (Stormwater Permit). This Stormwater Permit became effective on July 1, 2013 and expires on June 30, 2018. Various requirements phase in over the term of the Permit. The City is required by the SWRCB to comply with the Permit requirements in order to operate a storm drain system. If the City does not comply with the Permit requirements, the SWRCB could issue citations, fines, or other enforcement actions.

DISCUSSION

Various phases throughout the five-year permit term require the City implement a range of program activities. Within Year 3 of the permit term municipalities must develop and implement an Enforcement Response Plan (ERP) to establish how the City will address repeat and continuing stormwater violations by implementing progressively more stringent enforcement responses. While current City Municipal Code allows for enforcement, the enforcement allowed is charging the violator with a misdemeanor. While a misdemeanor may be appropriate for certain illicit discharge violations, classifying of most illicit discharges and other stormwater violations as a misdemeanor is typically not appropriate. Processing most nuisance stormwater violations as misdemeanors will be staff time intensive and costly for city. For this reason the Stormwater Permit requires the City to also assess citations with administrative fines. Section E.6.c of the Stormwater Permit requires the following levels of implementation for stormwater related violations:

(ii) **Implementation Level** - The Enforcement Response Plan shall describe how the Permittee will use each of the following types of enforcement responses based on the type of violation:

(a) **Verbal Warnings** – Verbal warnings are primarily consultative in nature. At a minimum, verbal warnings shall specify the nature of the violation and required corrective action. Phase II Small MS4 General Permit 2013-0001-DWQ 23 February 5, 2013

(b) **Written Notices** – Written notices shall include nature of the violation and the required corrective action, with deadlines for taking such action.

(c) **Escalated Enforcement Measures** – The Permittee shall establish legal authority to employ any combination of the enforcement actions below (or their functional equivalent), and to escalate enforcement responses where necessary to correct persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm:

1) **Citations (with Fines)** – The Enforcement Response Plan shall describe when the Permittee will assess monetary fines, which may include civil and administrative penalties.

2) **Stop Work Orders** – The Enforcement Response Plan shall describe when the Permittee will issue stop work orders that require construction activities to be halted, except for those activities directed at cleaning up, abating discharge, and installing appropriate BMPs.

3) **Withholding of Plan Approvals or Other Authorizations** – Where a facility is in non-compliance, the Enforcement Response Plan shall describe how the Permittee's own approval or authorization processes that affect the facility's ability to discharge to the MS4 can be used to abate the violation.

4) **Additional Measures** – The Enforcement Response Plan may also describe other escalated measures the Permittee has under its local legal authorities. For example, the Permittee may need to improve erosion control measures and collect the funds to pay for work and materials from the responsible party by either collecting against the project's bond or directly billing the responsible party.

The proposed ordinance updates Section 13.32.120 and 13.32.140 with language delineating administrative citation amounts. The specific changes to the code are showed underlined by code section in the bullets below.

- **13.32.120 Enforcement authority.**

A. Administrative Actions. In addition to any other enforcement powers and/or remedies provided in this chapter, an authorized enforcement official may issue an order to a person to cease and desist from the discharge, practice, operation or other activity causing or likely to cause a violation of this chapter. Such order shall be directed to those persons in violation of the chapter stating clearly and concisely the nature of the violation, the requirements for compliance, a timetable for compliance and such other remedial and/or preventive action as may be necessary. Upon the violator's failure to comply with such an order, the city shall take further enforcement action as specified in this chapter, or in accordance with any other appropriate provision of local, state or federal law. At the discretion of the authorized enforcement official, enforcement may take the following forms:

1. Verbal Warnings, as may be issued during inspections;
2. Warning Letters and Orders to Abate Pollution;
3. Warning Letters with requirements to submit written reports;
4. Administrative Citations: the following penalty schedule applies to the Administrative Citation process for violations within a 12-month period. First offense: \$250 per violation; Second offense: \$500 per violation; each additional offense: \$1000 per violation.
5. Civil Actions or Criminal Enforcement actions as authorized by the City Municipal Code.

- **13.32.140 Violations constituting misdemeanors.**

In addition to any enforcement authority under this code, Any violation of this chapter may be punishable as a misdemeanor.

The Ordinance will be presented to Council a second time for adoption. It will take effect and be in force 30 days after its adoption.

This action is exempt from the requirements of CEQA as it qualifies for a Class 7 Categorical Exemption under Section 15307 as an action taken for protection of natural resources. In addition, this action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from this action; and Section 15308 as it is an action taken to protect the environment.

FISCAL IMPACT

These ordinance changes as well as the other requirements of the Stormwater Permit will require increased level of effort by City Staff. This ordinance will streamline enforcement by allowing direct administrative fines for citations, rather than requiring processing every stormwater violation as a misdemeanor Staff can directly apply the appropriate administrative fine. The City does not have a dedicated funding source for Stormwater Permit compliance. The cost to comply with the Stormwater Permit will need to be funded from the City's General Fund.

RECOMMENDED ACTION

Introduce, Waive First Reading, and Read by Title Only an Ordinance to Amend Chapter 13.32 Stormwater and Runoff Pollution Control of the St Helena Municipal Code

ATTACHMENTS

1. Update Ordinance Sections 13.32.120 and 13.32.140

CITY OF ST. HELENA

ORDINANCE NO. 2016-_____

AMENDING SECTIONS 13.32.120 and 13.32.140 OF THE ST. HELENA MUNICIPAL CODE (PART OF CHAPTER 13.32 - STORMWATER AND RUNOFF POLLUTION CONTROL) TO FULFILL PROVISIONS E.6.A OF THE STATE WATER RESOURCES CONTROL BOARD WATER QUALITY ORDER NO. 2013-0001-DWQ, NPDES GENERAL PERMIT NO. CAS000004

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

SECTION 1: Sections 13.32.120 and 13.130.140 of the St. Helena Municipal Code (part of Chapter 13.32 – Stormwater and Runoff Pollution Control – of the St. Helena Municipal Code) are each hereby amended to read as follows (deletions indicated by strike-through and additions indicated by underline):

13.32.120 Enforcement authority.

The enforcement official is authorized to enforce the provisions of this chapter and to exercise any enforcement powers authorized or provided in this chapter, including without limitation the imposition of administrative requirements, orders and penalties pursuant to this chapter, as may be necessary to effectively implement and enforce this chapter. Without limitation on the enforcement authority set forth in this section, the enforcement official is authorized to exercise any and all of the following supplemental enforcement powers as he or she determines may be necessary or appropriate in the enforcement official's judgment under the circumstances:

A. Administrative Actions. In addition to any other enforcement powers and/or remedies provided in this chapter, an authorized enforcement official may issue an order to a person to cease and desist from the discharge, practice, operation or other activity causing or likely to cause a violation of this chapter. Such order shall be directed to those persons in violation of the chapter stating clearly and concisely the nature of the violation, the requirements for compliance, a timetable for compliance and such other remedial and/or preventive action as may be necessary. Upon the violator's failure to comply with such an order, the city shall take further enforcement action as specified in this chapter, or in accordance with any other appropriate provision of local, state or federal law. At the discretion of the authorized enforcement official, enforcement may take the following forms:

1. Verbal Warnings, as may be issued during inspections;
2. Warning Letters and Orders to Abate Pollution;
3. Warning Letters with requirements to submit written reports;

4. Administrative Citations: the following penalty schedule applies to the Administrative Citation process for violations within a 12-month period. First offense: \$250 per violation; Second offense: \$500 per violation; each additional offense: \$1000 per violation.

5. Civil Actions or Criminal Enforcement actions as authorized by the City Municipal Code.

B. Notice of Violation (NOV). Whenever the enforcement official determines that any person owning or occupying a premises has violated or is violating this chapter or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail, upon the person a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, the person to whom the NOV has been issued shall provide the enforcement official a written explanation or denial of the violation and, if the person does not deny the violation, a plan for the satisfactory correction and prevention thereof, which shall include without limitation specific actions or mitigations required by the enforcement official in the NOV. Submission of this plan shall in no way relieve the person of liability for any violation before or after receipt of the NOV.

C. Cease and Desist Orders. The enforcement official may require any person owning or occupying a premises to cease and desist all activities that may cause or contribute to discharge in violation of this chapter. This order may also require such person to: (i) comply with the applicable provisions of this chapter within a designated period of time or; (ii) take such other appropriate remedial or preventative action the enforcement official determines to be necessary to prevent the violation from recurring.

D. Notice to Clean and Abate. The enforcement official may require any person owning or occupying a premises to clean up and abate any release of one or more pollutants on those premises, which otherwise would result in a violation of this chapter. The enforcement official may also order abatement of activities or practices, which otherwise reasonably would result in such a violation.

E. Mitigation. The enforcement official shall have authority to order the mitigation of any condition, activity or circumstance which otherwise would result in or contribute to illicit discharges.

F. Stormwater Pollution Prevention Plan. The enforcement official shall have the authority to establish elements of a stormwater pollution prevention plan, and to require any business or person to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter.

G. Best Management Practices. The enforcement official may establish and impose the requirements of best management practices for any premises.

H. Seasonal and Recurrent Nuisance. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the enforcement official shall so declare. Thereafter such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing.

I. Emergency Orders and Abatements. The enforcement official may order the abatement and cleanup of any discharge from any source to the stormwater conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, or the environment. Discharges in violation of this Chapter are considered as presenting an imminent danger to the environment. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the city may perform or cause to be performed such work as shall be necessary to abate the threat or danger. The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this chapter.

J. Contents of Notice. Any NOV, cease and desist order, or other civil notice or civil order issued by the enforcement official pursuant to this chapter shall include a copy of Section 13.32.130 of this chapter outlining appeal rights.

K. The city is authorized to file a citizen suit pursuant to CWA Section 505(a), seeking penalties, damages and orders compelling compliance and other appropriate relief.

L. The city may notify EPA Region IX, the regional board, or any other appropriate state or local agency, or any alleged violation of this chapter, including without limitation regarding notices and orders issued by the city, the timeframe for cleanup, and, if the parties agree that cleanup activities cannot be completed within the original timeframe, notification to such state or local agency within five business days that such timeframe requires revision.

* * *

13.32.140 Violations constituting misdemeanors.

In addition to any enforcement authority under this code, Any violation of this chapter may be punishable as a misdemeanor.

SECTION 2: 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 3: The City Council hereby finds that the action to adopt this Ordinance to amend Chapter 13.32 of the St. Helena Municipal Code is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA). The action not a project within the meaning of Section 15378 of the CEQA Guidelines (Title 14 of the California Code of Regulations §§ 15000 – 15387) because it has no potential for resulting in physical change to the environment, directly or ultimately. In addition, the action to adopt this Ordinance is exempt from CEQA because there is no possibility that the adoption of the Ordinance may have a significant effect on the environment. (Cal. Code Regs., tit. 14, §15061(b)(3)). Further, the action to adopt this Ordinance is exempt from CEQA because it is action taken to benefit natural resources and the environment. (Cal. Code Regs., tit. 14, §§15307, 15308.)

