



***Updated 3/22/18**
City of St. Helena
Regular City Council Meeting
Tuesday, March 27, 2018 @ 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
Mayor: Alan Galbraith, Vice Mayor: Peter White, City Council: Paul Dohring, Geoff Ellsworth and Mary Koberstein
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.
 - 5.1. [Budget Calendar FY 2018/19](#) 9
6. PRESENTATIONS AND PUBLIC RECOGNITIONS
 - 6.1. Proclamation for Arts in April 2018 presented to Arts Council Napa Valley 11
[Proclamation](#)
 - 6.2. Napa County Election Division "The Voters' Choice Act" 13 - 23
Presentation by John Tuteur, Registrar of Voters
[Presentation](#)
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 March 13, 2018 25 - 32

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Staff recommends approving the minutes.

[Minutes](#)

- 8.2. Consideration and proposed approval of Resolution approving the use of the St. Helena Fire Station parking lot by the St. Helena Chamber of Commerce, waiver of the encroachment and banner permit fees, and the utilization of Public Works Staff and property for Earth Day activities Saturday April 21, 2018. 33 - 47

CEQA Determination: Categorically Exempt, Section 15323
Prepared By: Chrissy Cook, Administrative Assistant
Recommendation:
Staff recommends that City Council adopt the Resolution approving the use of the St. Helena Fire Station parking lot by the St. Helena Chamber of Commerce, waiver of the encroachment and banner permit fees and the utilization of Public Works Staff and property for Earth Day activities Saturday April 21, 2018.

[Staff Report](#)

- 8.3. Consideration and proposed adoption of resolution approving a revised agreement with Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan (FBP) for an amount not to exceed \$36,100 49 - 69

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; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Recommendation:

Staff recommends the City Council adopt a resolution approving a revised agreement with Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan for an amount not to exceed \$36,100.

[Staff Report](#)

- 8.4. Consideration and proposed approval of a resolution adopting Americans with Disabilities Act (ADA) Policy establishing disabled access to City Services and Programs; establishing ADA Section 504 71 - 85

Rehabilitation Act Informal Grievance Procedures; and designation of City Coordinators for Implementation of American with Disabilities Act efforts.

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Recommendation:

Approve Resolution adopting ADA Policy establishing disabled access to City Services and Programs, establishing ADA Section 504 Rehabilitation Act Informal Grievance Procedures; and designation of City Coordinators for implementation of ADA efforts.

[Staff Report](#)

- 8.5. Consideration and proposed approval of a resolution appointing Stan Knight to fill the vacant Active Transportation/Sustainability Committee (ATSC) alternate position 87 - 93

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzafopoulos, City Clerk

Recommendation:

Per resolution 2013-26 Council Rules of Procedure, appointments shall be made by the Mayor and subject to the City Council approval.

Staff recommends appointing applicant Stan Knight to fill the vacant alternate position.

[Staff Report](#)

9. PUBLIC HEARINGS

- 9.1. None

10. NEW BUSINESS

- 10.1. Final Review and Confirmation of 2035 General Plan Update and Environmental Impact Report (EIR) Scope and Process Direction 95 - 206

CEQA Determination: This item is purely an informational discussion to gain Council direction and is therefore not a CEQA project. Any formal decisions on individual projects will be subject to a complete analysis and determination under CEQA.

Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

Staff recommends the City Council review the provided documents and summary of the preliminary information provided in the February 20, 2018, Joint Council and Commission meeting, discuss the various elements identified and provide final direction to staff and the consultant regarding the overall scope of the 2035 General Plan Update and EIR.

[Staff Report](#)

[Power Point Presentation](#)

[Public Comment \(1\)](#)

10.2. 2018 Water Storage Projections Update

207 - 225

CEQA Determination: Not a CEQA project
Prepared By: Felix Hernandez III, Utilities Operations Manager
Recommendation:
No action required at this time.

[Staff Report](#)

10.3. Consideration and Proposed approval of a Resolution Authorizing a Professional Services Agreement with Kosmont Companies in an Amount Not to Exceed \$25,000 to conduct a Downtown St. Helena Market Analysis

227 - 231

CEQA Determination: Not a CEQA project
Prepared By: Mark T. Prestwich, City Manager
Recommendation:
Pass a resolution authorizing the City to enter into a professional services agreement with Kosmont Companies for an amount not to exceed \$25,000 to complete a downtown market study to identify strategies to improve the downtown commercial district.

[Staff Report](#)

10.4. City Council Meeting Schedule for Calendar Year 2018 Discussion and Direction

233 - 236

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzaferopoulos, City Clerk
Recommendation:
Staff recommends reviewing the 2018 City Council meeting schedule and providing direction.

[Staff Report](#)

11. ITEMS LIKELY TO BE PLACED ON THE NEXT OR FUTURE MEETING AGENDA:

11.1. *Updated 3/22/18

April City Council Meetings: 4/10 (staff reports due 3/23) 4/24 (staff reports due 4/6)
PROCLAMATIONS AND PUBLIC RECOGNITION:
1. 4/10 Proclamation for domestic violence awareness month - NEWS
2. 4/10 National Library Week – Library Library Staff Introduction
3. 4/10 National Volunteer Week – Library Acknowledge Rianda House and Police Volunteers
4. 4/24 Introduction of new K9 and new staff - PD
CONSENT:
5. 4/10 Little League Contract Amendment - Recreation
6. 4/10 Crinella Pump Station - PW
7. 4/10 SHEA - HR

8. 4/10 P-Tap 18 - PW
9. 4/10 Street Pavement Management System Update - PW
10. League of California Cities request for support of two initiatives that will appear on the June 5th ballot, Propositions 68 & 69 - Admin
11. 4/10 Authorizing CM Signature for USDA WWTRP Loan Application Funding - Finance
12. 4/24 Downtown Restrooms - PW
13. 4/10 Repair of PW Corp Yard Office Trailer and lease ancillary buildings- PW
14. 4/24 Pacific Legacy – Finance
15. 4/24 Curb Ramp Upgrades - Approve PS&E
16. Fraud Policy - Finance
17. Quarterly Finance Report – Finance
18. Quarterly Grant Report – Finance
<i>PH or NEW BUSINESS:</i>
19. 4/10 Annual Housing Element Update – Planning
20. 4/10 Goals and Objectives Update - Admin
21. 4/24 FY 18/19 Non-Profit Funding - Finance
22. 4/24 Napa Fire Complex After-Action Report
<u>May City Council Meetings:</u>
5/8 (staff reports due 4/20)
5/22 (staff reports due 5/4)
• 5/3 Fire Dept. Operations Study Session 3-5 pm • 5/9 Special City Council Budget Study Session 9-12 • 5/23 Special City Council Budget Study Session 9-12 (If needed)
<i>PROCLAMATIONS AND PUBLIC RECOGNITION:</i>
23. 5/8 Proclamation - May is Mental Health Awareness Month - Admin
24. 5/8 Proclamation - Annual Public Works Week - PW
25. 5/8 Bike to Work and School Day Proclamation - PW
<i>CONSENT:</i>
26. Music in the park, June thru August, waive fees, food - PW
27. Agreement with Housing Authority of the City of Napa Expires June 30, 2018 – Planning
28. La Boheme sign fee waiver request - Planning
29. Fireworks Contract - Rec
<i>PH or NEW BUSINESS:</i>
30. 5/23 Comp/Class Study HR
<u>June City Council Meetings:</u>
6/12 (staff reports due 5/25)
6/26 (staff reports due 6/8)
<i>PROCLAMATIONS AND PUBLIC RECOGNITION:</i>
31. Elder Abuse Prevention Month proclamation – PD
32. Parks & Rec Month
<i>CONSENT:</i>
33. 6/12 Budget adoption – Finance
34. High School to Submit Annual Request Re: Street Closure for Homecoming Parade - PW

35. Resolution Adopting GANN Limit (Appropriations) - Finance
36. Adopt and approve compensation schedule - HR

12. ADJOURNMENT

The next Regular City Council meeting is scheduled for April 10, 2018, 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 March 16, 2018.



Cindy Tzaopoulos, 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

CHALLENGING DECISIONS OF CITY ENTITIES

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

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

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this Agenda, after the posting of the Agenda, will be available for public review in the City Clerk's Office located at 1480 Main Street, St. Helena, California, during normal business hours. In addition, such

writings or documents will be made available on the City's web site at <https://sthelena.civicweb.net> and will be available for public review at the respective meeting.

OPERATION & MAINTENANCE BUDGET BUDGET CALENDAR FISCAL YEAR 2018/19				
Date	Day	Duration	Item	Completed
January 26, 2018	Friday	1 Day	Finance Department issues instructions, budget worksheets, and word files to departments	✓
February 13, 2018	Tuesday	CC meeting	Staff present Budget Calendar at City Council Meeting	✓
February 23, 2018	Friday	1 Day	Department Heads submit budget worksheets to Finance Director	✓
February 26-March 2, 2018		5 working days	Finance Director compiles Revenue/Expense worksheets for review	✓
March 5-16, 2018		10 working days	City Manager, Finance Director, and Department Heads meet to review budgets and verify budget requests align with City Council Goals	✓
March 19-23, 2018		5 working days	Finance Director compiles budget worksheets based on Dept. Head Meetings	✓
March 26-30, 2018		5 working days	Follow-up discussions as needed to finalize Department budget requests	✓
March 27, 2018	Tuesday	CC meeting	Finance and City Manager Budget update to City Council	✓
April 2-20, 2018		15 working days	Finance prepare draft summary budget to City Manager and draft transmittal letter	
April 24, 2018	Tuesday	CC meeting	Non-Profit summaries presented to City Council for consideration and direction to staff	
April 24-27, 2018		4 days	Finance presents final Operation & Maintenance Budget to City Manager.	
May 9, 2018	Wednesday	1/2 day	Budget Study Session - 9-noon	
May 23, 2018	Wednesday	1/2 day	Budget Study Session - 9-noon (if necessary)	
June 12, 2018	Tuesday	CC meeting	Council adopts Budget Resolution	
July 1, 2018			Finance prepares final Operation & Maintenance Budget for Distribution	

F:\Budgets\18-19 Budget\Budget Preparation Schedule 2018-19

City of St. Helena

PROCLAMATION

APRIL ARTS MONTH APRIL 2018

Whereas, the month of April has been recognized as a countywide celebration of the arts and local culture, known as Arts in April Napa Valley, by dozens of arts and cultural organizations, hundreds of individuals, and businesses across the county, as well as by the agencies of Visit Napa Valley and Arts Council Napa Valley for 8 years;

Whereas, the arts and culture embody much of the accumulated wisdom, intellect, and imagination of humankind;

Whereas, the arts and culture enhance and enrich the lives of every resident;

Whereas, hundreds of residents from each town and city came together in the creation of the County of Napa's adopted Community Cultural Plan, which has been in place since 2008, and endorsed the following cultural core values for all of Napa County:

Self-expression is everyone's birthright;

The arts serve as a common language;

The arts are critical to a healthy economy;

The arts allow us access to our past, to ourselves, and to each other;

And, the arts give us a sense of place and of home.

NOW, THEREFORE, BE IT RESOLVED, that I, Alan Galbraith, Mayor of the City of St. Helena, do hereby proclaim April as Arts Month in City of St. Helena and call upon our citizens to celebrate and promote arts and culture in our county and to specifically encourage the greater participation by those said citizens in taking action for arts and culture in their towns and cities.

Dated: March 27, 2018

Alan Galbraith, Mayor
City of St. Helena



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Election Division

The Voters' Choice Act is coming!
El acta de opción del elector está aquí!



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The California Voter's Choice Act

Napa County is one of 5 pilot counties that will be 100% Vote-By-Mail for the June 5, 2018 Primary Election. There will be 8 Vote Centers and 7 Drop Boxes located throughout Napa County.

El condado de Napa es uno de los 5 condados piloto que votarán 100% por correo en la Elección Primaria del 5 de junio de 2018. Habrán 7 buzones para devolver su balota a través de todo el Condado de Napa.



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The California Voter's Choice Act

Vote Centers/Centros de Votación

2 Vote Centers open 10 days before Election Day

Dos Centros de Votación abiertos 10 días antes del día de la elección

Weekends 8:30am-4:30pm, weekdays 8am-5pm, 7am-8pm on Election Day

8:30am-4:30pm fines de semana, Lunes-Viernes 8am-5pm, 7am-8pm el día de la elección

- Napa County Election Division, 1127 1st St Ste E, Napa
- Holiday Inn Express & Suites, 5001 Main St., American Canyon

6 additional Vote Centers open 3 days before Election Day

6 Centros de Votación adicionales abiertos 3 días antes de cada elección

8:30am-4:30pm Saturday and Sunday, Monday 8am-5pm, 7am-8pm on Election Day

8:30am-4:30pm Sabado y Domingo, Lunes 8am-5pm, 7am-8pm el día de la elección

- American Canyon Library, 300 Crawford Way, American Canyon
- CrossWalk Community Church, 2590 1st St, Napa
- Yountville Veterans Home, 260 California Blvd, Yountville
- Napa Valley College - Upper Valley Campus, 1088 College Ave, St. Helena
- Calistoga Fire House, 1113 Washington St, Calistoga
- Angwin Fire House, 275 College Ave, Angwin



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Ballot Drop Boxes/*Buzones de Devolución Para Balotas*

7 exterior drop boxes open 24 hours a day, 28 days before the election. All drop boxes close at 8pm Election Day. All locations will be near a bus stop and facing the sidewalk.

7 buzones exteriores para devolver balotas 24 horas al día, 28 días antes de la elección. Todos los buzones cierran a las 8pm el día de la elección. Todas las ubicaciones estarán en la acera cerca de la estación de buses.

Tentative locations, subject to change—*Ubicaciones tentativas, sujetas a cambio*

- American Canyon – American Canyon City Hall
- Napa - 2nd Street Garage (alley behind 1127 1st St) drive thru
- Napa – next to bus stop by Walmart on Soscol
- Yountville – next to the bus stop by Ranch Market Too
- St. Helena – Near Library
- Calistoga – Fair Way next to CalMart
- Angwin – College Market



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Ballot Drop Boxes/*Buzones de Devolución Para Balotas*





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The California Voter's Choice Act

Vote Centers

Each Vote Center must:

- Permit voters to return a ballot, request a replacement ballot, register or update voter registration and vote.
- Be accessible and have 3 ADA voting machines.

Centros de Votación

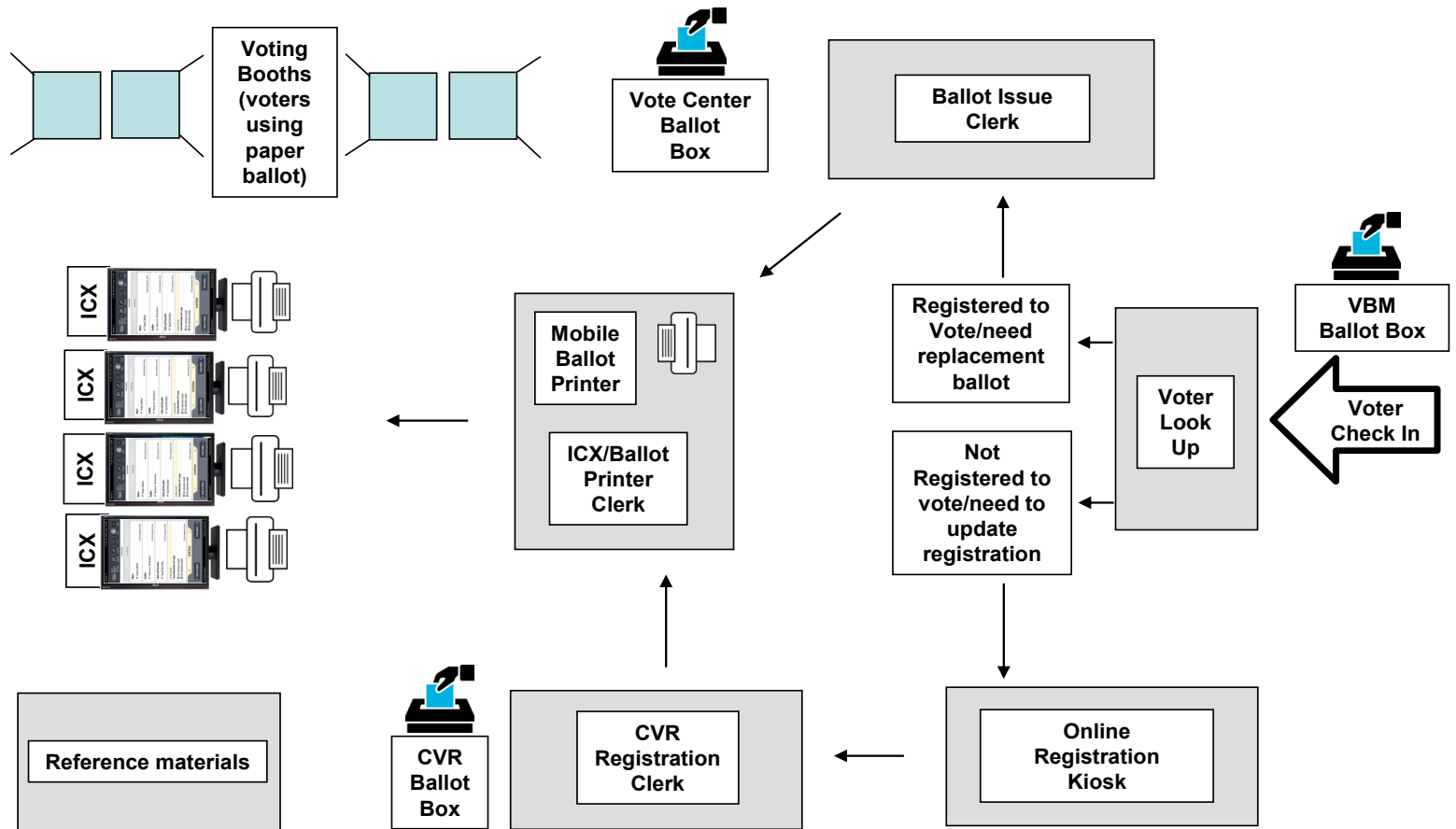
Cada Centro de votación debe:

- Permitir que los electores devuelvan una balota, soliciten una balota de reemplazo, se registren o actualicen su registro de votantes y voten.*
- Ser accesible y tener 3 equipos de votación ADA.*



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Vote Center Layout





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The California Voter's Choice Act

Proposed Mailer



Elections in Napa County
are changing:
Find out how!

Las elecciones en el
Condado de Napa están
cambiando:
¡Averigua como!

The Voter's Choice Act is here El acta de opción del elector está aquí

All Napa County voters will receive their ballot in the mail in 2018
Todos los electores en el Condado de Napa recibirán sus ballots por correo en 2018



Countdown Calendar to Election Day
Calendario de cuenta regresiva al día de las elecciones

29 Elections office mails ballots to all voters <i>Oficina de elecciones envía ballots a todos los votantes</i>	4 All Vote Centers open <i>Todos los centros de asistencia a electores están abiertos</i>
28 Ballot Drop Boxes available <i>Cajas para depositar ballots disponibles</i>	1 Drive Thru Ballot Drop off available at four Vote Centers <i>Cajas para dejar ballots enviadas por correo desde su auto disponibles en cuatro centros de votación</i>
11 Two Vote Centers open <i>Abran dos centros de asistencia a electores</i>	DAY Election Day! All ballots must be voted/postmarked by 8pm <i>Día de elección! Todas las ballots deben ser votadas/Contado el momento! Recibidas para las 8 pm</i>

3 ways to return your ballot Tres formas para devolver su balota

Vote By Mail

Mailed through the US Postal Service - postmarked by Election Day
Entregada a través del correo - postmarchada el día de la elección

Drop Box

Dropped by 8 pm Election Day
Entregada para las 8 pm el día de la elección

Vote Center

Delivered by 8pm Election Day
Entregada para las 8 pm el día de la elección

Don't Forget Drive Thru Ballot Drop Off available at four Vote Centers the day before and on Election Day. Recórdele votar para depositar su balota desde su auto disponible en cuatro centros de votación el día antes de la elección y el día de la elección.

What is a Vote Center? Que es un centro de votación?

Any Napa County voter can go to any Vote Center and:

- Vote/Votar
- Request a replacement ballot/Pedir una segunda balota
- Register and vote the same day with a conditional ballot/Registrar para votar y votar el mismo día con una balota condicional
- Drop off your mail ballot/Dejar su balota recibida por correo
- Vote with an accessible voting machine/Votar con equipo accesible
- Get help and voting materials in multiple languages/Recibir ayuda y materiales en varios idiomas

Todo votante del condado de Napa puede ir a cualquier Centro de Votación y:

Register and Vote the Same Day Regístrese y vote el mismo día



Register to vote up to and including Election Day
Regístrese para votar hasta el mismo día de la elección



Vote with a Conditional Ballot at the Vote Center. Your Conditional Ballot will be counted if elections officials determine that you are eligible to vote.
Vote con una balota condicional en el centro de votación. Su balota condicional será contada si se determina que usted es elegible.

Vote and Return Your Ballot at any time up until 8pm Election Day Mailed ballots must be postmarked by Election Day

Information on Vote Center, Ballot Drop Box and Vote Center locations will be included in your ballot and available on our website before each election
Información sobre el centro de votación, cajas de devolución, y la dirección de los centros de votación serán incluidos con su balota y en nuestro sitio de web

Napa County Election Division
900 Coombs St, Rm 256
Napa, CA 94559

(707) 253-4321 or (888) 404-8356
countyofnapa.org/elections
elections@countyofnapa.org





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Recruitment Brochure



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Napa County Election Division

Job Opportunities

The Napa County Election Division is looking for Vote Center Leads and Vote Center Clerks to work 3 weeks in May-June and 3 weeks October-November of even numbered years at our eight Vote Centers throughout the county. Vote Center staff are encouraged to work both elections.



The County of Napa is a highly respected employer within the local community as well as throughout the region. We offer rewarding and challenging work, flexible hours, competitive salaries and tremendous opportunities for career growth. At the County of Napa we truly value our employees and are committed to diversity in our family-oriented environment. This is why we are the Employer of Choice for more than 1,400 employees.

As an organization, the County is dedicated to improving the lives of our citizens and reflecting the best of the community's values: Respect, Accountability, Dedication, Integrity and Innovation.

Vote Center Lead

Salary Range
\$16.56 - \$19.60

DISTINGUISHING CHARACTERISTICS

Individuals hired into this class are extra help, intermittent employees and perform assigned tasks on an as-needed basis prior to, during and immediately following an election. The Vote Center Lead performs the most difficult and responsible types of duties, including conducting research and problem resolution which requires specialized knowledge. The Vote Center Lead is required to perform all duties and responsibilities of multiple functional areas within the Vote Center and provides technical and functional lead to assigned Vote Center Staff.

EXAMPLE OF DUTIES

- Provide lead for other clerical staff, which may include assigning, scheduling, and prioritizing work and providing training to less experienced staff.
- Perform the more complex and specialized administrative and clerical duties within assigned functional areas; compile data, summarize and maintain a variety of reports.
- Verify the work of assigned employees for accuracy.
- Assist with conduct of instruction classes.
- Provide lead support for other clerical staff, which may include assigning, scheduling, and prioritizing work and providing training to less experienced staff.
- Perform the more complex and specialized administrative and clerical duties within assigned functional areas; compile data, summarize and maintain a variety of reports.

QUALIFICATIONS

Knowledge of:

- Principles of leadership and training.
- Office methods and equipment including computer systems and applicable software applications.
- Principles and practices of customer service and proper phone etiquette.
- Basic mathematical skills.
- Correct English usage, including spelling, grammar and punctuation.
- Verify the work of assigned employees for accuracy.

Ability To:

- Work long hours and weekends.
- Lead, organize and review the work of assigned staff.
- Make basic arithmetic calculations.
- Perform more complex and specialized clerical duties in assigned area of responsibility, including maintenance of appropriate records and preparation of reports.
- Respond to requests and inquiries from the general public.
- Sit and stand for extended periods of time.
- Maintain security and confidentiality or restricted information.
- Operate office equipment including computers and supporting software applications.
- Understand and follow oral and written instructions.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of work.
- Lift and pick up election material and supplies.

EXPERIENCE AND EDUCATION

Any combination of education and experience that would likely provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Experience:

Some work or voluntary experience including public contact which provides for the required competency in the requisite knowledge and abilities.

Education:

High school diploma or GED preferred.

LICENSE OR CERTIFICATE

Certain positions assigned to this class may require possession of a valid California Driver's license.



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Recruitment Brochure

Vote Center Clerk

Salary Range
\$15.08 - \$17.77

DISTINGUISHING CHARACTERISTICS

Individuals hired into this class are extra help, intermittent employees and perform assigned tasks on an as-needed basis prior to, during, and immediately following an election.
The Vote Center Clerk performs duties involving preparation of materials for elections usually during peak work periods. Duties are performed under close supervision.

EXAMPLE OF DUTIES

- Issue Vote by Mail ballots and Conditional Voter Ballots to the public at various Vote Center locations.
- Key affidavits of registration into ED45 system.
- Process Vote by Mail applications and confidential voter applications in the computer system.
- Prepare voted ballots at the end of day and completed affidavits of registration to be returned to elections office.
- May deliver election materials to Election Division on Election Day.
- Prepare, assemble and distribute publications, notices, sample ballots, and other printed materials related to elections.
- Prepare supplies for storage following an election, including the breakdown of computer equipment.
- Answer questions and provide general information to public by telephone and in person.
- Operate standard office equipment including personal computers.
- Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

- Modern office practices, procedures and equipment, including computer terminals.
- Office filing systems, such as alphabetic and numeric.
- Principles and practices of customer service and proper phone etiquette.
- Basic mathematics skills.
- Correct English usage, including spelling, grammar and punctuation.

Ability To:

- Work long hours and weekends.
- Follow oral and written instructions.
- Understand and apply laws, rules, policies and procedures related to elections.
- Read and decipher handwriting.
- Perform a wide variety of routine clerical tasks, and operate computers; establish and maintain effective working relationships with other employees and the general public.
- Make basic arithmetic calculations.
- Operate office equipment including computers and supporting software applications.
- Lift and pick up election material and supplies.
- Sit and stand for extended periods of time.
- Maintain security and confidentiality or restricted information.
- Communicate clearly and concisely, both orally and in writing.

EXPERIENCE AND EDUCATION

Any combination of education and experience that would likely provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the knowledge, skills, and abilities would be:

Experience:

Some work or voluntary experience including public contact which provides for the required competency in the requisite knowledge and abilities.

Education:

High school diploma or GED preferred.

LICENSE OR CERTIFICATE

Certain positions assigned to this class may require possession of a valid California Driver's license.

Important Information

Vote Center Clerks and Vote Center Leads will be employed weekdays from mid-May through early June and/or from mid-October through early November of even numbered years with overtime on certain weekends and Election Day.

There will be 8 Vote Centers located throughout the county, at least one in each Municipality; Angwin, Calistoga, St Helena, Yountville, Napa, and American Canyon. Each Vote Center will be staffed with two Vote Center Leads and at least 5 Vote Center Clerks. The Election Division and American Canyon Vote Centers will be open for 10 days prior to the election. Vote Center staff may be assigned to various vote centers at different times during each election cycle.

Each Vote Center will require at least one bilingual staff member fluent in Spanish. American Canyon, Calistoga and Napa Vote Centers will require at least one bilingual staff fluent in Tagalog. Bilingual persons are encouraged to apply.



Dates of Employment

The dates of employment will be May 14, 2018 through June 5, 2018 and/or October 15, 2018 through November 5, 2018.

How to Apply

The Vote Center Lead and the Voter Center Clerk positions are posted on the Napa County website, www.countyofnapa.org/715/Napa-County-Careers. Click APPLY for either position.



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The California Voter's Choice Act

Election Administration Plan
available at
www.countyofnapa.org/Elections

Plan de Administración Electoral
disponible en
www.countyofnapa.org/Elections

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, March 13, 2018 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

A complete video recording of this meeting, except for closed session, can be found at <https://sthelena.civicweb.net/Portal/> or by calling the City Clerk at (707) 968-2742. The City Council video is the official record of the Council meeting.

Present: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

Absent: None

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

A moment of silence was called by Mayor Galbraith in remembrance of the three lives lost at the Veterans Home of California tragedy. The City of St. Helena's thoughts and prayers are with the families of Christine Loeber, Jenn Golick and Jennifer Gonzales.

Council Member Dohring also provided a statement in response to the loss at the Yountville Veterans Home.

4. PUBLIC FORUM:

No public comment was received.

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

City Attorney Thomas Brown reported there was no reportable action taken at the March 13, 2018, Closed Session meeting. However, the City Council did give direction to initiate litigation if settlement negotiations were not successful. If and when the lawsuit is filed it will be made available upon request. City Attorney Thomas Brown also noted that Vice Mayor White was absent and didn't participate in the Special Closed Session City Council meeting.

City Manager Mark Prestwich provided a SHAPE Committee update and also provided a viewing of the SHAPE Committee commercial titled "Help SHAPE St.

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Helena's most valuable assets".

Finance Director April Mitts announced a budget hearing will take place on May 9, 2018, at the Fire Department from 9:00 am to 12:00 pm.

Planning Director Noah Housh reported on the recent notice of preparation for the Hunter subdivision project public scoping meeting. It was also noted that the scope and content of the EIR are available on the City's website and will be accepting comments through April 12, 2018.

Public Works Director Erica Ahmann Smithies reported that the FY 18/19 Capital Improvement Projects (CIP) will be presented at the next Planning Commission meeting for General Plan consistency review.

Mayor Galbraith requested an Upper York Creek Dam removal status update.

Council Member Koberstein reported that utility customers will be receiving information in their utility bills regarding the special Upper Valley Waste large item curbside pick-up to be held on April 14th and 21st.

Council Member Ellsworth shared condolences in the wake of the recent Veterans Home tragedy.

Vice Mayor White reported, while teleconferencing, on his attendance representing Napa Valley Transportation Authority (NVTA) in support of funding for local and regional transportation programs and projects in Washington, D.C., from March 11, 2018 through March 15, 2018. Condolences were also shared in the wake of the recent Veterans Home tragedy.

6. PRESENTATIONS AND PUBLIC RECOGNITIONS

6.1 None

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 Resolution 2018-25 approving the temporary closure of street intersections, waiving the encroachment permit and banner permit fees for the St. Helena Unified School District Run Big! event on March 30, 2018.

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CEQA Determination: Categorically Exempt, Section 15323

Prepared By: Chrissy Cook, Administrative Assistant

Recommendation:

Staff recommends the City Council adopt the Resolution approving the temporary closure of street intersections, and waiving the encroachment and banner permit fees for the St. Helena Unified School District Run Big! event on March 30, 2018.

- 8.2 Consideration and approval of a Resolution 2018-26 approving a Contract with Land Trust of Napa County for a Conservation Easement as required by the terms of the Department of Water Resources (DWR) grant, SAP Contract No. 4600009016 for an amount not to exceed \$65,000.

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council approve a Resolution approving a contract with Land Trust of Napa County for a Conservation Easement as required by the terms of the Department of Water Resources (DWR) grant, SAP Contract No. 4600009016 for an amount not to exceed \$65,000.

- 8.3 Consideration and approval of a Resolution 2018-27 authorizing revenues received as General Fund reimbursement from Measure A tax proceeds totaling \$1,053,609.28 be placed directly into the Measure A Fund (235) upon receipt of reimbursement from the Napa County Flood Protection and Watershed Improvement Authority to be used for future State Revolving Fund loan payments.

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council approve a Resolution authorizing revenues received as General Fund reimbursement from Measure A tax proceeds totaling \$1,053,609.28 be placed directly into the Measure A Fund (235) upon receipt of reimbursement from the Napa County Flood Protection and Watershed Improvement Authority to be used for future State Revolving Fund loan payments.

- 8.4 Consideration and approval of a Resolution 2018-28 approving City of St. Helena City Council Policy P-FI-0013 Issuance and Use of City Fuel Cards

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends approval of the proposed Resolution establishing City of St. Helena City Council Policy P-FI-0015 Issuance and Use of City Fuel Cards.

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- 8.5 Consideration and proposed approval of Regular Meeting Minutes of February 27, 2018 - ~~Minutes will be provided prior to the meeting.~~ Provided 3/9/18

Councilmember Geoff Ellsworth moved to approve Consent as presented. The motion was seconded by Councilmember Mary Koberstein and on roll call carried by the following vote:

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

9. PUBLIC HEARINGS

- 9.1 None

10. NEW BUSINESS

- 10.1 *Updated 3/9/18
Consideration of:

1. Approving or denying Active Transportation/Sustainability Committee (ATSC) Member Donna Hinds request for reclassification to an alternate position; and
2. A resolution 2018-29 appointing applicants to fill vacant positions on the Active Transportation/Sustainability Committee (ATSC)

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:

Staff recommends approving or denying ATSC Member Donna Hinds request to be reclassified as an alternate member.

Per resolution 2013-26 Council Rules of Procedure, appointments shall be made by the Mayor and subject to the City Council approval.

Staff recommends appointing applicants to fill vacancies.

No public comment was received.

Councilmember Paul Dohring moved to approve reclassification of ATSC Member Donna Hinds to an alternate position and appointment of Tom Vence and Pam Smithers to regular ATSC positions. The motion was seconded by Councilmember Geoff Ellsworth and on roll call carried by the following vote:

Regular City Council
March 13, 2018

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

- 10.2 *Updated 3/9/18
Presentation of the 2018-2028 General Fund Long Range Financial Forecast

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council review, discuss and accept the Fiscal Year 2018 to 2028 General Fund Long Range Financial Forecast.

Finance Director April Mitts reported on this item.

No public comment was received.

Mayor Galbraith noted item 10.4 will be heard out of order and before item 10.3.

- 10.4 *Updated 3/9/18
Review of a request from Joe McGrath for Council approval of an Alternative Equivalent Proposal to satisfy the Inclusionary Housing requirement for the approved project at 632 McCorkle, as allowed under St. Helena Municipal Code (SHMC) Section 17.146.050 B.

CEQA Determination: Exempt from the requirements of CEQA under the "General Rule", Section 15061 (b)(3), in that it can be seen with certainty that the proposed action will have no impact on the environment.

Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

It is recommended that the City Council:

1. Determine the consideration and action on the requested Alternative Equivalent Proposal regarding inclusionary housing for the project at 632 McCorkle be found to be in keeping with the previous Class 32 Categorical Exemption allowed under CEQA Section 15332 for In-Fill development, and

2. Review and act on the request from Joe McGrath for approval of an Alternative Equivalent Proposal regarding meeting the City of St Helena Inclusionary Housing Requirements for the eight unit multifamily housing project previously approved at 632 McCorkle Avenue.

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Planning Director Noah Housh reported on this item.

Mayor Galbraith called for public comment.

Applicant Joe McGraith addressed the City Council.

Vickie Bradshaw, Bobbi Monnette, Elain de Man and Tom Belt addressed the City Council.

Applicant Joe McGraith provided a rebuttal statement.

Vice Mayor Peter White moved to accept the proposal with further study on how to activate the affordable component to it. The motion was seconded by Councilmember Paul Dohring and on roll call carried by the following vote:

AYES: Mayor Alan Galbraith, Vice Mayor Peter White, Councilmember Paul Dohring, Councilmember Mary Koberstein, and Councilmember Geoff Ellsworth

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None

10.3 Consideration and Direction Regarding Conceptual Indemnity and Defense Ordinance

CEQA Determination: Not a CEQA project

Prepared By: Thomas B. Brown, City Attorney

Recommendation:

Staff recommends that the City Council accept public input and provide direction to staff with respect to the policy issue (and draft ordinance) whether to relieve project applicants who satisfy the City's inclusionary ordinance from any or all of the costs of defending a lawsuit challenging the City Council's approval of a project, perhaps especially with respect to appellate costs after a trial court has determined that the approval was legally correct.

Planning Director Noah Housh reported on this item.

Mayor Galbraith called for public comment.

Elizabeth Goels, Jeff Feeney, Joe McGrath, Vicki Bradshaw and Mary Stephensen addressed the City Council.

It was the consensus of the City Council to refer the conceptual ordinance to

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the Planning Commission for review.

11. ITEMS LIKELY TO BE PLACED ON THE NEXT OR FUTURE MEETING AGENDA:

11.1	<u>March City Council Meetings:</u>
	3/27 (staff reports due 3/9)
	1. 3/27 2018 City Council Meeting Calendar - Admin 1. Annual Housing Element Update – Planning 1. Annual General Plan Update – Planning 1. 3/27 Corp Yard Roof Repair - PW 1. 3/27 Crinella Pump Station - PW 1. 3/27 League of California Cities request for support of two initiatives that will appear on the June 5th ballot, Propositions 68 & 69 - Admin 1. 3/27 Little League Contract Amendment - Recreation 1. 3/27 Napa County Election Division “The Voters’ Choice Act” Presentation 1. 3/27 Fire after-incident report
	<u>April City Council Meetings:</u>
	4/10 (staff reports due 3/23)
	4/24 (staff reports due 4/6)
	1. National Library Week: April 9-15 – Library 1. National Volunteer Week: April 23-29 – Library • Acknowledge Library and Police Volunteers? 1. Quarterly Finance Report – Finance 1. Quarterly Grant Report – Finance 1. Goals and Objectives Update - Admin 1. Earth Day, Chamber uses back parking lot - PW 1. Arts Month Proclamation – Admin 1. 4/10 Library Staff Introduction 1. 4/24 Introduction of new K9 and new staff - PD
	<u>May City Council Meetings:</u>
	5/8 (staff reports due 4/20)
	5/22 (staff reports due 5/4)
	5/9 Special City Council Budget Study Session 9-12
	5/23 Special City Council Budget Study Session 9-12 (If needed)
	1. Music in the park, June thru August, waive fees, food - PW 1. Proclamation - Annual Public Works Week - PW
	<u>June City Council Meetings:</u>
	6/12 (staff reports due 5/25)
	6/26 (staff reports due 6/8)
	1. 6/12 Budget adoption – Finance 1. High School to Submit Annual Request Re: Street Closure for Homecoming Parade - PW 1. Agreement with Housing Authority of the City of Napa Expires

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June 30, 2018 – Planning or Admin
1. Resolution Adopting GANN Limit (Appropriations) - Finance
1. Elder Abuse Prevention Month proclamation – PD
1. Adopt and approve compensation schedule - HR

12. ADJOURNMENT

The March 13, 2018, City Council regular meeting minutes were adopted at the March 27, 2018, City Council regular meeting.

Mayor Galbraith adjourned the meeting at Time 8:05 p.m.

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: Consent

Subject: Consideration and proposed approval of Resolution approving the use of the St. Helena Fire Station parking lot by the St. Helena Chamber of Commerce, waiver of the encroachment and banner permit fees, and the utilization of Public Works Staff and property for Earth Day activities Saturday April 21, 2018.

CEQA Determination: Categorically Exempt, Section 15323

Prepared By: Chrissy Cook, Administrative Assistant

Reviewed By: Erica Ahmann Smithies, Public Works Director and City Engineer

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

April 21, 2018, is the St. Helena Chamber of Commerce's annual Earth Day Event. This event has been produced in collaboration with Upper Valley Disposal & Recycling, the City of St. Helena, and Umpqua Bank for the past six years. This is a community-based event that brings in volunteer groups such as the St. Helena High Football Team, the local Brownie Troop, and other volunteer organizations. Locals are encouraged to drop off their electrical waste, batteries, and documents meant for shredding. Pharmaceuticals will also be collected at the St. Helena Police Station drop-off. Past attendance included approximately 125 cars utilizing the drop-off area during the course of the event which runs from 9:00 am -1:00 pm with more people parking and walking in to the other booths and Lyman Park. There has also been planting activities in Lyman Park in conjunction with this event. The Chamber will send out flyers three weeks prior to the event as well as hang a banner over Main Street for the week prior to Earth Day.

DISCUSSION

The City's Municipal Code does not include provisions for City Staff to waive permit fees. As a result, Staff is presenting this formal request to the City Council for

consideration. The St. Helena Chamber of Commerce has submitted an encroachment permit and a banner application along with the required insurance. In addition, one Public Works staff member will set up directional signs and barricades for those utilizing the drop-off portion of the event.

FISCAL IMPACT

The applicant has requested the following permit fees to be waived:

1. Banner: \$100.00
2. Encroachment Permit: \$200.00

In addition to permit fees, the City Public Works Department staff assistance will include one personnel at one hour for an approximate cost of \$75.00 for a total fee waiver request of \$375.00.

RECOMMENDED ACTION

Staff recommends that City Council adopt the Resolution approving the use of the St. Helena Fire Station parking lot by the St. Helena Chamber of Commerce, waiver of the encroachment and banner permit fees and the utilization of Public Works Staff and property for Earth Day activities Saturday April 21, 2018.

ATTACHMENTS

[Reso 2018](#)

[Encroachment Application](#)

[Banner Application](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**APPROVING THE USE OF THE ST. HELENA FIRE STATION PARKING
LOT BY THE ST. HELENA CHAMBER OF COMMERCE, WAIVER OF
THE ENCROACHMENT AND BANNER PERMIT FEES AND THE
UTILIZATION OF PUBLIC WORKS STAFF AND PROPERTY FOR
EARTH DAY APRIL 21st, 2018.**

RECITALS

- A. The St. Helena Chamber of Commerce has requested permission to host the annual Earth Day activities at the Fire Station parking lot on Saturday, April 21, 2018, between the hours of 8:00 am and 1:00 pm, with the actual event occurring from 9:00 am – 1:00 pm.
- B. In consideration for the benefit to the community, City Council desires to waive the the Encroachment Permit fee of \$200.00, the \$100.00 Banner Permit fee and allow the use of 15 City barricades and the time of 1 Public Works employee for 1 hour for an approximate cost of \$75.00 for the St. Helena Chamber of Commerce Earth Day Event. The Council does not waive the general conditions applicable to said permits.
- C. This event will be in partnership with the St. Helena Public Works Department, and city staff will be present at the event.

RESOLUTION

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

- 1. Permission is hereby granted to the St. Helena Chamber of Commerce to use the Fire Station parking lot for Earth Day activities with the conditions that an Encroachment Permit is obtained, conditions and requirements are met and required documents provided to the City Manager.
- 2. City Council waives encroachment permit fee of \$200.00 for the use of the Fire Station parking lot, \$100.00 permit fee for hanging a banner and the use of 1 Public Works staff for 1 hour for approximately \$75.00.

I HEREBY CERTIFY that the this Resolution was adopted at a regular meeting of the City Council held on March 27th, 2018 by the following roll call vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Dohring: _____
Councilmember Ellsworth: _____
Councilmember Koberstein: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk

**CITY OF ST. HELENA
ENCROACHMENT PERMIT
APPLICATION**

PERMIT # _____

**TO: DEPARTMENT OF PUBLIC WORKS
1480 MAIN STREET
ST. HELENA, CA 94574**

Applicant: St. Helena Chamber of Commerce
(Property Owner or Contractor)

Email: Susan@st.helena.com

Phone: 707-963-4456

Job Location: Fire Station / Lyman Park

I (or we) hereby apply for an encroachment permit to carry out the following work:

Earth Day Activities including battery collection, electrical waste & paper shredding

Estimated Start Date Saturday, April 21st 8:00am 2018 Estimated Completion Date Saturday, April 21st 1:00pm 2018
DIAGRAM OF LOCATION OF PROPOSED WORK
Attach diagram on separate sheet(s) if necessary

See attached

Permittee agrees to comply with all ordinances, regulations, specifications and conditions which may apply or be required as a condition of this Permit/Contract. (See insurance requirements and general and special conditions pages).

Permittee shall indemnify, defend and hold harmless The City of St. Helena and its agents, officers, officials employees and volunteers in interest from and against all claims, damages, losses and expenses including attorney fees arising out of or in connection with work performed under this Permit/Contract, except where caused by the sole negligence or willful misconduct of The City of St. Helena. This obligation of Permittee to indemnify, defend and hold harmless shall continue in effect after the completion of the project authorized under this Permit/Contract.

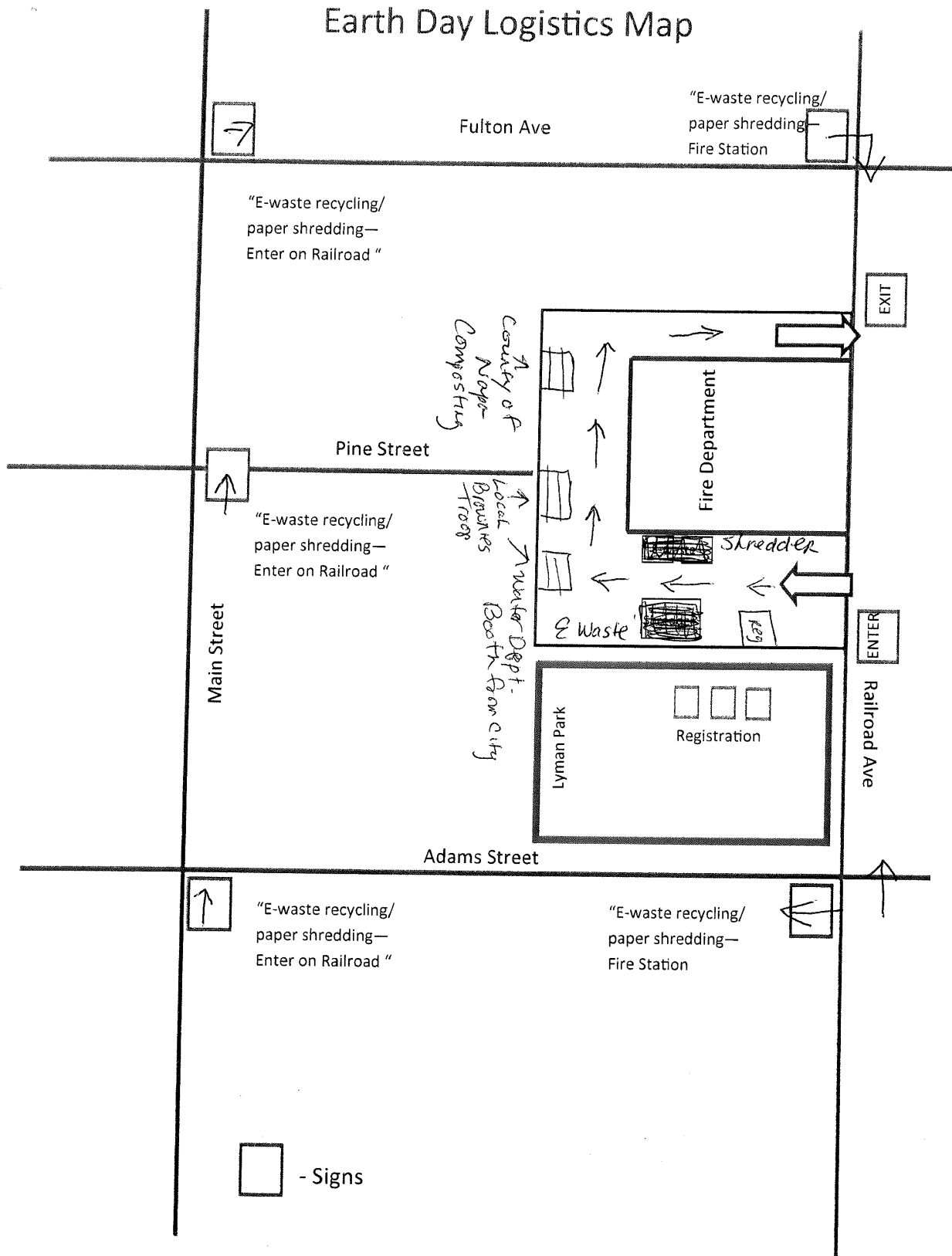
State Law required U.S.A. to be alerted for all underground work two (2) working days prior to start date

Applicant: Juan M. Duran Event Mgr 2/13/2018
Signature Title Date

Conditions: _____

Related to Building Permit: _____

Approved By: _____
Public Works Staff Date





STHELEN-07

AGELARDI

CERTIFICATE OF LIABILITY INSURANCE

 DATE (MM/DD/YYYY)
 07/12/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Malloy Imrie & Vasconi Insurance Services, LLC 899 Adams Street Suite C St. Helena, CA 94574	CONTACT NAME: PHONE (A/C, No, Ext): (707) 963-2777 FAX (A/C, No): (707) 963-4073 E-MAIL ADDRESS: myagency@mivinsurance.com
INSURED St. Helena Chamber of Commerce 657 Main Street St. Helena, CA 94574	INSURER(S) AFFORDING COVERAGE INSURER A : Nova Casualty Company INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

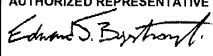
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR VWD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	X		CF1-ML-10001310-00	06/24/2017	06/24/2018	EACH OCCURRENCE \$ 1,000,000
	CLAIMS-MADE ☒ OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☒ Liquor Liability						MED EXP (Any one person) \$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	☒ POLICY ☐ PROJECT ☐ LOC						GENERAL AGGREGATE \$ 2,000,000
	OTHER:						PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY			CF1-ML-10001310-00	06/24/2017	06/24/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per person) \$
	☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY						BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE \$
	EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE \$
	DED ☐ RETENTION \$						
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE ☐ OTH-ER ☐
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)		N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 City of St. Helena, its Officers, Officials, Employees, Agents and Volunteers are named as additional insured on the general liability as required by written contract per form CG 20 26 06 13. This insurance is primary and waiver of subrogation is included as required by written contract per policy form AGL09340716. Proof of Hired and Non Owned Auto Liability is also provided.

CERTIFICATE HOLDER

CANCELLATION

City of St. Helena, its Officers, Officials, Employees and Volunteers 1480 Main Street Saint Helena, CA 94574	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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ACORD 25 (2016/03)

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ST. HELENA

CHAMBER OF COMMERCE



February 13, 2018

The City of St. Helena
Department of Public Works
1480 Main Street
St. Helena, Ca 94574

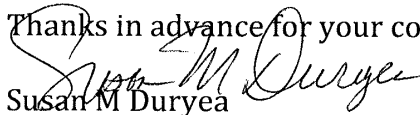
April, 21st is our annual Earth Day Event that has been produced in collaboration with Upper Valley Disposal & Recycling, The City of St. Helena and Umpqua Bank for the past 6 years.

This is a community-based event that brings in the St. Helena High Football Team as volunteers as well as other groups including the local Brownie Troop, and other volunteer organizations. Locals are encouraged to drop off their electrical waste, batteries and documents meant for shredding. We typically see about 125 cars during the course of the event which runs from 9:00am-1:00pm.

There has also been planting activities happening in Lyman Park in conjunction with this event. We send flyers out 3 weeks prior to the event as well as hang a banner over Main Street for the week prior and the week of Earth Day.

We kindly request a resolution from the City of St. Helena for this event and a waiver of the encroachment permit fee of \$200 for the use of the Fire Station parking Lot.

Thanks in advance for your co-operation.


Susan M Duryea

Event Manager, St. Helena Chamber of Commerce

PERMIT # _____

**CITY OF ST. HELENA
NAPA COUNTY, CALIFORNIA
BANNER PERMIT/CONTRACT APPLICATION**

City of St Helena, City Hall
Received

FEB 21 2018

**TO: DEPARTMENT OF PUBLIC WORKS
1480 MAIN STREET
ST. HELENA, CA 94574**

1480 Main St.
St Helena, CA 94574

Today's Date: February 18th, 2018

PERMITTEE: St Helena Chamber of Commerce

ADDRESS: 657 Main Street

St. Helena, ca 94574
(Address, City, State & Zip)

Contact Person: <u>Susan M Duryea</u>	Phone: <u>963-4456</u>
Company Hanging Banner: <u>Pacific Tree</u>	Phone: <u>942-0261</u>
Event Being Promoted: <u>Earth Day</u>	Banner Dimensions: <u>24 x 3 1/2</u>
Non-Profit tax I.D. Number: <u>94-0830930</u>	

What benefit is derived to St. Helena residents by this activity or organization?
Collecting electronics, Recycling, household batteries disposal and document shredding

Date Banner will be hung: April 9th, 2018 Date to be removed: April 23rd, 2018

Please sketch your proposed banner design and text: *(Attach diagram on separate sheet(s) if necessary)*

SEE ATTACHED

Permittee agrees to comply with all ordinances, regulations, specifications and conditions which may apply or be required as a condition of this Permit/Contract. (See conditions of installation and insurance requirements pages).

Permittee shall indemnify, defend and hold harmless The City of St. Helena and its agents, officers, officials employees and volunteers in interest from and against all claims, damages, losses and expenses including attorney fees arising out of or in connection with work performed under this Permit/Contract, except where caused by the sole negligence or willful misconduct of The City of St. Helena. This obligation of Permittee to indemnify, defend and hold harmless shall continue in effect after the completion of the project authorized under this Permit/Contract.

Authorized
Representative

Susan M Duryea Event Mgr Feb 18th, 2018
Signature Title Date

APPROVED BY: _____
City Manager Date

April 21st - 2018

EARTH DAY
 Saturday | April 21
 9 am — 1 pm

ST. HELENA
 UNIVERSITY

DRIVE THRU
 St. Helena Fire/Police
 Railroad Avenue

DROP OFF
 Electronics | Recycling Household
 Battery Disposal | Document Shredding

DONATE
 St. Helena Football Team's
 Camp Scholarship Fund!

Pharmaceutical Drop
 St. Helena Police Station ONLY

Wise Water Tool Kits
 Available from St. Helena Water Department

U.S. DEPARTMENT OF AGRICULTURE
 NATIONAL AGRICULTURAL MECHANIZATION SERVICE

Banner for Earth Day

Sunday, February 18, 2018 12:28:31 PM PT

Subject: RE: Banner permit request-Main Street: APPROVED

Date: Thursday, February 15, 2018 3:32:33 PM PT

From: Hector.Marroquin@wellsfargo.com

To: Susan Duryea

Hello Susan,

The St. Helena Masonic Temple Association has given your organization permission to hang a banner from our building at 1335 Main Street, St. Helena, CA for the period from April 9th through April 16th and April 16th through April 23rd. We are in receipt of your Certificate of Liability Insurance.

Sincerely Yours,

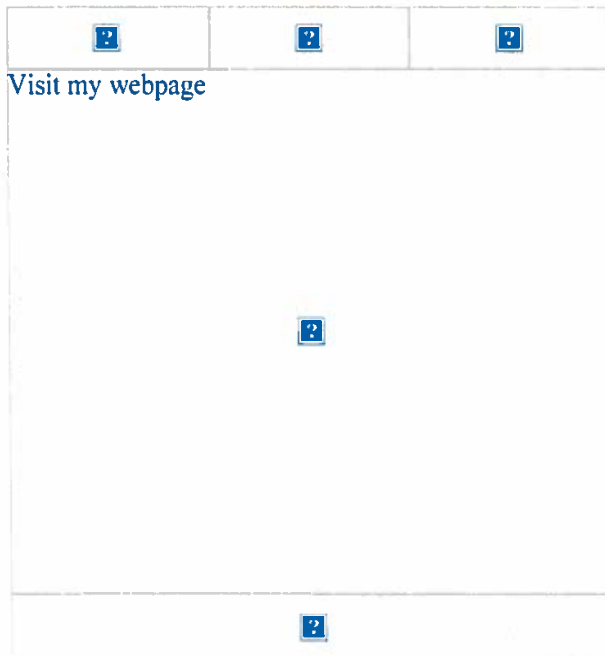
Hector Marroquin, President

St. Helena Masonic Temple Association

P.O. Box 243

St. Helena, CA 94574

Thanks, and be sure to [like me](#) on Facebook.



Hector Marroquin

Home Mortgage Consultant
NMLSR ID 906539

Wells Fargo Home Mortgage | 888 Brown Street | Napa, CA 94559
MAC A0625-010
Tel 707-254-3447 | Cell 707-968-5219 | eFax 866-684-7343

hector.marroquin@wellsfargo.com | <http://www.wfhm.com/hector-marroquin>

Sunday, February 18, 2018 12:28:56 PM PT

Subject: Re: Banner permit request-Main Street
Date: Thursday, February 15, 2018 1:36:42 PM PT
From: LYDIA MONEY
To: Susan Duryea, Hector.Marroquin@wellsfargo.com
CC: Susan M Duryea

Hello Susan,
This is Dan Pimpan, Lydia's Son.
Lydia is in the hospital and so I'm handling the office.

Thank you for the Certificate of Insurance.

You have our Permission to hang said banner at said time:

April 9th through April 16th
April 16th through April 23rd

Please let me know if you need anything else or have any questions.

Thank you!
-DAN-

On February 14, 2018 at 4:53 PM Susan Duryea <susan@sthelena.com> wrote:

Greetings Lydia & Hector~
I do hope this email finds you both well.

I need your approval for our upcoming Earth Day Banner for the 2 weeks of :
April 9th through April 16th
April 16th through April 23rd

Please find the current certificates of insurance attached for each of you.

Thank you!

Susan

Susan M Duryea
susan@sthelena.com

Event Manager & Hospitality Concierge
St. Helena Chamber of Commerce
657 Main Street | St. Helena CA 94574
Office (707) 963-4456



STHELEN-07

AGELARDI

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

07/12/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER Malloy Imrie & Vasconi Insurance Services, LLC 899 Adams Street Suite C St. Helena, CA 94574	CONTACT NAME: PHONE (A/C, No, Ext): (707) 963-2777 FAX (A/C, No): (707) 963-4073 E-MAIL ADDRESS: myagency@mivinsurance.com														
INSURED St. Helena Chamber of Commerce 657 Main Street St. Helena, CA 94574	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A : Nova Casualty Company</td> <td></td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Nova Casualty Company		INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSR LTR	TYPE OF INSURANCE	ADOL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY	X	CF1-ML-10001310-00	06/24/2017	06/24/2018	EACH OCCURRENCE \$ 1,000,000
	☐ CLAIMS-MADE ☒ OCCUR					DAMAGE TO RENTED PREMISES (Per occurrence) \$ 100,000
	☒ Liquor Liability					MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 1,000,000
						GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:					PRODUCTS - COMP/OP AGG \$ 2,000,000
A	☒ AUTOMOBILE LIABILITY		CF1-ML-10001310-00	06/24/2017	06/24/2018	COMBINED SINGLE LIMIT (Per accident) \$ 1,000,000
	☐ ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS					BODILY INJURY (Per person) \$
	☒ HIRED AUTOS ONLY ☒ NON-OWNED AUTOS ONLY					BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
						\$
	☐ UMBRELLA LIAB ☐ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in WA) Y/N ☐ N/A If yes, describe under DESCRIPTION OF OPERATIONS below					AGGREGATE \$
						PER STATUTE ☐ OTH-ER ☐
						E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 City of St. Helena, its Officers, Officials, Employees, Agents and Volunteers are named as additional insured on the general liability as required by written contract per form CG 20 26 06 13. This insurance is primary and waiver of subrogation is included as required by written contract per policy form AGL09340716. Proof of Hired and Non Owned Auto Liability is also provided.

CERTIFICATE HOLDER

CANCELLATION

City of St. Helena, its Officers, Officials, Employees and Volunteers 1480 Main Street Saint Helena, CA 94574	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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DATE (MM/DD/YYYY)

09/08/2017

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INSR LTR	TYPE OF INSURANCE	ADDITIONAL SUBROGATION	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR ☒ Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PROJECT ☐ LOC OTHER:	X	CF1-ML-10001310-00	06/24/2017	06/24/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea. occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea. accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☒ RETENTIONS \$ 10,000		CF1-UM-10000274-00	06/24/2017	06/24/2018	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N/A				

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 Lydia M. Money dba Noble Properties is named as additional insured on the general liability per form AGL09340716 as required by written contract with respect to the banner being hung from their property on Main Street St. Helena, CA. Proof of Umbrella Liability is also provided.

CERTIFICATE HOLDER

CANCELLATION

Lydia M. Money dba Noble Properties 1322 Sulphur Springs Avenue Saint Helena, CA 94574	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Edward J. Bynum</i>
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CERTIFICATE HOLDER

CANCELLATION

St. Helena Masonic Hall Association P.O. Box 243 Saint Helena, CA 94574	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: Consent

Subject: Consideration and proposed adoption of resolution approving a revised agreement with Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan (FBP) for an amount not to exceed \$36,100

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; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: Erica Ahmann Smithies, Public Works Director and City Engineer

Reviewed By:

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On August 10, 2016 Water Audit California, Inc. ("Water Audit") filed a lawsuit against the City of St. Helena asserting that it has violated the law in its operation of the Bell Canyon Reservoir. On August 22, 2017 the Council approved a settlement agreement with Water Audit. As part of the settlement, the City is required to: (1) consider an Interim Bypass Plan establishing interim bypass flows for Bell Canyon Reservoir; (2) to conduct hydrologic, geomorphic, and habitat assessments to obtain data in support of a Final Bypass Plan, and to (3) install water measurement upgrades in Bell Canyon Reservoir.

DISCUSSION

On February 13, 2018, City Council approved a resolution authorizing a Professional Services Agreement with Dr. Michael Podlech, the biologist retained by the City who is working on the interim bypass flows at Bell Canyon Reservoir. Mr. Podlech has since requested that the insurance limits under Section 7 of the professional services

agreement to be reduced from \$2,000,000 to \$1,000,000. No other modifications have been requested or made to the agreement at this time. City staff has evaluated the request and based on the scope of work: stream measurements, computer modeling, coordination meetings, and report writing, that the work would be considered low risk. Typically, City staff would consider the insurance reduction depending on the type of work being performed prior to authorization or Council approval.

FISCAL IMPACT

The contract amount is already accounted for in the approved FY 17/18 CIP budget, which allocated \$85,000 for measurement upgrades at Bell Canyon Reservoir in FY 17/18 and allocated \$542,355 in FY 18/19 for measurement upgrades at Bell Canyon Reservoir.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution approving a revised agreement with Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan for an amount not to exceed \$36,100.

ATTACHMENTS

[Attachment 1 - Bell Canyon Bypass Plan 2-13-18 Staff Report](#)

[Attachment 2 - Revised Professional Services Agreement](#)

[Attachment 3 - Resolution](#)



Report to the City Council
Council Meeting of February 13, 2018

Agenda Section: Public Hearing

Subject: Consideration and proposed adoption of resolution No. 2018-____ adopting:

(1) An Interim Bypass Plan for the operation of Bell Canyon Reservoir on Bell Canyon Creek in Napa County, California
(2) and approving agreements with O'Connor Environmental, Inc., for an amount not to exceed \$90,140 and Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan (FBP) for an amount not to exceed \$36,100 and with Glenmount Global Solutions, to install improvements to the City's flow measurement infrastructure for an amount not to exceed \$167,750.

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; and Section 15273 given that CEQA does not apply to Rates, Tolls, Fares and Charges.

Prepared By: J. Leah Castella, Special Counsel

Reviewed By: Erica Ahmann Smithies, Public Works Director and City Engineer

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On August 10, 2016 Water Audit California, Inc. ("Water Audit") filed a lawsuit against the City of St. Helena asserting that it has violated the law in its operation of the Bell Canyon Reservoir. On August 22, 2017 the Council approved a settlement agreement with Water Audit. As part of the settlement, the City is required to: (1) consider an Interim Bypass Plan establishing interim bypass flows for Bell Canyon Reservoir; (2) to conduct hydrologic, geomorphic, and habitat assessments to obtain data in support of a Final Bypass Plan, and to (3) install water measurement upgrades in Bell Canyon Reservoir.

DISCUSSION**Interim Bypass Plan**

The Draft Interim Bypass Plan recommended the following changes to the City's current schedule for bypassing water from Bell Canyon Reservoir:

Nov. 15 – Nov. 30 – 4 cfs (permit says 0, status quo operations is 4 cfs)
 Dec. 1 – Dec. 31 – 4 cfs (same as status quo)
 Jan. 1 – Jan. 31 – 6 cfs (status quo is 4 cfs)
 Feb. 1 – Feb. 28 – 8 cfs (status quo is 2 cfs)
 Mar. 1 – Mar. 31 – 6 cfs (status quo is 1 cfs)
 Apr. 1 – Apr. 15 – 4 cfs (status quo is 1 cfs)
 Apr. 16 – Nov. 14 – 100% inflow (status quo is 100% inflow)

Dr. Michael Podlech, the biologist retained by the City, recommended these interim bypass flows, which are higher than what is currently required by the City's permits. Given that, O'Connor Environmental, the City's hydrologists, analyzed these recommendations to determine what, if any, impact they would have on water supply and concluded that they would have a minimal impact on the storage volume of the reservoir and would not require the City to tap any other sources of water to make up for the difference. This conclusion is illustrated in Figure 6 of the Draft IPB. In sum, the City's hydrologist he determined that the majority of additional water bypassed under this recommended plan is currently being released over the spillway. O'Connor Environmental concluded that these requirements would only have an impact in drought years and even in those years, the impact is modest. For example, the data shows that at the end of 2012, under these recommendations the reservoir would have been 85% full as opposed to 100% full based on the current operation and in 2014, under these recommendations, the reservoir would have been 85% full as opposed to 95% full based on the current operation.

City staff has also analyzed these recommendations and has determined that the City has the operational capability to implement these bypass recommendations. The City will use the existing valve, which can accommodate a flow of up to 13 cfs, which is higher than the maximum bypass rate set in the Draft IBP.

Habitat Assessment & Installation of Measurement Improvements

In addition to adopting an IBP, the City also needs to conduct the analysis necessary to prepare a Final Bypass Plan. To that end, the City plans to execute three Professional Services Agreements ("PSAs") with consultants to conduct the necessary work. The first PSA will be with O'Connor Environmental, who will conduct hydrological analysis, for an amount not to exceed \$90,140. The second PSA will be with Michael Podlech, who will conduct biological analysis, for an amount not to exceed \$36,100. The final PSA will be with Glenmount Global Solutions, who will install physical upgrades to the reservoir to improve measurement capability, for an amount not to exceed \$167,750.

The consultants we have selected have extensive, specialized experience with these issues and of the City's specific needs. They are also acceptable to and have a good working relationship with the Water Audit experts. We have also analyzed the relevant law and have concluded that public/competitive bidding is not required for execution of these agreements.

PUBLIC OUTREACH

While no public hearing or notice is required for these items, the City nevertheless has scheduled and noticed this matter as a public hearing. In addition, the City has provided individual notice to regulatory agencies and stakeholders as follows:

Water Audit, Inc.
 Riverwatch
 Living Rivers Council
 State Water Resources Control Board
 California Department of Fish and Wildlife
 Napa County Resource Conservation District
 Friends of the Napa River

It should be noted that Water Audit Inc., the plaintiff in the litigation against the City that led to the settlement that prompted the preparation of the IBP, has stated its support for these actions.

FISCAL IMPACT

The fiscal impact of adoption of the IBP and execution of the three PSA's will be an amount not to exceed \$293,990. This amount is already accounted for in the approved FY 17/18 CIP budget, which allocated \$85,000 for measurement upgrades at Bell Canyon Reservoir in FY 17/18 and allocated \$542,355 in FY 18/19 for measurement upgrades at Bell Canyon Reservoir.

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Conduct a public hearing to receive and consider input from the public and stakeholders;
2. Adopt resolution No. 2018-____ adopting an Interim Bypass Plan for the operation of Bell Canyon Reservoir on Bell Canyon Creek in Napa County, California; and
3. Approve agreements with O'Connor Environmental, Inc., and Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan (FBP) and with Glenmount Global Solutions, to install improvements to the City's flow measurement infrastructure.

ATTACHMENTS

[Attachment 1 - Draft Interim Bypass Plan](#)

[Attachment 2 - PSA O'Connor Environmental](#)

[Attachment 3 - PSA - Michael Podlech](#)

[Attachment 4 - PSA - Glenmount Solutions](#)

[Attachment 5 - Bell Canyon Measurement Budget](#)

[Attachment 6 - Public Hearing Notice](#)

[Attachment 7 - IBP Resolution am comments 013118](#)

[* NEW Attachment 8 - Water Audit California Correspondence](#)

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into on March __, 2018 by and between the City of St. Helena, located in the County of Napa, State of California (City), and Michael Podlech (Consultant).

RECITALS:

A. City desires to employ Consultant to furnish professional services in connection with the project described as Biological Analysis.