SECTION 4: It is the intention of the St. Helena City Council that the text of the amended sections of Chapter 13.32 of the St. Helena Municipal Code, which are set forth in Section 1 above, 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: This ordinance shall take effect and be in force 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the _____ day of September 2016, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTEST:

Alan Galbraith
Mayor

Cindy Black
City Clerk



Item No: 10.1

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: New Business

Subject: Request for Design Review and Building Permit Fee Waiver from Sun and Stars Montessori School totaling approximately \$3,162.32 and an Expedited Development Review Process

CEQA Determination: This action is exempt from the requirements of CEQA under the "General Rule", Section 15061 (b) (3), in that it can be seen with certainty that no environmental impacts will result from the action.

Prepared By: Noah Housh, Planning and Community Improvement *NH*
Director

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

BACKGROUND

On September 15, 2016, the Mayor and City Manager received a letter from the Sun and Stars Montessori School parents requesting that the City waive the required fee for Design Review for a project proposed at the Sun and Stars Montessori School. Specifically, the school has expressed interest in installing an (approximately) 500 square-foot shade structure in the rear of their property to provide a shaded area for their students. In response to this letter, the Mayor requested an item be placed on the Council agenda to discuss the request.

DISCUSSION

The City of St. Helena zoning code requires Design Review approval for "Any new building or structure or for exterior addition to, alteration of, or modification of any existing structure of building...", (Zoning Code Section 17.164.050). Based on this code language, staff determined that the request from Sun and Stars would require approval of a Design Review Exemption from the Planning Commission. If approved, the installation of the structure would further require review and issuance of a building permit to inspect the design and construction for compliance with the California Building Code. The fee for a Design Review Exemption is \$1,000. The fee for a building permit for a shade structure is identified as \$476.00 for the first 100 square-feet and \$197.00 for each additional 50 square-feet resulting in a total building permit cost of \$2162.32.

FISCAL IMPACT

Item No: 10.1

The fiscal impacts to the City vary depending on the direction received from the Council regarding the request. If the Council chooses to waive the Design Review Exemption fee, the fiscal impact would be limited to the \$1,000 application/processing fee associated with this application. If the Council also chooses to waive the building permit fees, the total fiscal impact to the General Fund would be \$3,162.32.

Other impacts could also result if the Council directs staff to expedite the review of the planning and building permit applications as this would be accomplished through the referral of these applications to consultants for expedited review, or putting the review of this application before applications that are already in process.

RECOMMENDED ACTION

Staff requests that the Council discuss and provide direction on the request from Sun and Stars Montessori School to waive or significantly reduce the permitting costs for their shade structure, and their request to expedite the Design Review and building permit review processes.

ATTACHMENTS

1. Resolution
2. Letter Requesting Reduction in Permitting Costs and Expedited Review Process
3. Montessori Shade Structure Plans
4. Email Correspondence Between City staff and Montessori Management

CITY OF ST. HELENA

RESOLUTION NO. 2016-

**WAIVING DESIGN REVIEW AND BUILDING PERMIT FEES AND DIRECTING
STAFF TO EXPEDITE THE REVIEW PROCESS FOR
THE INSTALLATION OF A SHADE STRUCTURE AT SUN AND STARS
MONTESSORI SCHOOL, LOCATED AT 1425 OAK AVENUE**

RECITALS

A. The Sun and Stars Montessori School requested that the City of St. Helena waive Design Review and building permit fees, and expedite the review process for the installation of a shade structure at their daycare facility at 1425 Oak Avenue within the City of St. Helena.

B. The City Council discussed this recommendation at their October 11, 2016, meeting and agreed that this would be a good use of City funds to ensure adequate services and amenities are provided by a local child care provider within St. Helena.

RESOLUTION

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

1. Design Review and building permits fees shall be waived or reduced not to exceed a reduction of \$_____ and the review process expedited for the installation of a shade structure at 1425 Oak Avenue.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Crull: _____

Councilmember Dohring: _____

Councilmember Pitts: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk



September 15, 2016

Dear Mayor Galbraith and City Manager Phillips,

We are writing as concerned parents and invested community members regarding a critical and unresolved issue. The Sun and Stars Montessori School in Saint Helena is a long-standing provider of early education to our youngest citizens with a deep history of community engagement, including participation in Preschool for All. Our children attend the Sun and Stars Montessori School which, for nearly two years, has been attempting to work with the City in good faith to obtain approval for installation of an outdoor shade structure. This structure is intended to provide critically important shade to protect the health of our children's skin. In order to obtain appropriate clearances to proceed with the shade installation, the school's director and board members have been engaged in email correspondence, phone discussions, and in-person meetings with members of the City Administration. These communications have been difficult and unreliable, including inconsistent citations of fees associated with the approval process. Similarly, the plan design our school submitted to the City has received inconsistent and contradictory feedback.

Specifically, the most recent communication in August 2016 from the City indicated that our school must request a "design review exemption", the cost of which represents such a significant portion of the overall project that we will quite literally be priced out of the ability to provide shade to our children. In earlier communications, the Planning and Community Improvement Director assured the school that this fee would be waived due to the nature of the project. Subsequently, he informed the school Director that the fees will indeed be assigned, with the stated reason "After seeing the most recent proposal, it appears to be significantly larger than what was discussed last year." Meanwhile, the most recent proposal exactly matches the size presented to the City last year on October 13, 2015. The Sun and Stars Director and Board President requested an in-person meeting to attempt to resolve this inconsistency and were informed that a mistake had been made due to the Planner having been "new at the job" and the fees were to be applied. At best, this level of unreliability and unprofessionalism in dealing with a local business is surprising. At worst, it is obfuscating a local school's effort to care for the health of the youngest members of our community.

Of course, we understand and respect that the city has rules and regulations by which it must abide. We also understand that, as a nonprofit, the school will be unable to provide more than a nominal fee for getting its request through the legal proceedings of the city. The children in our school, as in others, spend time out-of-doors between the hours of 10 AM and 2 PM. These are, of course, the prime hours for sun over-exposure leading to the development of skin cancers including melanoma, a malignancy with a very high morbidity and mortality rate. Repeated exposure to strong UV rays puts our children at risk. The school itself is ready to proceed and has procured the funding for the shade itself as well as a contractor to properly install it.

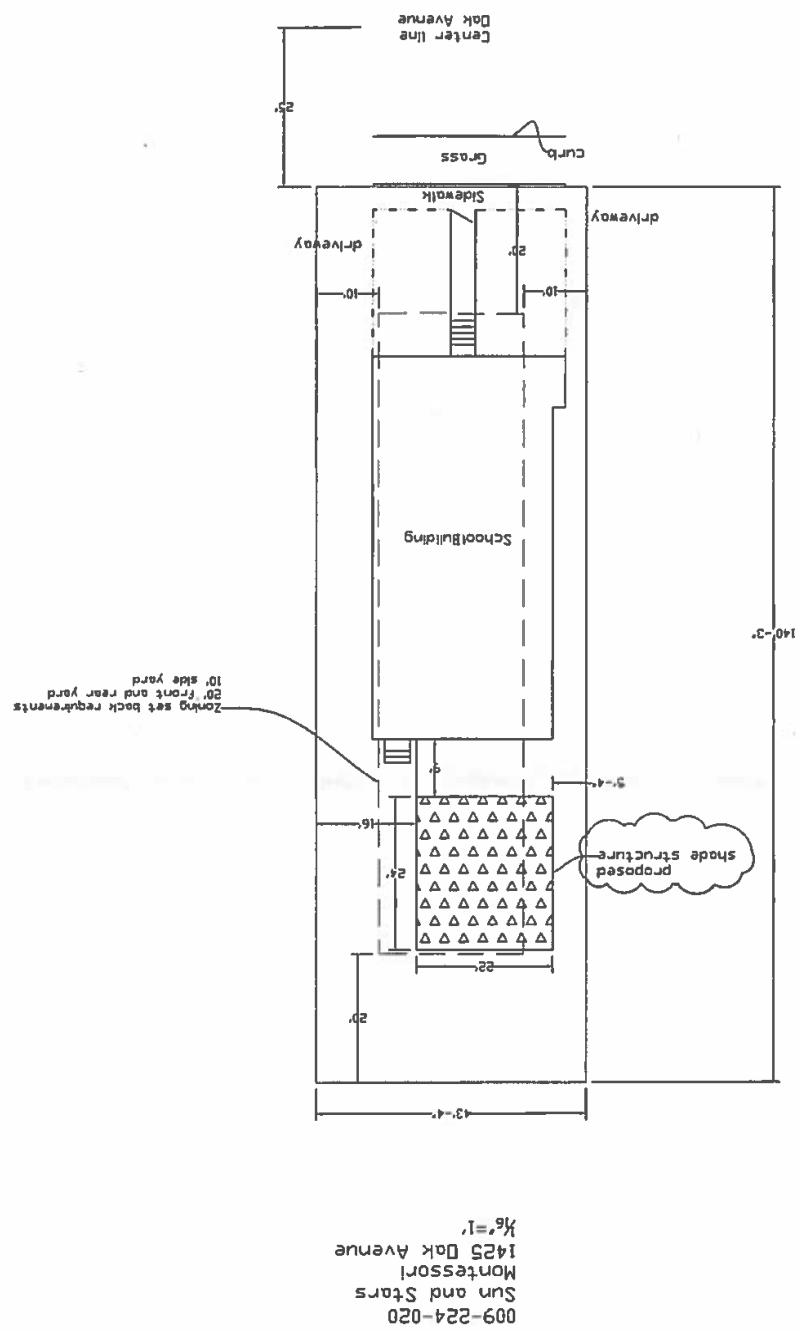
We respectfully request an exemption or significant reduction of the requisite fees to erect the structure as well as a streamlined timeline to approval. This is a public health issue as there are at least 45 students exposed unnecessarily on a daily basis. Our county already has a higher than average rate of childhood cancers and we are hopeful that the City will be eager to help us protect some of its most vulnerable citizens

We thank you for your prompt assistance in this matter.

Sincerely,

The families and staff of Sun and Stars Montessori School

1425 Oak Avenue St. Helena, CA 94574
Tel: (707) 967-1984 Fax: (707) 967-1985
e-mail: sunandstarsmontessori@gmail.com



[illegible]

Sun and Stars Montessori School

June 2, 2016

Dear Noah,

Thank you in advance for your assistance with our permit. We previously had a large tree that provided shade and it was taken down because it was dying. We need new shade to cover our preschool playground and block UV rays away from the children.