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

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

SECTION 1 – BASIC SERVICES

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

SECTION 2 – ADDITIONAL SERVICES

Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement that 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. The hourly rate for services will be \$130. Total compensation shall not exceed \$36,100, unless additional compensation is approved in accordance with Section 2.

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

Page 1 of 10

PSA Template 121017

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

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

SECTION 5 – STANDARD OF PERFORMANCE

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

SECTION 6 – INSPECTION AND FINAL ACCEPTANCE

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

SECTION 7 – INSURANCE REQUIRED

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

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

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

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage including operations, products and completed operations, as applicable. If Commercial General Liability Insurance or other form with a General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$1,000,000 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, environmental engineer or other professional engineer, or land surveyor ("design professional"), Consultant shall maintain at least \$1,000,000 of Professional Liability Insurance.

D. Excess Limits. If Consultant maintains higher limits than the minimums shown above, City requires and shall be entitled to coverage for the higher limits maintained by Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

E. Primary Coverage. For any claims related to this contract the Consultants insurance coverage shall be primary insurance as respects to City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees, or volunteers shall be excess of Consultants insurance and shall not contribute with it.

F. 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.

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

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

4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subsection (b) of Section 2782 of the Civil Code.

H. Waiver of Subrogation. Consultant's commercial general liability, automobile liability, workers' compensation, and employer's liability policies shall be endorsed with a waiver of subrogation. The insurance company, in its endorsement, agrees to waive all rights of subrogation against the City, its agents, officers, officials, employees and volunteers for losses paid under the terms of this policy which arises from the work performed by the named insured for the City.

I. 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.

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

SECTION 8 – INDEMNIFICATION

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

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

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

liability of Consultant hereunder. The provisions of this section shall survive the expiration or earlier termination of this Agreement.

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

SECTION 9 – INDEPENDENT CONTRACTOR STATUS

A. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of City. Consultant shall have no authority to bind City in any manner or 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

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sole property of City and may be used, reused or otherwise disposed of by City without the permission of the Consultant. When requested by City, but no later than three years after project completion, Consultant shall deliver to City all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents.

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

SECTION 12 – CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION

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

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

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

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

SECTION 13 – SUSPENSION OF WORK

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

SECTION 14 – COMPLIANCE WITH LAW

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

SECTION 15 – COMPLIANCE WITH CIVIL RIGHTS

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

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

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

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

SECTION 16 – RECORDS

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

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

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SECTION 17 – COOPERATION BY CITY

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

SECTION 18 – NOTICES

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

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

To Consultant: Michael Podlech
4474 Cortez Drive
Santa Cruz, CA 95073

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

SECTION 19 – TERMINATION

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

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

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

SECTION 20 – ATTORNEY FEES

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

SECTION 21 – ENTIRE AGREEMENT

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

SECTION 22 – SUCCESSORS AND ASSIGNS

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

SECTION 23 – CONTINUITY OF PERSONNEL

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

SECTION 24 – DEFAULT

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

SECTION 25 – WAIVER

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

SECTION 26 – LAW TO GOVERN; VENUE

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

SECTION 27 – SEVERABILITY

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

SECTION 28 – SPECIAL PROVISIONS

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

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

Consultant:

City:

By: _____
Name: Michael Podlech
Title: Aquatic Ecologist

By: _____
Name: Mark Prestwich
Title: City Manager

Approved as to Form:

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

Exhibit A
“Scope of Services”

	Podlech		OEI					
	Principal/ Fisheries Biologist Hours	Cost (\$)	Principal Hydrologist / Geomorphologist	Geologist	Hydrologist	Senior Hydrologist	Hydrologist Intern	Cost (\$)
Phase 1A								
Task 2b-Stream Flow Measurement (Jan. 2018-Dec. 2018)			72	48	48		56	22,360
Expenses (mileage)								450
Task 3-Reservoir Water Balance Update for FBP			16	2	24	2		5,250
Sub-Total			88	50	72	2	56	28,060
Phase 2								
Task 1- Habitat/Geomorphic Assessment								
Conduct field assessment	24	3,120	24					3,600
Data synthesis and analysis	16	2,080	20		6	2		3,850
Draft report preparation	40	5,200	32					4,800
Final report preparation	8	1,040	6					900
Communications with project team	8	1,040	6					900
Expenses (Mileage, Lodging)		300						160
Sub-Total	96	12,780	88	0	6	2	0	14,210
Task 2 - Flow-Habitat Relationship								
Conduct field assessment	10	1,300	8	24	24			6,000
Modelling/data analysis (includes 2d hydraulic model & updated watershed hydrologic model)	24	3,120	12	24		48		10,200
Stream Flow Measurement			20	38	38		40	12,000
Draft report preparation	24	3,120	8	8		20		4,500
Final report preparation	8	1,040	4	2		8		1,800
Communications with project team	4	520	4			4		1,100
Expenses (Mileage)		180						220
Sub-Total	70	9,280	56	96	62	80	40	35,820
Task 3 - Bypass Plan								
Communications with Water Audit expert team	16	2,080	12					1,800
Draft IBP preparation	24	3,120	8					1,200
Final IBP preparation	8	1,040	4					600
Draft FBP preparation	40	5,200	24	8		8		5,400
Final FBP preparation	12	1,560	8	4		2		1,850
Communications with project team	8	1,040	8					1,200
Sub-Total	108	14,040	64	12	0	10	0	12,050
TOTAL COST		36,100						90,140

Jan. 29, 2018

Exhibit B
“Compensation”

The hourly rate for services will be: \$130

CITY OF ST. HELENA

RESOLUTION NO. 2018-

Resolution approving a revised agreement with Michael Podlech to conduct hydrologic, geomorphic, and habitat assessments in support of a Final Bypass Plan (FBP) for an amount not to exceed \$36,100

RECITALS

- A. On February 13, City Council approved and authorized a Professional Services Agreement with Michael Podlech for an amount not to exceed \$36,100; and
- B. Michael Podlech has requested that the insurance requirements of the agreement to be reduced from \$2,000,000 to \$1,000,000; and
- C. No other modifications or revisions have been requested at this time; and
- D. City staff is supportive of the requested insurance reduction based on lower risk characteristics of the agreement's scope of work.

RESOLUTION

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

- 1. In accordance with Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines, the City Council hereby finds that the adoption of this Resolution and its policies are not subject to CEQA because it can be seen with certainty that there is no possibility that they could have a significant effect on the environment.
- 2. Approves and authorizes a revised Professional Services Agreement with Michael Podlech.

Approved at a Regular Meeting of the St. Helena City Council on March 13, 2018, by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Ellsworth:	_____
Councilmember Dohring:	_____
Councilmember Koberstein:	_____

APPROVED:

Alan Galbraith, Mayor

ATTEST:

Cindy Tzaopoulos, City Clerk



Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution adopting Americans with Disabilities Act (ADA) Policy establishing disabled access to City Services and Programs; establishing ADA Section 504 Rehabilitation Act Informal Grievance Procedures; and designation of City Coordinators for Implementation of American with Disabilities Act efforts.

CEQA Determination: Not a CEQA project

Prepared By: Kathy Robinson, Human Resources & IT Director

Reviewed By: Tobias Barr, Project Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City of St. Helena is required by Title II of the Americans with Disabilities Act (ADA) and ADA Section 504 to perform a self-evaluation of City programs, services, facilities, policies, practices and procedures. On January 12, 2016, the City Council approved Resolution 2016-9 approving professional services agreement with Interwest Consulting Group to perform the ADA Self Evaluation and prepare an ADA Transition Plan (the Plan).

Interwest Consulting Group reviewed and evaluated City facilities and curb ramps citywide to develop the ADA Transition Plan and the Plan was posted for comment on the City's website, at City Hall and the Library for a period between January 26, 2017 through March 17, 2017. The Plan was circulated for comment to community organizations, non-profits and St. Helena Unified School District. A public meeting was conducted on February 15, 2017 to solicit comments and feedback, and the Plan was presented to City Council on February 28, 2017. City staff reviewed the ADA Self-Assessment and Transition Plan as prepared by Interwest Consulting Group and has found it satisfactory and met the requirements of the Americans with Disabilities Act. On

June 27, 2017 the City Council adopted Resolution 2017-88 approving the Americans with Disability Act Self-Assessment and Transition Plan as prepared by Interwest Consulting Group as the final.

The evaluation plan identified findings and recommended actions steps including a need for a complaint procedure.

Action steps noted included:

1. The ADA Coordinator will prepare and Implement a complaint procedure that will be adopted by the City, and
2. The ADA Coordinator will be responsible for maintaining the complaint procedures process which is posted on the website and other public locations as needed, follow up with all requests, track and update database as necessary, train Public Works staff and other departmental staff about the procedures.

DISCUSSION

The City of St. Helena is currently a member of the Redwood Empire Municipal Insurance Fund (REMIF), a self-insured joint powers authority (governmental entity) established in 1976 to handle the insurance claims, benefit programs, and risk management needs of fifteen (15) member cities, located in five northwest counties (Napa, Sonoma, Lake, Mendocino, and Humboldt). REMIF's third party liability administrator provided all REMIF cities with a council approved and adopted policy from the City of Redding. The policy provided to all member cities is adaptable for the City of St. Helena and is in compliance with meeting the requirements of the Americans with Disabilities Act of 1990 in adopting an ADA policy, establishing an informal grievance procedure and designating city coordinators for the implementation of American with Disabilities Act efforts.

Proposed policy P-CM-002 ADA Policy (Attachment 1) establishes the policy, informal grievance procedures for the City of St. Helena, and designates the primary ADA Coordinator and other ADA Co-coordinators for the City. The policy further requires the City to be in compliance with the Federal and State Laws by ensuring that the City of St. Helena shall post the required information regarding the ADA coordinator/Co-coordinators, Notice under the ADA, and the City of St. Helena Grievance Procedure on its website and at such other locations as may be determined from time to time.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Approve Resolution adopting ADA Policy establishing disabled access to City Services and Programs, establishing ADA Section 504 Rehabilitation Act Informal Grievance Procedures; and designation of City Coordinators for implementation of ADA efforts.

ATTACHMENTS

[Attachment 1. P-CM-002 ADA Policy](#)

[Attachment 2. Resolution Adopting ADA Grievance Policy](#)

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Title: City of St. Helena ADA Policy		Policy #	P-CM-002
		Revision #	Release
		Implementation Date	2018-03-27
		Last Update Date	2018-03-27
Approval by Resolution	Resolution 2018-XX	Date Approved	2018-03-27

I. Purpose, Overview and Scope of this Policy

The issue of accessibility, both architecturally and programmatically by people with disabilities to public and private entities has been addressed by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990. This broad reaching legislation addresses the right of people with disabilities to obtain equal access to services, programs, buildings, facilities, and employment.

- A.** It is the intent of the City Council that the City of St. Helena take a proactive leadership role in addressing ways of making the City of St. Helena an “Accessible City,” and to address the requirements of the Americans with Disabilities Act by calling on all businesses and industries to work together toward this goal. In addition, it is the intent of the Council to ensure that the City of St. Helena provides equal employment opportunities to persons with disabilities.
- B.** To ensure compliance with Section 504 of the Rehabilitation Act of 1973 and the ADA of 1990 and to establish a grievance procedure for the resolution of complaints from disabled persons who believe that they have been excluded from participation in, have been denied the benefits of, or have been subjected to discrimination under any program or activity of the City of St. Helena, solely by reason of his or her disability.
- C.** To designate the coordinators of the City’s efforts to comply with and carry out the requirements of the ADA of 1990.

II. Authority

It shall be the policy of the City Council to ensure that the City of St. Helena provides accessible City services, programs, and buildings, and to maintain compliance with the ADA Act and Section 504 of the Rehabilitation Act of 1973. Authority for policies is limited to the City Manager and City Council.

III. Policy

The City of St. Helena endorses the goals of the ADA of ensuring equal participation of individuals with disabilities in the "mainstream" of American society. The major principles of mainstreaming which the City of St. Helena endorses are:

P-CM-002

	City of St. Helena Administrative Policy Administration	Policy City of St. Helena ADA Policy
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- Individuals with disabilities shall be integrated to the maximum extent appropriate.
- Separate programs shall be permitted where necessary to ensure equal opportunity.
- Individuals with disabilities shall not be excluded from the regular programs of the City, or required to accept special services or benefits.
- The City will not impose eligibility criteria for participation in its programs, services, or activities that either screen out or tend to screen out persons with disabilities, unless it can show that such requirements are necessary for the provision of the service, program, or activity.

A. POLICY IMPLEMENTATION AND ADA COORDINATOR DESIGNATIONS

The City's primary ADA coordinator is the Director of Public Works. The Human Resources Director and Planning and Community Improvement Director or their designee, shall serve as ADA co-coordinators as noted on Attachment A.

Section 504 and the ADA require public entities to designate at least one employee to coordinate the investigation of grievances from persons with disabilities. Individuals who need a modification or accommodation to a program, service, or activity of the City of St. Helena may file a written Request for Accommodation or Barrier Removal with either the particular department or with the City's ADA Coordinator.

1. Employees and Volunteers.

- a. Each Department Director is responsible for ensuring that there is no discrimination against individuals based on disability by:
 - i. ensuring that all employees AND volunteers under their direction are informed of this City policy; and
 - ii. ensuring that any instances or allegations of discrimination are immediately reported to the Human Resources Director. The Human Resources Department will ensure that each employee receives a copy of this policy. The employee responsible for volunteer coordination and scheduling will ensure each volunteer receive a copy of this policy.
- b. The Human Resources Director will ensure that all grievances are investigated and will attempt resolution of grievances filed in the Human Resources Department. Individuals are encouraged to immediately report any act of disability discrimination to their supervisor, department director, or the Human Resources Director. Staff receiving grievances should inform the individual of their rights and contact the Primary ADA coordinator of the grievance within one business day. If the employee is able to take prompt and effective remedial action, he or she should do so if merited.

P-CM-002

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2. Public and Napa Valley Transportation Authority (NVTa).

The ADA Coordinator for the public services provisions of the ADA (Title II), covering program accessibility, communications, architectural barrier, and transportation issues involving NVTa is as follows:

Director of Public Works (or his/her designee)
1480 Main Street
St. Helena, CA 94574
(707) 968-2629

3. Housing. The ADA Coordinator for Housing is as follows:

Planning & Community Improvement Director (or his/her designee)
1480 Main Street
St. Helena, CA 94574
(707) 968-2659

4. Public Grievance Procedure. The Primary ADA Coordinator shall be responsible for investigating any grievance or communication to the City alleging non-compliance with the ADA. The ADA Coordinator for the general public is as follows:

Director of Public Works (or his/her designee)
1480 Main Street
St. Helena, CA 94574
(707) 968-2741

B. PROCEDURE

- 1. Who May File a Grievance.** Any person who believes that he or she or a specific class of individuals has been subjected to discrimination on the basis of disability by the City may, on his/her own behalf or by an authorized representative, file a grievance under this procedure.
- 2. Non-Retaliation.** No person who files a grievance, nor any person who cooperates in the investigation of a grievance, shall be subjected to retaliation, and the City shall take reasonable steps to protect such persons from retaliatory actions.
- 3. Grievance.** Persons having a grievance are encouraged to first contact, by telephone or in person, the appropriate ADA Coordinator to attempt to informally resolve the

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grievance. If this does not yield a satisfactory resolution, a grievance form may be filed.

4. Filing. The grievance shall be filed with the ADA Coordinator. The grievance should be filed in writing using the ADA Grievance Form; however, it may be filed orally. If a grievance is being filed orally, the person filling the grievance must state to the ADA Coordinator that they are orally filing an ADA grievance.
5. In addition to requesting modifications or accommodations, individuals should use the same form to request the removal of a physical barrier. If the request is urgent and a response is needed from the City immediately, it should be indicated in the request and staff respond as quickly as possible. If the request is not urgent, the City will contact the individual to acknowledge receipt within two business days after request is received. After reviewing the situation, if the City needs time to provide the service or barrier removal to the request, the City will notify the applicant of what action the City proposed and in what time frame.
6. The grievance shall contain the following:
 - a. The name, address and telephone number of the person filing the grievance, and the name address and telephone number of the person affected by the alleged discrimination (if different).
 - b. A statement of the problem or action alleged to be discriminatory, as much background information (time, place, photographs, etc...) as possible, including witness names and contact information.
 - c. A recommended remedy or relief being requested to resolve the complaint.
7. The grievance should be filed within 30 calendar days after the person becomes aware of the alleged discriminatory action.
8. The ADA Coordinator receiving the complaint shall investigate the validity of the complaint. As part of the investigation, within 15 calendar days after receipt of the complaint, the appropriate ADA Coordinator (or his/her designee) will meet with the complainant to discuss the complaint and the possible resolutions and within 15 calendar days of the meeting (thus, within 30 calendar days of receipt of the grievance), the ADA Coordinator and shall, issue to the person filing the grievance, or his or her designated representative, a written determination as to its validity, and a description of the resolution of the complaint, if any. The 30-day period for

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	City of St. Helena Administrative Policy Administration	Policy City of St. Helena ADA Policy
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making a determination regarding the grievance may be extended for an additional 30-day time period with written notice to the person filing the grievance or his or her designated representative.

9. Reconsideration of the determination of the ADA Coordinator may be made in instances where the person is dissatisfied with the resolution of the complaint, or if a written determination has not been issued within the initial or extended time period. The request for reconsideration must be made within 15 calendar days of the issuance of the written determination or the expiration of the initial or extended time period. The request shall be made in writing to the City Manager, who shall issue a final written determination within 30-days of receipt of the request for reconsideration.

C. GRIEVANCE FORM

A grievance form can be obtained from any of the ADA Coordinators or the City Clerk's office. A copy is attached to this policy.

IV. Definitions

None.

V. Attachments

- A. Department of Justice Notice Under the Americans with Disabilities Act
- B. City of St. Helena Grievance Procedure under the Americans with Disabilities Act
- C. ADA Grievance Form

P-CM-002

Attachment A.**Department of Justice Notice Under the Americans with Disabilities Act**

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT

In accordance with the requirements of title II of the Americans with Disabilities Act of 1990 ("ADA"), the **City of St. Helena** will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: The **City of St. Helena** does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

Effective Communication: The **City of St. Helena** will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the **City of St. Helena's** programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: The **City of St. Helena** will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in the **City of St. Helena** offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the **City of St. Helena**, should contact **Human Resources at (707) 968-2741** as soon as possible but no later than 48 hours before the scheduled event.

The ADA does not require the **City of St. Helena** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **City of St. Helena** is not accessible to persons with disabilities should be directed to appropriate ADA Coordinator.

The ADA Coordinators for the **City of St. Helena** are as follows:

Attachment A.**Department of Justice Notice Under the Americans with Disabilities Act**

CITY OF ST. HELENA PRIMARY ADA COORDINATOR	
Public The ADA Coordinator for the public services provisions of the ADA (Title II), covering program accessibility, communications, architectural barrier, and transportation issues:	Director of Public Works (or his/her designee) 1480 Main Street St. Helena, CA 94574 (707) 968-2629
Public Grievance Procedure. The ADA Coordinator shall be responsible for investigating any grievance or communication to the City alleging non-compliance with the ADA.	Director of Public Works (or his/her designee) 1480 Main Street St. Helena, CA 94574 (707) 968-2629
CITY OF ST. HELENA ADA CO-COORDINATORS	
City of St. Helena Employees and Volunteers	Human Resources Director (or his/her designee) 1480 Main Street St. Helena, CA 94574 (707) 968-2741
Housing	Planning & Community Improvement Director (or his/her designee) 1480 Main Street St. Helena, CA 94574 (707) 968-2659

The City of St. Helena will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

P-CM-002 Attachment B.

City of St. Helena Grievance Procedure under the Americans with Disabilities Act

City of St. Helena Grievance Procedure under the Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **City of St. Helena**. The **City of St. Helena City Council P-CM-002 ADA Policy** governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant (and/or his/her designee) as soon as possible but no later than 30 calendar days after the alleged violation.

Within 15 calendar days after receipt of the complaint, the appropriate ADA Coordinator (or his/her designee) will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator (or his/her designee) will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **City of St. Helena** and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator (or his/her designee) does not satisfactorily resolve the issue, the complainant (and/or his/her designee) may appeal the decision within 15 calendar days after receipt of the response to the City Manager (or his/her designee).

Within 15 calendar days after receipt of the appeal, the City Manager (or his/her designee) will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager (or his/her designee) will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints and responses will be retained by the **City of St. Helena** for at least three years.

P-CM-002 Attachment C.

City of St. Helena ADA Grievance Form

File Grievance With: Office of City Clerk City of St. Helena 1480 Main Street St. Helena, CA 94574	 ADA GRIEVANCE FORM	Received Stamped City Clerk
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If additional space is needed to provide your information, please attach sheets, identifying the paragraph(s) being answered. For questions concerning this form or the information requested, please contact HR Director, ADA Coordinator at either of the following:

(707) 968-2741 or hr@cityofsthenela.org

1. Name and contact information of the Complainant:

Name of Complainant:	Date of Birth:
Address:	Home Phone:
	Cell Phone:
Email:	

2. Representative of Complainant:

Name:	Organization:
Address:	Telephone:
	Relationship:
Email:	

3. The date, place and other circumstances which gave rise to the complaint asserted.

Date of Occurrence:	Time of Occurrence:
Location:	
Circumstances giving rise to the complaint:	

P-CM-002 Attachment C.

City of St. Helena ADA Grievance Form

4. If known, the name of the public employee(s) who have information regarding the complaint.

5. Names and addresses of all witnesses, hospitals, doctors, or other individuals having knowledge relevant to the complaint:

6. If the complaint is for a physical location, please attach photographs or draw a diagram:



Signature:

Date:

Please Print Name:

Date:

**CITY OF ST. HELENA
RESOLUTION NO. 2018-**

Consideration and proposed approval of a resolution adopting Americans with Disabilities Act (ADA) Policy P-CM-002 ADA Policy establishing disabled access to City Services and Programs, ADA Section 504 Rehabilitation Act Informal Grievance Procedures, and designating City Coordinators for Implementation of American with Disabilities Act efforts

RECITALS

- A. The Federal government enacted the Americans with Disabilities Act of 1990 (ADA) to prevent discrimination of the physically and mentally disabled relating to employment and access to public facilities; and
- B. In compliance with Title II of the ADA the City of St. Helena shall name an ADA Coordinator; and
- C. In compliance with Title II of the ADA the City of St. Helena shall adopt a grievance procedure for resolving complaints alleging violation of the Title II of the ADA; and
- D. In compliance with Title II of the ADA the City of St. Helena shall publish notice to the public regarding the ADA; and
- E. In compliance with Title II of the ADA the City of St. Helena shall post the ADA coordinator's name, office address, and telephone number along with the ADA Notice and ADA grievance procedure on its website.

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

- 1. Approves P-CM-002 ADA Policy, a copy of which is attached hereto as Exhibit "A", is adopted as the City of St. Helena Notice under the Americans with Disabilities Act (ADA); and
- 2. Approves and adopts the Notice under the ADA, a copy of which is included in Exhibit "A" as Attachment A; and
- 3. Approves and adopts the City of St. Helena's Grievance Procedure under the ADA, as the grievance procedure for addressing complaints alleging

discrimination on the basis of disability in the provisions of services, activities, programs or benefits by the City of St. Helena, a copy of which is included in Exhibit A as Attachment B; and

4. The Director of Public Works (or his/her designee), is designated as the primary ADA Coordinator for the City of St. Helena; and
5. In compliance with Federal and State Laws as set forth above, the City Council of the City of St. Helena resolves to post the required information regarding the ADA coordinator, Notice under the ADA, and the City of St. Helena Grievance Procedure under the ADA on its website and at such other locations as may be determined from time to time.

Approved at a regular meeting of the St. Helena City Council on March 27, 2018 by the following vote:

Mayor Galbraith: _____
Vice Mayor White: _____
Councilmember Dohring: _____
Councilmember Koberstein: _____
Councilmember Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk



Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution appointing Stan Knight to fill the vacant Active Transportation/Sustainability Committee (ATSC) alternate position

CEQA Not a CEQA project
Determination:

Prepared By: Cindy Tzafopoulos, City Clerk

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Previous recruitments have not yielded enough applicants to fill all ATSC vacant positions.

DISCUSSION

The City Clerk received one application from community member Stan Knight to fill the ATSC alternate vacant position. The ATSC will have a full membership upon Mr. Knight's appointment.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Per resolution 2013-26 Council Rules of Procedure, appointments shall be made by the Mayor and subject to the City Council approval.

Staff recommends appointing applicant Stan Knight to fill the vacant alternate position.

ATTACHMENTS

[ATSC Appointment Resolution](#)

[Stan Knight ATSC Application Redacted](#)

CITY OF ST. HELENA
RESOLUTION NO. 2018-

A resolution of the City Council of the City of St. Helena appointing Stan Knight to the St. Helena Active Transportation/Sustainability Committee (ATSC)

RECITALS

- A. Previous recruitments have not yielded enough applicants to fill all vacant positions on the ATSC; and
- B. The ATSC has a vacant alternate committee member position; and
- C. One application was received from community member Stan Knight to serve on the Commission; and
- D. Per resolution 2013-26, protocol calls for appointments to be made by the Mayor and approval by the City Council.

RESOLUTION

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

Active Transportation/Sustainability Committee

- 1. The Mayor hereby appoints Stan Knight to the alternate committee member position expiring on June 30, 2019.

Approved at a Regular Meeting of the St. Helena City Council on March 27, 2018, by the following vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Dohring: _____

Councilmember Koberstein: _____

Councilmember Ellsworth: _____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk



CITY HALL, 1480 MAIN STREET
OFFICE OF THE CITY CLERK
ST. HELENA, CA 94574
(707) 968-2742
www.sthelenaca.org

APPLICATION FOR APPOINTMENT

Note: Your application will be copied for the City Council and made available to the press and public.

Board/Committee/Commission to which you are applying:

ACTIVE TRANSPORTATION & SUSTAINABILITY COMMITTEE

Name: STAN KNIGHT

Home Address:

1540 VOORHEES CIRCLE, ST. HELENA, CA 94574

Mailing Address: 1241 ADAMS ST SUITE 1013 ST HELENA CA
94574

Occupation: TOUR OPERATOR / REAL ESTATE INVESTOR

Business Address: 1241 ADAMS ST. SUITE 1013 ST. HELENA, CA
94574

Telephone: Home _____ Cell 707-781-8100 Business 707-738-4500

E-mail: office @ stan.knight.com

➤ Please indicate if above numbers can be made available to the public upon request: Yes or No

Resident of St. Helena? Yes or No Yes, how long have you lived in St. Helena? 5 YEARS

Current occupation (within last 12 months) TOUR OPERATOR,

BUILDING RESTORATION, PROPERTY MANAGEMENT

Business interests in last 12 months: SUSTAINABLE TOURISM FOR SMALL PRIVATE GROUPS VISITING WINE COUNTRY; BUILDING RESTORATION & MANAGEMENT

Previous Committee/Commission Experience:

SHAPE COMMITTEE (current)

President, Strawberry Community Council - Tiburon CA

President of Commercial/Residential Property Owner Ass'n's

Education/Experience: A resume may be attached containing this and any other information that would be helpful in evaluating your application.

- ① M.A. ECONOMIC DEVELOPMENT, B.A. GOVERNMENT/ECON - TUFTS UNIVERSITY
- ② FACILITIES & ASSETS MIGRATION LOGISTICS, PROJECT MGR - REGULUS GROUP, NAPA, CA
- ③ BUILDING RENOVATION PROJECT MGR - COMMERCIAL, MULTI-FAMILY, SINGLE FAMILY
- ④ COMMERCIAL REAL ESTATE - PROPERTY EVALUATION, CONSULTING & SALES

Professional and/or community service activities:

SHAPE COMMITTEE (current); VISIT NAPA VALLEY - Member; CONCIERGE ALLIANCE OF NAPA VALLEY - Member; INTERNATIONAL YOUTH PROJECTS CMT - BOY SCOUTS OF AMERICA

Local government related experience: INTERACTION w/ PLANNING & BUILDING DEPTS; LAFCO REP - TIBURON; GOVERNMENT AFFAIRS COORDINATOR - CLOROX CO.

Please explain your reasons for wishing to serve on this committee/commission and how you feel that you may contribute

To contribute to the quality of the Saint Helena environment. As a CA-PUC licensed Tour & Transportation provider, over the past 10 years, I have paid close attention to traffic patterns, road conditions & parking in each town and Napa county. I have done research on sustainable tourism & small town evolution

Names, addresses, and phone numbers of three individuals familiar with your background: and response

STEVE BECK I
SHARON KRULL
COLBY SMITH, EXE

Appointments to this position may require you to file a Conflict of Interest Disclosure Statement, which is of public record.

Signature of Applicant

Date

3/8/2018

If you have any questions regarding the appointment procedure, please telephone the City Clerk at (707) 968-2742.

Please return the completed application to:
City of St. Helena
City Clerk
1480 Main Street
St. Helena, CA, 94574

STANLEY KNIGHT
Saint Helena, CA 94574
office@stanknight.com
707-781-8100

EDUCATION

M.A. Economic Development / International Relations, Fletcher School, Tufts University
B.A. *cum laude* Political Science / Economics, Tufts University, Medford, MA (1974)

CAREER SUMMARY

2010 - present

Owner, Knight Wine Tours, LLC, Saint Helena, CA
CA Licensed private charter tour services in Napa Valley, Sonoma & San Francisco

2007 - 2010

Independent consultant, Knight Construction Management, Napa, CA
Commercial (wineries) & residential renovation project management
Commercial & residential inspections & defect assessment

2000 - 2007

Project Manager, Regulus Group, LLC, Napa, CA
Corporate facilities management, relocations and consolidations
Business enterprise information system implementations

1995 - 2000

Financial Consultant, EDS (Electronic Data Systems), Napa, CA
Client account executive at Napa data center

1993 - 1995

Salesman, Keegan & Coppin Commercial Real Estate, Santa Rosa, CA (Napa office)
Commercial & multi-unit residential property evaluation & sales

Other Experience

General Contractor's license (inactive) - design & renovation
Government Affairs Manager, The Clorox Company, Oakland, CA
Bank-owned real estate (REO) assessment & renovation, Bell Savings & Loan
President (volunteer), Davenport Homeowners Association, Boise, Idaho
Sun Meadows Property Owners Association, Kirkwood, CA
President (volunteer), Strawberry Community Council / LAFCO rep, Tiburon, CA
Residential planning & building - interaction with Napa City & County agencies
Author, "Why Corporate Philanthropy is Good for Business" (unpublished)

PERSONAL INTERESTS

Outspan Orphanage & School, Uganda (east Africa)
SAFER - Equine rescue & advocacy
Aviation - glider rating (inactive)
International travel - Africa / Europe
Certified ski instructor

Cindy Tzaopoulos

From: Stan Knight <office@stanknight.com>
Sent: Thursday, March 08, 2018 12:04 PM
To: Cindy Tzaopoulos
Subject: APPLICATION - Active Transportation & Sustainability Committee
Attachments: KNIGHT Transportation Cmte Applkication.pdf

March 8, 2018

To: Saint Helena City Council
c/o Cindy Tzaopoulos, Clerk

Dear Council Members,

Thank you for the opportunity to be considered for a seat on the "Active Transportation & Sustainability Committee."

I have attached my application and brief resume for your review.

I look forward to making a contribution to the mission of this committee and the challenging issues and potential opportunities involving the local transportation environment of Saint Helena.

As you know, I am involved in the SHAPE Committee, and have learned more about the City infrastructure and related issues in the course of information gathering. I have also done some research on small town responses to internal and external change in their economic and demographic environment.

Please let me know if you have any questions.

Sincerely,

Stan Knight
Saint Helena, CA
707-781-8100



Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: New Business

Subject: Final Review and Confirmation of 2035 General Plan Update and Environmental Impact Report (EIR) Scope and Process Direction

CEQA Determination: This item is purely an informational discussion to gain Council direction and is therefore not a CEQA project. Any formal decisions on individual projects will be subject to a complete analysis and determination under CEQA.

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The General Plan update formally began in April 2007, when the “Community Visioning and Existing Analysis” process was begun by the General Plan Update Steering Committee (GPU SC). This effort involved extensive community input leading to the preparation of first full draft of the General Plan in the summer of 2010. Concurrently, environmental analysis was also taking place, leading to the completion of the Draft General Plan EIR in August 2010.

The Draft General Plan EIR was subsequently circulated for review, comments were received, and a Final EIR (FEIR) was prepared in October 2010. The Planning Commission completed its review and recommended City Council approval of the document in October 2010.

During the City Council review in late 2010, a number of issues surfaced, most notably concerning water supply. Ultimately, it was decided by Council to postpone action on the General Plan in order to appropriately address the issue of water supply. A “Safe Yield Committee” was formed and a Water Management Program was developed. The

Water Management Program was adopted by Council in November 2012, and thereafter incorporated into the draft General Plan.

The City Council continued with a detailed review of the draft General Plan during numerous hearings held during late 2013 through June of 2014. In the late summer and fall of 2014, the Planning Commission reviewed the various changes made by Council since the Commission had reviewed the General Plan in October 2010. However, no significant action was taken to formally update the associated EIR, as the focus appears to have been on updating the General Plan document itself. During this timeframe, the Planning and Community Improvement Department also experienced significant staff turnover, impacting the ability for the City to efficiently manage the EIR and General Plan update process.

On April 15, 2015, the City Council held a Study Session on the St Helena 2035 General Plan update, and provided direction to City staff regarding the creation of a new residential land use category, *Low-Medium Density Residential*. This designation was intended to better fit the existing density and development pattern of a majority of the City's single family neighborhoods (which are primarily developed at approximately 5-6 units per acre), than the current Medium Density Residential designation which allows an unusually wide density range of 5 to 16 dwelling units per acre.

Between April and August of 2016, the Planning Commission held six study sessions to review the 2016 draft of the St Helena 2035 General Plan Update (April 19, 2016, May 17, 2016, June 7, 2016, June 21, 2016, and July 19, 2016, and August 2, 2016). At the July 19, 2016, Planning Commission meeting, Chairperson Grace Kistner, and then Vice Chairperson Mary Koberstein presented a compilation of the comments and direction concerning the 2035 General Plan Update, taken from the preceding Commission Study Sessions. This summary augmented and clarified the summary contained in the staff report prepared for the meeting.