We would like to install an umbrella style, supported by 1 steel post and shade cloth to go above our playground equipment to provide shade for preschool children. It is extremely hot and sunny without any shade and it is difficult for the children to play outside most times of the day during the warm months of the year.

The proposed shade would be installed in the backyard of 1425 Oak Ave in St. Helena.

Thank you,

Tammy Harbison

Executive Director

1425 Oak Avenue St. Helena, CA 94574
Tel: (707) 967-1984 Fax: (707) 967-1985
e-mail: sunandstarsmontessori@gmail.com

Noah Housh

From: Sun and Stars Montessori <sunandstarsmontessori@gmail.com>
Sent: Tuesday, July 12, 2016 12:16 PM
To: Noah Housh
Subject: Re: FW: Sun and Stars shade structure support materials

Thank you Noah,
I feel confused, frustrated and I'm worried about the children this summer. Can we set up a time to meet on Monday, July 18?
I appreciate your commitment to helping with the process.

Tammy Harbison
Executive Director
Sun and Stars Montessori School
(707) 967-1984
www.sunandstarsmontessori.org

On Mon, Jul 11, 2016 at 5:09 PM, Noah Housh <NHoush@cityofsthelena.org> wrote:

Hi Tammy,

Unfortunately the code does not accommodate special privileges or accommodations for child care providers. I will advocate for them whenever I get the opportunity.

I believe the project should be found to qualify for a Design Review Exemption. Unfortunately, the Planning Commission must make that decision and the process to get the request before the Commission has a fee of \$1,000.

I am committed to helping you get through the process, so please contact me anytime you wish to discuss the application process. Thank you and I look forward to working with you on your project.

Noah Housh

Planning and Community Improvement Director

City of Saint Helena

(707) 968-2659

From: Sun and Stars Montessori [mailto:sunandstarsmontessori@gmail.com]

Sent: Monday, July 11, 2016 4:05 PM

To: Noah Housh

Subject: Re: FW: Sun and Stars shade structure support materials

Noah,

I am extremely disheartened by your response. As a member of the community and local business owner I am also shocked by how difficult and unreliable this process has been. We are a small business working to educate the children of our community and have been stymied by a simple request to erect a shade structure to protect them from being sunburned. We are now approaching two years of trying to get this project finished and by the looks of your latest email we are now not able to rely on anything that's been communicated thus far.

It is the nature of our organization that we rely heavily on volunteer work to keep afloat. The journey of trying to get this shade structure installed is no exception and each year our volunteer base changes dramatically with the graduation of our students. I have relied on different parents for different aspects of this process regarding everything from advice, to site plans, to finding an appropriate vendor; each of these individuals has their own schedule. My hope was to be able to visit city hall and receive the information necessary to carry out the project myself but instead was treated rudely, left more confused, and was told if I wanted to receive more information I would need to pay for it. I've been told to submit for a building permit but now I don't know if I'll be able to get approval.

Additionally, the latest communication stated that I will need to get a "design review exemption", the cost of which represents an obtusely significant portion of the overall project. In your earlier communications I received assurances that this fee would be waived due to the nature of the project, yet now this seems to no longer be the case and the only reason presented for the change in decision was given as "After seeing the most recent proposal, it appears to be significantly larger than what was discussed last year." Meanwhile the most recent proposal exactly matches the size presented to you last year on October 13th. In response to that email you reply "I believe we can find the project exempt from the Design Review requirements".

Tammy Harbison

Executive Director

Sun and Stars Montessori School

(707) 967-1984

www.sunandstarsmontessori.org

On Wed, Jul 6, 2016 at 12:59 PM, Noah Housh <NHoush@cityofsthelena.org> wrote:

Hi Tammy,

Below is my most recent conversation with Joshua. As you can see I have some unanswered questions that I would like answers to. Also, to be clear, no application for any City approvals has been filed.

After seeing the most recent proposal, it appears to be significantly larger than what was discussed last year. Given this, I do not see how a building permit for the shade structure can be issued without some type of planning approval.

A Design Review Exemption is the least costly planning process we have for exterior modifications and I feel it would be supported by staff based on the information I have.

The Design Review application is available on the Planning Department website and the fee is \$1,000.

<http://www.cityofsthelena.org/content/planning>

Noah Housh

Attachment 4

Planning and Community Improvement Director

City of Saint Helena

(707) 968-2659

Hello Noah,

I hope all is well. I'm writing to check in on the status of our preschool shade paperwork submission for permit. What is the current status?

Thank you,

Tammy Harbison

Executive Director

Sun and Stars Montessori School

(707) 967-1984

www.sunandstarsmontessori.org

From: Joshua | Zwischen [mailto:joshua@zwischenbuilders.com]

Sent: Wednesday, June 29, 2016 1:43 PM

To: Noah Housh

Subject: Re: Sun and Stars shade structure support materials

Hi Noah,

- Attachment 4

I'm on the road and don't have the site plan. Help me out here, I recall the structure placed 5' from the property line with a required medium density accessory structure setback of 3' (it's an umbrella so the only ground contact is a single post)....

Joshua Parke

Owner

Zwischen

206 218 5615

On Jun 28, 2016, at 4:47 PM, Noah Housh <NHoush@cityofsthelena.org> wrote:

Hi Joshua,

Is there a reason the structure is not located within the setbacks required for the property? Also, can it be reduced in size? Finally what is the proposed height?

Noah Housh

Planning and Community Improvement Director

City of Saint Helena

(707) 968-2659

From: Joshua Parke [<mailto:joshua@zwischenbuilders.com>]

Sent: Monday, June 06, 2016 11:46 AM

To: Noah Housh

Subject: Sun and Stars shade structure support materials

Hi Noah,

Attached below you should find the following:

Attachment 4

Letter of description for need.

Shade structure specifications.

Shade cloth fire certification.

Site plan showing proposed footprint of shade structure.

Please let me know if you need anything else or have any questions.



Item No: 10.2

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: New Business

Subject: Consideration and Proposed Adoption of a Resolution Authorizing the City Manager to opt into Pacific Gas & Electric's LED Street Lighting Program, Replacing Pacific Gas & Electric Owned High Pressure Sodium Vapor Streetlights with LED Streetlights

CEQA Determination: Categorically Except, Section 15301, Existing Facilities

**Prepared By: Tobias Barr, Public Works Project Manager *TB*
Steven Palmer, PE, Director of Public Works/City Engineer**

Approved By: *WJH* Jennifer Phillips, City Manager

BACKGROUND

The City of St. Helena primarily relies on Pacific Gas & Electric (PG&E) for street lighting. Of the City's 479 street lights in St. Helena, PG&E owns and maintains 325. PG&E owned street lights fall under the LS1 tariff, which the City pays a monthly fee for each streetlight. The monthly fee covers all energy and maintenance costs of the streetlight. Existing street lamps are high pressure sodium technology, which is not as efficient and not as effective as modern light emitting diode (LED) technology. Modern LED technology is typically 50 percent more efficient and provides more lumens per watt (luminous efficacy) than high pressure sodium vapor (HPSV) and other legacy street lighting technologies.

Recently, PG&E proposed a LED streetlight replacement program in their three year General Rate Case to the California Public Utilities Commission. Under the program customers could request the replacement of PG&E owned HPSV LS1 streetlights with LED street lights. The CPUC adopted PG&E's rate design to implement the LED Streetlight Program in D.14-08-032, OP11 on August 14, 2014, authorizing the program.

Customers who participate in the Streetlight Replacement Program will be charged an incremental facilities charge to fund the program start-up costs and recovery of the remaining plant value of HPSV retired during the course of the LED Streetlight Program. PG&E anticipates that these costs may be recovered during the current General Rate Case (GRC) period and may be able to discontinue the incremental facility charge after

the current GRC period. Even with the incremental facilities charge, there will still be savings to the City by replacing the HPSV streetlights with LED streetlights. Because LED Streetlights are much more efficient than HPSV, the LED LS1 tariff structure, including the incremental facilities charges, are lower than the existing HPSV rates structure. If the City of St. Helena replaces all existing LS1 HPSV streetlights with LED streetlights of the same wattage rating, PG&E estimates the City will reduce consumption by about 89,518 kWh/Year resulting in a savings of about \$3,905 per year in street lighting costs.

DISCUSSION

LED streetlights are efficient and effective technologies for providing focused, high efficacy light on roadways. LED streetlights provide more light with less energy, enhancing nighttime visibility, and potentially enhancing safety. Because of the high efficacy of LED streetlights, the light is focused directly on area below the lamp, and significantly reduces light pollution from glare, skyglow, light trespass and clutter of light as compared to HPSV. This results in a brighter, more focused light with less light pollution. For this reason, the Cree XPS series streetlight PG&E is using are certified by the International Dark-Sky Association.

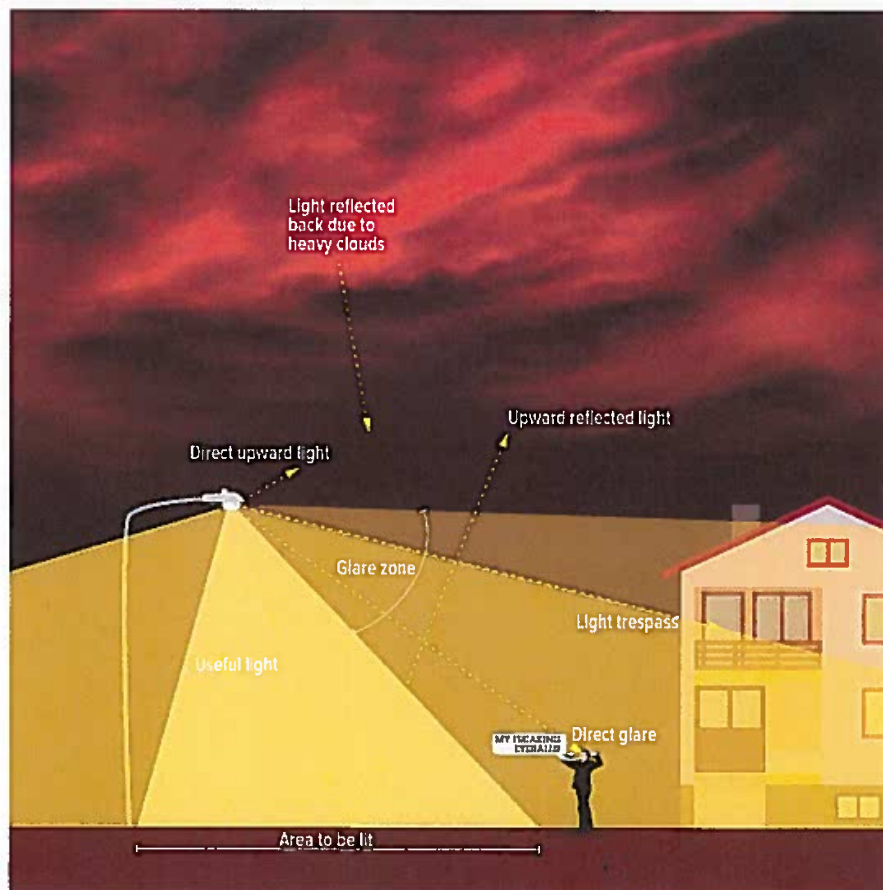


Figure 1: Light Pollution Explained (Source: International Dark Sky Association)

LED streetlights have drawn scrutiny in other cities and more recently in the medical community. The American Medical Association released a report from their working group, The Council on Science and Public Health, which recommended that LED streetlights have a maximum kelvin rating of 3000. This is due to LEDs inherent quality to create a color of the spectrum with excessive high intensity blue wavelength light. The intensive blue wavelength light, researcher warn, impact many nocturnal species and are associated with significant human health concerns. One of the main concern of the American Medical Association researchers is that blue light can disruptive to a human's natural circadian rhythmicity and can result in the disruption of the transition to nighttime, thus disrupting sleep, which leads to other serious health problems.