The Commission spent the majority of the July 19, 2016 Study Session reviewing and discussing the summary as prepared by the Commission Chair and Vice Chair. After a thorough discussion of the document, the Commission directed staff to incorporate into the summary the various changes/edits as agreed to by the Commission and further directed that staff present this revised summary to the Commission at the August 2, 2016 Commission meeting, which occurred.

In the following months staff presented a several discussion items and informational updates on the 2035 General Plan and draft EIR to finalize the Commission direction and bring the existing EIR analysis into compliance with the law (September 6, 2016, March 14, 2017, October 22, 2017). Unfortunately, after significant review and effort, it was determined that the existing draft EIR document was antiquated and inadequate was not able to be brought into conformance with the current requirements of CEQA and state law.

On January 9, 2018, the City Council approved a contract with Dyett and Bhatia to finalize the St Helena 2035 General Plan Update and draft a new EIR for the document. In approving this contract, concerns over finalizing the scope of the General Plan Update and EIR analysis were expressed by the City Council. In response, staff scheduled a Joint Planning Commission/City Council meeting to gain input on the scope of both documents, before the Consultant formally initiated the process.

On February 20, 2018, the Planning Commission and City Council held a Joint Meeting to review the proposed scope of the General Plan Update and EIR. Specific attention was placed on a July 2016 memo drafted by the Commission Chair and Vice Chair which had not previously been reviewed by the City Council, a list of topics provided by from staff and the consultants and a number of individual comments and concerns raised by citizens (primarily throughout the summer of 2016).

DISCUSSION

PROJECT DESCRIPTION

This item is a review of the preliminary feedback provided by the Planning Commission and City Council at the Joint Meeting on February 20, 2018, with the goal of finalizing the input on these items to allow staff and the consultants to move forward with completion of the General Plan Update and EIR in keeping with the projected schedule. At this meeting, the Commission and Council reviewed and discussed a number of topics including direction requested by the consultant Dyett and Bhatia; an April 2016 summary of the Key Changes to the General Plan Memo;

To facilitate this discussion, staff has provided a number of attachments which include the memo drafted by Chairperson Kistner and Council Member Koberstein (then Vice-Chair); a number of written comments received during the summer of 2016; a written summary of the changes previously incorporated into the document by the City's last consultants; and a conceptual map of potential areas beyond the City boundary to incorporate into the EIR analysis.

It is worth emphasizing that the April 2016 Draft General Plan, as published, reflects staff's efforts to compile the direction from those numerous hearings and study sessions. The wording contained in April 2016 draft of the St Helena 2035 General Plan Update reflects City Council direction received to date. A link to the 2016 draft is provided below.

<http://cityofsthelena.org/planning/page/general-plan>

The goal of this discussion is finalization of the preliminary direction provided in February, with the goal that the scope of the General Plan Update be solidified into formal Council direction on the remaining elements of the General Plan Update.

Below is a summary of the preliminary input and direction provided:

ANALYSIS

Consultant Requested Direction

1. Update Horizon Year to 2040
- Council and Commission both supported this recommendation.
2. Remove Key Findings and Recommendations Section from all GP Elements
-Council and Commission both supported this recommendation.
3. Confirm Density Range of Medium Density Residential Land Use Designation
-Council and Commission both supported the current implementation and extent of the Medium Density Residential land use designation.
4. Requested Clarity on F.A.R. and Parking for Mixed Use
-Council and Commission identified potentially eliminating F.A.R. for the Mixed Use land use designation and agreed to remove the F.A.R. language from the General Plan Land Use Table

-In addition, Housing Element Policy HE2.G (below) addresses this question and has been provided to the consultants.
HE2.G Promote both 'vertical' and 'horizontal' mixed-use. Encourage mixed-use developments that combine compatible uses on the same site, either in the same structure or adjacent structures. Amend the Zoning Ordinance accordingly. Amendments to the Zoning Ordinance include permitting the FAR for the residential component of a mixed-use development to be 'additive' rather than within the established FAR for that zone, and allowing commercial and residential users to 'share' their parking, resulting in a lower overall parking requirement. Requirements for covered parking should also be reconsidered.
5. Confirmation that the existing 2035 General Plan Land Use Graphic is accurate
- Council and Commission both concurred the current graphic is accurate
6. Confirmation that the 2035 General Plan Change Areas Graphic is accurate
-Council and Commission both concurred that the change areas are accurate.
7. Additional Council direction requested the consultants reference the development of duplex and triplex units in the Medium Density Residential land use description, consistent with the intent of the Medium Density zoning district.
8. During the Joint Session individual decision makers voiced interest in the City conducting a Parking Needs Assessment. It is worth noting that the existing 2035 General Plan document includes several policies (CR5.1 CR5 A. and CR5 B.) regarding

parking management. Staff has requested potential options for this from the consultants and will follow up with more information for the Council to consider regarding costs to develop a parking management program or process to gather initial data to support such a study.

April 19, 2016 Consultant Staff Summary of Key Changes Memo

On April 19, 2016, previous consulting staff presented a memo identifying the primary changes between the 2015 draft of the General Plan Update and the 2016 draft of the document. This memo was provided to summarize these changes and there were no questions or concerns voiced by the Commission or Council identified in their review of the document.

July 19, 2016 Chair and Vice Chair Summary Memo

As identified, on February 20, 2018, the Council and Commission reviewed a draft memo (authored by Commission Chair Kistner and then Vice Chair Koberstein) summarizing the Planning Commission recommendations on a few remaining General Plan issues to be considered by the City Council. In reviewing the summary memo at the February 20, 2018, Joint Council/Commission meeting, the Council and Commission provided further input on the issues. Staff has provided this memo to allow a continued discussion and finalization of the City Council direction on the issues identified and recommended for Council consideration by the Planning Commission.

Generally, these topics include:

Regularly Updating the General Plan

Low Medium Land Use Designation-Deleted after March 14, 2017, Council Direction

Direction to Conduct a Comprehensive Zoning Review

Managing Tourism

Wineries

Housing (Specific to Our Town St Helena Comment Letter)

Staff has amended the memo (attached) to incorporate the direction provided by the City Council and Planning Commission during their joint meeting. Staff is requesting the Council review the amended document and finalize the direction on the issues identified.

Additional Public Comments

As identified, this update process has been underway for many years. As such there have been numerous public engagement efforts and public comments on the progressing document, including competing policy priorities taking precedence over this time frame. Based on this history, it is critical to set the scope and policy direction of these remaining issues prior to finalization the 2035 General Plan Update and analysis of the resulting environmental impacts.

Staff has compiled several of the most recent of these comments (listed below in no specific order) in an effort to further inform the process regarding the public input on the 2035 General Plan Update process. Similar to the issues identified and discussed above, staff and the consultant are requesting the Council finalize the direction on incorporation of these issues into the draft General Plan document, to allow completion and ultimate adoption of the General Plan in keeping with the established and identified time frame.

George David Comment Letter

This letter generally identifies concerns over impacts to residential properties from commercial development, however references are also made to concerns over general impacts of lodging uses. Additionally, the letter requests formalization of the need for periodic updates and definitions of chain type stores. From the staff perspective, these issues are addressed and captured in the current direction provided to staff by the Council and Commission.

Mary Stevenson Comments

In a June 24, 2016, letter from Our Town St Helena Ms. Stevenson voices concerns over the potential impediments to residential development certain policy language may have. Her concerns voice a perceived disconnect between residentially zoned property, and policies regarding planted versus agriculturally designated lands. In addition, concerns regarding the Low-Medium land use designation are identified in this letter. From the staff perspective, these issues are addressed and captured in the current direction provided to staff by the Council and Commission.

A second comment received from Ms. Stevenson in September 2016, identifies a number of concerns, but primarily focuses on the current Medium Density land use designation of 11 multi-family properties on Monte Vista Ct. Her request is that the 2035 General Plan Update change this land use designation to High Density Residential to be more in keeping with the number of units developed on these properties. On September 6, 2016, the Planning Commission discussed this issue and ultimately recommended the City Council review the request (report and exhibit attached). As this topic was not discussed at the Joint Session, staff is requesting final direction from the City Council regarding changing the General Plan designation of these properties from Medium Density Residential to High Density Residential.

Bradshaw Comments

On May 3, 2016, Ms. Victoria Bradshaw provided comments on the 2035 General Plan Update. Her comments reflect concern over the current residential designation of the undeveloped parcel known as the Hunter property. This letter primarily focuses on the City's potential for liability resulting from allowing development on this property, in light of the adjacent levee.

On May 17, 2016, attorney David Bradshaw submitted a comment letter identifying concerns over the Medium Density Residential parcel, known as the Hunter property (residential subdivision currently under review). This letter, among other things, requests the property be re-designated to Agriculture as a part of the 2035 General Plan Update.

Although numerous liability concerns and justifications for land use changes are provided to support the provided comments, staff identifies that this issue has been thoroughly discussed at numerous occasions throughout the General Plan Update process (going as far back as 2011) and the property has remained designated for Medium Density residential land use. It is worth noting that this property was removed from the City's identified Housing Opportunity Sites with the adoption of the 2015 Housing Element. Based on this, and the more recent discussions on these topics, occurring throughout the spring and summer of 2016, it is the understanding of staff that the Council direction is to maintain the current land use designation of the Hunter property as Medium Density Residential. Further, analysis of and response to several of these concerns has been provided by the City Attorney's Office, and this letter has been attached.

Citizens Voice Comments

Citizens Voice submitted comments both in the form of a letter from law firm Shute Mihaly & Wineberger and a petition discussing wineries and tourism impacts. In addition, a privately conducted survey by Lucy & Company was submitted to support the concerns stated. The letter primarily speaks to concerns over the impacts of tourism and the character of the community. This letter provides policy language suggestions to address these stated concerns. In addition, the provided petitions make recommendations for additional policy language changes regarding winery and tourism uses, in an effort to further address the policy concerns identified with the petitions.

It is the understanding of staff that these issues were incorporated into the Planning Commission July 19, 2016, memo and thoroughly discussed by the Commission and Council at their February 2018 joint session, with preliminary feedback identifying that the proposed language in the updated memo (see March 27, 2018, staff edits) adequately responds to, and addresses these stated concerns. As such, staff is seeking Council confirmation on these topics and the language proposed. Further, analysis of and response to several of these concerns raised by both the Bradshaw comments and the Shute Mihaly comments has been provided by the City Attorney's Office, and this letter has been attached.

Chamber of Commerce Comments

Also in spring 2016, the Chamber of Commerce put together a similar petition to voice concerns over the proposed tourism management language identified in the General Plan. Similar to the Citizens Voice comments, it is the understanding of staff that these issues were incorporated into the Planning Commission July 19, 2016 memo and thoroughly discussed by the Commission and Council at their February 2018 joint session, with preliminary feedback identifying that the proposed language in the

updated memo (see March 27, 2018, staff edits) adequately responds to, and addresses these stated concerns. As such, staff is seeking Council confirmation on these topics and the language proposed.

Expanded Planning Area

The City's current General Plan Planning Area coincides with City limits. State planning law permits the City to include land outside its limits that bears relationship to St. Helena. In many communities, the Planning Area coincides with a service boundary or the Sphere of Influence, or other unincorporated land with a direct planning relationship to the city. St. Helena currently provides water, public safety and other services to several areas outside the city limits. The City Council has directed staff to incorporate a few focused areas contiguous to the City, totaling approximately 100 to 150 acres, for inclusion in the potential Planning Area and EIR analysis. Staff has attached a draft map of these potential scoping areas, and is seeking direction from the Council to finalize these areas prior to their inclusion into the analysis. While the initial scope of the consultant contract identified approximately 150 acres to study in these potential planning areas, the total areas identified by staff for potential inclusion currently totals 488 acres. Staff has requested input from the consultant on their ability to analyze the additional acreage.

Planning Area 1-City Spray Fields

The City utilizes spray irrigation on fields that are owned by the City, but not within the City boundary, as a part of the wastewater treatment facility. It is within the interest of the City to have such a critical piece of utility infrastructure under the jurisdiction and control of the City. Therefore, Planning Area 1 (totaling 100.98 acres) is recommended by staff for inclusion into the study areas.

-Both the City Council and Planning Commission supported including these properties for study and potential inclusion into the expanded planning areas.

Planning Area 2- HWY 29 South Corridor

The HWY 29 corridor south of the City is currently developed with a variety of commercial and residential land uses under the jurisdiction of the County of Napa, many of which receive direct services and benefits from the City of St Helena. These properties are in an area of relatively dense development, and are likely served by individual septic systems, of various ages and capacities. As such, staff has identified this potential study area to capture and reflect the level of services and development on these properties, as well as to allow for flexibility in how their utility infrastructure may be provided or repaired in the future and to enhance and protect the environment.

-Both the City Council and Planning Commission supported including these properties for study and potential inclusion into the expanded planning areas.

Planning Area 3-Meadowood Resort and Surrounding Properties

This area is located across the Napa River and the Silverado Trail, and is developed with a resort and various residential and agricultural land uses several of which receive water and other direct services from the City of St Helena. Similar to Planning Area 2, these properties are served with a variety of utility infrastructure systems, including elements of the City of St Helena water distribution system, a private wastewater treatment facility and likely a number of individual septic systems. In addition, many of the properties identified in this study area are environmentally sensitive due to their proximity to the Napa River. Based on these various factors, staff is recommending inclusion of these properties into an area to study as a part of the 2035 General Plan EIR.

-Council and Commission both directed staff to reduce and/or consolidate this area while looking to minimize potential wastewater impacts to the Napa River and ensuring all City infrastructure is captured in scope of analysis. In response, staff has revised the proposed Planning Area 3 (now totaling 165.42 acres) to both consolidate the properties included, and to generally ensure properties containing City owned infrastructure are included within the boundary of this planning area.

It is anticipated that the work on individual elements of the General Plan and EIR will create additional questions, and therefore further direction may be requested over the coming months as information is gained and the issues are analyzed. However, staff is considering this review as the final City Council and community directed changes to the 2035 General Plan Update document.

Correspondence

Due to the nature and extent of the 2035 General Plan Update, numerous comments have been received over the project time period, on all manner of issues and topics. An assortment of the most recent comments has been attached to this report to aid the Council and Commission in understanding the perspective of the community on the remaining issues.

FISCAL IMPACT

The overall cost of the contract for the EIR is \$336,880, including all optional tasks. No additional costs have been identified as a component of the requested confirmation of the preliminary direction. However, the expanded scope of the Planning Areas, and the potential Parking Demand Analysis may have some additional costs.

RECOMMENDED ACTION

Staff recommends the City Council review the provided documents and summary of the preliminary information provided in the February 20, 2018, Joint Council and Commission meeting, discuss the various elements identified and provide final direction to staff and the consultant regarding the overall scope of the 2035 General Plan Update and EIR.

ATTACHMENTS

[PC Recommendations for GP edited for 3-27-18 CC](#)
[April 19, 2016 Comparison Sept 2015 GP with April 2016 GP Memo](#)
[Public Comment 1. George David Comments](#)
[Public Comment 2 a. Mary Stevenson Comment Email](#)
[Public Comment 2 a1.](#)
[Public Comment 2. b. Staff Report on GP & Monte Vista-Final](#)
[Public Comment 2 c. Monte Vista Exhibit](#)
[Public Comment 3. Bradshaw Comments](#)
[Public Comment 3 a.](#)
[Public Comment 4 Shute Mihaly-Citizens Voice Letter](#)
[Public Comment 4 a. Citizens Voice Winery Survey](#)
[Public Comment 4 b. Citizens Voice Tourism Survey](#)
[Public Comment 4. c.](#)
[Attorney Response Memo](#)
[Public Comment 5-Chamber of Commerce](#)
[Planning Area 3 Info-1992 Meadowood Dedication Agreement](#)
[Potential Expanded Planning Areas-Revised](#)

**July 19, 2016 Memo
(Including Staff Edits Presented August 2, 2016
and March 27, 2018)**

DRAFT SUMMARY OF COMMISSION COMMENTS/DIRECTION ON THE APRIL 2016 DRAFT GENERAL PLAN, UPDATED FOR AUGUST 2, 2016 PLANNING COMMISSION MEETING, *AND AMENDED FOR FINAL REVIEW AND CONFORMATION BY THE CITY COUNCIL ON MARCH 27, 2018.*

The Planning Commission recommends as follows:

1. Chapter 1 INTRODUCTION

A. Periodic Updating (item 5 on staff list). The following new Section 1.9 should be added to the Introduction, to underscore the importance of regular updates to the General Plan:

“1.9 Periodic Review and Updates to the General Plan by the City:

For the General Plan to be truly effective over the full 20 year period to its Horizon Year of 2035, the St Helena General Plan needs to be reviewed and updated by the City on a regular basis. State Planning Law specifies that by April 1 of each year an annual report should be prepared on the General Plan by the City and presented to the legislative body (which for St Helena is the City Council). At a minimum, the following issues need to be addressed as part of this review:

- Address the current status of the General Plan, and evaluate the progress made in implementing the various provisions of the Plan.
- Focus on the City’s progress in meeting its regional housing needs, including actions taken by the City and others to facilitate the construction of housing.
- The degree to which the General Plan complies with the most current State General Plan Guidelines.

While the preceding three items comprise the minimum scope of an annual review of the General Plan, the City has the discretion to add any other items to the review process as the City sees fit. In order to determine the administrative requirements and scope of this annual General Plan review process, City staff, within six months of the adoption of the General Plan, subject to the prior review and recommendation of the Planning

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Commission, shall bring to the City Council an agenda item presenting a process to implement an annual review of the General Plan. This agenda item would include a recommended list of topics to address in the annual review process. Each year as part of the annual General Plan review process, City Council will provide direction to staff on the topics to be addressed as part of the review for the upcoming year."

Comment: The Planning Commission initiated this concept at its first study session on the General Plan. Regular updating is a mandated and important mechanism to maintaining the relevance of the General Plan. Review of specific General Plan issues may warrant more than an annual review of the General Plan.

March 27, 2018 Comment: The Planning Commission and City Council concurred on adding this language.

2. Chapter 2 LAND USE AND GROWTH MANAGEMENT ELEMENT

A. Deletion of Low/Medium Density Land Use Designation.

The General Plan should be adopted without the proposed Low/Medium Density Land Use Designation. This new designation is a recently introduced, significant shift from the fully vetted 2010 draft General Plan. This new designation has not been fully analyzed or examined by the community. Deleting it from the General Plan will assist in achieving proposed adoption of the General Plan within the scheduled timeline.

Comment: Essentially, through this recommendation, the Planning Commission urges the City Council to adopt project Alternative 2 in the Draft REIR: No Low-Medium Land Use Designation Alternative.

The Commission received lengthy written comment from Our Town St. Helena and George David in opposition to inclusion of the Low/Medium Density Land Use District, both of which are attached to this recommendation. In the case of OTSH, stated opposition is based on inconsistency with the Housing Element, negative impact on the ability to provide local workforce housing in the coming years and inadequate community input and staff analysis. See June 21, 2016 OTSH letter to Noah Housh and Victor Carniglia.. See also written statement of George David, submitted for July 19, 2016 Planning Commission meeting stating that the proposed Low/Medium Density Land Use Designation does not anticipate long term impacts of this change on the City, and urging instead that the City initiate comprehensive reform of all land within the City.

March 27, 2018 Comment: This section was deleted based on Council direction provided on March 14, 2017.

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B. Comprehensive Zoning Review. A new section should be added to this Element to require a comprehensive review and analysis of the City's zoning district regulations. This new section might take the form of a Policy and Implementing Action:

"Within three months of the adoption of the General Plan, initiate a comprehensive review of all zoning districts in the General Plan and Zoning Ordinance. Particular emphasis should be placed on analysis of the compatibility of existing regulations with the built environment and the utility of new or modified regulations to better achieve General Plan objectives. Recommendations regarding revised or newly proposed district language in the General Plan and implementing regulations in the Zoning Ordinance would be the result of this process."

Comment: The Planning Commission recommends inclusion of this concept whether or not the Low/Medium Density Land Use Designation is included in the adopted General Plan. The Commission received comments during the review process directed toward regulations in residential districts other than the existing Medium Density District, and comments on the proposed Mixed Use District, suggesting that more comprehensive approach to zoning throughout the City and in particular along the Route 29 corridor is warranted. The General Plan includes a Mixed Use District that has great potential but needs further study and development. This concept is not duplicative of the annual updating recommended in Chapter 1 above. See in particular, George David comments, Planning Commission July 19, 2016.

C. Managing Tourism. The following underlined language is recommended to be added to the Goals in Section 2.4:

"Manage Growth and Maintain Community Character. St Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth, tourist oriented uses and the impacts of tourism and to ensure that adequate infrastructure and facilities are provided."

Comment: This recommendation is based on recognition that the City must manage the growth and change brought by tourism. As such, while it is acknowledged tourism brings to the City many potential benefits, managing tourism rises to the level of importance of managing growth in the maintenance of community character. The Chamber of Commerce and others did not oppose inclusion of this language in the General Plan. The Planning Commission received numerous comments on tourism, and Commission recommendations on those specific concerns are set forth below in Chapter 3, Economic Sustainability Element.

March 27, 2018 Comment: Based on the preliminary feedback, staff incorporated additional language so the statement would read "...manage growth tourist oriented uses, and the impacts of tourism, and to ensure that..."

Commented [VC1]: There was some disagreement about the exact wording supported by the Commission. What is shown is a proposal by staff to strike a balance based on the Commission discussion of this issue.

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D. Wineries. The following language should be added to Policy LU5.6:

“Permit wineries and other agricultural related industries to locate in the city if their location does not adversely impact surrounding uses or city services (water , traffic, etc) or the quality and character of the community. As part of the comprehensive Zoning Ordinance update following adoption of the General Plan, distinct functions and uses accessory to wineries (event centers, production facilities, tasting rooms for example) should be recognized and categorized as appropriate or not to each land district in which wineries are allowed as a permitted or conditional (use permit) use .

Comment: The Commission discussed Citizen’s Voice comments concerning winery operation locations at a study session on June 7, 2016. The consensus was that concerns about the future location of winery operations within the City should be resolved by tailored permitted and conditional use winery definitions that are appropriate for each zoning district.

March 27, 2018, comment: The preliminary input from the Council and Commission identified support for the language as drafted.

E. [Placeholder: OTSH Land use comments 6-24-2016]

Comment: Policy LU2.6 concerns allowing higher density housing in specific residential districts subject to specified criteria. If the Low-Medium Density Land Use Designation is adopted in the Plan, to avoid concentration of such housing in limited areas of the City, this Policy should be removed or modified to include the Low-Medium Density district.

March 27, 2018, Comment: The Low-Medium Density land use designation has been removed from the proposed General Plan Update.

3. Chapter 3 ECONOMIC SUSTAINABILITY ELEMENT

A. Citizen’s Voice Comments on Tourism.

Citizen’s Voice submitted comments to the Planning Commission recommending changes in the Economic Sustainability Element, directed primarily at assessing impacts related to tourism. See attached comments.

It is the consensus of the Planning Commission that the comments in the Citizen’s Voice letter dated April 15, 2016 as redlined in materials presented May 17, 2016, warrant consideration, and that the City Council should evaluate them with respect to specific wording changes in the Plan.

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Comment: The Planning Commission formulated this recommendation after it considered the Citizen's Voice April 15, 2016 Letter (copy attached) at a study session on April 19, 2016. Subsequently, the staff brought the issue back to the Planning Commission for further discussion on May 17, 2016. At that time, the Planning Commission reviewed specific redlined recommendations attached hereto and reached consensus on some of the items. When further item by item discussion of the tourism issue was initiated in June, Citizen's Voice requested the Planning Commission to forward the April 15, 2016 letter and redlined changes in their entirety directly to the City Council for consideration and action.

March 27, 2018, Comment: The preliminary direction provided by the Commission and Council at the February 20, 2018, Joint Session was that the request from Citizens Voice regarding additional language changes are best accommodated through the comprehensive zoning code update, proposed to occur after the General Plan Update is adopted.

B. Consensus Items Regarding Citizen's Voice Comments.

During discussion of the Citizen's Voice comments, the Planning Commission did reach consensus on the following three concepts and recommends consideration and/or inclusion of them as the Council considers the Citizen's Voice recommendations:

1. ES3.E The Planning Commission supports the concept of requiring a cost benefit analysis for development projects in order to assist the City in measuring their impacts on the community, with the cost of the analysis funded by the developer with the City determining the scope of the analysis and retaining the consultant performing the analysis.

Comment: This concept is an important planning tool. In any specific case, the City would establish the scope of review and retain the consultant to prepare the study. The project developer should fund the cost of this work.

March 27, 2018, Comment: Both the Planning Commission and the City Council supported incorporating General Plan policy language to explore this issue, with the goal to establish implementation and requirement thresholds to clarify the intent and scope of the requested analysis. Staff and the consultants will return with draft language for Council consideration at a future meeting.

- ES1.B, ES2.A These Implementing Actions are concerned, in part, with the concepts of "local serving uses" and "chain" retail stores.

2. The Planning Commission recommends that the concepts of "local serving uses" and "chain" stores be further developed through definitions that recognize and support businesses that have a "vested interest in the community".

Commented [VC2]: There was no consensus among Planning Commissioners at the July 19, 2016 Planning Commission meeting as to whether Implementing Actions ES.1.B and ES2.A should remain as worded in the April 2016 GP, or whether the language should be modified to better define the concepts of "local serving " and "chain stores", although it was agreed the phrase "local serving" would not be utilized. Staff expressed possible legal concerns over a policy that favored those that had "a vested interest in the community". The following wording underlined in red is an attempt by staff to capture what the Commission intended. The Commission should feel free to modify as appropriate.

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2. The Planning Commission recommends to City Council that the land use definitions for retail and service uses contained in Policies ES1.B and ES2.A, be further defined and developed concerning what the City considers to be “chain stores”, and for the City to develop incentives and programs to recognize and support businesses that provide a distinct community benefit and have demonstrated a vested interest in the community.

Commented [VC3]: This is new wording proposed by staff as described in the previous comment.

3. The Planning Commission supports inclusion of policy language in the General Plan that recognizes the importance of business retention and the need to support on-going providers in the community.

Comment: We all value our local businesses. Defining them as owned or staffed by community residents, or consisting of “non-chain” stores may not provide a broad enough, workable solution. The concept of businesses with a vested interest in the community can encompass local ownership, local management, established history, and still allow for businesses that are not “chains” but may have multiple outlets in the Valley. To the extent feasible, City regulations should support, not thwart, local business retention.

March 27, 2018, Comment: There were both concerns and interest voiced by Commissioners and Council members in incorporating language to support local business. Generally, the discussion ended with acknowledgement of the issue and potential interest in zoning code mechanisms to address it, while also voicing support to retain the existing language identified in the draft General Plan Policies ES1.B and ES2.A.

C. Various Sustainable Tourism Goals (in part, staff item 8)

Add language to the General Plan that sets forth criteria for review and evaluation of proposed lodging uses, specifically hotels and other such uses, but excluding short term rentals.

Comment: Citizen’s Voice and George David submitted comments on Policies ES 2.3 and ES2.2. The Commission supports Policy ES2.2 and Implementing Action ES2.B that address the removal of caps on hotel rooms and, in the case of ES2.2, restaurant seats. Hotel use is a hot topic with respect to revenue generation and community character. Policy ES2.2 already requires visitor serving uses to be oriented toward an upscale market and discourages development directed at mass tourism. Some have urged, and the City may wish to include more specific language in the General Plan to elaborate on the desired nature of lodging uses. The Commission recommends that ES2.2 and ES2.3 be left in its present form.

D. Various Sustainable Tourism Implementing Actions.

Modify the language in Implementing Action ES1.F as follows:

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~~“Provide development incentives for new visitor-serving businesses to develop affordable and workforce housing either through construction of housing or payment of an appropriate in lieu fee to develop housing elsewhere in the City. Such incentives shall include visitor-serving uses in Medium Density Residential or Higher Density Residential districts, where a project provides affordable housing or an appropriate payment of an in-lieu fee.~~

Comment: As drafted this Implementing Action appears to support development of visitor serving uses in the referenced Districts.

March 27, 2018, Comment: The Council and Commission identified concerns over the specific application of the comment only to the Medium and High Density zoning districts, as well as the policy applying only to visitor serving uses. As such, staff proposes the following language to address both of these concerns. If supported, staff will work with the consultants to identify the appropriate location for such a policy.

“Provide development incentives for new and existing businesses to develop affordable and workforce housing either through construction of housing or payment of an appropriate in lieu fee.”

Add wording to Implementing Action ES2.B to prohibit visitor serving uses, including lodging uses (with the exception of short term rentals) from locating in residential land use designations.

March 27, 2018, Comment: The preliminary input from the Council and Commission identified support for the proposed language.

Add language to LU5.1 that would exclude Housing Opportunity Sites, as identified in the current Housing Element, from Policy LU5.1 that currently states: “LU5.1 Discourage conversion of existing farmland to non agricultural uses”

March 27, 2018, Comment: The preliminary input from the Council and Commission identified support for the language to exclude housing opportunity sites from this policy.

Clarify Policy LU5.3 so that it does not prohibit property from being developed simply because the property in question is being used for agricultural purposes, by deleting the words “or used”, so the policy reads as follows; “LU5.3 Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land.”

March 27, 2018, Comment: The preliminary input from the Council and Commission identified support for the proposed language modification identified.

Attachments:

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- A. OTSH Comments June 21, 2016
- B. Comments Submitted by George David, June 21 as revised July 19, 2016
- C. Citizen's Voice Comments Letter April 15, 2016, Highlighted revisions reviewed by Planning Commission May 17, 2016.
- D. Citizen's Voice Winery Comments.

April 19, 2016 Consultant Staff Summary of Key Changes Memo

To: St. Helena Planning Commission

From: Victor Carniglia, Planning Consultant

Date: April 19, 2016

Subject: Summary of Key Changes between the September 2015 version of the General Plan and the April 2016 Draft General Plan

The following is a summary of the changes of substance between the September 2015 version of the General Plan that was reviewed by the City Council at a General Plan Workshop on September 8, 2015, and the April 2016 Draft General Plan currently before the Commission. This summary is intended for comparison purposes. It should be emphasized that the September 2015 version of the General Plan was one of several versions of the General Plan that have been prepared since the General Plan was first formally published in August 2010. While such comparisons between iterations of the General Plan have value, the decision ultimately for the Commission, and the most meaningful comparison, is between the 20 plus year old 1993 General Plan and the latest version of the updated General Plan, which at this point in time is the April 2016 Draft General Plan.

The comparison between the September 2015 and April 2016 documents is organized by Chapter, as summarized below:

Chapter 1: Introduction:

- Pg 1-15: Updated the wording concerning the General Plan review process to reflect the most current General Plan review dates and process.
- Pgs 1-16 to 18: Updated references to the City's Housing Element, and clarified that the 2015-2023 Housing Element is a separate document, although it is part of the City General Plan.

Chapter 2: Land Use:

- ~~Figure 2.1 (Land Use) and Figure 2.3 (Residential Areas) were corrected to show the location of the new Low/Medium Density Land Use Designation.~~
Note: The Low/Medium Designation was eliminated based on Council direction received on March 14, 2017
- Pg 2-22 to 2-27: Corrections and changes were made to the General Plan Change Areas
 - Added "Change Area #14 (the City Hall site) to reflect City Council direction.
 - Modified the designations in Change Area #1 (the Adams Street and Library Lane property) to Central Business District from "Public/Quasi Public based on Council direction.
- Pg 2-24: Added that the maximum residential growth rate is 9 units/year (affordable and 2nd units exempt from limit).
- Pg.2-31: Added policy limiting residential development to 9 units/year(affordable and 2nd units exempt from limit).
- Pg. 2-33: Based on City Council direction, deleted 2nd sentence from Policy LU2.1, which would have allowed hotel uses to be considered in the City's High and Medium Density zones subject to certain criteria. Also based on Council direction, deleted second sentence

from Policy LU2.8, which similar to the wording in Policy LU2.1, would have allowed hotels to be considered in the Medium and High Density Residential zones.

- Pg 2-35: Based on Council direction, deleted Implementing Action LU2.F: which would have allowed hotels to be considered in the Medium and High Density Residential zones.
- Pg. 2-44: Added Policy LU5.H, which directs the City to adopt guidelines concerning agricultural buffer area, to reflect a mitigation measure contained in the EIR.

Chapter 3: Economic Sustainability:

- Pg.3-13: Based on Council direction, deleted the last sentence from Implementing Action ES2.B, which would have allowed hotel uses to be considered in the Medium and High Density residential zones.

Chapter 4: Public Services:

- Pgs 4-6 and 4-8: Updated the water usage tables with the most current information available.

Chapter 5: Circulation:

- Pg 5-5, 5-7, and 5-8: Updated information in travel tables, specifically Figures 5.1, 5.2, and 5.3.
- Pg. 5-10: Added wording at the bottom of the page reflecting the fact that the Wine Train had been purchased by new owner that have discussed the possibility of adding facilities and amenities.
- Pgs 5-16 and 5-17: Revised Table 5.4 and Figure 5.1 to reflect current street cross sections and requirements.
- Pg 5-19: Deleted wording that would have made the extension of Starr Avenue north to Adams Street contingent on the concurrent extension of Adams Street to the Silverado Trail. Such a requirement is not practical based on the speculative nature of the extension of Adams Street east to Silverado Trail, given the fact that such an extension is outside the City jurisdiction, combined with the cost and environmental constraints of an extension of Adams Street east to the Trail.
- Pg 5-29: Based on Council direction added wording to Policy CR1.7, in the context of using the rail corridor to reduce traffic, to consider tourist oriented uses that are primarily accessed by passengers traveling on the Wine Train corridor.

Chapter 6: Historic Resources:

- Pg 6-14: Clarified in Policy HR1.5 the process for conducting a records search to determine if historic resources are present.

Chapter 7, Community Design:

- Pg 7-11: Added wording to update the process concerning the Adams Street property.
- Pg 7-15: Added language encouraging the seeking of funds from grants and other sources to underground existing overhead power/phone/cable lines.

Chapter 8, Open Space and Conservation:

- Pg. 8-24: Added wording to Implementing Action OS1.P to describe the process that is triggered if jurisdictional wetlands cannot be avoided.

Chapter 9, Public Health, Safety and Noise:

- Pg 9-5: Figure 9.1 depicting the locations of flood zones has been updated.

Chapter 10: Climate Change:

- No change of substance

Chapter 11: Housing Element:

- Separate document. No changes.

Chapter 12: Parks and Recreation:

- Pg 12-12: Based on Council direction, modified Policy PR1.1 to state that while the City goal is 10.5 acres of parkland per 1000 population, due to State law the City's park fee is limited to a ratio of 5.0 acres of park per 1000 population.

Chapter 13, Arts, Culture, and Entertainment:

- No change of substance

Members of the Planning Commission

Over the past nine months I have been in contact with Victor Carniglia, consultant to our City related to the pending General Plan. Since resolution of the City's efforts to potentially locate Hotels in residential neighborhoods, we have focused our efforts on six specific provisions of the Plan. At the June 21 Planning Commission meeting I advised the Commission that our requests for change to these six provisions should be considered separately from the requests made by Citizens Voice and the Chair advised Staff to work with us to finalize our comments for submission back to you.

I am attaching a request for change that was prepared in early May identifying these six provisions and our argument for change. Our intent was to submit this document to you, the City Council and City Staff, however we sent the request to Vincent in advance and he encouraged me to work these issues through with him as opposed to submitting them to the City.

Vincent and I have come to agreement on each of these provisions but he requires your approval to amend the plan prior to submission to the City Council. I am attaching a summary sent to Victor on May 13 with my understanding of our verbal discussions and his response on May 16. I would like to confirm the actions to be taken based on my best interpretation of Victor's responses.

LU2.6 – to be removed if the proposed Low Medium Density is adopted and left as is if Low Medium Density is not adopted.

ES1.F – wording should be modified to clarify that the intent of this provision is not to include visitor serving uses in Medium and High Density zones.

ES2.2 – to remain as is but amend Chapter 1, the Introduction, to stress the importance of and need for periodic review of the General Plan, state how often the review should occur, and identifies the issues that should be focused on as part of the regular review which would include "measuring" tourism and the impacts of tourism.

ES2.3 – In lieu of caps on hotels and motels, definitive criteria will be created for all lodging uses which will be used by City decision makers to judge the merits and acceptability of approving an addition to or creation of a new lodging facility. Lodging facilities would include all facilities which offer overnight lodging as a routine part of its business except Short Term Rentals. Implicit in this is a requirement that the bar is set high and relies primarily on the level of benefits to our community.

ES2.A – Requires better definition of discount chains and prohibition of chain stores including recitation of the kinds of retail the City is trying to avoid.

ES2.B – Needs to reiterate that lodging is not permitted in any land use that permits residential development or creates neighborhoods. ES2.A and ES2.B need to be in sync as to removal of caps and not duplicative.

Time is now of the essence so we respectfully request your approval on July 19 2016. George David

Members of the City Counsel, Planning Commission and City Staff

RE: Proposed General Plan as Reflected in the April 2016 Version

On behalf of our coalition of neighbors and neighborhoods, we appreciate the significant efforts being expended to complete the General Plan. As stated in its introduction, "the St. Helena General Plan is a powerful policy and implementation tool designed to reflect the change that has occurred since the adoption of the 1993 General Plan, responds to the community's visions and desires for its future and addresses changes anticipated to take place in the years to come through 2035". As such it is the most important single document to be approved by City Government in a generation and should carefully consider comments for change as expressed by its citizens.

We recognize that perfection is unachievable and that further delay in adoption of the Plan is undesirable but no Plan of this importance should receive final adoption until it represents the best collective efforts of its citizens and Government. To that end we ask that you consider the following specific changes to the General Plan and ask that City Staff use its best efforts to implement them.

LU2.6 St. Helena Medium (16) and High Density (28) zoned parcels currently allow densities in excess of all other communities in Napa County by a substantial margin and are very high compared to other small rural California City's yet this provision encourages consideration of exceeding the permitted densities in residential neighborhoods. The potential density bonuses for Affordable Housing, 20%, more than adequately accommodate any proposed Affordable Housing developments so it seems illogical to include this provision in the GP, especially since the anticipated new Low Medium density will significantly reduce the number of Medium Density sites in the City. This fly's in the face of the objective of the Low Medium density which is to conform existing neighborhoods to their actual use and would exacerbate the pressure to increase density in some neighborhoods with large undeveloped sites creating imbalances in certain specific neighborhoods in the City as opposed to equitable distribution throughout the City. This provision should be removed.

ES1.F We ask that you insert the words "other than hotels or other forms of overnight lodging" after uses in sentence two, or other specific language that makes it clear that hotels and any form of overnight lodging is not permitted in residential neighborhoods. In light of past attempts to permit hotels in residential neighborhoods except as permitted by the Short Term Rental Ordinance and the definitive retraction thereof by the City Council due to public outcry, we believe it is essential to eliminate any language in the GP that would encourage or permit such uses.

ES2.2 We ask that you add the following words to the end of the sentence ending in market "or that compromises the quality of life for St. Helena residents by significantly increasing number of tourists as benchmarked by professional measurement every five (three?) years". I could write a book about the necessity of maintaining our quality of life and the potential effects of increased tourism on that

quintessential goal but the more often we repeat that goal and protect it, the better. Without consistent periodic measurement of tourists and adjustment, we cannot assess their impact and defend our goal or our citizens.

ES2.3 We ask that you rewrite this provision to read as follows: “Ensure a diverse mix of uses that avoids an over representation of any particular use. Establish reasonable caps on the number of hotels, motels and every other form of overnight lodging providing rooms or accommodations and continue to limit vacation rentals. Establish a process for periodic review and updating of the caps”. We know that that additional hotels and lodging are the fastest way for the City to generate revenue that is sorely needed and support reasonable expansion but caution must prevail if we want to maintain our small town character and quality of life. By eliminating the cap, just as Circes invited all to come so that they could be destroyed by the rocks, we need to make it clear that we are not wide open to multiple or unlimited hotels and lodging but are selectively interested and no single statement can make that more clear than establishing a reviewable cap. The GP runs through 2035 and should express our long term goal not near term solutions that can cause great damage that can never be undone.

ES2.A We ask that the words “chain retail stores” be inserted after “discount stores” and that the following words be inserted at the end of the second sentence “but do not conflict with the character of the City or negatively impact neighbors or neighborhoods.” Nothing distinguishes St. Helena from the vast majority of the world more than disallowing chains in any form and if chains are ever allowed will change our community forever and make us like every other City. Uniqueness is a very large part of our appeal and drives our quality of life and desirability to create values both in the place in which we live but also in the financial security of maintaining the values of our homes and the integrity of our community. This uniqueness is our “brand” and St. Helenians are willing to pay for and fight for that brand. While it is tempting to change to increase financial prosperity for some, destruction of our brand in the process is completely wrong. As discussed, neighbors and neighborhoods are the glue of our community and must be protected and preserved.

ES2.B We ask that you insert the words “, neighborhoods or neighbors” after community. The last sentence should be eliminated. This is consistent with our efforts to protect neighborhoods and neighbors and to maintain caps on hotels and other forms of lodging.

GENERAL PLAN PROVISIONS UNDER REVIEW

LU2.6 Consider allowing higher density housing in single family neighborhoods within Medium and High Density Residential Land Use Designations as long as the development character of the single family area is maintained, including lot widths, orientation to street, building heights, onsite parking, traffic, noise, among other considerations

ES1.F Provide development incentives for new visitor-serving businesses to develop affordable workforce housing either through construction of housing or payment of an appropriate in lieu fee to develop housing elsewhere in the City. Such incentives shall include consideration of visitor-serving uses in Medium Density Residential or Higher Density Residential where a project provides affordable housing or an appropriate payment of an in lieu fee.

ES2.2 Encourage visitor-serving uses oriented toward an upscale market, consistent with the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market.

ES2.3 Ensure a diverse mix of uses that avoids an over-representation of any particular use. Remove the cap on the number of hotel and motel rooms, and restaurant seats but continue to limit vacation rentals.

ES2.A Continue to prohibit formula restaurants, chain discount stores, and time-share lodging projects (excluding Fractional Ownership Lodging). Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream.

ES2.B Study and recommend guidelines for permitting lodging uses in a range of land use designations, and ensure that the requested uses will not result in significant adverse impacts to the community while recognizing that the hotel taxes provide a valuable source of revenue for the City. Remove the cap on the number of hotel and motel rooms.

Prepared by George David

Noah Housh

From: Victor Carniglia <VCarniglia@cityofsthelena.org>
Sent: Monday, May 16, 2016 5:30 PM
To: George David
Cc: Noah Housh
Subject: Comments about GP language

George,

Thanks again for being open minded and flexible, and for your commitment to trying to find the right balance on this policy stuff! The following are my thoughts in red italics under each policy you raise/discuss:

LU2.6 Higher than permitted density in medium and high density zones – You indicated that you see no need for change in this unless the proposed low-medium density is adopted, in which event you would agree that it is not necessary to include this provision in the GP. Can we adopt an approach that if and when the proposed low-medium density is approved, this provision will be dropped?

I agree. The wording is not really needed if the City adopts the proposed Low/Medium Density designation, or something equivalent. Also, the requirement to prepare Design Guidelines should address the need for any proposed higher density housing to be compatible with neighboring single family.

ES1.F Encourage incentives for tourist serving businesses located in medium and high density zones if affordable housing or in lieu fees are paid – I think I missed the boat on this one as my notes just don't make sense. The goal is to keep lodging out of residential neighborhoods while this provision encourages their creation through City incentives so long as affordable housing is created or in lieu fees are paid. Need your help but this is a major issue to us. There are no tourist serving businesses that belong in neighborhoods unless the neighborhood is mixed and has an existing level of business participation, i.e., in the center core.

I concur the wording as proposed needs to be modified. I presume the second sentence intended to refer to locating proposed work force housing for visitor serving uses in the Medium and High Density zones, and not locating the visitor serving uses in the Medium and High Density zones! In any case this policy needs some work.

ES2.2 Believe we agreed that all tourism, even upscale tourism, needs to be measured periodically, that tourism needs to be managed, and that tourism management is a major element to be considered in reviewing and amending the GP. Believe we agreed to leave this provision alone but to include a requirement in the GP periodic review and amendment section to measure and manage tourism as a part of the required review of the GP. We discussed quarterly review but not sure that is appropriate

As you say let's leave Policy ES2.2 as currently worded, and add a section, probably in Chapter 1 Introduction, that stresses the importance of and need for a regular periodic review of the General Plan, states how often such a review should occur, and identifies the issues that should be focused on as part of the regular review, which could include "measuring" tourism and the impacts of tourism.

ES2.3 Create diversity of use and remove the cap on hotels and motels – Know that you favor no cap and I will do my best to sell this to our group, subject to what we discussed and that is the establishment of definitive criteria for all forms of overnight lodging, not just hotels and motels, to protect the City. The criteria would be tight legal criteria and possibly include benchmarks. One of the criteria would be no lodging in residential

neighborhoods as approved by the City Council. Do you want us to take a shot at creating the criteria, would you like to do it jointly, or do you want to create it?

I would picture staff taking the first shot at preparing criteria for decision makers to consider in making a decision on hotel/lodging uses seeking to locate within the City of St Helena.

ES2.A Continues to prohibits creation of discount chains and time share and encourages destination clubs and other forms of lodging – Believe we agreed that discount chains needs to be carefully defined and that chain stores be prohibited and carefully defined. We did not discuss the destination clubs and other lodging which we would object to if they are located in residential neighborhoods. We need to find a way to limit the locations out of neighborhoods and a solution would be creation of the Enterprise Zone(s) that are discussed below, but we don't want to count on that.

I agree completely that we should try to better define discount chains and the kind of retail the City is trying to avoid, and make it as clear as we can. Not sure how the enterprise zone concept would work. Let's discuss.

ES2B. Study and create guidelines to allow creation of lodging in a number of land uses and remove the caps on hotels – The creation of lodging criteria including no lodging in residential neighborhoods is a help in potentially limiting the application of this but it now occurs to me that the lodging criteria should cause modification of this provision to other land uses so I am not sure ES2B has a purpose. Also don't see why removal of the Hotel and motel cap needs to be repeated.

There is definite duplication/overlap between ES2.3 and ES2.B. The duplication is in part due to the fact that ES2.3 is a "Policy" while ES2.B is an "Implementing Action". Implementing Actions are supposed to be more detailed/specific. As you say ES2.3 and ES2.B need to be in "sync" and work together without duplicating each other.

Goal 5a., Opportunity sites and the proposed Low Medium Density – I would like to take a shot at marrying these elements with particular emphasis on creating an Opportunity Zone or zones, relocating and creating more Opportunity Sites to locations within the zones, limiting TOT producing lodging uses to the zones, including all of the new Mixed Use sites in the Zones, creating City incentives for redevelopment in these zones, removing "spot" zoning from neighborhoods Citywide, including all remaining single family housing in the City in the Low-Medium density designation, and amending the Housing Element with state Approval. Once your input is received, I would ask you to include a Policy in the GP and whatever implementing language that would be required to cause the City to vet and adopt the Enterprise Zones and all related zoning or use changes within a certain timeframe. I know we will discuss this one!

I appreciate where you want to go with this wording, but a key stumbling block that needs to be avoided is propping wording in a General Plan Policy or Implementing Action that conflicts with the Housing Element. Perhaps this issue could be addressed as part of the future periodic review process focusing on optimizing the "Opportunity Sites", as long as it is clear that such a future action would likely trigger a General Plan Amendment to the Housing Element, and that such a GPA would involve State HCD review.

Thanks again for your thoughts/ideas!!

Victor

Cindy Tzafopoulos

From: Mary Stephenson <stepcomm@aol.com>
Sent: Thursday, September 08, 2016 4:46 PM
To: Noah Housh
Cc: Grace Kistner; Sarah Parker; Mary Koberstein; Bobbi Monnette; Tracy Sweeney
Subject: Some background on Monte Vista

Noah - thanks for presenting the Monte Vista zoning agenda item to the Planning Commission on Tuesday night. I appreciate your thorough review of the issue.

I can go back even further to find emails sent to Greg Desmond, Gary Broad and other staff, but the email below [see copy in RED] points out that rezoning of Monte Vista was brought up to the Planning Commission attention in writing as a part of the General Plan review process in September of 2014. I have emails through 2015 and 2016 to staff on this issue as well, if you would like copies of them.

Mary Stephenson

Begin forwarded message:

From: Mary Stephenson <stepcomm@aol.com>
Subject: Comments on General Plan Update
Date: September 26, 2014 at 5:09:23 PM PDT
To: Matthew Heil <matthewheil@mac.com>, Brian Russell <brian@rlqnapavalley.com>, sparker@cityofsthelena.org, Grace Kistner <gdkistner@comcast.net>, Bobbi Monnette <matildabologne@yahoo.com>
Cc: Cindy Black <CindyB@cityofsthelena.org>, Jennifer Phillips <jenniferp@cityofsthelena.org>

Ladies and Gentlemen:

It is close to impossible for a citizen to actually keep track of the changes made by the City Council to the Draft General Plan and it concerns me that no one seems to have a complete idea of the line items edits that were made over a period of several months during council meetings. I have kept track of some of the major issues as best I can. I have two request for you to consider in your review process - one small one and one big one.

1. GROWTH MANAGEMENT - GENERAL PLAN STRATEGIES

In the section entitled General Plan Change Areas (page 6), 13 sites were identified for land use change. Please add the parcels on Monte Vista to the list of properties needing zoning changes.

I have brought to the Council's, the Planning Commission's and the City Staff's attention over the last three years that the 11 parcels on Monte Vista were not correctly designated as High Density in the last General Plan. Carol Poole, the last Planning Director, told me in the late 1990s that it was a simple mistake in the mapping since this one block long street sits in the middle of MD parcels and the zoning should be corrected in this cycle. There are 11 apartment

buildings on Monte Vista (no other buildings) which house 50+ apartments. These are all 40 year old buildings that will most likely be renovated or rebuilt during this General Plan cycle. If the zoning is not corrected, we could lose some of these units. The neighborhoods on both sides are made up of SFH built in the last 20 years and these residents may not support the rebuilding of this street as high-density if it is not zoned as such. [Full disclosure: My husband and I own property on Monte Vista.]

Requested Action: Please correct the zoning mistake and change the property on Monte Vista from MD to HD zoning.

2. CIRCULATION

The council edited general plan removed all planned road extensions and made them pedestrian and bike paths. This includes extensions Adams, Starr, Allison, Railroad and McCorkle which were in the previous general plan. I feel this is a major strategic change that was made without the benefit of expert opinion or the proper analysis of the impact. My concerns are as follows:

- Eliminates the possibility of diverting local traffic from Main Street through the business district, particularly on the East side. There appeared to be no consideration of the increased traffic that will come through SH to Calistoga with the two large resort projects Calistoga has approved or the ever increasing traffic of employees coming to St. Helena to work. (70%+ of local employees now commute into St. Helena.)
- Eliminates another road going from Main Street to the Silverado Trail meaning more traffic on Pope Street bridge, which is already over capacity and maintains only one major in-town access road leading to St. Helena Hospital (Pratt and Zinfandel are both subject to flooding, meaning access could be limited.)

Most Importantly:

- Lowers Develop Fees that support the city's infrastructure (fees charges for transportation improvements, public safety facilities, parks, civic facilities, water, wastewater and storm drainage)
 - In October 2013, the Council voted 5-0 to decrease impact fees for most type of development based on their edits of the General Plan, which has still not been improved
 - Because they eliminated planned street extension major projects from the General Plan, the development fees were lower as follows: low-density residential by 18%, commercial retail by 45% and office space by 46%

Requested Action: Can the Planning Commission determine if it is reasonable and responsible for the council to eliminate all planned road extensions on the east side of town, without study of the implications to traffic, safety and loss revenue?

Can the Planning Commission also investigate if the lowering of the impact fee in 2013 based on a General Plan that has not been approved was the correct thing to

do and how these fees will be affected if some or all of the “planned” road extensions were put back into the General Plan?

I have comments on two other issues which I am sure you will be discussing as part of the Housing Element. Assume this will come later.

2. POLICIES - LAND USE 1 C *Continue to update the City’s housing inventory to track the status of residential growth by unit type and affordability level.*

The draft needs assessment presented by city staff in the spring of this year was not accurate in its assessment of the current housing situation in St. Helena.

- Rental rates and vacancy rates were based on the City of Napa, not St. Helena
- The actual current use of market rate second units as affordable rental was not substantiated even though this concept was proposed as the main strategy of the next Housing Element
- The information on the number of housing units lost because of the influx of second homes was underreported. The City Council has stated in public meetings that it is estimated that 30% of St Helena’s current housing stock is now in weekender or second home status. This means that 950 dwellings are unavailable for local residents (30% of 2707).
- The Council approved funding for the development of an actual fact base on the current housing situation in St. Helena as part of the incremental funding for the 2014-15 budget. This could clear up all of these discrepancies if this study is actually initiated

3. LAND USE 1. F *During the next Housing Element adoption cycle, the City should consider changes to the Growth Management System and the Housing Element that would limit the total number of new affordable units to those included in the Regional Housing Needs Allocation. (RHNA) [actual wording in the Council edited Draft General Plan]*

That means we would only build 18 units of low-income housing and 13 of moderate during this cycle. I find this to be short-sighted at best and could lead one to believe that the City Council does not actually support increasing the number of affordable housing units in our town.

Thanks for listening.

Mary Stephenson

707 963 1548 o

707 849 2583 c

Noah Housh

From: Mary Stephenson <stepcomm@aol.com>
Sent: Monday, May 23, 2016 8:21 AM
To: Victor Carniglia; Noah Housh
Cc: John Sales
Subject: Monte Vista Zoning

Victor - congratulations on finishing the General Plan document. I think you did an excellent job of organizing and updating a very complex document. I particularly appreciate the summary explaining the substantive changes made.

However, I was surprised to see that the Monte Vista neighborhood is still zoned as Low-Medium Density. As I have pointed out on multiple occasions to several city officials over the last few years during the General Plan development process, including several emails to you, this one-block long street consist of 12 buildings with over 50 units of rental units. According to Carol Poole, a previous Planning Director, this street was inadvertently zoned incorrectly in the 1993 General Plan. If the zoning is not corrected, the City could lose some of these rental units as these 40 year old buildings are sold, renovated or demolished and rebuilt. St. Helena can not afford to lose any existing rental stock.

According to the General Plan, Low-Medium Density Residential is "Density typical of St. Helena's existing single family detached neighborhoods 4.1 to 7.0 dwelling units per acre" while Higher density Residential (HDR) is "Multi-family housing, including apartments, townhouses and group homes 16.1 to 28.0 dwelling units per acre". All 12 buildings on Monte Vista, including the 1347 and 1357 Monte Vista, which my husband and I owned are multi-unit buildings. I am fairly certain this street meets the density requirements for HDR.

Can you please let me know why this area is not recommended for rezoning in the proposed General Plan?

Mary Stephenson

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

September 6, 2016

AGENDA ITEM: 10

SUBJECT: Provide comments and direction concerning a request to re-designate all properties on Monte Vista Avenue from Medium Density Residential (5.1-16 units/acre) to High Density Residential (16.1-28 units/acre) as part of the City's General Plan Update process.

PREPARED BY: Noah Housh, Planning Director

REVIEWED BY: Noah Housh, Planning Director

LOCATION OF PROPERTY: City-Wide

APPLICANT: City of St Helena

PHONE: 707-967-2792

BACKGROUND:

This is the seventh Planning Commission agenda item on the General Plan update process since the April 2016 Draft General Plan was published. At the July 19, 2016, Planning Commission meeting during "Public Comments", a St Helena resident and Monte Vista Avenue property owner, Mary Stephenson, requested that the Planning Commission change the land use designation of eleven properties located on Monte Vista Avenue. Specifically, Ms. Stephenson asked that the Commission consider changing the General Plan land use designation from the existing designation of "Medium Density Residential", which allows a density of 5.1 to 16 units/acre, to "High Density Residential" which permits a density range of 16.1 to 28 units/acre. The Planning Commission directed staff to place this issue on the next available Planning Commission agenda for discussion and direction.

ANALYSIS:

Overview: Monte Vista Avenue is a cul-de-sac located in the northeast quadrant of the City. Monte Vista Avenue is fully developed, with all parcels located on the cul-de-sac being developed with a variety of multi-family homes. The majority of the development located on Monte Vista Avenue appears to have been built in the late 1960's and early 1970's, with many of the existing buildings being 40 to 50 years old.

There are eleven properties that are located on Monte Vista Avenue, totaling approximately 3.25 acres. Based on staff's analysis there are approximately 75 multi-

family units currently located on these eleven properties, with the density on the individual properties ranging from (a low of) 5.7 units/acre to (a high of) 33 units/acre. The average density for the eleven properties located on Monte Vista is approximately 23 units/acre (75 units/3.25 acres), which is well in excess of the 16 unit/acre maximum density allowed by the “Medium Density Residential” designation (currently applied to Monte Vista Avenue). Of the eleven properties, nine (82%) exceed the 16 units/acre maximum density allowed by “Medium Density Residential” designation.

This discrepancy (where a majority of existing development on Monte Vista Avenue exceeds the maximum allowable density), was stated as the primary justification for the requested change from Medium to High Density Residential. Implications associated with the existing non-conforming status of a majority of the properties have also been mentioned as a secondary justification.

Surrounding Land Use Designations and Uses

All properties in the immediate vicinity of Monte Vista Avenue are single family residential and are also designated (in the current (1993) General Plan) as “Medium Density Residential.” Except for the vacant Hunter property immediately east of Monte Vista Avenue, all of these properties are developed with detached single family homes (at approximately 4-5 units/acre), most of which are two-stories in height. The current “Medium Density Designation” is similarly inconsistent with the developed density of the existing single family homes surrounding Monte Vista Avenue (however to a lesser degree).

The April 2016 Draft General Plan proposes to leave the “Medium Density Residential” designation on the Monte Vista Avenue properties consistent with the 1993 General Plan, while proposing a new Low/Medium Density (4.1 to 7 units/acre) land use designation for the properties surrounding Monte Vista Avenue. It is worth noting that development plans prepared for the Hunter property propose a multi-family housing project adjacent to Monte Vista Avenue as a component of that project.

Rationale for High Density

As mentioned, the primary rationale to change the land use designation on Monte Vista Avenue to High Density Residential is to accurately designate the properties, based on their existing density and character as multi-family development. As identified, both the average density (23 units/acre) on the cul-de-sac and the density of (nearly all of) the individual parcels currently exceeds the maximum density allowed in Medium Density designation. This inconsistency between the maximum density allowed and the density of the existing development not only provides a less than accurate picture of the existing land use; it results in the majority of the existing development on Monte Vista Avenue being classified as “legal non-conforming”.

Implications of being considered a “legal non-conforming use” are identified in Zoning Code Section 17.140. Section 17.140.020 specifically states:

A nonconforming use is a legally established use of land which is not permitted in the zoning district in which it is located, or a use which is permitted by use permit but for which no use permit has been obtained, because the use was established prior to the application of the existing district due to rezoning, annexation or change in the regulations of the zoning ordinance. Legally established nonconforming uses shall be governed by the following regulations:

A. Nonconforming uses may be continued indefinitely, subject to the provisions of this chapter.

B. No nonconforming use shall be permitted to expand its operation or enlarge its floor area.

C. A legally established residential use which exceeds the density permitted by the zoning district and/or general plan land use designation in which it is located is a nonconforming use, and the density may not be increased, except as may be permitted as a density bonus pursuant to Chapter 17.144. However, buildings or structures on the lot on which such nonconforming residential use is located may be expanded, enlarged or reconstructed upon the approval of a use permit by the planning commission pursuant to Chapter 17.168.

Generally, a non-conforming status limits re-construction if a structure is damaged in excess of 50% of the value of the structure. A non-conforming status will also limit the ability to renovate a property if the proposed renovations exceed 50% of the value of the structure. However, this designation can also affect appraisal values and therefore have implications with the ability to obtain financing for a purchase or renovation. In either case, a “legal non-conforming structure” cannot be replaced as it exists unless the owner of the property receives approval of a use permit from the Planning Commission.

Proponents of increasing the density of Monte Vista Avenue contend that the “legal non-conforming” status of the existing multi-family units on Monte Vista Avenue, combined with uncertainty of receiving use permit approval to rebuild and/or renovate, could have a “chilling effect” on Monte Vista Avenue property owners considering improvements to their properties. Improvements can be made to the property without triggering the need for a use permit as long as these improvements are less than 50% of the value of the structure being improved. It is difficult for staff to accurately determine how much a non-conforming status or use permit requirement actively discourages owners from improving their property. However, it can be said with some certainty that a non-conforming status adds limitations to the options available to property owners.

Other Issues to Consider: There are other relevant factors to take into account in considering changing the land use designation from Medium Density to High Density residential, beyond the non-conforming status of the existing development. These factors are noted and briefly discussed below.

Density Bonus Provisions

State Density Bonus law provides a mechanism to address the difference between the existing density of development and the maximum density allowed on Monte Vista Avenue. State Density Bonus law and City Ordinance permit density increases if a certain percentage of units are designated and restricted as affordable housing. City Code authorizes a density bonus of up to 35%, which would allow most of the properties on Monte Vista Avenue to meet their current density if granted a density bonus by the City.

The density bonus provisions provide an alternate mechanism for a “legal non-conforming use” to be rebuilt or remodeled. However, use of the Density Bonus to achieve this density would require designation of the units as ‘Affordable Housing’. Changing the land use designation on Monte Vista Avenue to High Density Residential would eliminate the need for owners to designate their properties as restricted affordable housing (and apply for a density bonus) to achieve the density levels of the current development.

Multi-Family Housing By-Right and the Potential for Increase Development

As referenced above, the City Council in June of 2016 approved a modification to the Zoning Code allowing Multi-Family housing as a permitted land use in the High Density Residential Zoning District. This amendment to the Zoning Code was driven by elements of the Housing Element approved by the California Housing and Community Development (HCD) and adopted by the Council earlier in the year. This revision made Design Review the only entitlement required for multi-family housing in the High Density land use designation, somewhat limiting the City’s discretion over these types of development proposals. As such, amending the designation of the Monte Vista Avenue properties to High Density will allow re-development of any of the eleven properties with multi-family housing by-right.

The High Density Residential land use designation allows up to 28 units/acre, over 50-percent higher than the maximum allowed under the Medium Density Designation. The upper limit of 28 units/acre would allow as many as 91 total units to be built on Monte Vista Avenue, or 18 more units (an approximate 25% increase) than currently exists on Monte Vista Avenue.

Given that many of the buildings on Monte Vista are 40 plus years old, the increase in density allowed with the High Density Residential land use designation, combined with multiple-family development being permitted “by-right” could motivate owners on Monte Vista Avenue to rebuild the multi-family homes or add residential units to existing structures. If property owners on Monte Vista Avenue chose to do so, the City’s discretion would be limited to Design Review.

Three Story Height Potential

One final difference between Medium and High Density Residential worth consideration is the maximum allowable height for structures. The Medium Density Residential zoning district has a 30 foot height limit while High Density Residential allows a maximum

height of 35 feet. The 35 foot height in High Density Residential could accommodate a three story structure, while a majority of the current development on Monte Vista is currently two stories. The increased height of a third story should be considered in discussing increasing the allowable density on Monte Vista Court. As mentioned previously, existing neighboring development is predominantly single family homes that are two stories in height.

RECOMMENDATION:

Staff recommends that the Planning Commission discuss and provide staff direction regarding modifying the land use designation for the 11 properties on Monte Vista Avenue from its current designation of Medium Density Residential, to High Density Residential.

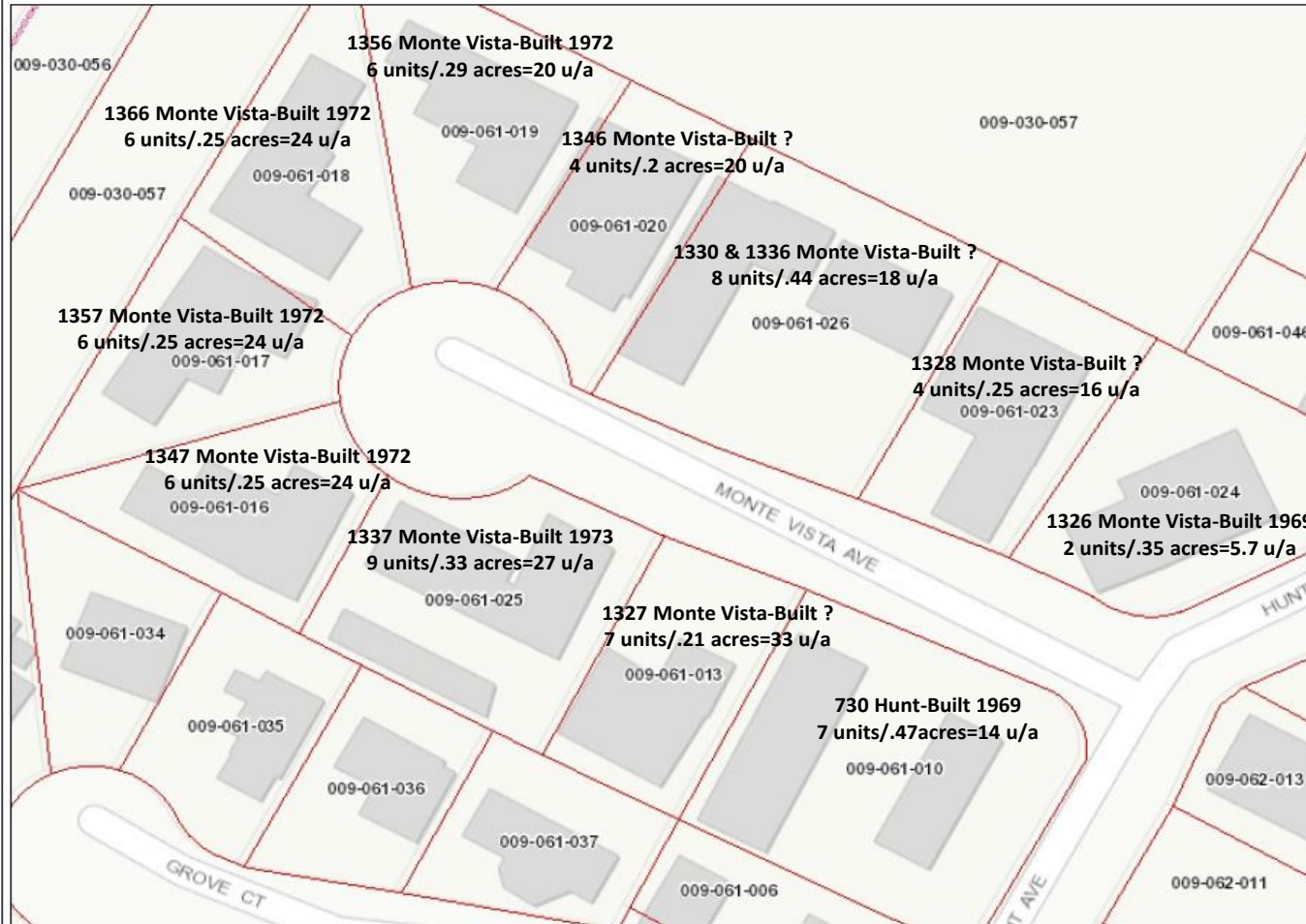
Ultimately, when the General Plan and Final EIR are brought before the Planning Commission for a recommendation to the City Council, the Commission will make a formal recommendation to City Council on this issue as well as the other issues reviewed and discussed at previous General Plan Study Sessions.

Attachments:

- A. Land Use Designations from the April 2016 General Plan with Monte Vista Avenue highlighted.
- B. Staff Prepared Density Analysis for Monte Vista Avenue



City of St. Helena-Monte Vista Avenue



Legend

- Urban Limit Boundary
- Parcels
- County Boundary

Notes

Disclaimer: This map was prepared for informational purposes only. No liability is assumed for the accuracy of the data delineated hereon.