PG&E's LED streetlights are rated at 4000 kelvin, which emits 29 percent of its spectrum as blue light. Due to this concern from the public, potential negative impacts, and the rural low-light character of St. Helena, staff has worked with PG&E to develop a reduced program to replace streetlights with the 4000 kelvin LEDs in limited areas of the city at this time. Following this reduced replacement program, PG&E will replace streetlights along Highway 29 (Main Street) and in the city's commercial districts. The areas proposed to be replaced at this time are shown on Attachment 3, and include the following street segments:

- Main Street – Mills Lane to Pratt Avenue
- Vintage Avenue – Main Street to La Fata Street
- Dowdell Lane – Main Street to La Fata Street
- Crane Park
- Mitchell Drive – Main Street to Oak Avenue
- Oak Avenue – Mitchell Drive to Adams Street
- Spring Street – Main Street to Money Way
- Money Way – Spring Street to Adams Street
- Hunt Avenue – Main Street to Railroad Avenue
- Railroad Avenue – Hunt Avenue to Fulton Lane
- Adams Street – Main Street to End
- Library Lane – Adams Street to End

These are the area's in the City that are most appropriate to be lit with 4000 kelvin streetlights and will allow Public Works and residents to evaluate the quality of 4000 kelvin LED streetlights without potentially being disruptive to residents and impacting the nighttime character of St. Helena. If the results of this reduced replacement program are favorable, then the City could request PG&E to replace more streetlights in the City.

FISCAL IMPACT

Item No: 10.2

Switching to LED streetlights would result in energy savings to the city, because LED streetlights use about half the energy of HPSV streetlights. If the City replaced all eligible streetlight, the city would save approximately \$4000 per year. This is based on PG&E's estimate which compares the tariffs for LED streetlights to the tariff for HPSV streetlights. However, staff's recommendation below recommends that at this time only streetlights in the City's commercial areas and along Highway 29 (Main Street) be opted into the program, which will result in less savings to the city.

RECOMMENDED ACTION

Staff recommends that the City Council adopt the attached resolution authorizing the City Manager to opt into PG&E's LED streetlight replacement program for the areas identified in Attachment 3 to this staff report.

ALTERNATIVES

The City Council could also direct staff to not opt-in at this time, or to replace all PG&E LS1 streetlights in the City.

ATTACHMENTS

1. Resolution
2. PG&E Information Packet
3. Proposed PG&E LS1 LED Streetlight Retrofits

CITY OF ST. HELENA

RESOLUTION No. 2016-

**Resolution Authorizing the City Manager to Opt-into
PG&E's Streetlight Replacement Program, Replacing
High Pressure Sodium Vapor Streetlights with LED
Streetlight along Highway 29 and Commercial Areas in
St. Helena.**

RECITALS

- A. The City of St. Helena wishes to utilize energy efficiency technologies to reduce the City's energy consumption, reduce greenhouse gas emissions and save the city money; and
- B. PG&E's streetlight replacement program replaces High Pressure Sodium Vapor (HPSV) streetlights with Light Emitting Diode (LED) streetlights at no upfront costs and overall costs savings compared to high pressure sodium vapor streetlights, and
- C. LED Streetlights provide superior lighting efficacy to the lighted area, increasing visibility, and potentially improving nighttime safety.

RESOLUTION

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

- 1. Authorizes the City Manager to opt-in the Highway 29 corridor and Commercial Areas into PG&Es LED Street lighting program.

Approved at a Regular Meeting of the St. Helena City Council on October 11, 2016, by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Black, City Clerk

Attachment 2

LED Streetlight Upgrade City of St. Helena

August 19, 2016



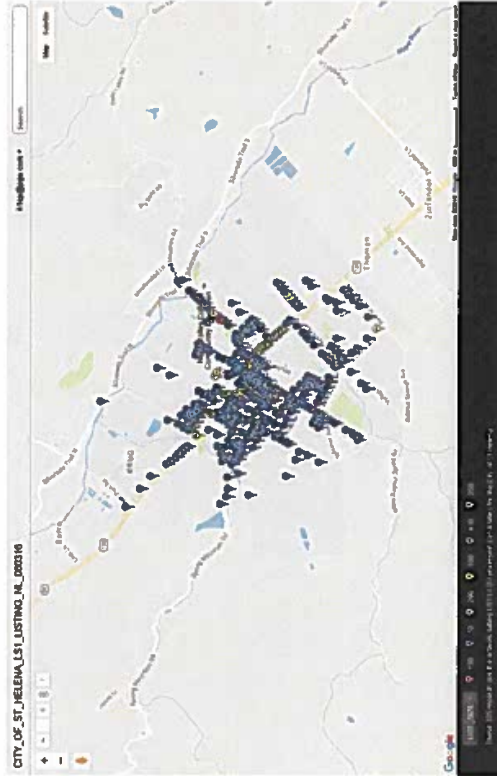
Together, Building
a Better California

Program Overview

2

LED Streetlight Upgrades:

- CPUC approved Program to replace approximately 150,000 PG&E owned, High Pressure Sodium (HPS), non-decorative fixtures with high efficiency LED fixtures
- 50,000,000 kWh estimated annual energy savings across PG&E Territory
- Voluntary Program – Customer of Record must opt-in to participate
- May change fixture wattage – PG&E to provide inventory
- Expected annual savings of about **89,518 kWh** and **\$3,905**



LS1 Existing HPS Sizes	LED Equivalent Wattage	Per Fixture Annual Savings	Quantity of each fixture type	Annual kWh reduction by fixture type	Annual \$ savings by fixture type
70 Watt HPS	29 Watt	\$3.23	291	68443.2	\$941.28
100 Watt HPS	34 Watt	\$22.65	11	3946.8	\$249.20
150 Watt HPS	56 Watt	\$42.45	4	1939.2	\$169.81
200 Watt HPS	73 Watt	\$70.36	14	9273.6	\$984.99
400 Watt HPS	139 Watt	\$88.83	1	780	\$88.83
TOTAL			325	89,518.8	\$3,905.90

Fixtures

LED Light Fixtures

- Manufactured by CREE
- Substantial energy & GHG reductions
- Long product warranties expected to result in lower maintenance costs
- Stable light output
- 4,000 Kelvin CCT, CRI 70
- Full cutoff, low glare and minimal light trespass
- 29, 34, 56, 73, 101 & 139 Watt fixtures



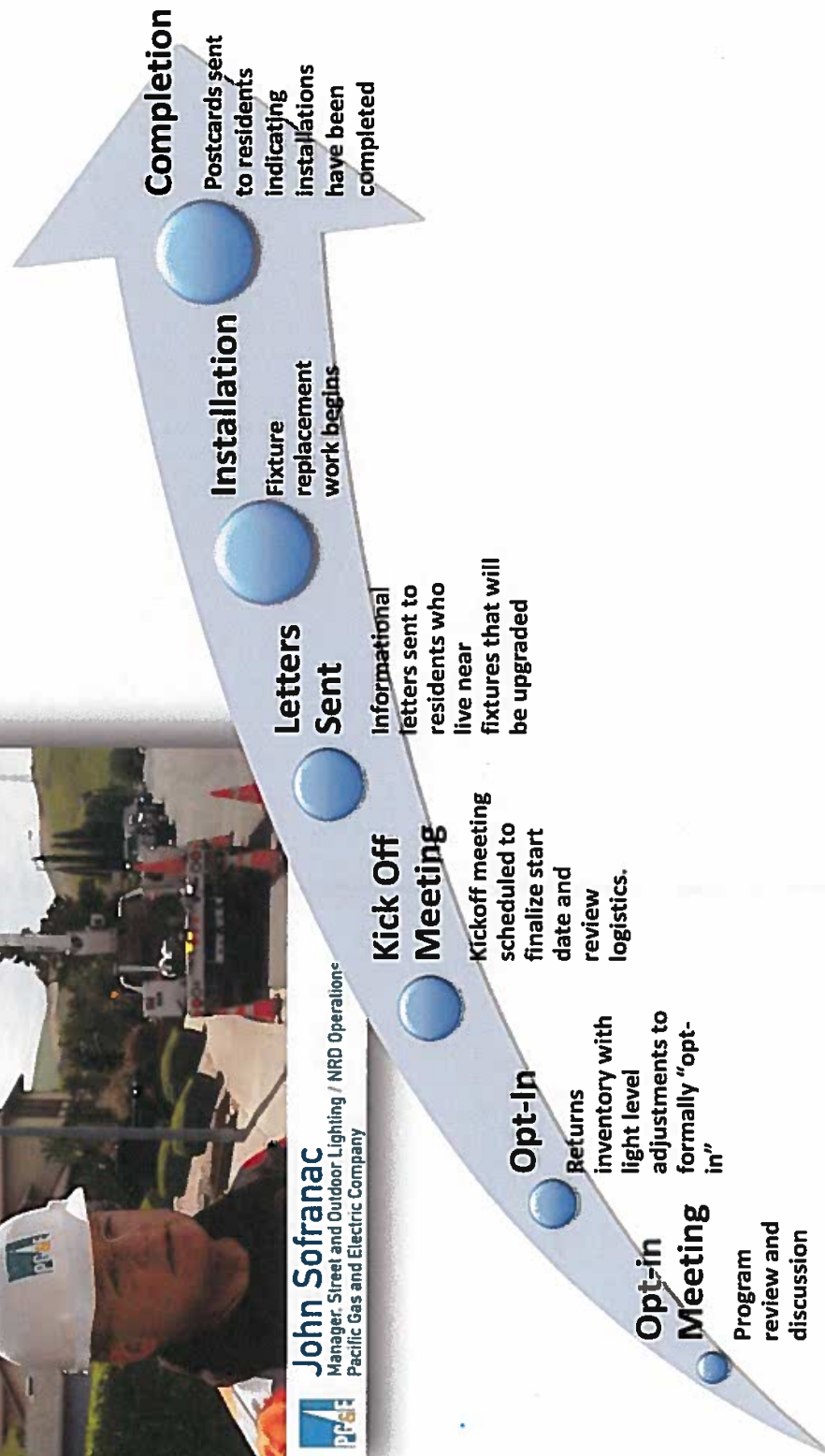


Schedule



John Sofranac

Manager, Street and Outdoor Lighting / NRD Operations
Pacific Gas and Electric Company



Installation

Installation of LED Lights

- Approximately 325 PG&E owned lights (LS1) (Does not include decorative or any City owned lights (LS2))
- Bucket trucks with 1 or 2 person crews
- Less than 10 minutes per lamp fixture
- No parking and traffic impacts are anticipated
- Special cases (school zones, etc.) will be coordinated
- Completion within 2-3 weeks (weather pending)



Outreach Strategy

Method	Audience	Timing
Pre-installation letter & fact sheet	Direct to Residents	Mailed 1 to 3 weeks in advance of work
Website	Self Service	Ongoing at: pge.com/streetlightupgrade
Videos	Self Service	Ongoing at: pge.com/streetlightupgrade
Social Media – Facebook, Twitter, Instagram	Broad	Content Available
Joint Press Release	Broad	Usually the day before we start field work
Post-installation post card	Direct to Residents	2 weeks post completion
Post-installation telephone survey	Direct to Residents	2-4 weeks post completion

Inquiry Management

Inquiry Management

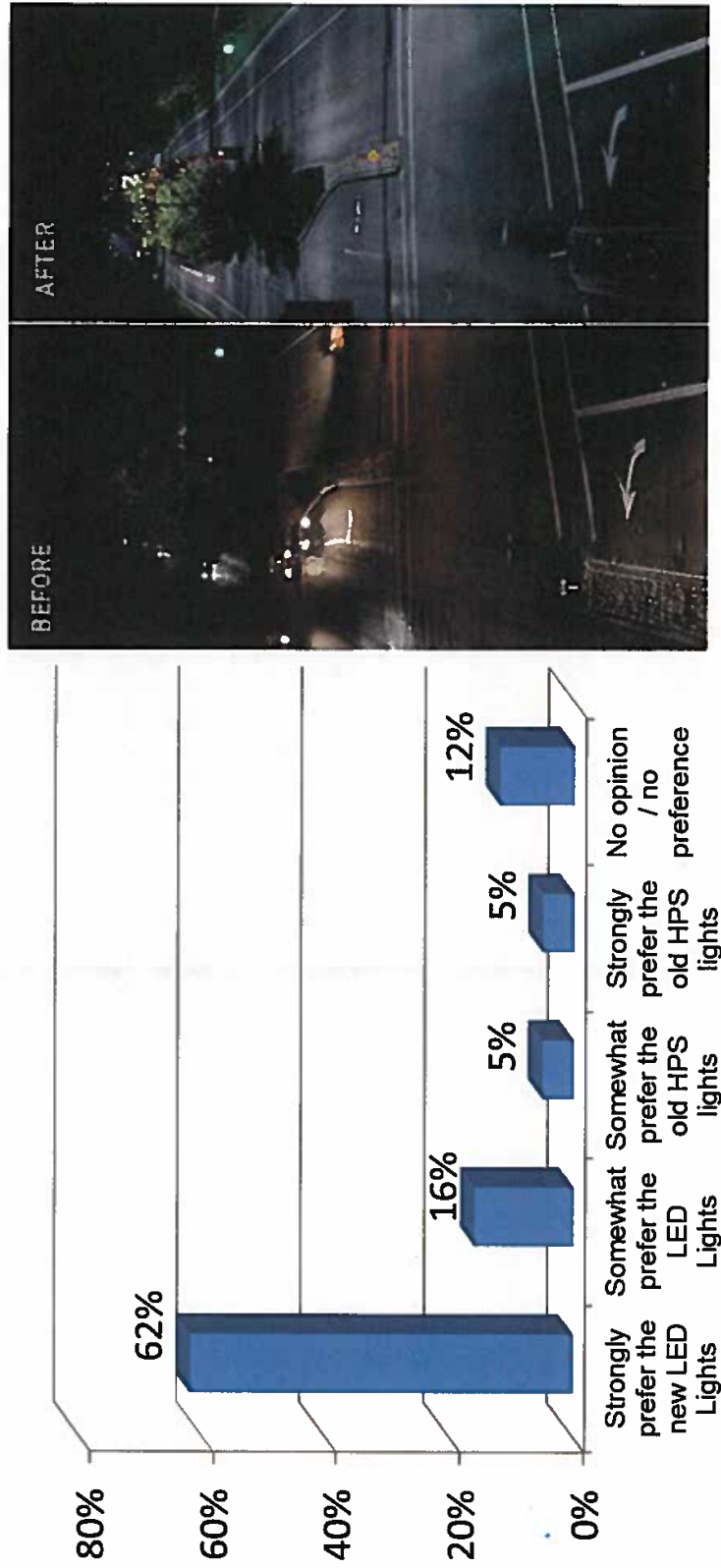
- Local Specialist (Tara Mortimeyer) will receive and manage inquiries
- Typical inquiries include:
 - General information request
 - Too bright
 - Light intrusion
 - Not enough light
 - Add a light
- Adding shields or changing wattage is up to the City
- Specialist will review inquiries with City staff
- Post installation field changes are \$200 per fixture while we are still in the area





Survey Results

1,175 Customers participated in phone survey



Appendix







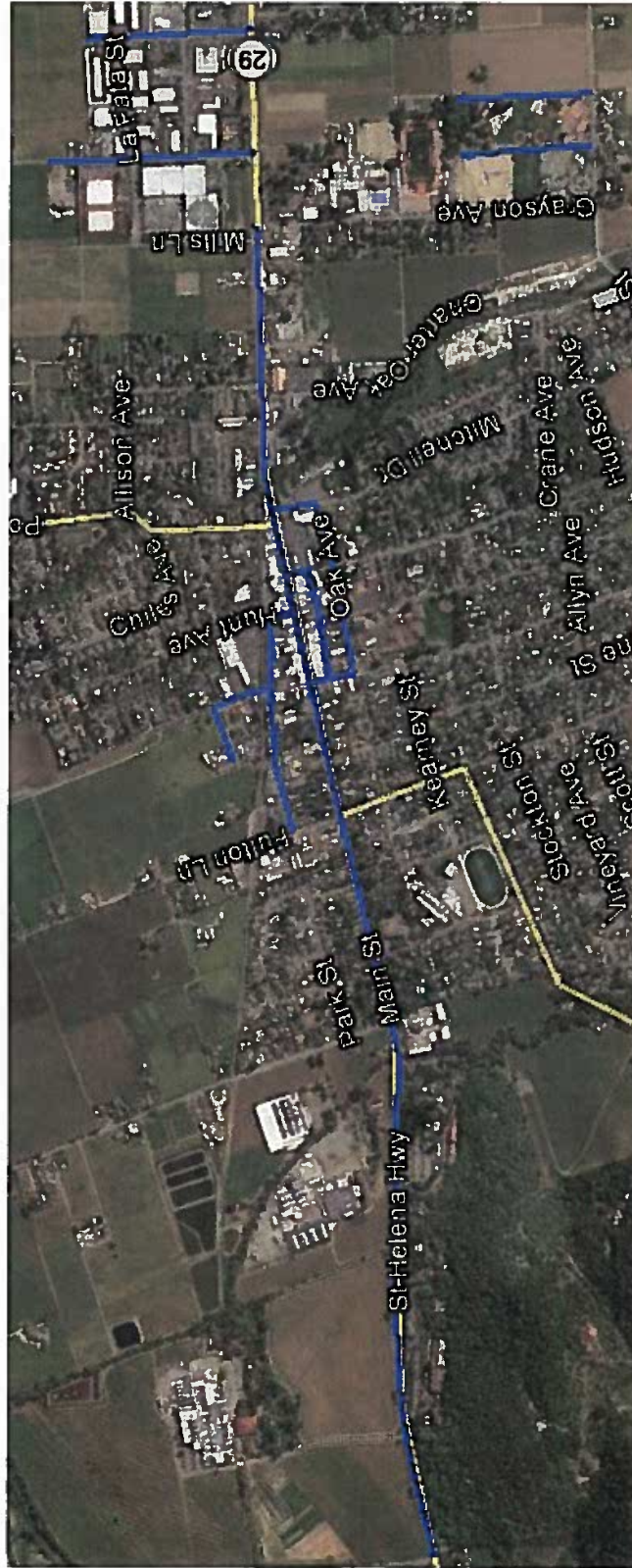
How to Opt In

Wattage changes-complete column T, if no changes confirm opt in via email to PG&E

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
OBJECT ID	OFFICE	PERSON NAME	ACTL	EX CODE	STATUS	SE	REC DATE	RET DATE	REMARKS	DATE	TE	DA	DESC	ADDR	UMBR	DATE	ITEM	DATE	TYPE	NOTES
3080655	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1972	1/1/1972						GRAYSON AVE 1701	HH34 13	1/1/1972	5-H-150	150	HIGHPRESS URE	DESIRED LED SIZE 8 FOOT LINK FOR LINK
3083327	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1972	1/1/1972						SPRING ST 2222	HH34 12	1/1/1972	5-H-70	70	HIGHPRESS URE	
3007871	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1966	1/1/1966						POPE ST NS 100' E	HH34 04	1/1/1966	5-H-70	70	HIGHPRESS URE	
3010047	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1965	1/1/1965						MAIN ST THREE TUNNEL	HH34 01	1/1/1965	5-H-70	70	HIGHPRESS URE	
3010111	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1968	1/1/1968						MAIN ST SS NO PRATT AVE	HH34 01	1/1/1968	5-H-70	70	HIGHPRESS URE	
3010287	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1966	1/1/1966						PRATT AVE 977	HH34 02	1/1/1966	5-H-70	70	HIGHPRESS URE	
3010303	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1965	1/1/1965						PRATT AVE @ RR	HH34 02	1/1/1965	5-H-70	70	HIGHPRESS URE	
3010319	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1967	1/1/1967						PRATT ST & PARK ST SWC	HH34 02	1/1/1967	5-H-70	70	HIGHPRESS URE	
3010335	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1965	1/1/1965						PRATT AVE 1055	HH34 02	1/1/1965	5-H-70	70	HIGHPRESS URE	
3010351	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1967	1/1/1967						PARK ST 1831	HH34 02	1/1/1967	5-H-70	70	HIGHPRESS URE	
3010415	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1967	1/1/1967						PRATT ST 1807	HH34 02	1/1/1967	5-H-70	70	HIGHPRESS URE	
3010431	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1967	1/1/1967						CHRISTINE CT 32	HH34 02	1/1/1967	5-H-70	70	HIGHPRESS URE	
3010463	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1970	1/1/1970						HENRY CT 15	HH34 02	1/1/1970	5-H-70	70	HIGHPRESS URE	
3010479	NL	CITY OF ST HELENA	3720 5157	1	A	A	1/1/1967	1/1/1967						PARK ST 1715	HH34 02	1/1/1967	5-H-70	70	HIGHPRESS URE	