This map was printed on 8/17/2016



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May 17, 2016

Sarah Parker, Chairperson
St. Helena Planning Commission
1480 Main Street
St. Helena, CA 94574

Re: Comments On April 2016 Draft General Plan

Dear Chairperson Parker:

Having reviewed the April 2016 draft of the new General Plan, we wish to share with the Planning Commission a number of comments regarding the Land Use and Growth Element of the General Plan. While this Element appears to be very comprehensive, the omission of any discussion of the Hunter Parcel is quite glaring. To use a colloquial phrase, the General Plan has ignored the "elephant in the room." For at least a decade, the Hunter Parcel has been one of the most controversial pieces of property in the City, and has been the subject of several lawsuits (see e.g. *Living Rivers Council v City of St. Helena*, 2008 WL 217996; *Amendola et al. v. City of St. Helena*, (2009) Napa County Superior Court Case No. 26-47807). The Hunter Parcel is part of the historic floodplain that has witnessed at least 27 major floods since 1862. While the property has been designated for possible residential uses for some number of years, no residential units have been constructed on the site. Today, part of the property is a vineyard and part is open space.

As you know, the City seriously considered re-designating this land as Agricultural in 2009-2011 (see Staff Report dated September 13, 2011). A copy of the proposed land use map/zoning showing the Hunter Parcel outside the Urban Limit Line with an Agricultural designation is attached (see "Proposed Land Use B," an exhibit to Staff Report dated September 13, 2011). In approximately February 2015, the Hunter Parcel was removed from the list of Key Housing Sites in the Housing Element (see February 24, 2015 draft Housing Element Update 2015-2023). While the Hunter Parcel is not specifically discussed in the April 2016 draft General Plan, Figure 2.8 on page 2-23 clearly shows that the western portion of the parcel is proposed to be designated Low-Medium Density (a new designation), while the larger eastern portion of the parcel is proposed to be designated as Medium Density.



The property owned by the City on the other side of the levee has been designated as Open Space. These designations are different from those in the September 2015 draft General Plan, where the City's property and the eastern portion of the Hunter Parcel were designated as Low-Medium Density and the western portion was designated as Medium Density (Figure 2.1). As discussed below, the Hunter Parcel should be re-designated Agricultural in the General Plan in order to comply with Measure A and the conditions attached to the state and federal funding received by the City to construct the Flood Control Project.

The changes in the land use designation of the Hunter Parcel from the September 2015 draft General Plan to the April 2016 draft General plan are not explained. Nor is the decision to permit Medium Density housing to be constructed on the eastern portion of the parcel. These designations will create serious legal issues regarding the City's compliance with Measure A, as well as other state and federal funding sources. Moreover, the designations will facilitate the destruction of agricultural land despite the draft General Plan's strong emphasis on the need to preserve agricultural land – even in urban areas. Among the "Growth Strategy Principles" set forth on Page 2-21 of the draft General Plan is the following: "Preserve agriculture, green and open space within the ULL to ensure the City maintains a rural and small town character with sufficient 'fingers of green', particularly in light of St Helena's longstanding significant inadequacy of park land." The Medium Density designation of the eastern portion of the Hunter Parcel and the Low-Medium Density designation of the western portion are in conflict with the requirements of Measure A and the conditions imposed by other state and federal funding sources, and they are inconsistent with the General Plan's goal of preserving agricultural land. These designations also fail to account for – and mitigate – the lack of parks in the City, a serious deficiency noted in the General Plan that will only be exacerbated by permitting a park-less subdivision to be constructed on the Hunter Parcel. As stated in "Understanding The Basics Of Land Use And Planning" published by the Institute for Local Government (2010):

The text of the general plan must be consistent with accompanying maps and diagrams. For example, if the text of the general plan includes a policy of conserving prime farmland while at the same time a map designates all or most of the existing farmland as an area for housing development, the plan would be internally inconsistent (page 16).

Here, although the draft General Plan repeatedly trumpets the City's commitment to preserving agricultural lands – even within the Urban Limit Lines (page 2-21) - it inconsistently sanctions ripping out the existing vineyards and covering the open space in the Hunter Parcel with asphalt and housing units (Figure III-4 Hunter



Subdivision Project EIR). Especially in light of the City's construction limit of nine new market-rate houses in St. Helena per year, as well as the recent designation of adequate Key Housing Sites in the Housing Element, there is no demonstrable public need that would justify allowing a developer to destroy agricultural land to erect a subdivision that will increase the demand for City services - at a time when the City cannot even properly maintain existing roads, facilities, and public buildings.

In addition to failing to deal in a meaningful way with the critical issues involving the Hunter Parcel and the need to preserve agricultural land and open space, the draft General Plan completely ignores the enormous financial risks to the City if development is allowed behind the levee. The plans put forward by the developer for subdividing the landside of the levee pay no attention to recent studies warning of the dangers of building housing and other structures behind levees, including a recent study by a U.C. Davis expert on levees. (Professor Nicholas Pinter, see article in *Environmental Science & Policy*, February 2016, summarized in "Behind The Levee: Flood Risk Can Be Higher With Levees Than Without Them," <https://www.ucdavis.edu/news/behind-levee>). As noted in the U.C. Davis summary:

You don't take largely undeveloped floodplain, build a big wall and then build billions of dollars of new infrastructure behind it. The beneficiaries of such projects are the developers and the local tax base, but residents, the state, and U.S. taxpayers are left with a Pandora's box of residual risk and liability. . . .

The scientists modeled four flood conditions – 2-year, 5-year, 100-year and 400-year levels – with and without levees. Levee failures were also modeled. The study included floodplain land excluded from flood hazard maps because it is behind levees accredited by the Federal Emergency Management Agency. The researchers noted that excluding such lands underestimates the actual flood risk nationwide.

Because levees raise flood levels in surrounding locations, they are known to export flood risk from one set of floodplain residents to their neighbors.

Ignoring the risk of levee failure is a blueprint for disaster, and the liability for a disaster such as a failure or breach of the levee belongs to the City, which can ill afford the massive damages that would be involved. See e.g. California Water Code, section 12748.3.

Additionally, the draft General Plan is deficient because it ignores the City's potential liability for misuse of Measure A funds and other state and federal flood control funds if it allows development of the Hunter Parcel. The Hunter Parcel must be re-designated Agricultural in order to comply with Measure A, and the conditions imposed by state and federal funding sources used to finance the levee. This should



be spelled-out fully in the General Plan because the City's ability to meet the objectives of the General Plan will be severely impacted if the City is required to repay all or part of the Measure A sales tax revenues it has received (and still is receiving) by allowing a subdivision to be constructed on the Hunter Parcel. The City also will be severely impacted if it has to defend litigation by taxpayers or respond to inquiries and audits by state or county agencies (see e.g. California Gov. Code section 8546.10 – the High Risk Local Government Agency Audit Program effective July 1, 2015). Measure A prohibits the City from using Measure A funds to increase "growth" in the City; the funds can be used only to protect the property and structures that existed *before* the Flood Plan was implemented. Thus, Measure A states:

None of the projects in the Plan are intended or designed to encourage population growth in Napa County. (Section 2. Findings)

The components of the Plan that involves the rest of the County (other than the City of Napa) must include the following projects which are designed to protect against flooding, improve water reliability for the existing Napa County population as of the effective date of this Ordinance. None of these projects are intended or designed to expand water capacity for growth or new development. (Section 8. Approved Projects: County-Wide Flood Protection and Watershed Improvement Projects Not Involving the City of Napa)

The use of Measure A funds to design a levee in a way that will facilitate the construction of a new housing subdivision behind the levee is not permitted. Measure A also requires the City to comply with the principles set forth in the Napa River Watershed Owner's Manual. Destroying vineyards and open space to build a subdivision on a historic floodplain behind a levee does not comply with these principles (see e.g. Section L. Land Use: "Streets, roofs, parking lots and driveways all add to the amount of impervious surfaces that do not allow rainfall to percolate into the groundwater"). Constructing a subdivision on the Hunter Parcel will simply increase the amount of rainwater that runs off into the Napa River instead of percolating into the groundwater.

Unfortunately, there is considerable evidence that could bring into question the City's compliance with Measure A with respect to the Hunter subdivision project. Based on the Report to the City Council from the Finance Director and Grants Manager (and approved by the City Manager) on January 26, 2016, it appears that the City is "working closely with the Napa County Auditor-Controller to provide all detailed documentation for all past drawdowns, contract amendments for future drawdowns and ensuring full compliance." While the meaning of this statement in the Report is unclear, one could infer that the City has not fully and timely reported its use of Measure A funds in the past. Such an inference would not be unreasonable



given the City's repayment of \$1.9 million of Measure A funds that could not be justified.

There are also serious questions that could be raised about the City's compliance with the Brown Act in connection with its closed-door sessions on the levee and the development of the Hunter Parcel.

We are mindful of the requirements of the Housing Accountability Act (Gov. Code § 65589.5), but note that the tentative subdivision map submitted by the developer's representatives and deemed complete by the Planning Department staff on March 28, 2011 was submitted prior to the completion of the Flood Control Project at a time when the Hunter Parcel was still within FEMA's 100 year floodplain. The FEMA floodplain map was not updated until 15 months later on November 5, 2012. Thus, it appears that the Hunter Subdivision Project was subject – and continues to be subject – to all federal, state and local restrictions on new construction on a 100 year floodplain.

We understand that an application for a vested tentative map for the Hunter Subdivision Project may be pending. Such an application can and should be denied pursuant to Government Code section 66498.1 (c)(1) and (2), which provides:

(c) Notwithstanding subdivision (b), the local agency may condition or deny permit, approval, extension, or entitlement if it determines any of the following:

- 1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.
- (2) The condition or denial is required in order to comply with state or federal law.

The City should instruct the Planning Department to deny the application for a vested tentative map in order to comply with Measure A and other state and federal funding sources, and in order to prevent placing residents of the subdivision and the community "in a condition dangerous to their health or safety, or both.

Given all of the circumstances described above, we feel strongly that the City should take the following actions, and make appropriate amendments to reflect these actions in the draft General Plan:

1. Deny approval of the Hunter Subdivision Project pursuant to the Housing Accountability Act on the ground that at the time the subdivision map was deemed complete by the Planning Department staff on March 28,



2011, the Hunter Property was located on a 100 year floodplain and construction of residential housing was restricted.

2. Additionally, deny approval of the Hunter Subdivision Project pursuant to the Housing Accountability Act, and make the following specific findings: (1) the Project has a specific adverse impact on public health and safety, namely, approval of the project would violate Measure A and other state and local funding sources for the Flood Control Project, and would subject the City to large potential liabilities for repaying the Measure A and other state and federal funds it received to construct the levee, which could exhaust City funds and prevent the City from continuing to provide essential services needed for public health and safety including adequate police and fire protection and other essential services; and (2) there is no feasible method to mitigate or avoid the adverse impact that could arise from approval of the Project;

3. Additionally, deny approval of the Hunter Subdivision Project pursuant to Subsection (d) of the Housing Accountability Act (Gov. Code § 65589.5(d)) and make the following specific findings: (1) The City has met its RHNA for the Housing Element Period; (2) as noted above, there would be a specific adverse impact on public health or safety that cannot be feasibly mitigated; and (3) denial is required to comply with Measure A and other state and federal requirements on the use of flood control funds;

4. Amend the draft General Plan to place the Hunter Parcel outside the Urban Limit Line, as it was in the land use map/zoning exhibit to the September 13, 2011 Staff Report (referred to above). Thus, the new Urban Limit Line should run along the property lines of the existing houses, Hunt's Grove Apartments, and Vineyard Valley that border the Hunter Parcel;

5. Amend the draft General Plan to re-designate the Hunter Parcel as Agricultural in accordance with its current use as a vineyard and the strong preference expressed in the draft General Plan for preserving existing agricultural land; and

6. Amend the draft General Plan to list the Hunter Parcel as Agricultural on the "General Plan Change Areas" on pages 2-22 and 2-24 of the draft General Plan.

Among the reasons for making the suggested findings pursuant to the Housing Accountability Act and the suggested amendments to the draft General Plan are the following:



1. Re-designating the Hunter Parcel as Agricultural would be consistent with the requirements of Measure A, which the City likely will be breaching if it allows a new residential subdivision to be built behind the levee. By classifying the Hunter Parcel for residential development, the City exposes itself to the argument that it misused Measure A funds (and possibly state and federal funds as well) to promote growth and the building of new structures behind a levee, rather than protecting *existing* structures and property. The timeline of events surrounding the closed-door land deal, the design of the levee, the date of the request for proposal for the Flood Control Project, the construction and completion of the levee, and the announcement of the proposed 87-unit residential project on the Hunter Parcel logically could lead to the conclusion that the levee project was approved by the City with the intent to allow for growth of new homes behind the levee.

On the other hand, by moving the Urban Limit Line and designating the Hunter Parcel as Agricultural – consistent with what was proposed as early as April 2009 - the City would be able to demonstrate through the General Plan its intent to abide by the letter and spirit of Measure A.

2. Measure A is an extremely serious issue – one that needs to be addressed head-on and in a public session. The City already has received approximately \$18 million in Measure A funds. Anyone who has walked the levee cannot help but wonder why a lengthy levee running perpendicular to the river and cutting across the floodplain was constructed, when alternative measures would have provided more protection to *existing* property and structures, including those on Fulton Lane (see e.g. “Fulton Lane Residents Still Worried,” Napa Valley Register, November 1, 2007; City Council Minutes, December 9, 2008). It can be argued that the closed-door deal struck by the City and the developer in 2008 primarily promoted the prohibited objective of new housing growth behind the levee at the expense of protecting the existing housing and property of other residents.

3. Another troubling fact is that the City Council paid the developer \$325,000 to settle a suit alleging that the City had failed to use the dirt excavated from the flood control project to construct a building pad on his property. Of course, a building pad would not have been needed unless there was an intention to build new housing behind the levee. *This settlement was paid out of Measure A funds and was approved in a closed session of the City Council on December 19, 2012.*

4. Even more troubling from the standpoint of Measure A is the land swap deal that was agreed to by the City and the developer. In October of 2008 the City Council voted for the land deal *in a closed session*. After accusations



were made to the Napa County District Attorney that the Brown Act had been violated, the City Council rescinded the deal at its December 2008 Council meeting but then went ahead and re-approved the deal in an open session at the same meeting. The request for proposal for the levee was released the following month in January 2009. A contractor was approved by the City Council in April 2009, and a start date for the project was set for June 2009. The levee was completed two years later in June 2011. Well before completion, however - in September 2010 - the developer submitted a tentative map for a subdivision behind the levee.

5. The dealings between the City and the developer during this time period were anything but transparent. The Napa Valley Register reported on November 24, 2008 that "during years of closed-door negotiations" the City agreed on a land swap plus the payment of \$899,500 to the developer. The Planning Commission was not allowed to play a role in the decisions that were made behind closed doors. Apparently, these closed-door negotiations went on for over two years (see Napa Valley Register, December 4, 2008).

6. An important case dealing with the implications of closed-door sessions is *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172. In that case, Malibu had disapproved the developer's final subdivision maps, and the developer sued. Malibu then made a deal with the developer under which it would approve one of the maps, and exempt a downsized version of the development from certain zoning restrictions. In exchange, the developer agreed to drop the lawsuit and dedicate three-fourths of the acreage to the city. This deal was approved by the city council in a closed-door session. The appellate court held that the deal was invalid and that the closed-door session violated the Brown Act – even though the agreement included a settlement of litigation. *Trancas* at 175. Obviously, this case has very significant implications for the Hunter Parcel dispute. First, under *Trancas*, a city cannot contract with a developer to restrict the application of zoning laws or other ordinances applicable to property. This means any deals allegedly made by the developer and the City behind closed doors as part of the land swap deal are unenforceable. Second, under *Trancas*, the Brown's Act's "implied exception for adoption of litigation settlements in closed session does not embrace such agreements as provide for governmental decisions without legally required public hearings" *Trancas* at 187. Thus, it is very clear that any agreements the developer may have negotiated with the City with respect to developing the Hunter Property during the closed-door sessions with the City are invalid and unenforceable.

7. We are aware that the developer has claimed a "vested interest" in the zoning of the Hunter Parcel. While the developer may or may not have



certain rights under the Housing Accountability Act, the developer does not have “vested rights” or the right to claim that the City is “estopped” from denying approval of the Hunter Subdivision Parcel. California law is crystal clear that a developer has no vested interest in the designation or zoning of property unless and until a building permit has been issued, and the developer has performed substantial work and incurred substantial liabilities in good faith reliance on the permit. *Avco Community Developers, Inc. v. South Coast Regional Commission* (1976) 17 Cal.3d 785. As stated by the California Supreme Court in *Avco*: “. . . neither the existence of a particular zoning nor the work undertaken pursuant to government approvals preparatory to construction of buildings can form the basis of a vested right to build a structure which does not comply with the laws applicable at the time a building permit is issued.” *Avco* at 793. Numerous California cases have followed *Avco*, such as: *Raley v. California Tahoe Regional Planning Agency* (1977) 68 Cal.App.3d 965; *Billings v. California Coastal Commission* (1980) 103 Cal.App.3d 729, 735; *South Central Coast Regional Commission v. Pratt Construction Co.* (1982) 128 Cal.App.3d 830; *Blue Chip Properties v. Permanent Rent Control Board* (1985) 170 Cal.App.3d 648; and *Consaul v. City of San Diego* (1992) 6 Cal.App.4th 1781. The cases also make clear that a refusal by the City to approve the Hunter Subdivision Project in accordance with the Housing Accountability Act and/or CEQA does not constitute a “taking” of private property by the City, since the land can be used for agricultural purposes. See *Lakeview Development Corporation v. City of South Lake Tahoe* 915 F.2d 1290 (9th Cir. 1990) [restrictions on development did not constitute a “taking” or deprive developer of his property without due process].

8. Particularly instructive is the decision of the California First District Court of Appeal (the appellate court that hears appeals from Napa County) in *Toigo v. Town of Ross* (1998) 70 Cal.App.4th 309. The property owners in that case sued the Town of Ross when the Town refused to grant an application to build a five lot residential subdivision on a hillside property. The property owners sued the Town, asserting estoppel and regulatory taking claims. They lost in the trial court and appealed. The Court of Appeal upheld the decision of the trial court. The appellate court rejected the property owners’ claims of estoppel. According to the appellate court, a property owner “. . . faces daunting odds in establishing estoppel against a governmental entity in a land use case,” and “estoppel can be invoked in the land use context in only ‘the most extraordinary case where the injustice is great and the precedent set by the estoppel is narrow.’” *Toigo* at 321. The appellate court cited the California Supreme Court’s decision in *Avco* and noted: “Courts have yet to extend the vested rights or estoppel theory to instances where a developer lacks a building permit or the functional equivalent, regardless of the



property owner's detrimental reliance on local governmental actions and regardless of how many other land use and other preliminary approvals have been granted." *Toigo* at 322. The appellate court also said that "California courts apply this rule most strictly" and referred to the "rigidity of the 'building permit' rule." *Toigo* at 322.

It seems very clear that there is huge financial risk to the City if it allows the Hunter Subdivision Project to go forward, including the possibility of litigation by residents and sales tax payers who object to the misuse of Measure A funds and the closed-door deals with the developer. On the other hand, we believe the risk that the developer could *successfully* sue the City for changing the Urban Limit Line and changing the designation of the property to Agricultural and/or rezoning is relatively low if the City complies with the Housing Accountability Act and makes the appropriate findings required by that Act. Of course, CEQA may provide additional grounds for not approving the Project.

To do nothing – and simply "kick the can" down the road – is not really an option. The current members of the City Planning Commission and the City Council need to take a strong stand in favor of full compliance with Measure A and the requirements of other state and federal funding sources, such as the Department of Water Resources. Too much is at stake to do otherwise. The City should be careful not to ratify or condone the mistakes made by former City officials with respect to the Hunter Parcel. The levee has been constructed – for better or worse – but the Planning Commission and the City Council should not put the City at financial risk by approving the Hunter Subdivision Project. There are no upsides, only downsides. The City can win a suit by the developer; it cannot win a suit by its own residents and taxpayers, nor can it withstand an audit by local, state or federal agencies if it allows construction of the Hunter Subdivision Project to proceed. In our view, the Hunter Parcel should be re-designated as Agricultural in the General Plan and the City should refuse to permit the construction of housing behind the levee.

Thank you for your consideration of these comments and suggestions.

Respectfully,

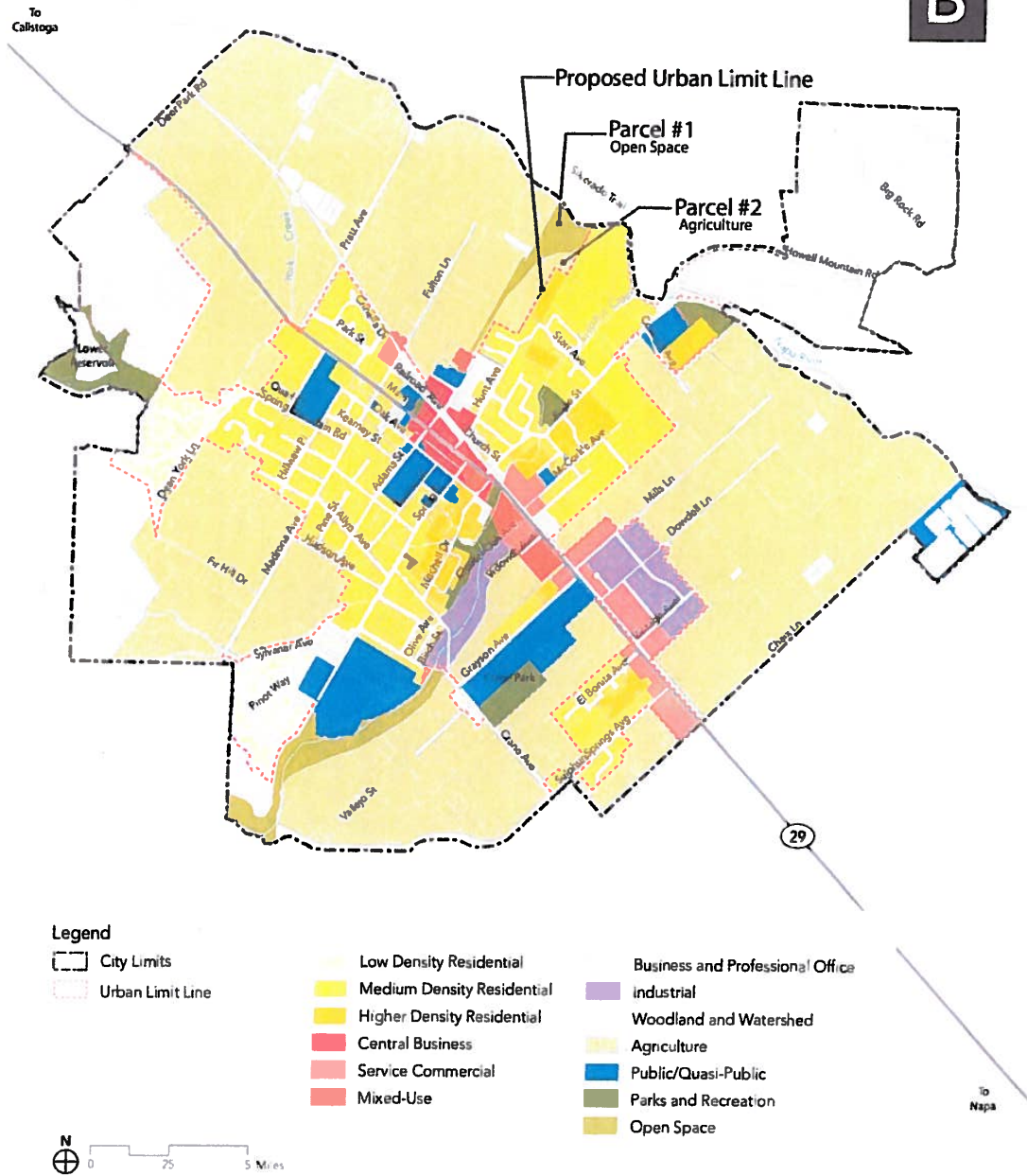
A handwritten signature in blue ink, appearing to read "David S. Bradshaw".

David S. Bradshaw

cc: Planning Commission Members
Mayor
Planning & Community Improvement Director

Proposed Land Use

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Public Comments Before the St. Helena Planning Commission

Victoria Bradshaw
May 3, 2016

Thank you for the opportunity to speak this evening. My name is Vickie Bradshaw and I am a resident of St Helena.

The issue I would like to address is related to the Draft General Plan section on Land Use, specifically as it relates to the development project frequently referred to as the Hunter Subdivision Project. I recognize this has become a controversial subject, which is part of the reason my husband, David, and I have spent so much time and effort trying to figure out exactly what has happened. As a result, we have read the Draft General Plan and the draft EIR on this project. We have read all of the minutes from City Council and Planning Commission meetings since as far back as the minutes go on this subject. We have read the 2008-2009 Grand Jury report, recent scientific research on the subject of levees, relevant court cases, staff reports, newspaper articles and other pertinent documents. We recognize, of course, that most of the people currently on the Planning Commission and the City Council were not involved in the events that started before 2008.

After doing all of this research, it became apparent to us there is one issue that has not been discussed in public and in any comprehensive manner by either the Planning Commission or the City Council. That issue is a complete analysis of the potential economic liabilities to the City associated with building homes on the land-side of the St Helena levee, as well as the fact these liabilities could be eliminated or significantly reduced simply by rezoning this 16.9 acre Hunter parcel to agriculture land.

The original land swap deal and alleged commitments made by the City Council to the developer were not part of a transparent process, were found to be in violation of the open meeting Brown Act by the Napa County District Attorney, were not subject to any input from the Planning Commission and did not allow for any meaningful public comment or public scrutiny. There may have been a good reason for this during the two-year period of time the negotiations with the developer took place, but the result is that everything coming from those closed-door non-public actions should be now subject to heightened public scrutiny. This would include any form of communication between the developer, his attorneys or his staff that helped focus the design and placement of the levee, behind which he now proposes to build 87 residential units. The issue of the construction of the levee and the

building of homes on the land-side of the levee are basically intertwined subjects, as are the associated economic liabilities.

The first potential economic liability to the City involves whether or not the levee was in anyway designed and subsequently constructed to allow the building of homes on the land-side of the levee. If so, an argument could be made that public monies were spent to benefit a developer by increasing the value of the developer's property, rather than to benefit the general public. The argument would continue that the protection of existing structures and homes may have been compromised to allow growth through new housing construction on the land-side of the levee. The lawsuit by the Fulton Lane residents to stop the building of the levee is just one indication that not all existing structures may have benefited from this specific levee design or may even have been sacrificed to benefit the interests of a private developer. The lack of transparency in the original land deal could make this particular issue even more problematic for the City.

The second, and potentially the most significant economic liability to the City, is if the levee was designed with the idea of allowing growth on the land-side of the levee -- then the City may be in violation of Measure A, which states the following under Section 2:

"None of the projects in the Plan are intended or designed to encourage population growth in Napa County. All of the projects are for flood protection, preserving ground water integrity, reducing sediment in the Napa River system, and for maintaining the reliability of the water supply for the existing Napa County populations on the effective date of this Ordinance."

Under Section 8, Measure A requires:

"The component of the Plan that involves the rest of the County must include the following projects which are designed to protect against flooding, improve water quality, preserve the integrity of ground water resources and/or stabilize water supply reliability for the existing Napa County population as of the effective date of this Ordinance. None of these projects are intended or designed to expand water capacity for growth or new development."

In addition, under Section 9, Measure A requires:

"Informing the public if there is an expenditure of the Flood Protection Sales Taxes that will be generated as a result of the approval of this Ordinance by the Authority and the electorate, which is inconsistent with the purpose and intent of this Ordinance."

In a letter requesting a Measure A reimbursement for \$2.5M for the period of 2009-2010, the Finance Director for St Helena certified that "this project is not intended or designed to expand water capacity for growth or new

development." This request included reimbursement for services that were integral to the building of the levee.

The timing of the land swap deal, the timing of the levee design and construction, the timing of the letting of the RFP for the levee, the levee design itself, the current subdivision projects' timeline milestones, statements by the developer or his representative that alleged commitments were made to him about building behind the levee by City Council Members at the time of the land swap deal, and the City Council and Planning Commission discussions on these subjects could easily lead a neutral party to the conclusion that the levee was designed, in whole or in part, to provide for growth and not simply for the protection of existing homes and structures. The language of Measure A is clear that the residential growth concept currently being considered by the City on the 16.9 acre land-side parcel is entirely inconsistent with Measure A.

If the current development proposal is approved, the City will be exposing itself to litigation regarding its expenditure of Measure A funds on the design and construction of a levee project to facilitate development of property behind the levee. It would be very unfortunate if St Helena found itself having to repay all or part of the Measure A monies, which we believe are now close to \$18M. This would be in addition to all the other financial damage this levee project has already inflicted on the City's finances.

The third potential economic liability to the City involves the levee project itself. There is no one who could describe it as a model public works project. It has put the City finances completely upside down for years now and potentially until the year 2028. The City has had to hire a forensic accountant just to figure out where the public funds were spent. And if those funds can't even be accounted for properly, it shouldn't give anyone any confidence that anything else on this project was done correctly.

I happen to know a little about public works projects, since I was the Secretary of Labor and Workforce Development for the State of California, which oversees public works enforcement and makes the determination of whether or not a project is, in fact, a public works. Among other things I have also been the Deputy Chief of Staff and Cabinet Secretary to two California Governors. So I have been involved in most of these public policy issues for a very long time.

If it can be shown that public monies were spent for the purpose of increasing the value of a private development, there is a distinct possibility this subdivision proposal could be determined to be a public works project. If

this is even remotely a possibility, it would behoove the City to find out ahead of time, in order to avoid these additional problems and potential liabilities.

The **fourth** potential economic liability to the City deals with life and property safety issues and the City's financial responsibility in the event of a 100-year flood or in the event of a levee breach or failure. We've heard that some people rely on the fact that "lots of cities build homes behind levees" as a justification for why St Helena should do the same. But that hasn't worked well for a lot of those cities and not just because the levees were old. Building behind levees is not without its risks and even FEMA believes this is the case, otherwise they wouldn't be strongly recommending flood risk disclosures and flood insurance for all homes built behind this levee. The financial liability of such an event could literally bankrupt St Helena.

There also has been a significant amount of scientific research done on this very subject, and one important study by a UC Davis expert on levees was just published this past February. The upshot of that research is that levees should only be built to protect lives, to protect property and to protect EXISTING structures. Levees should not be built to promote growth.

The bottom line is there is more than enough potential economic liability for the City to stop and take a renewed look at the serious risks of a breach or failure of the levee, as well as the occurrence of a major storm. We know that there have been 27 major floods in our area in the last 150 years. So, the ultimate question for every member of the Planning Commission and the City Council is, do you feel so confident that this levee will never fail or breach so that you would be willing to gamble the entire financial future of the City of St Helena on it, just so we can have a housing development on this particular parcel of land? I don't know anyone who would take that bet.

In conclusion, this parcel needs to be rezoned as agricultural land in the General Plan and it needs to be done now. We don't need this proposed subdivision and, far more importantly, we can't afford it. The economic downside of this project may put the City in financial jeopardy for decades to come, which is not what any of us wants. This discussion can no longer be held only in closed door sessions with the result that the public has no ability, whatsoever, to express an opinion or to know what is going on. That is exactly how we got in this mess in the first place.

Thank you for your patience and consideration.

SHUTE, MIHALY
& WEINBERGER LLP

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ELLISON FOLK
Attorney
folk@smwlaw.com

April 15, 2016

Via E-Mail and U.S. Mail

Members of the St. Helena Planning Commission
City of St. Helena
1480 Main Street
St. Helena, California 94574

Re: St. Helena General Plan Update: Land Use and Tourism Management
Issues

Dear Members of the Planning Commission:

This firm represents Citizens Voice St. Helena ("Citizens Voice") and submits these comments on the proposed General Plan Update on its behalf. Citizens Voice reserves the right to submit additional comments on the draft and to submit comments on the City's environmental review of the draft General Plan at a later date.

Citizens Voice has reviewed the draft General Plan and believes that it ignores residents' concerns about tourism and the potential loss of the authentic rural character of our community. Specifically, the second paragraph of 2.2 Community Development Framework, incorrectly suggests that the phone survey conducted for the 1993 general plan update indicated the only major concern of St. Helena citizens was general growth. See General Plan Update at 2-4. The draft ignores and obscures the fact that tourism was and is another primary concern of St. Helena residents, even to such an extent that in 1993 it inspired its own Tourism Management Element.

In fact, the 1993 General Plan states that "[t]he Tourism Management element is not a State-mandated General Plan Element, but has been included because of the significant impact that tourism plays in the life of this community." 1993 General Plan, Tourism Element at 3-1. The 1993 General Plan continues, "[t]ourism is not an isolated phenomenon. Its effects are experienced in many different arenas, including traffic, recreation, public services, land use (e.g. reduction in the number of local serving businesses) and community design." *Id.* And finally, "[t]he majority of the citizens of St. Helena believe that tourism has provided more benefits than drawbacks, but also believe that additional tourism-related development would detract from their general

Members of the St. Helena Planning Commission
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 Page 2

quality of life. This view of tourism is a fundamental element of the entire General Plan, i.e., additional tourism-related development should be discouraged.” *Id.* at 3-2.

The population of St. Helena has barely changed over the last 16 years (a net increase of only 38 people from 2000 to 2014).¹ Therefore it should be apparent that population growth is not the sole focus of citizen concern. Rather, as in 1993, residents remain anxious about ever increasing tourism. The 1993 General Plan also stated that, “[w]hile most of the residents of St. Helena recognize the economic significance of the tourist industry, they also believe tourism has substantial associated costs, particularly as it impacts the character of the community.