Proposed PG&E LS1 LED Streetlight Retrofits



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Item No: 10.3

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: New Business

Subject: Provide staff direction regarding the Multi Cultural Committee

CEQA Determination: Not a CEQA Project

Prepared By: Cindy Black, City Clerk

Approved By: Jennifer Phillips, City Manager

BACKGROUND

The City Clerk has held multiple recruitments seeking applicants from the community to fill expired and/or vacant Multi Cultural Committee positions. Various forms of communication has been used to publicize the recruitment such as the City website, newspaper ads, flyers and Enews.

DISCUSSION

The Multi Cultural Committee is a committee of five members. To date the committee has three members with two vacancies.

Council may want to consider alternatives for this committee that consistently has difficulty in recruiting members. This could include continuous recruitment, disbanding, merging or suspending the committee.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Provide additional direction to staff regarding the Multi Cultural Committee.

ATTACHMENTS

None

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Item No: 10.4

Report to the City Council
Council Meeting of October 11, 2016

Agenda Section: New Business

Subject: Report to City Council on Sales Tax Trends

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Approved By: Not for Jennifer Phillips, City Manager

BACKGROUND

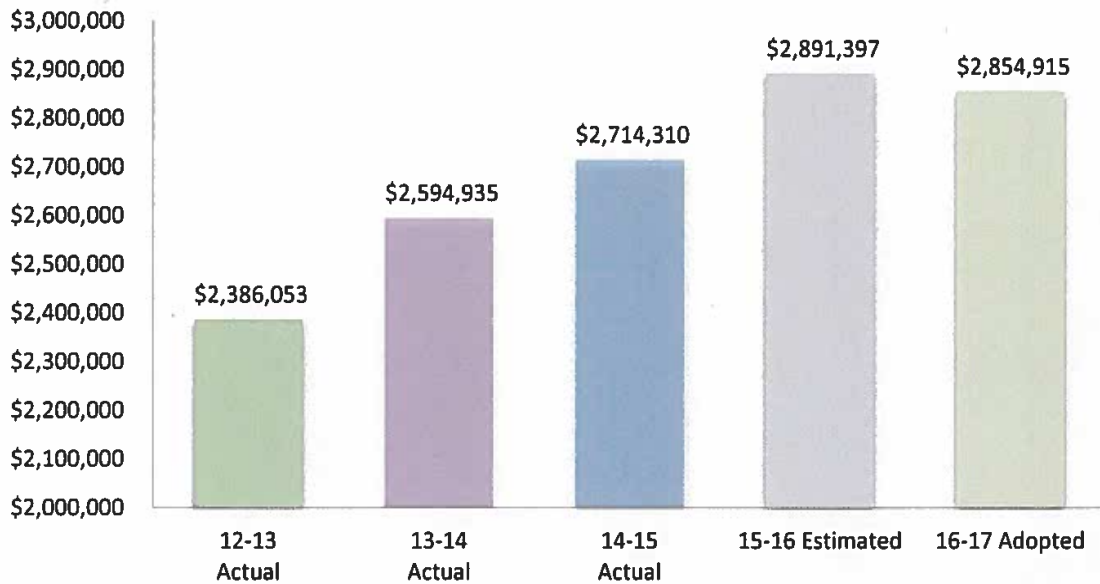
At the August 23, 2016 City Council meeting staff was asked to provide information on Sales Tax Trends in the City of St. Helena.

DISCUSSION

The General Fund has several sources of revenues. The three highest revenue sources for the General Fund consist of: Property Tax, Sales Tax, and Transient Occupancy Tax (TOT). For FY 16/17 it is estimated Sales Tax revenue will total \$2,854,915, which is 27% of all revenues collected for the General Fund.

Historically Sales Tax revenues have been increasing over the past few years for the City of St. Helena as indicated in Chart 1. Although a slight drop in Sales Tax revenues is anticipated for FY 16/17 this is not a result of declining sales predictions but due to a one-time payment received in FY 15/16 as a part of the sunset of the triple-flip, which was a decade-old mechanism affecting state and local finances in California. During the first year of the triple flip, cities and counties received monies equal to only three-quarters worth of taxable sales that occurred in that year. Partial monies received only occurred in the first year and in subsequent years' cities received the full amount due. In order to hold cities and counties harmless, ending the triple flip required one additional quarter of ERAF transfer to cities and counties to make-up for the first year where only three-quarters was received. As noted above, this final one-time payment was received in FY 15/16.

Chart 1 – St. Helena Historical Sales Tax Revenues

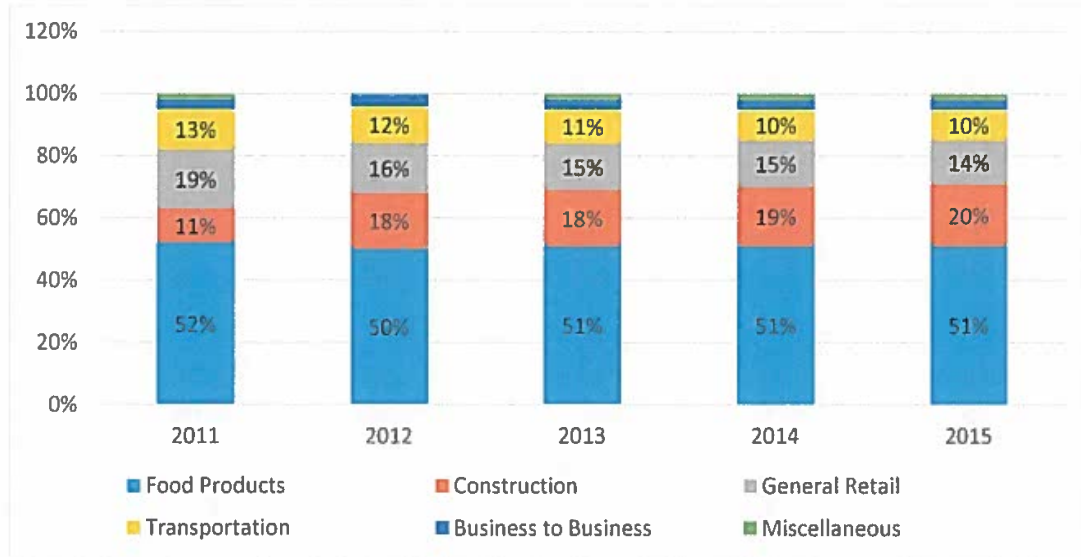


The City of St. Helena contracts with MuniServices to provide sales tax revenue forecasting as well as compile quarterly sales tax reports which are posted to the City's website in the following location: <http://cityofstheleena.org/content/finance-utilities>.

Information from Muniservices includes information by BUSINESS CATEGORY, Economic Segment, and business segments. BUSINESS CATEGORY is the broadest of all categories and is CAPITALIZED throughout this report. The second group, Economic Segment, is a sub-set of each BUSINESS CATEGORY, the first letter is Capitalized throughout this report. The third, and final segment is called the business segment and is a sub-set of the Economic Segment, these are written in lowercase letters throughout this report. It is important to note the City of St. Helena may not have businesses in many of the areas listed. Attachment 1 provides details on what is included in the BUSINESS CATEGORY, Economic Segment, and business segment.

Chart 2 shows the 5-year trend in St. Helena for the BUSINESS CATEGORY. The highest sales tax generator by BUSINESS CATEGORY is FOOD PRODUCTS, followed by CONSTRUCTION, and GENERAL RETAIL.

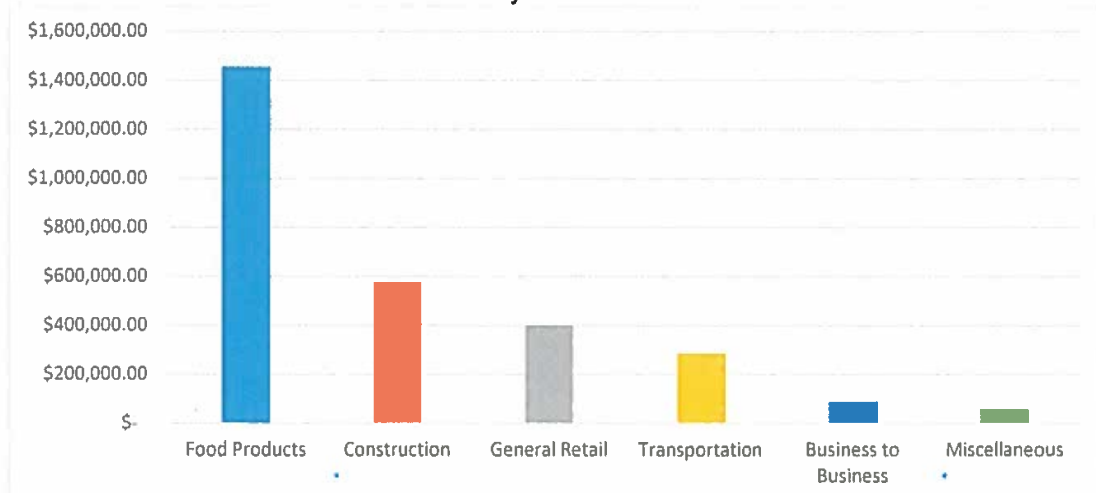
Chart 2 – BUSINESS CATEGORRY TRENDS – St. Helena Sales Tax



The highest sales tax generator for St. Helena is FOOD PRODUCTS, this category has a 5-year average of 51% of total sales tax revenues received and has remained steady over the past 5 years. The second highest sales tax revenue generator for the BUSINESS CATEGORY is CONSTRUCTION which has a 5-year average of 17% and has had a slight increase in activity since 2011. The third highest revenue generator is GENERAL RETAIL which has a 5-year average of 16% and has experienced a slight decline over the past 5 years.

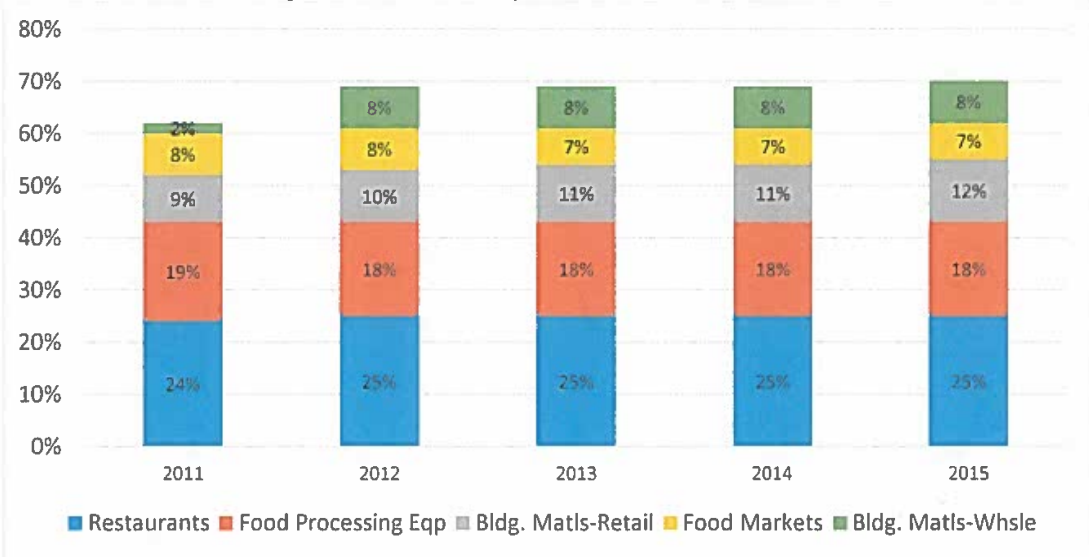
Utilizing information presented above, Chart 3 shows the projections of how much in Sales Tax is estimated to be collected in FY 16/17 by BUSINESS CATEGORY.

Chart 3 - FY 16/17 Sales Tax Estimates by BUSINESS CATEGORY



In further examining sales tax trends for St. Helena, staff examined Economic Segments. Chart 4 shows the top 5 Economic Segments for St. Helena. Three of the top 5 Economic Segments are part of the larger BUSINESS CATEGORY of Food Products – these are: (1) Restaurants, (2) Food Processing Equipment, and (3) Food Markets. It is important to note that the Economic Segment titled, “Food Processing Equipment” is comprised of wineries.

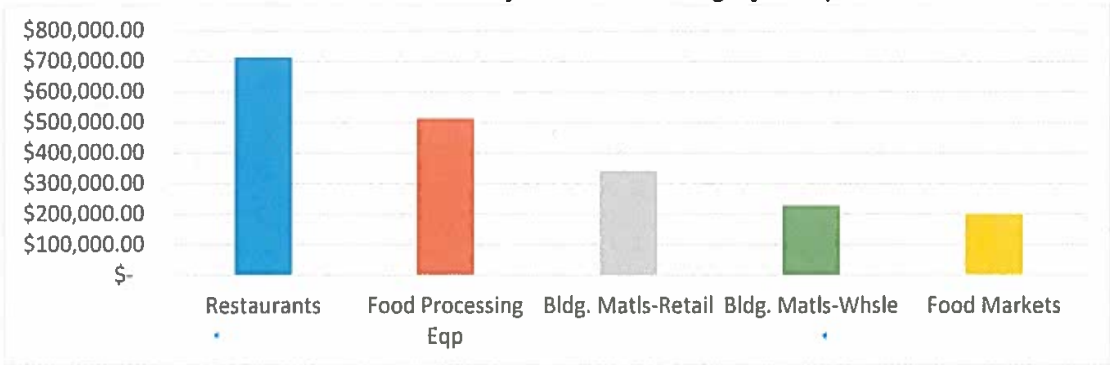
Chart 4 – Economic Segment Trends – Top 5 St. Helena Sales Tax



The five main Economic Segments: (1) Restaurants, (2) Food Processing Equipment (Wineries), (3) Building Materials – Retail, (4) Food Markets, and (5) Building Materials - Wholesale have remained consistent over the past 5 years.

Utilizing information presented above, Chart 5 shows the projections of how much in Sales Tax is estimated to be collected in FY 16/17 by the top five Economic Categories.

Chart 5 - FY 16/17 Sales Tax Estimates by Economic Category – Top 5

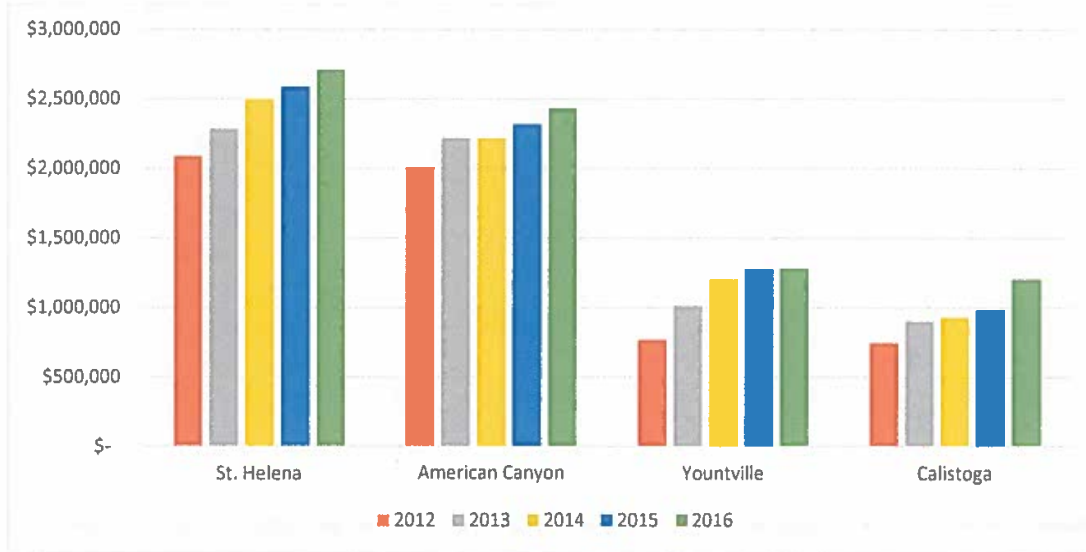


Comparatives

Due to the confidential nature of sales tax revenues, limited resources of staff, and differences in sales tax analysis for neighboring communities, comparatives have only been done at the highest level.

Information comparing sales tax trends for Napa County is presented in Chart 6. Chart 6 indicates change in total sales tax received for the previous 4 quarters. To remain consistent, information presented is sales tax received from April to March for each year represented. Year-over-year each of the four cities listed below have an increase in sales tax collected. The City of Napa was excluded from the chart below.

Chart 6 – Sales Tax Collected – 5 Year Trend



As indicated in Chart 6, St. Helena, American Canyon, Yountville, and Calistoga have experienced sales tax growth over the past 5 years. Table 1 provides a year-over-year sales tax percentage increase by city.

Table 1 – Year-over-Year Sales Tax Percentage Increase by City – April to March

	2012 to	2013	2014	2015	2016
St. Helena		10%	9%	4%	5%
American Canyon		11%	0%	5%	5%
Yountville		13%	19%	6%	1%
Calistoga		4%	4%	6%	23%

FISCAL IMPACT

None

Item No: 10.4

RECOMMENDED ACTION

Receive and File

ATTACHMENTS

Attachment 1 – Sales Tax Categories – City of St. Helena

BUSINESS CATEGORY	Economic Segment	business segment
GENERAL RETAIL	Apparel Stores	woman's apparel
		men's apparel
		family apparel
		shoe stores
	Department Stores	variety stores
		department stores
		general stores
	Furniture/Appliance	home furnishings
		appliance stores
		second hand stores
	Drug Stores	drug stores
	Miscellaneous Retail	sporting goods
		camera stores
		music stores
		florists
		nursery
		news stands
		art, gift, novelties
		stationary/books
		jewelry stores
		specialty stores
		cigar stores
		vending companies
		portrait studios
		shoe repair
		personal services
FOOD PRODUCTS	Restaurants	fast food restaurants
		restaurants with beer and wine
		restaurants with onsale liquor
		hotel food sales
		hotel food/bar sales
		club food/bar sales
	Food Markets	grocery without onsale
		specialty food stores
		confectionary stores
		grocery with beer and wine
		supermarkets
	Liquor Stores	liquor stores
	Food Processing Equipment	food processing equipment
		wineries
TRANSPORTATION	Auto Parts/Repair	auto supply stores
		vehicle repair
		vehicle parts manufacturing

BUSINESS CATEGORY	Economic Segment	business segment
	Auto Sales – New	new car dealers
	Auto Sales – Used	used car dealers
	Service Stations	service stations
	Misc. Vehicle Sales	trailer & supply
		boat/motorcycle
		aircraft & supply
		transportation equipment
CONSTRUCTION	Building Materials – wholesale	construction/farm equipment
		plumbing and electric
		building materials wholesale
	Building Materials – Retail	building materials store
		hardware stores
		paint/glass/wallpaper
BUSINESS TO BUSINESS	Office Equipment	office equipment store
		office machines
		photo processing/equipment
	Business Services	business services
	Electronic Equipment	electronic equipment
	Energy Sales	fuel oil/ice sales
		oil & gas products
	Chemical Products	chemical products
	Heavy Industry	manufacturing material/textiles
		heavy industry
	Light Industry	rental/other repair
		light industry
	Leasing	leasing
MISCELLANEOUS	Health & Government	health services
		government/non-profit organizations
	Miscellaneous Other	non-store retailers
		part-time business
		mortuary sales
		auctioneer sales