The tension between our rural community and the pressures of increasing tourism continues to be a topic of concern for St. Helena residents. Polling in 2007 for this updated 2035 General Plan suggests that the majority of citizens believe St. Helena remains, at heart, a small rural community and not a tourist-oriented town. *See* St. Helena General Plan Update, Visioning Statement Development, Summary of Top Issues of Disagreement, attached as Exhibit A. Sixty-four percent of respondents called St. Helena either a wine country village, a rural agricultural center, or a rural residential community. *Id.* at 3. Less than a third identified St. Helena as “tourism-oriented.” *Id.* Seventy-eight percent felt the increase in visitor-related traffic was unacceptable. *Id.* at 4. Fifty-seven percent disagreed that market forces rather than city government should control visitor related growth and that managing tourism to the benefit of residents and the quality of the town, as a whole is important. *Id.* at 2.

As such, Citizens Voice believes the sentiments expressed in that 2007 poll, which are barely acknowledged in the current draft, must be reflected in the final 2035 General Plan. Citizens Voice offers the following suggested revisions² to be adopted with the City’s proposed revisions:

2-2 Community Development Framework

The increasing pressures ~~to grow of growth and increasing tourism~~ caused serious concern in the community back in the 1970’s, and resulted in a Growth Management System in the late 1970’s, and a Tourism

¹ Compare QuickFacts, St. Helena, California, U.S. Census Bureau, available at <http://www.census.gov/quickfacts/table/PST045215/0664140,22091,00> with City of St. Helena, Bay Area Census, available at <http://www.bayareacensus.ca.gov/cities/StHelena.htm>.

² Underline indicates an addition, strikethrough indicates a deletion.

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Management Element in the 1993 General Plan. At that time, public workshops and a phone survey conducted for the 1993 General Plan Update indicated that the principal land use concerns was were the rate of growth of the city and that additional tourism development and its negative consequences would detract from their quality of life. The community was generally concerned that there would be a loss of charm and beauty, increased traffic conditions and an inadequate water supply. For the 2035 GENERAL PLAN Update, a phone survey, Town Hall meetings and mail-in survey were conducted and the community still highlights all these concerns - increased traffic, inadequate water and preservation of small town character. Therefore, the City should follow the long-standing philosophy that growth and tourism in St. Helena should be carefully managed, and that each of these decades-long public concerns are adequately addressed in future land use determinations.

Draft Update at 2-4.

2.4 Goals

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

Manage and Maintain Community Character.

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

Draft Update at 2-28.

The purpose of the following changes is to offer tools to the City Council and Planning Commission to maintain some control over the types of business that will complement the rural character of St. Helena and not negatively impact the lifestyle of the town's residents or existing business community. Polling in the General Plan Update Visioning Statement suggests that allowing the marketplace, rather than city government, to decide what kinds of businesses will best serve St. Helena, contradicts what the majority of residents believe will sustain the quality of life that originally attracted them (as well as tourists) to our city.

LU3.C Encourage diversity and give preference to local-serving retail services which do not require a consumer base larger than the population of

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St. Helena and its vicinity. For the purposes of the General Plan, "vicinity" is defined as the surrounding agricultural area for which St. Helena has historically provided goods and services, including Calistoga, Angwin, Deer Park, Meadowood, Madrone Knoll, Rutherford and the unincorporated area south of St. Helena.

Draft Update at 2-38.

The object of the following revisions is to give preference when possible to local-serving businesses applying for permits in St. Helena. Local-serving is redefined more broadly to make it easier for existing and new businesses to comply. Citizens Voice believes absentee ownership and a low-wage salesforce diminish St. Helena's charm and character. Chain stores as defined below are unlikely to be locally owned or staffed, will not complement existing stores, and will create a generic suburban feel that conflicts with the small town rural character that appeals both to tourists and locals. There are times when preservation and progress are the same thing.

ES1.B Update the Municipal Code to encourage diversity and give preference to local-serving businesses that are complementary to St. Helena's small-town character and that provide goods at a range of prices. Local serving should be defined not only as offering goods and services appropriate to the citizens of the St. Helena vicinity, but also as businesses with owners and/or staff actively participating in the community. Update the Municipal Code to define and permit prohibit non-chain, discount-type retail services and stores. Chain stores should be defined as any business having multiple commercial properties with the same ownership and name which is required by contractual or other arrangement to provide any of the following: standardized merchandise, similar architectural design, interior décor, signage, display or marketing materials and techniques. Maintain the existing provisions in the Municipal Code that prohibit formula restaurants, outlet and chain discount-type stores, and retail businesses over 10,000 square feet in size.

Draft Update at 3-11.

ES2.1 Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities. Promote policies that facilitate and encourage this type of sustainable economic development, but prohibit any visitor serving activity, which would compromise the quality of life for St. Helena

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residents. Although a proposed visitor-serving use may be economically beneficial to the City, it should not be approved if it significantly impacts residents by increasing traffic, introducing visitors into residential areas, increasing noise levels, etc.

Draft Update at 3-12.

ES2.2 Encourage visitor-serving uses oriented toward a more discriminating market, consistent with the Valley's reputation as a producer of world-class wines. Discourage the introduction of uses that are dependent upon a mass tourist market or that compromise the quality of life for St. Helena residents by significantly increasing the total number of tourists.

Id.

The draft proposes eliminating the cap on the number of hotel and motel rooms in the City. Such a dramatic change of policy is unwarranted. Instead, the City should take a more moderate approach, replacing the complete prohibition on hotel growth in the 1993 General Plan with a new, increased cap along with a process for occasionally updating this cap. Most citizens believe opening the door to unlimited, or market driven, development is an unacceptable approach to maintaining the character of St. Helena. Citizens Voice's approach offers the City a way to control hotel and motel growth in a way that matches residents' desire for responsible growth.

ES2.3 Ensure a diverse mix of uses that avoids an over-representation of any particular use. ~~Remove the~~ Establish a reasonable cap on the number of hotel and motel rooms, ~~but~~ and continue to limit vacation rentals. Establish a process for periodic review and updating of the cap.

Draft Update at 3-12.

ES2.A Continue to prohibit formula restaurants, outlet and chain discount stores, chain retail stores and time-share lodging projects (~~excluding Fractional Ownership Lodging~~). Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream and do not conflict with the character of the City or negatively impact neighbors or neighborhoods. Establish a cap on the total number of such destination membership clubs

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Page 6

and other lodging options designed to contribute to the TOT revenue stream.

Draft Update at 3-13.

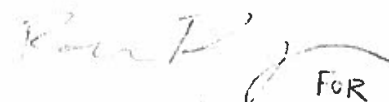
ES3.E Encourage partnerships between the City and private and/or nonprofit organizations to enhance the City's economic sustainability. Although tourism offers economic benefits, it does not come without a toll on St. Helena's infrastructure, i.e. water, sewer, roads, sidewalks, parking, additional police, fire, park maintenance, traffic and, most significantly, small town rural character and quality of life. To provide data with which to make responsible decisions regarding soliciting additional tourism, visitor-serving retail, and hotel development, the City will commission an independent third party consultant to produce a detailed cost-benefit analysis of tourism development in St. Helena and vicinity.

Draft Update at 3-14.

Thank you for the opportunity to comment on the Draft General Plan Update. Citizens Voice looks forward to continued collaboration with the City as it moves forward in the planning process. If you have any questions about our requested edits, please do not hesitate to contact me at folk@smwlaw.com or (415) 552-7272.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

Attachment: Exhibit A: St. Helena General Plan Update, Visioning Statement Development, Summary of Top Issues of Disagreement

cc: Noah Housh, Planning & Community Development Director
Jennifer Phillips, City Manager
Victor Carniglia, Planner

765634.1

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To provide greater clarity of vision, a consistent understanding of "winery," and a consistent approach toward the regulation of wineries within the City limits, we propose modifying LU 5.6. As modified, LU 5.6 will better guide winery-related development in every district in the City and help guarantee adequate protection for the residential neighborhoods and the small town character of the city.

We, the undersigned, petition against the text(s) in LU5.6 in the 2035 General Plan update by the City Council.

LU 5.6 - Current Wording

Permit wineries and other agricultural related industry to locate in the city if their location does not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

We petition to change LU5.6 to the following:

Permit wineries to locate in the city if they meet the definition of a winery or small winery. A "winery" is defined as an agricultural processing facility used for the fermenting and processing of grape juice into wine, and the re-fermenting of still wine into sparkling wine. A winery shall be sited on twenty acres or greater in size, (to ensure the protection of the quality and character of the community.) unless it meets the definition of a "small winery." A "small winery" is defined as a winery on a parcel of five acres or greater in size where the winery is an accessory use to a residential use. The residential use shall be the primary residence of the winery owner or winery operator.

Accessory uses, such as picnic areas, tasting rooms, winery offices, equipment maintenance shops, employees facilities, cooperage repair shops, wine storage tanks, scales, employee parking, winery waste treatment and/or disposal facilities may be permitted at a winery if they do not adversely impact surrounding uses or city services (water, traffic, etc.) or the quality and character of the community.

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Name/date John Felt
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wineries

Susan Kenward 246-6389

CitizensVoiceSH@gmail.com

CitizensVoiceSH.org

Citizens' Voice proposes a compromise between the 1993 and 2035 Update. We would like to see new language incorporated into the 2035 Updated General Plan before it is approved by the Planning Commission and City Council.

We, the undersigned, petition to change the following text(s) in the 2035 General Plan update by the City Council.

(2-2) The increasing pressures of growth and increasing tourism caused serious concern in the community back in the 1970's, and resulted in a Growth Management System in the late 1970's, and a Tourism Management Element in the 1993 General Plan. At that time, public workshops and a phone survey conducted for the 1993 General Plan Update indicated that the principal land use concerns were the rate of growth of the city and that additional tourism development and its negative consequences would detract from their quality of life. Therefore, the City should follow the long-standing philosophy that growth and tourism in St. Helena should be carefully managed, and that each of these decades-long public concerns are adequately addressed in future land use determinations.

(2.4) St. Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth and tourism, and ensuring that adequate infrastructure and facilities are provided.

(LU3.D) Encourage diversity and give preference to local-serving retail services which do not require a consumer base larger than the population of St. Helena and its vicinity

(ES1.B) Update the Municipal Code to encourage diversity and give preference to local-serving businesses that are complementary to St. Helena's small-town character and that provide goods at a range of prices. Local serving should be defined not only as offering goods and services appropriate to the citizens of the St. Helena vicinity, but also as businesses with owners and/or staff actively participating in the community. Update the Municipal Code to define and prohibit chain retail services and stores. Chain stores should be defined as any business having multiple commercial properties with the same ownership and name which is required by contractual or other arrangement to provide any of the following: standardized merchandise, similar architectural design, interior décor, signage, display or marketing materials and techniques.

(ES2.1) Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities. Promote policies that facilitate and encourage this type of sustainable economic development, but prohibit any visitor serving activity, which would compromise the quality of life for St. Helena residents. Although a proposed visitor-serving use may be economically beneficial to the City, it should not be approved if it significantly impacts residents by increasing traffic, introducing visitors into residential areas, increasing noise levels, etc.

(ES2.2) Discourage the introduction of uses that are dependent upon a mass tourist market or that compromise the quality of life for St. Helena residents by significantly increasing the total number of tourists.

(ES2.3) Establish a reasonable cap on the number of hotel and motel rooms, and continue to limit vacation rentals. Establish a process for periodic review and updating of the cap.

(ES2.A) Continue to prohibit formula restaurants, outlet and chain discount stores, chain retail stores and time-share lodging projects. Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream and do not conflict with the character of the City or negatively impact neighbors or neighborhoods. Establish a cap on the total number of such destination membership clubs and other lodging options designed to contribute to the TOT revenue stream.

(ES3.E). Although tourism offers economic benefits, it does not come without a toll on St. Helena's infrastructure, i.e. water, sewer, roads, sidewalks, parking, additional police, fire, park maintenance, traffic and, most significantly, small town rural character and quality of life. To provide data with which to make responsible decisions regarding soliciting additional tourism, visitor-serving retail, and hotel development, the City will commission an independent third party consultant to produce a detailed cost-benefit analysis of tourism development in St. Helena and vicinity.

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SAINT HELENA

GENERAL PLAN UPDATE

Visioning Statement Development

Summary of Top Issues of Disagreement



Phrases to Describe St. Helena

"Wine country village" and "tourism-oriented community" were each chosen by one-third of the respondents as the best phrase to describe St. Helena among four with which they were presented (34% and 32%, respectively). **GPUSC 50% & 10% respectively.**

This indicates very mixed perceptions of the town, and explain the difficulty in defining a realistic vision. New residents that haven't seen the changes tend to view the area more idyllically than long-timers.

Quality of Life

Two visitor-related businesses had roughly equivalent percentages rating them as negative and positive impacts on quality of life in St. Helena.

- ♦ "lodging" (28% negative, 25% positive) **GPUSC 50% & 30%**
- ♦ "art galleries" (30% negative, 26% positive). **GPUSC 50% & 30%**

There are clear advantages to serving a larger market area that tourism supports, and obvious uncertainty about the implications of some of these uses.

Visitor-Related Uses

The lowest level of agreement on a five-point scale ("strongly agree" to "strongly disagree") for statements about visitor-related uses was for the following statement:

- ♦ "Future development of visitor-related uses in St. Helena should be driven by market forces, not controlled by local government." (36% agreed "strongly" or "somewhat" and 57% disagreed "strongly" or "somewhat.") **GPUSC 80% disagree 20% agree**

Managing tourism to the benefit of residents and the quality of the town as a whole is important.

The two remaining statements had quite comparable levels of agreement and disagreement.

- ♦ Forty-five percent agreed that "There should be no further development of visitor-oriented uses in St. Helena," and another 45 percent disagreed. **GPUSC 50%, 20%**
- ♦ Forty percent agreed that "Future visitor-oriented uses should be limited strictly to Main Street" and 48 percent disagreed. **GPUSC all over the board**

Clearly the jury is still out on the role and nature of "visitor vs local serving" uses.

Conservation and Sustainability

Fifty-two percent of full-time St. Helena residents agreed that "St. Helena residents should be able to choose whether or not to conserve water, energy, recycle or take other steps to live more sustainably" and 41 percent disagreed. **GPUSC 70% disagreed**

Choice is perceived as being taken away with this wording, so this one is not surprising.

Potential Future Development

Residents were asked to rate several types of potential future development on a 10-point scale from "very beneficial" (1) to "very detrimental" (10).

- ♦ "Residential development" received roughly equivalent top-three 1, 2, 3 beneficial ratings (27%) and bottom-three 8, 9, 10 detrimental ratings (29%). **GPUSC 30%, 30%**

Is this a concern regarding any additional people in town or worries over poor quality development negatively affecting the small town character of the town?

Preferences for Potential Future Actions in St. Helena

In a series of tradeoff questions in which full-time residents expressed their preferences for one potential action over another in St. Helena, two of the tradeoff pairs yielded no clear-cut preference.

- ◆ “Construct affordable housing in St. Helena” (35%) and “maintain current lot sizes and densities” (35%) received equal preference in this tradeoff. *GPUSC 30%, 50%*

Does this indicate that 2nd units, and other infill development is not supported to meet our housing needs? Or is this just the wrong question?

- ◆ “Drive to other towns to meet my needs for entertainment, shopping and services” (38%) was slightly preferred over “add more retail, commercial, office and restaurants in St. Helena” (34%). *GPUSC 20%, 60%*

Is this a question of where, how much and what kind? It indicates a desire for some limited commercial development within walking distance to the core town.

Figure 2
Preferred Phrase to Describe St. Helena
N = 330

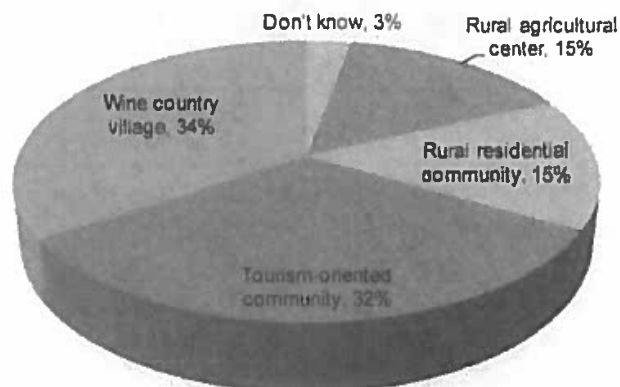


Figure 4
Impact of Visitor-Related Effects
On Quality of Life in St. Helena
 10-point scale: 1 = Very positive, 10 = Very negative
 N = 330

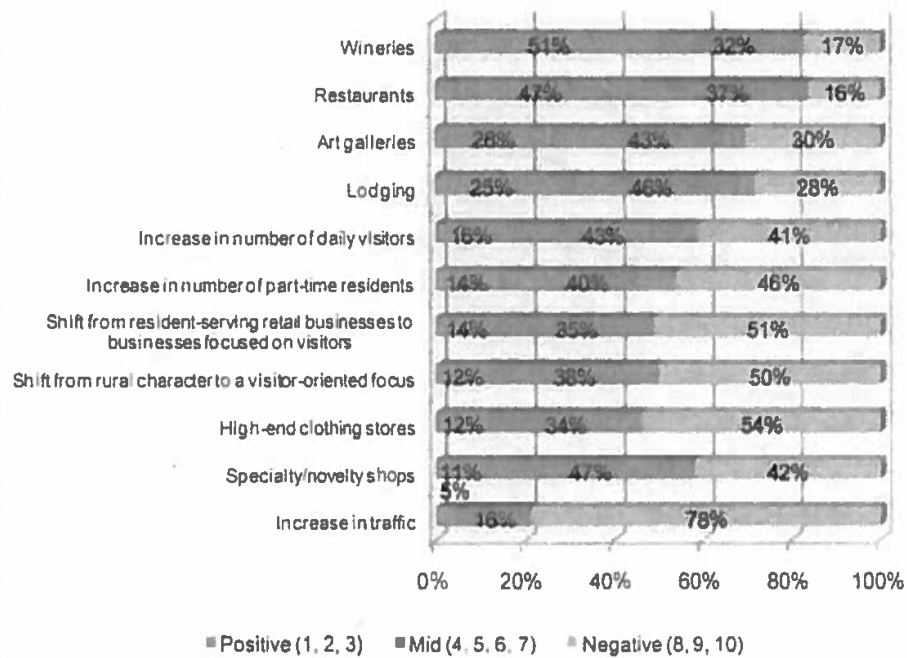


Figure 5
Level of Agreement with Statements
Related to Visitor-Related Uses in St. Helena
 5-point scale: Strongly agree to Strongly disagree
 N = 330

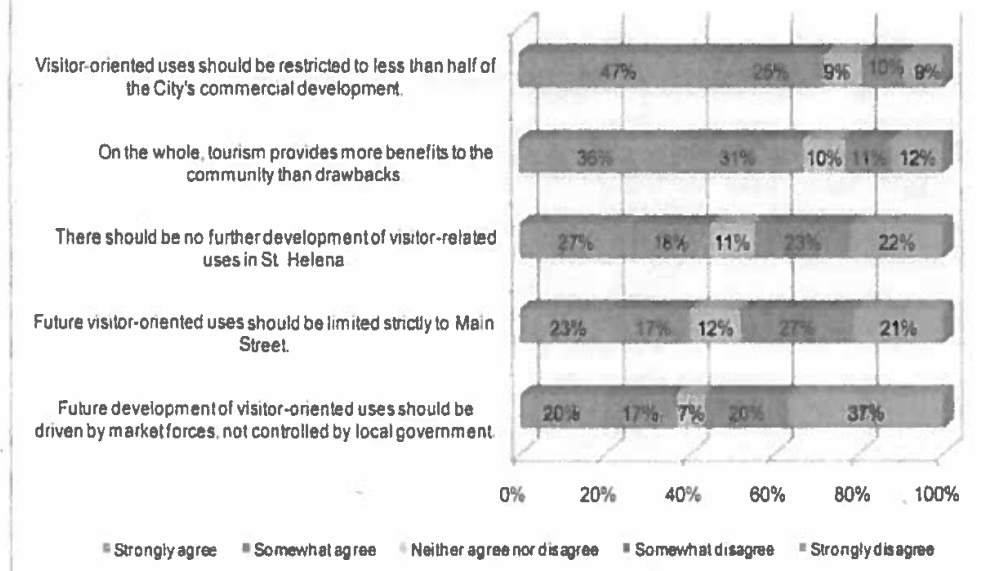


Figure 8
Attitudes Toward Types of Potential Development
 10-point scale: 1 = Very beneficial, 10 = Very detrimental
 N = 330

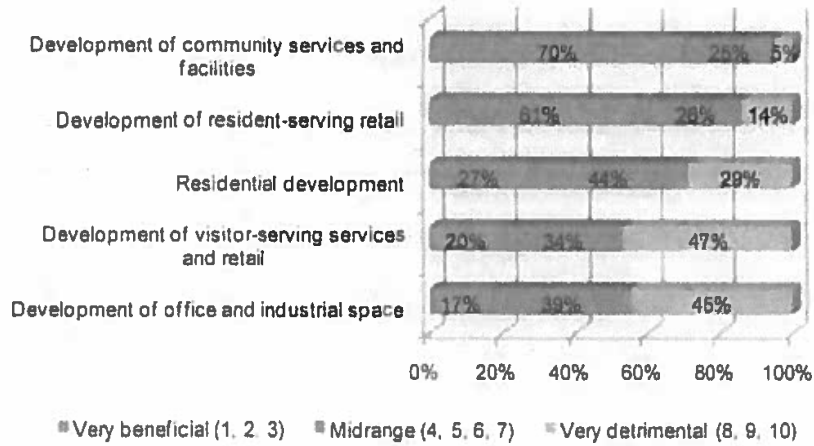
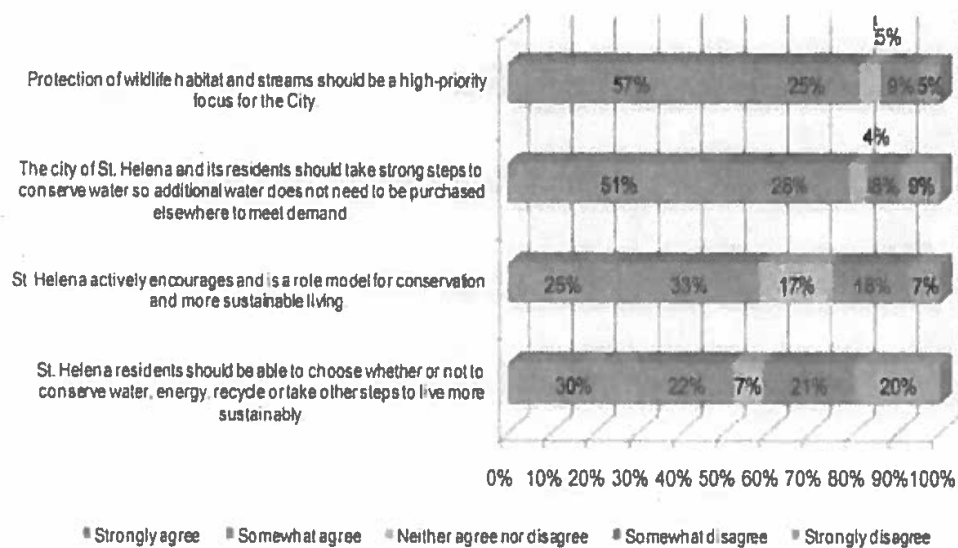
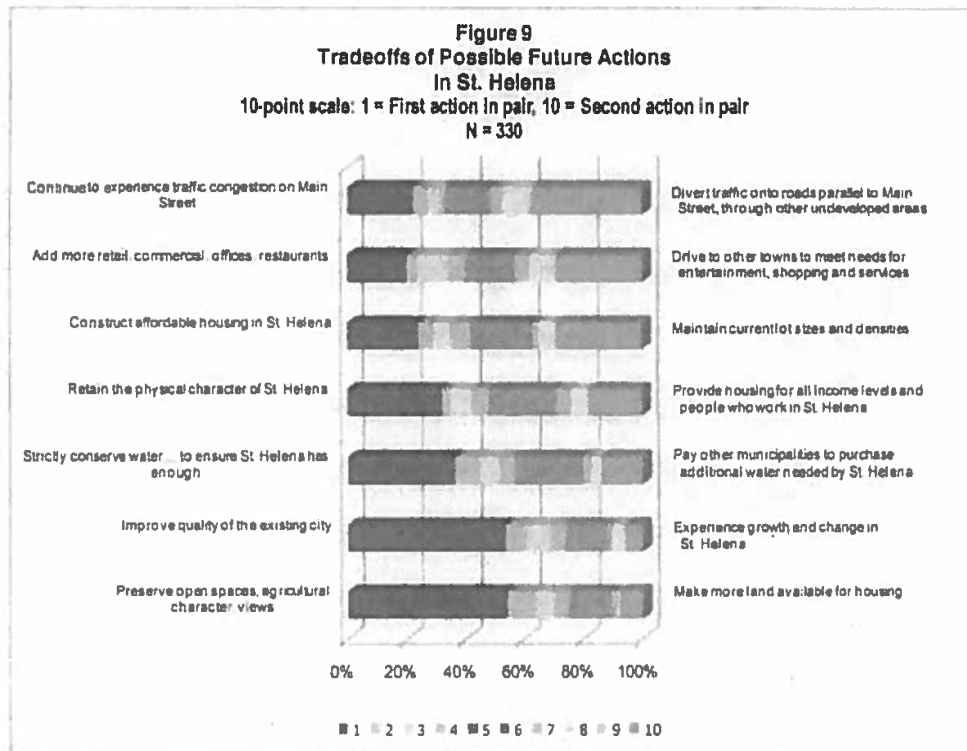
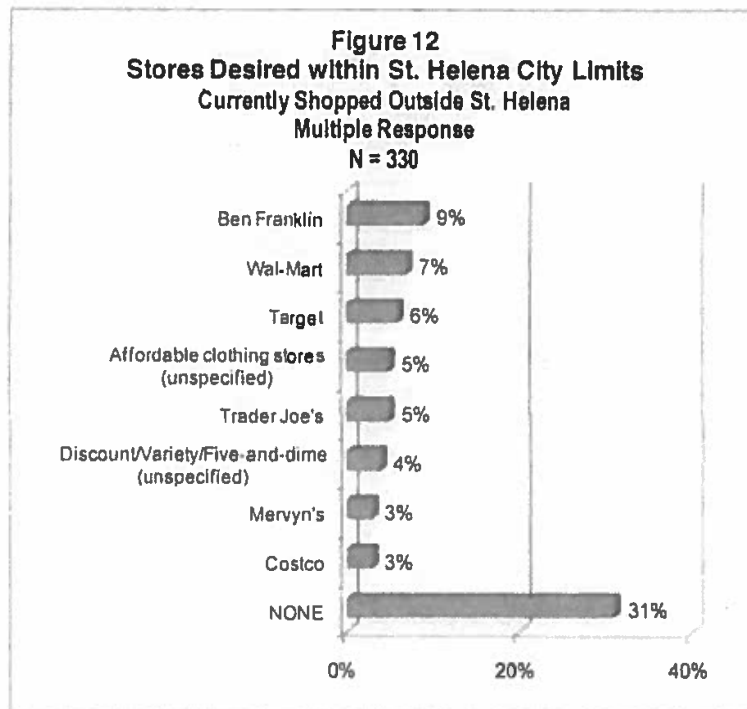


Figure 6
Level of Agreement with Statements
Related to Conservation and Sustainability in St. Helena
 5-point scale: Strongly agree to Strongly disagree
 N = 330









MEMORANDUM

TO: Noah Housh, Planning Director, City of St. Helena

FROM: J. Leah Castella, Special Litigation Counsel **FILE NO.:** 05829.0001
Kevin D. Siegel, Asst. City Attorney

DATE: June 16, 2016 *KDS*

RE: Response to General Plan Comment Letters

Per your request, we have prepared this public memorandum to address the recent comment letters regarding the Draft General Plan which have been submitted by counsel.

To date, the City has received two comment letters from counsel regarding the April 2016 Draft General Plan, one from Ellison Folk at Shute, Mihaly & Weinberger ("Folk Letter"), and one from David Bradshaw at Jackson Lewis ("Bradshaw Letter"). This memorandum summarizes the content of the letters and provides pertinent information regarding recommended responses to the issues raised.

Folk Letter

The Folk Letter, attached as Exhibit A, was sent on April 15, 2016, on behalf of Citizens Voice St. Helena (the plaintiffs-appellants in the pending lawsuit, now on appeal, which challenges the City's approval of the Davies Winery expansion). The Folk Letter offers policy arguments and proposes revisions to the Draft General Plan with respect to tourism-related issues. Since the pending suit by Citizens Voice (for whom Ms. Folk is also litigation counsel) also concerns tourism-related issues, we have carefully reviewed this letter to determine if it raises, explicitly or implicitly, legal issues of concern.

The Folk Letter criticizes the Draft General Plan for ignoring "residents' concerns about tourism and potential loss of the authentic rural character" of the community. The Folk Letter also offers suggestions for revising the Draft General Plan (e.g., describing negative effects of tourism, further discouraging chain stores, keeping a cap on hotel rooms). We have not identified any legal vulnerability associated with the Folk Letter's critiques and recommendations.

Accordingly, City staff, Planning Commissioners, and City Council Members have broad discretion with respect to response options. With respect to staff, we merely recommend that you acknowledge the letter and ensure that the Planning Commissioners and City Council Members have an opportunity to consider the policy issues raised therein.

OAK #4841-2510-8274 v1

June 16, 2016

Memorandum to Noah Housh, Planning Director, City of St. Helena

Bradshaw Letter

The Bradshaw letter, attached as Exhibit B, was sent on May 17, 2016. It purports to make comments on the Draft General Plan, but is actually focused on the Hunter Project. While lengthy, the issues in the letter can be divided into two categories: (1) alleged planning and zoning deficiencies of the Hunter Project, and (2) alleged non-compliance with Measure A.

Planning & Zoning Issues

Mr. Bradshaw raises a number of planning and zoning issues, and concludes with a request that the City, in sum, (1) amend the Draft General Plan to place the Hunter Parcel outside the Urban Limit Line and re-designate the Hunter Parcel for agricultural use, and (2) deny the Hunter Project pursuant to the Housing Accountability Act.

Mr. Bradshaw first requests that the City designate the Hunter parcel for agricultural use and place it outside the Urban Limit Line. However, Mr. Bradshaw fails to realize that this would not affect the current processing of the application for residential use. While the City has the ability to designate and re-designate property within its boundaries, there are legal limits on the applicability and enforceability of land use and zoning changes to certain property and projects. For certain land use applications, the City must apply the law in effect at the time the application is deemed complete. The Subdivision Map Act, Government Code section 66474.2(a), provides that, with certain limited exceptions, “in determining whether to approve or disapprove an application for a tentative map, the local agency shall apply only those ordinances, policies, and standards in effect at the date the local agency has determined that the application is complete pursuant to Section 65943 of the Government Code.” With respect to the Hunter Project (which includes a tentative map), the application was deemed complete in 2011. Therefore, even if the City were to re-designate the Hunter parcel for agricultural use, the current Hunter application would still need to be processed in accordance with the general plan and zoning in effect at that time, which designate and zone the Hunter parcel for residential use.¹

With respect to the request that the City deny the Hunter Project, this request is premature. The Draft Environmental Report Impact (“DEIR”) is being amended and updated and will be released later this summer. At that point, the public will have an opportunity to review and comment on the DEIR, and the City will prepare a Response to Comments and Final Environmental Impact Report (“FEIR”). Only after the FEIR is complete will the City reach a decision regarding the merits of the Hunter Project application.

Mr. Bradshaw cites to the Housing Accountability Act for authority to deny the Hunter Project. The Housing Accountability Act, as set forth in Government Code section 65589.5, restricts a

¹ Note that the foregoing analysis is consistent with the analysis in a Memorandum dated January 13, 2012, from Steve Mattas, Special Land Use Counsel, to the City Council.

June 16, 2016

Memorandum to Noah Housh, Planning Director, City of St. Helena

City's ability to deny or "downzone" housing projects that comply with the general plan and zoning in effect at the time an application is deemed complete, unless (1) the project has a "specific adverse impact on public health or safety," and (2) there is no feasible method to mitigate or avoid the adverse impact. Mr. Bradshaw requests that the City deny the Hunter Project on the grounds that Measure A and the former condition of the property in a 100-year flood require or justify the denial. With respect to the flood plain issues, the City is reviewing these issues in the DEIR, based on the current conditions of the property, not the conditions in effect when the application was deemed complete. Contrary to the analysis in Mr. Bradshaw's letter, the Housing Accountability Act does not require that the City process an application based on physical and environmental conditions in place at the time an application is deemed complete (but rather the general plan and zoning regulations in effect at the time such a tentative map application is deemed complete, which do not address the floodplain designation).

Mr. Bradshaw's letter also notes that the Hunter Project is not yet "vested," which would prohibit the City from changing the zoning or rules of development. While Mr. Bradshaw may be correct that the project is not "vested," the processing of the application must still comply with the requirements of the Subdivision Map Act and the Housing Accountability Act, as discussed above.

Measure A

Mr. Bradshaw claims that using Measure A funds for the levee project was improper because it makes the Hunter property more developable. Mr. Bradshaw also makes more specific allegations regarding the 2008 contract entered into between the City and Hunter ("Hunter Agreement"), whereby the City acquired property for the levee project. Mr. Bradshaw alleges that the contract proves that the levee project was undertaken, in part, to make the Hunter property more developable. Mr. Bradshaw points to the lawsuit filed by Mr. Hunter in 2011, where Mr. Hunter alleged that the City had failed to comply with what Mr. Hunter claimed was a contractual obligation to construct a building pad on his property. According to Mr. Bradshaw, the arguments advanced by Mr. Hunter in his lawsuit against the City prove that the levee project improperly facilitated development in contravention of Measure A. Mr. Bradshaw also claims that the lawsuit was improperly settled using Measure A funds. Finally, Mr. Bradshaw appears to suggest that the City violated the Brown Act when it approved purchasing property from Mr. Hunter and settling the Hunter lawsuit in closed session.