St. Helena Sales Tax Trends

By: April Mitts, Finance Director

Finance Department

October 11, 2016 City Council Meeting



Sales Tax Revenues

Sales Tax Revenues - 27 % of the General Fund





Sales Tax – Category and Segment

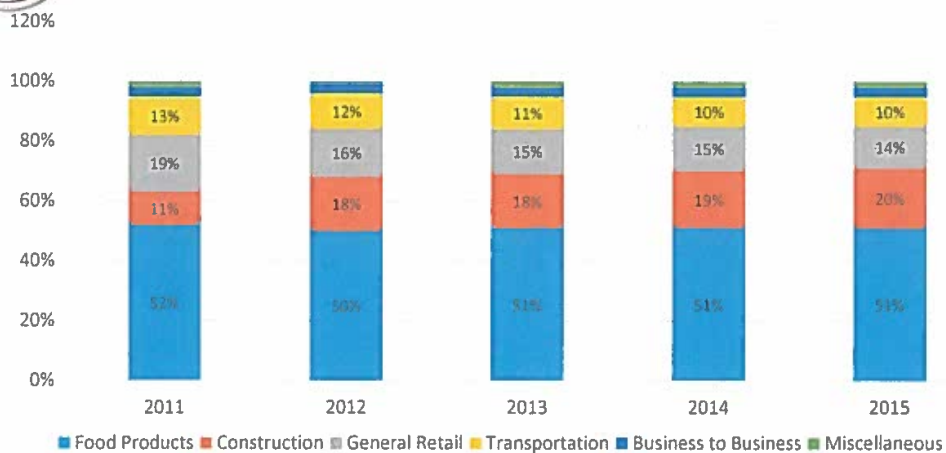
BUSINESS CATEGORY
GENERAL RETAIL
FOOD PRODUCTS
TRANSPORTATION
CONSTRUCTION
BUSINESS TO BUSINESS
MISCELLANEOUS

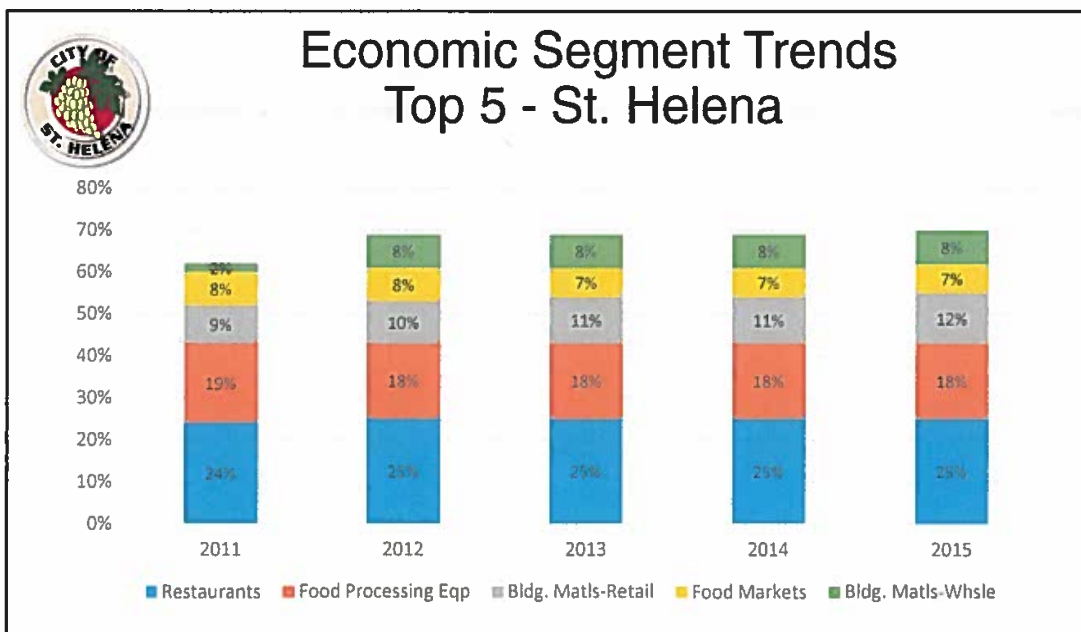
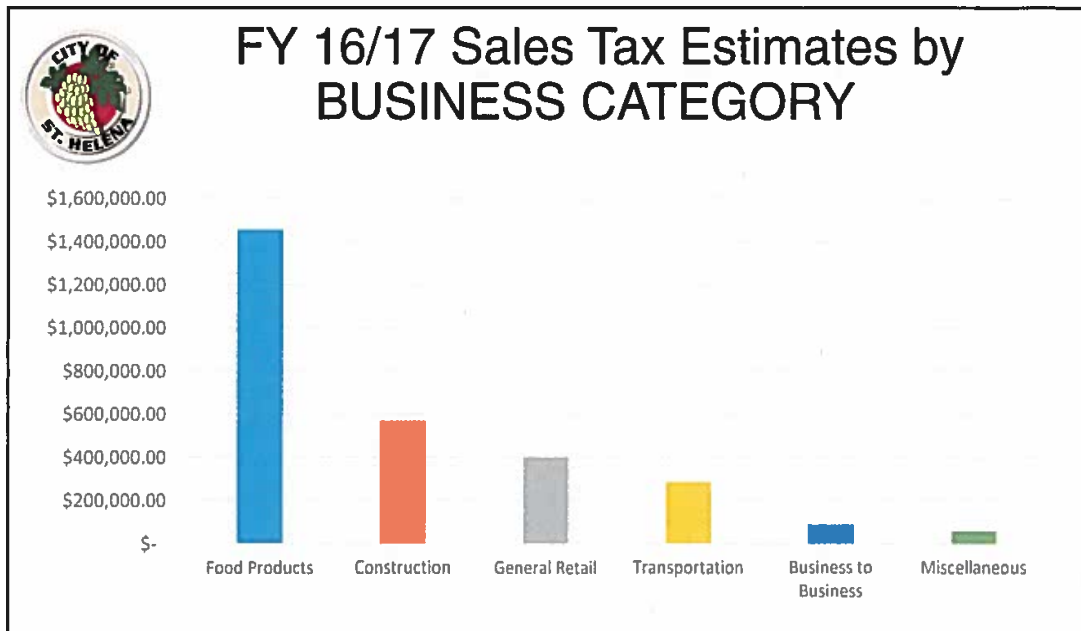
Economic Segment
FOOD PRODUCTS
Restaurants
Food Markets
Liquor Stores
Food Processing Equipment

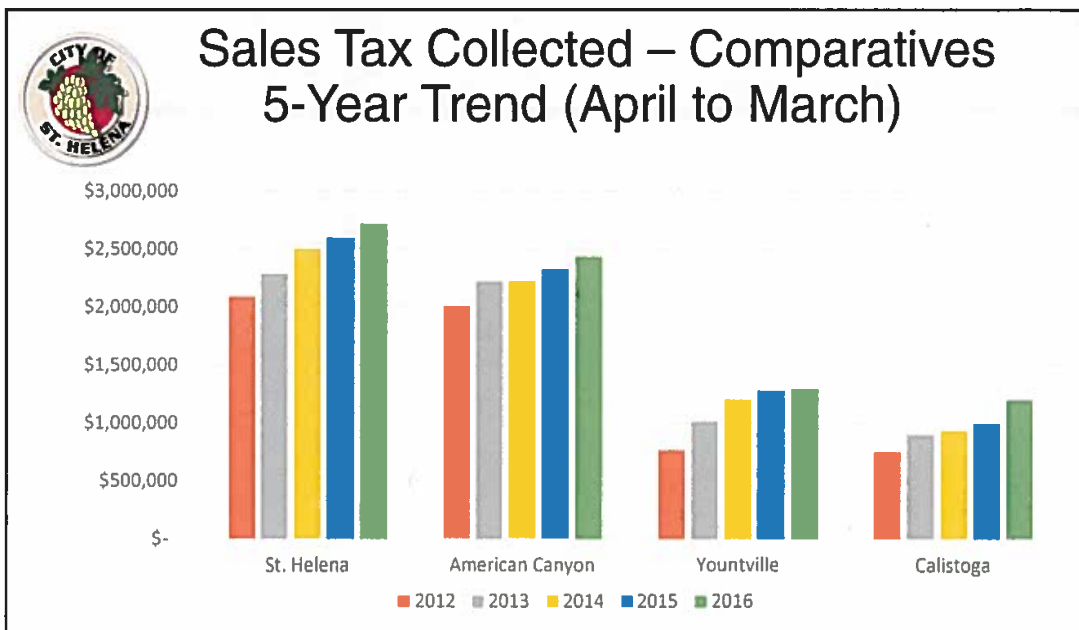
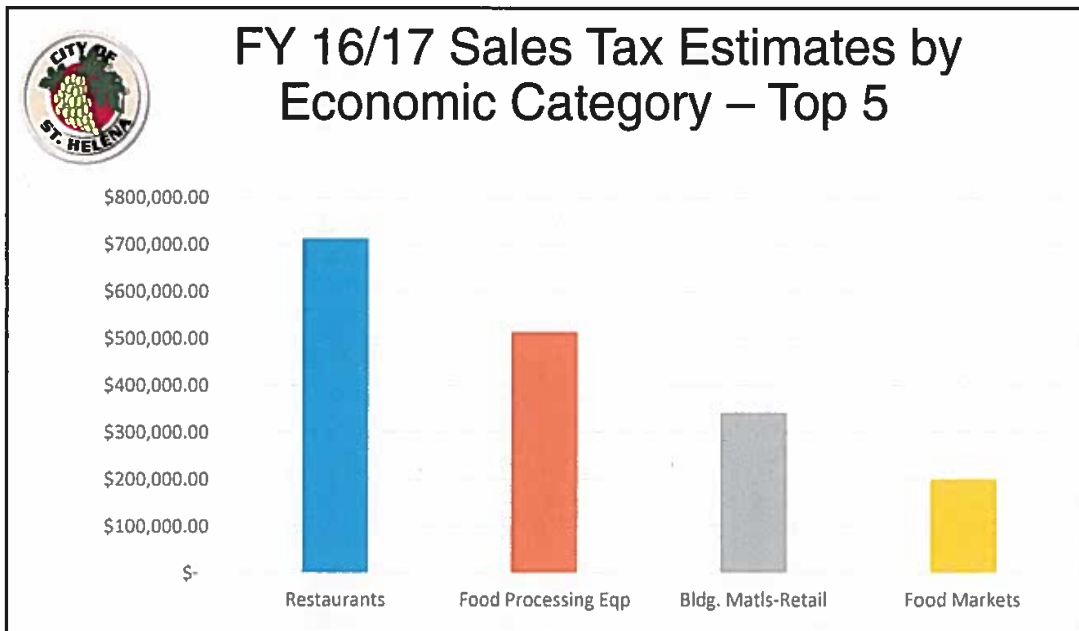
business segment
FOOD PRODUCTS
Restaurants
fast food restaurants
restaurants with beer and wine
restaurants with onsale liquor
hotel food sales
hotel food/bar sales
club food/bar sales



BUSINESS CATEGORY TRENDS St. Helena









Sales Tax Percentage Increase Year-over-Year

Year-over-Year Sales Tax Percentage Increase by City - April to March

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St. Helena Sales Tax Trends

- Receive and File
- Questions

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