Mr. Bradshaw's suggestion that Measure A prohibited funding for any project that could lead to more development in Napa County is false. While he is correct that the language of Measure A states that none of the projects referenced in the Measure are intended to encourage population growth, he ignores the fact that the text of Measure A explicitly included projects by St. Helena for "flood management measures for the Napa River, Sulphur Creek, York Creek, and other tributaries to prevent flooding..." as an approved project under the ordinance. (Measure A, Section 8D.) After Measure A was enacted, St. Helena and the Napa County Flood Control and

June 16, 2016

Memorandum to Noah Housh, Planning Director, City of St. Helena

Water Conservation District conducted a Flood Model Study to determine how best to move forward with the project approved by Measure A, which resulted in the levee project to which Mr. Bradshaw now objects. Nor is there any merit to Mr. Bradshaw's claim that the Hunter Agreement, which was necessary to acquire the required property to implement the plan that was developed as a result of the Flood Model Study, improperly facilitated development.

Mr. Bradshaw is also correct that Mr. Hunter claimed that the City was required by the Hunter Agreement to construct building pads. But the City vigorously denied Mr. Hunter's claim, and filed an answer stating as much. This position was consistent with the record from the City Council meeting where the Hunter Agreement was approved. The staff report for that meeting, which was prepared by the City's then counsel, Miller Starr, described the Hunter Agreement as "a land exchange and purchase agreement – nothing more, nothing less." Unfortunately, while the City had no intention to enter into an agreement with Hunter that required it to construct building pads, the language of the Hunter Agreement was unclear, and consequently, the City Council concluded it would be better to settle the lawsuit.

Contrary to Mr. Bradshaw's claims, the City did not use Measure A funds to pay for the litigation expenses incurred in defending the Measure A lawsuit, nor did the City use Measure A funds to pay for the settlement. While the funds did come out of an account that was generally described as a "Measure A Account", that was simply a catchall phrase to describe all of the funding used to construct the levee project. The account included all the revenue used to construct the levee project, including grant and general fund monies. The City designated that the costs for the Hunter lawsuit and the subsequent settlement would be debited from the general fund monies in the Measure A account, and the monies the City received from Miller Starr in settlement of its claims against them for negligently drafting the purchase and sale agreement for the Hunter parcel.

Finally, Mr. Bradshaw's claims regarding the Brown Act are not accurate. The Brown Act permits a public agency to meet in closed session to discuss the terms of a proposed real estate purchase. Thus it was appropriate for the City to meet in closed session to discuss the terms of the purchase and sale agreement for the Hunter parcel. (Gov. Code § 54956.8.) In addition, the Brown Act permits a public agency to meet in closed session to discuss settlement of pending litigation. Thus, it was appropriate for the City to meet in closed session to discuss settlement of the Hunter litigation. (Gov. Code § 54956.9.) While Mr. Bradshaw is correct that where a settlement includes terms that require a public hearing, settlement cannot be reached in a closed session, the Hunter settlement does not fall into that category. The terms of the settlement, which were released publicly, were monetary and involved no determinations subject to a public hearing.

St. Helena thrives on tourism.



St. Helena Chamber of Commerce St. Helena, CA



St. Helena Chamber of Commerce

St. Helena, CA

212

Supporters

We, the undersigned, support managed tourism as the economic engine that drives St. Helena. Our jobs, businesses and livelihoods depend on agriculture, hospitality, wine and restaurants. We know that when business thrives, St. Helena can have the infrastructure, services and strong community that we all want.

Incorporating outdated language back into the updated General Plan is futile and new answers to traffic, housing and infrastructure need to be pursued. We cannot limit ourselves by saying no to tourism. With the City's current financial situation, we cannot re-adopt policies that limit our economic options and potential. We believe that there can be a balance between tourism and our quality of life and we endorse strategic, forward thinking economic development programs instead of repeating failed policies.

We have the data: Our quality of life is affected negatively by failed restrictions placed on tourism. St. Helena has severe financial issues due to lack of funding. St. Helena could flourish if we embrace tourism effectively. The facts are:

- Tourists only pay the TOT (Transient Occupancy Tax). This is a hotel tax paid by those who stay in hotels. Residents do not pay TOT. In St. Helena's General Fund, TOT is the least revenue generating source of income for St. Helena bringing in only approximately 10% of the General Fund. Property Tax approximately is 35% and Sales Tax is approximately 25% (remaining is impact and other fees). With TOT revenues remaining 100% in the City coffers (no share with the County or State), St. Helena is not fully taking advantage of this opportunity.
- The City has in place restrictions on tourism with limits on wine sales and production, limited hotel development, caps on restaurant seats and restrictive local serving retail guidelines. This has led to harmful business practices resulting in less sales tax and less TOT than other jurisdictions in Napa County.
- The City is currently in poor financial shape and our infrastructure is weak. St. Helena's Pavement Condition Index (PCI) was 46 out of a possible 100, the worst in Napa County and the fourth worst score out of the 109 Bay Area jurisdictions rated by the Metropolitan Transportation Commission. We have cut our library budget and City services to the bone because of lack of funding. Other jurisdictions who have embraced tourism with managed growth are flourishing.
- St. Helena's budget shows a shortfall in revenue unless the Las Alcobas hotel opens and immediately generates revenue.
- St. Helena generates the least amount of TOT of any jurisdiction in the County except American Canyon. We generate \$3 million less than Calistoga and \$5 million less than Yountville. American Canyon generates only \$500,000 less than St. Helena.
- TOT is 100% captured by the City and stays in the City. The direct benefit of hotel rooms are seen in the City's bottom line.
- With only 215 rooms, St. Helena can and should pursue high end hotels; those with less rooms but

higher rates, this is an example of sustainable tourism. Compared to 444 rooms in Yountville and 738 rooms in Calistoga, St. Helena has room to grow.

- Hotel guests spend more in the jurisdiction where they stay. Restaurants fill their second seatings and retail stays open later in jurisdictions where there are more hotel rooms. The indirect benefit of TOT tax is demonstrated in sales tax.
- St. Helena sales tax rises and falls throughout the year in concert with TOT indicating tourists pay a good portion of sales tax.
- The economic impact of tourism shows that each St. Helena resident would pay an additional \$11,741 per person in taxes to maintain our economy if the tourists were not here.
- Tourist spend on average \$389 per day in direct (TOT) and indirect revenue (sales tax) in the City every day.
- 80% of our downtown merchants claim their customers are approximately 50% local and 50% tourism. This demonstrates that the current diversity of retail stores are in line with local serving and tourist serving businesses.
- Bike lanes, the Vine Trail, Wine Train, employer shuttles and other options should be encouraged and supported as car free alternatives to traffic.
- Car free and sustainable tourism alternatives and practices should be adopted rather than restricting tourism.

Yet there are still attempts to legislate against an industry that could put St Helena back on a decent financial track. We feel it is vital and ultimately fiscally responsible to accept and manage tourism to improve our quality of life.

We respectfully request you reject restrictive tourism language proposed for the General Plan. We ask instead that you allow St. Helena to thrive.

Signed,

- Residents of St. Helena,
- residents of Inglewood, Angwin, Deer Park, north and south St. Helena, and bordering County areas who pay sales tax and help generate sales tax to St. Helena,
- employees of taxpaying St. Helena businesses, and
- business owners who have invested in and pay taxes to St. Helena.

This petition will be delivered to:

- St. Helena Planning Commission and City Council

☐ Read the letter



Letter to

St. Helena Planning Commission and City Council

St. Helena thrives on tourism.

☐ OK

St. Helena Chamber of Commerce started this petition with a single signature, and now has 212 supporters. Start a petition today to change something you care about.

☐ Start a petition

General Plan Tourism Management Petition

We, the undersigned, petition to change the following text(s) in the 2035 General Plan update by the City Council.

(2-2) The increasing pressures of growth and increasing tourism caused serious concern in the community back in the 1970's, and resulted in a Growth Management System in the late 1970's, and a Tourism Management Element in the 1993 General Plan. At that time, public workshops and a phone survey conducted for the 1993 General Plan Update indicated that the principal land use concerns were the rate of growth of the city and that additional tourism development and its negative consequences would detract from their quality of life. Therefore, the City should follow the long-standing philosophy that growth and tourism in St. Helena should be carefully managed, and that each of these decades-long public concerns are adequately addressed in future land use determinations.

(2.4) St. Helena is committed to preserving its existing community character, maintaining agricultural lands, managing growth and tourism, and ensuring that adequate infrastructure and facilities are provided.

(LU3.D) Encourage diversity and give preference to local-serving retail services which do not require a consumer base larger than the population of St. Helena and its vicinity

(ES1.B) Update the Municipal Code to encourage diversity and give preference to local-serving businesses that are complementary to St. Helena's small-town character and that provide goods at a range of prices. Local serving should be defined not only as offering goods and services appropriate to the citizens of the St. Helena vicinity, but also as businesses with owners and/or staff actively participating in the community. Update the Municipal Code to define and prohibit chain retail services and stores. Chain stores should be defined as any business having multiple commercial properties with the same ownership and name which is required by contractual or other arrangement to provide any of the following: standardized merchandise; similar architectural design; interior decor; signage; display or marketing materials and techniques.

(ES2.1) Support the development of responsible, visitor-serving components to the City's economy as a valuable source of jobs, tax revenues and cultural amenities. Promote policies that facilitate and encourage this type of sustainable economic development, but prohibit any visitor serving activity, which would compromise the quality of life for St. Helena residents. Although a proposed visitor serving use may be economically beneficial to the City, it should not be approved if it significantly impacts residents by increasing traffic, introducing visitors into residential areas, increasing noise levels, etc.

(ES2.2) Discourage the introduction of uses that are dependent upon a mass tourist market or that compromise the quality of life for St. Helena residents by significantly increasing the total number of tourists.

(ES2.3) Establish a reasonable cap on the number of hotel and motel rooms, and continue to limit vacation rentals. Establish a process for periodic review and updating of the cap.

(ES2.A) Continue to prohibit formula restaurants, outlet and chain discount stores, chain retail stores and time-share lodging projects. Consider destination membership clubs and other potential lodging options that contribute to the Transient Occupancy Tax (TOT) revenue stream and do not conflict with the character of the City or negatively impact neighbors or neighborhoods. Establish a cap on the total number of such destination membership clubs and other lodging options designed to contribute to the TOT revenue stream.

(ES3.E) Although tourism offers economic benefits, it does not come without a toll on St. Helena's infrastructure, i.e. water, sewer, roads, sidewalks, parking, additional police, fire, park maintenance, traffic and most significantly, small town rural character and quality of life. To provide data with which to make responsible decisions regarding soliciting additional tourism, visitor serving retail, and hotel development, the City will commission an independent third party consultant to produce a detailed cost-benefit analysis of tourism development in St. Helena and vicinity.

Total signatures: 74

Name	State Comment
1. Leslie Rudd	CA
2. Susan Kenward	CA
3. Roman Coppola	CA
4. Mark Smithers	CA
5. Connie Wilson	CA
6. Brian Nash	CA
7. Thomas Smith	CA
8. Adrian Hayne	CA
9. Connie Wilson	CA
10. Chuck Dake	CA
11. David Garden	CA

NAPA COUNTY



1992 001459
OFFICIAL RECORDS OF
NAPA COUNTY
H. KATHLEEN BONDS

Recording Requested By
And When Recorded Mail To:

CITY OF ST. HELENA
1480 Main Street
St. Helena, CA 94574

AT REQUEST OF COOMBS & DUNLAP
01/16/1992 03:15 pm
Fee: \$.00 Pgs: 18
TT : \$.00

EXEMPT FROM RECORDING FEES - SECTION 6103 GOVERNMENT CODE

Dedication of Dedicated Water Facilities
and
Utility Easement Agreement

This Dedication of Dedicated Water Facilities and Utility Easement Agreement is entered into this 10th day of December, 1991 by and between Meadowood Associates, a California limited partnership ("Grantor") and the City of St. Helena, California, a California municipal corporation ("Grantee"), who agree as follows:

Recitals:

- A. Grantor is the owner of certain real property in an unincorporated area of Napa, State of California, commonly known as Meadowood Resort, more particularly described in **Exhibit "A"** attached hereto ("Meadowood Resort" or the "Servient Tenement").
- B. Grantee is the owner and operator of a municipal water system.
- C. Grantor and Grantee wish to incorporate a portion of the Meadowood Resort water distribution system into the municipal water system of Grantee.
- D. In furtherance of this goal, Grantor desires to grant to Grantee and Grantee desires to acquire from Grantor certain water facilities and certain rights in the Servient Tenement subject to the terms and conditions contained herein.

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NAPA COUNTY

Agreement:

1. Dedication of Dedicated Water Facilities. Grantor hereby grants, conveys and otherwise transfers to Grantee all water mains shown on **Exhibit B-1** and gate valves, hydrants, portions of service laterals, master water meters, water facility containment structures, blowoffs, post indicator valves, pump input station facilities and miscellaneous appurtenances marked "City" on **Exhibits B-2 and B-3**, attached hereto (collectively the "Dedicated Water Facilities").

2. Grant of Easement: Creation of Utility Easement. Grantor grants to Grantee for the purpose of installing, maintaining, operating, repairing and replacing the Dedicated Water Facilities a non-exclusive, permanent utility easement (the "Utility Easement"), as hereinafter described. The Utility Easement is located on the portion of the Servient Tenement containing the Dedicated Water Facilities, as shown on **Exhibit B**, and over existing roadway and utility easements shown on **Exhibit C-1** (Meadowood Parcel Map) and **Exhibit C-2** (Easements of Record) attached hereto. All rights created hereunder shall be solely for the benefit of Grantee, Grantor and Grantor's permittees who shall be subject to all of the terms, covenants and conditions herein contained.

3. Description and Use of Utility Easement. The Utility Easement granted herein is a right to build, install, lay, maintain, operate, repair and replace the Dedicated Water Facilities in the manner consistent with this Instrument:

(a) The Utility Easement. The Utility Easement shall be used by Grantee in accordance with applicable law. All Dedicated Water Facilities and any replacement facilities and improvements shall be located underground, except where they are required to be aboveground by law, necessity or as situated as of the date of this instrument.

(b) Compliance With Laws. Grantee shall not use the Utility Easement or permit it to be used by any agent, employee, contractor, invitee or licensee of Grantee for any purpose not permitted under all applicable laws, ordinances, rules and regulations, nor shall Grantee permit the same to be utilized in any manner constituting a nuisance or an undue disturbance to the use and enjoyment of the Servient Tenement.

NAPA COUNTY

(c) No Overburdening. The Dedicated Water Facilities and the Utility Easement granted hereunder are for the sole benefit of Grantee, Grantor and Grantor's permittees. If any increased use of the Utility Easement or any part thereof by Grantee causes the capacity of the Utility Easement or portion thereof to be exceeded or overburdened, the Grantee shall promptly implement all actions reasonably necessary to divert any such excess use or overburdening from the Utility Easement or portions thereof so overburdened. All such actions shall be taken at the sole cost and expense of the Grantee. Such overburdening shall not operate, however, to terminate, diminish or otherwise affect the Utility Easement.

4. Non-Exclusiveness of Easement. The Utility Easement granted herein shall not be exclusive to Grantee. Grantor reserves for itself and its successors in interest in the Servient Tenement the right to use the Servient Tenement, subject to the Utility Easement and the rights of Grantee herein. Grantor and Grantee acknowledge that there are presently other utilities located in or using the Servient Tenement and the portion thereof where the Utility Easement is located.

5. Construction Easement. The Utility Easement granted herein includes rights to enter upon and use the Servient Tenement for purposes of constructing, installing and replacing the Dedicated Water Facilities in and on the Utility Easement.

6. Maintenance, Repair and Replacement of Dedicated Water Facilities and Improvements in and on the Utility Easement. Grantee shall be solely responsible for the maintenance, repair and/or replacement of the Dedicated Water Facilities. Grantee shall effect such maintenance, repair and replacement at times as agreed to by Grantor and Grantee. Each party shall be solely responsible for the maintenance, repair and/or replacement of the improvements it makes in and on the Utility Easement from and after the date this Instrument is recorded to a standard sufficient to keep it in good condition for the uses and purposes intended. Grantee, its employees, agents and contractors shall have the right to enter upon the Servient Tenement for purposes of maintenance, repair or replacement of the improvements in and on the Utility Easement.

NAPA COUNTY

7. Damage and Destruction of Easement Area. In the event of any damage or destruction to all or any portion of the Utility Easement, Grantee, or Grantor, if Grantor is responsible for the repair work pursuant to this Agreement, shall promptly rebuild and restore such Easement with all due diligence. The cost of any such reconstruction shall be allocated in accordance with the provisions of this Agreement. If any repair or maintenance to the Utility Easement is required by reason of the negligence or willful misconduct or other fault of any party hereto, then that party shall be obligated to repair all damage caused by such negligence and/or willful misconduct and to pay for the entire cost of the subject repair or maintenance.

8. Condemnation and Eminent Domain. If a portion of the Servient Tenement is taken by condemnation or eminent domain, then the obligations of Grantor under this Agreement, with regard to that portion of the Utility Easement so taken, shall, as of the date of taking, cease and the provisions of this Agreement with respect thereto shall be null and void and of no further force or effect. Nothing herein shall be construed to give either party any interest in any award or payment made to the other party in connection with any exercise of eminent domain or transfer in lieu thereof affecting any portion of the Easement located on said other party's property.

9. Default. If either party shall, at any time, be in default in the performance of any of the covenants, terms, conditions or provisions of this Agreement, and said party shall fail to cure such default within the period of time stated herein, after written notice thereof from the other party, the non-defaulting party shall have the following rights:

(a) Right to Cure. The non-defaulting party shall, upon five (5) days written notice, the right, but not the obligation, to cure such default for the account of and at the expense of the defaulting party. To effectuate any such cure, the non-defaulting party shall have the right to enter upon the property of the defaulting party to perform any necessary work or to furnish any necessary materials or services to cure the default of defaulting party, as provided herein. The non-defaulting party shall have the further right to recover from the defaulting party all costs and other sums expended in connection with the cure of the default, including, but not limited to, reasonable attorneys' fees and costs incurred in collecting any such sum, plus interest thereon at the maximum legal rate.

NAPA COUNTY

(b) Other Remedies. The non-defaulting party shall, prosecute any proceedings at law or in equity against the defaulting party, or any successor in interest of such party, or any other person, violating or attempting to violate any of the provisions contained in this Agreement, in order to prevent any such party or person from violating or attempting to violate the provisions of this Agreement, including, without limitation, an action for specific performance, and to recover damages for any such violation or attempted violation. The remedies available under this Subparagraph 9(b) shall include, without limitation, ex parte applications for temporary restraining orders, and preliminary injunctions and permanent injunctions enjoining any such violation or attempted violation of any provisions of this Agreement. Any costs and expenses incurred by any party to cure a default of another party under the provisions of this Subparagraph 9(b), together with interest thereon, and all costs and expenses of any proceedings at law or in equity, including reasonable attorneys' fees awarded to such party by order of any court of competent jurisdiction, shall be assessed against and paid by the defaulting or violating party.

10. Term. The Utility Easement, covenants and obligations set forth in this Agreement shall continue in full force and effect from the date of recordation hereof, until such time as the Utility Easement and covenants granted are no longer required by the parties and/or their successors-in-interest for the purpose for which the Utility Easement or covenant has been granted. Subject to the foregoing, the Servient Tenement shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the Utility Easement, and the covenants and obligations set forth herein, all of which shall run with the land.

11. Indemnity and Waiver of Subrogation. Each party hereto shall indemnify, defend and hold the other party harmless from and against any and all claims, expenses, liabilities, losses, damages and costs, including any actions or proceedings in connection therewith, and including reasonable attorneys' fees, incurred in connection with, arising from, due to or as a result of the death of, or any accident, injury, loss or damage to any person, or loss of or damage to the property of any person caused by the indemnifying party which may occur in or about the portion of the Servient Tenement on which Utility Easement is located, except to the extent that such claim arises out of or is connected with the gross negligence or willful misconduct of the indemnified party. Each party releases the other from all liability for injury to any person or damage to any property to the extent covered by insurance carried by such party to the

NAPA COUNTY

extent of insurance proceeds therefrom. Each party shall cause any insurance policy it obtains with respect to the property owned by it to provide that the insured thereunder waives all right of recovery by way of subrogation in connection with any injury or damage covered by the policy.

12. Mortgage Protection. The rights and obligations created by this Agreement are subject and subordinate to any and all existing easements, liens and encumbrances affecting the Servient Tenement and of public record on the date this Agreement is recorded. No breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any first mortgage or deed of trust on any property or portion thereof made in good faith and for value, but the Utility Easement, covenants and restrictions contained herein shall be binding upon and effective against any party who acquires title to the Servient Tenement, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure or otherwise, pursuant to such mortgage or deed of trust.

13. Notices. All notices required or permitted by this Agreement shall be given in writing, and served by personal delivery or by United States express mail or courier delivery service, or by United States registered or certified mail. Notices by personal delivery shall be deemed given when received. Notices by United States express mail or courier delivery service shall be deemed given twenty-four (24) hours after dispatch. Notices by United States registered or certified mail shall be deemed given on the date shown on the return receipt or, if no date is shown, then forty-eight (48) hours after mailing. Notices shall be addressed as set forth below, but either party may change its address by giving written notice thereof to the other in accordance with the provisions of this paragraph.

To Grantor: Meadowood Associates
3460 Buchanan Street
San Francisco, California 94123
Tel No.: (415) 929-7100
Fax No.: (415) 921-1439

With copy to: Tsar F. Mulvana, Esq.
Pacific Union Advisory Group
3727 Buchanan Street, 4th Floor
San Francisco, California 94123
Tel No.: (415) 929-0803
Fax No.: (415) 931-4796

NAPA COUNTY

To Grantee: Director of Public Works
City of St. Helena
City Hall
1480 Main Street
St. Helena, California 94574

With copy to: City Attorney
City of St. Helena
City Hall
1480 Main Street
St. Helena, California 94574

14. Negation of Partnership. None of the terms or provisions of this Agreement shall be deemed to create a partnership between Grantee or Grantor, nor shall this Agreement cause the parties to be considered or deemed to be joint venturers or members of any joint enterprise. This Agreement is not intended, nor shall it be construed, to create any third party beneficiary rights in or for the benefit of any person who is not a party hereto, except as otherwise expressly provided to the contrary in this Agreement.

15. Covenants Run With Land. All of the provisions, agreements, rights, powers, covenants, conditions and obligations contained in this Agreement shall be binding upon and shall inure to the benefit of Grantor and Grantee, and their respective successors (by merger, consolidation or otherwise), assigns and representatives, and all other persons acquiring all or any portion of the Dominant Tenement and the Servient Tenement. All of the provisions of this Agreement shall be covenants running with the land pursuant to any and all applicable laws, including, but not limited to, Section 1468 of the Civil Code of the State of California. It is expressly agreed that each covenant to do or to refrain from doing some act on the Servient Tenement, respectively (i) is for the benefit of the Dominant Tenement and is a burden on the Servient Tenement, (ii) runs with each property, and (iii) shall benefit or be binding upon each successive owner during the period of its ownership of all or any portion of the Dominant Tenement and the Servient Tenement, respectively, and each person having any interest therein derived in any manner through any party owning all or any portion of the Dominant Tenement and the Servient Tenement.

NAPA COUNTY

16. Estoppel Certificates.

(a) Obligation to Execute Certificate. Grantor may, at any time and from time to time, in connection with the sale, lease or transfer of Meadowood Resort or any portion thereof, or in connection with the financing or refinancing of said property, deliver a written notice to Grantee requesting that Grantee execute a certificate certifying that neither party hereto is in default in the performance of its obligations under this Agreement or, if in default, describing therein the nature and amount of any default. Grantee shall execute and return such certificate within ten (10) days following the receipt of the notice from Grantor.

(b) Failure to Execute Certificate. Failure by Grantee to execute and return such certificate within the specified period shall be deemed an admission on Grantee's part that Grantor and Grantee are both current and not in default in the performance of such requesting owner's obligations under this Agreement. Any such certificate may be relied upon by all transferees, lessees, mortgagees, and deed of trust beneficiaries.

17. Miscellaneous.

(a) Amendment by Written Recorded Instrument. This Agreement may be amended or modified, in whole or in part, only by a written, recorded instrument executed by Grantee and all of the then owners of record of the Servient Tenement.

(b) Severability. The invalidation of any of the provisions contained in this Agreement, or of the application thereof to any person by judgment or court order, shall in no way affect any of the other provisions hereof, or the application thereof to any other person, and the same shall remain in full force and effect to the maximum extent possible.

(c) Attorneys' Fees. In the event of any controversy, claim or dispute concerning the interpretation or enforcement of any of the provisions of this Agreement or the breach of any provision of this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, expenses and costs. "Prevailing party" shall include without limitation (i) a party who dismisses an action in exchange for sums allegedly due; (ii) the party which receives performance from the other party of an alleged breach of covenant or a desired remedy where such is substantially equal to the relief sought in an action; or (iii) the party determined to be the prevailing party by a court of law.

NAPA COUNTY

(d) Governing Law. This Agreement shall be governed by and interpreted in accordance with the laws of the State of California.

(e) Exhibits; Entire Agreement. All exhibits attached hereto are incorporated by this reference as if fully set forth herein. This Agreement, along with any exhibits and attachments hereto, constitutes the entire agreement between the parties hereto concerning the subject matter hereof.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first Written above.

GRANTOR: Meadowood Associates, a California limited partnership

By: St. Helena Co., Inc., a California corporation,
Its General Partner

By: Thomas R. Owens
Thomas R. Owens
Its Secretary

GRANTEE: The City of St. Helena,
a California municipal corporation

By: Gene Armstead
Name: Gene Armstead
Its: City Administrator

READ AND APPROVED:

Diane M. Price
Diane Price, City Attorney

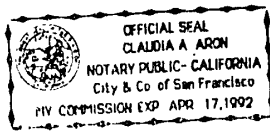
(MEADOWOOD\B\EASEMENT.AGR)
December 5, 1991

NAPA COUNTY

State of California)
) ss
County of San Francisco)

On this 10th day of December, 1991, before me,
Claudia Aron, the undersigned Notary Public, personally appeared
THOMAS R. OWENS personally known to me or proved to me on the
basis of satisfactory evidence to be the Secretary of St. Helena
Co., Ltd., General Partner of Meadowood Associates, a California
Limited Partnership, and acknowledged to me that such corporation
executed the within document on behalf of the partnership.

WITNESS my hand and official seal.



Claudia Aron

NAPA COUNTY

STATE OF CALIFORNIA)

COUNTY OF NAPA)

On this 11th day of December, 1991, before me, the undersigned, Delia Guijosa, Deputy City Clerk of the City of St. Helena, personally appeared Gene Armstead, personally known to me to be the City Administrator of the City of St. Helena, whose signature was subscribed to the within instrument and acknowledged to me that he executed it on behalf of the City of St. Helena.

WITNESS my hand and official seal.

Delia Guijosa
Delia Guijosa, Deputy City Clerk



NAPA COUNTY

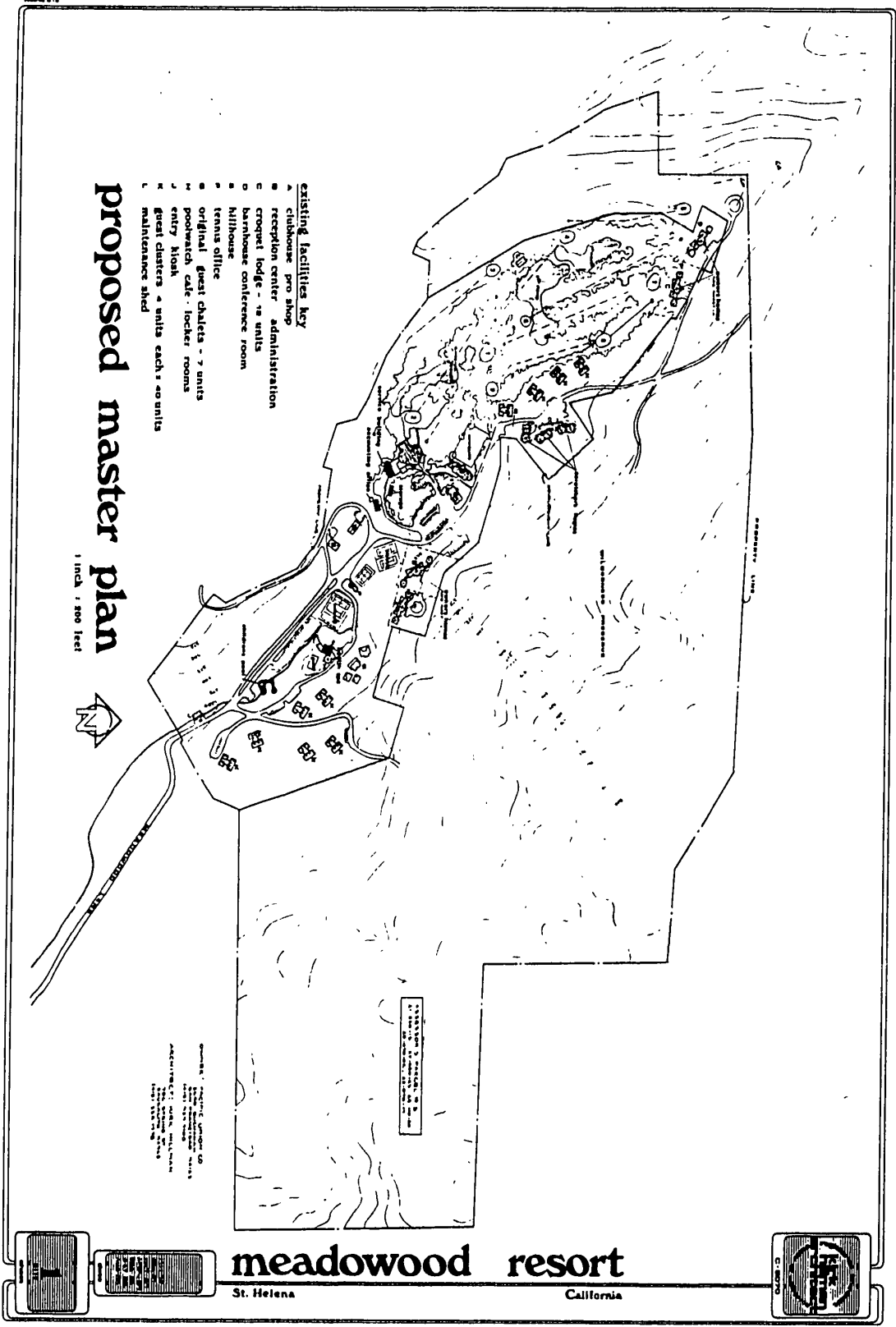


EXHIBIT A

NAPA COUNTY

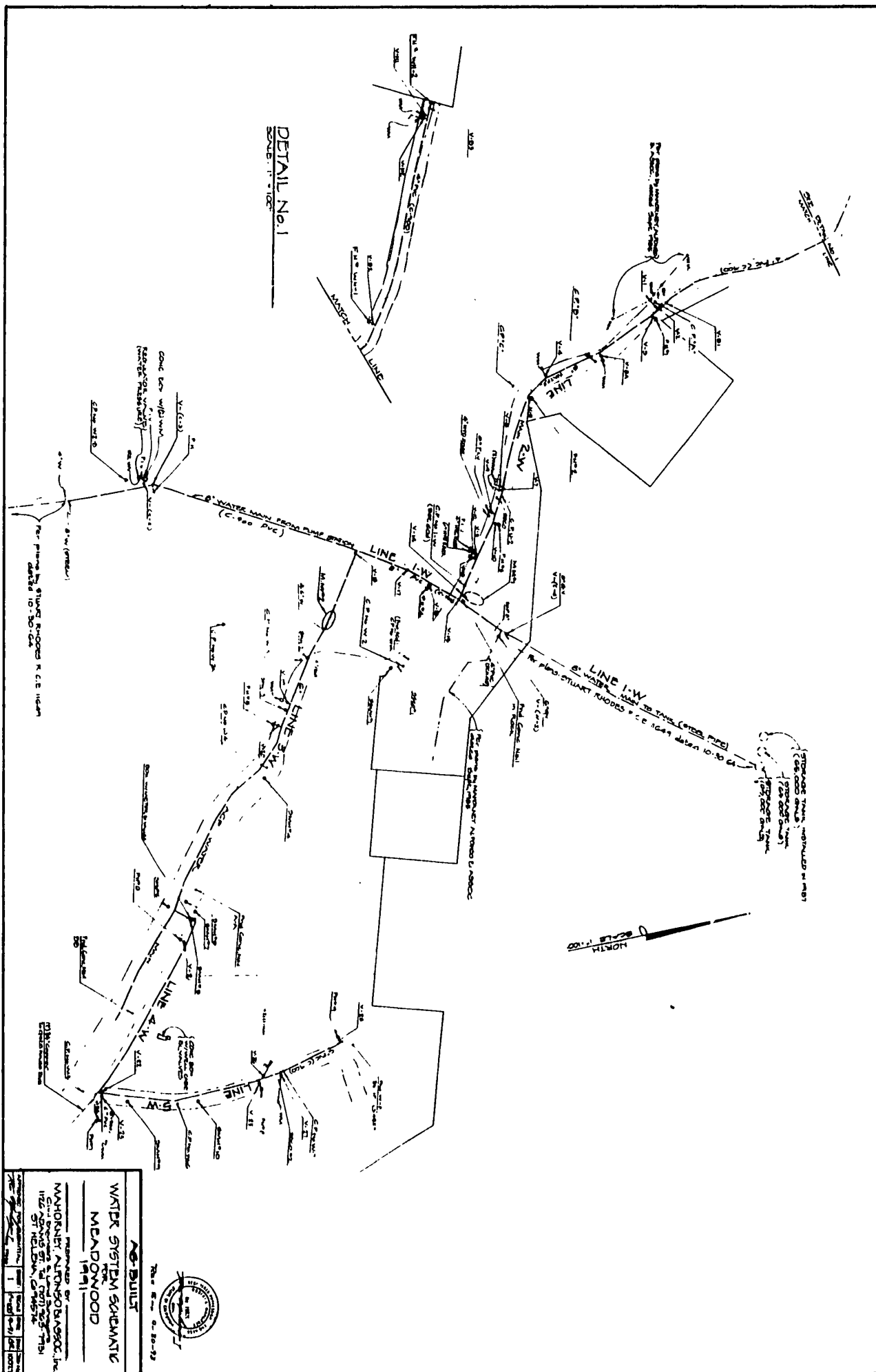


EXHIBIT B-1

NAPA COUNTY

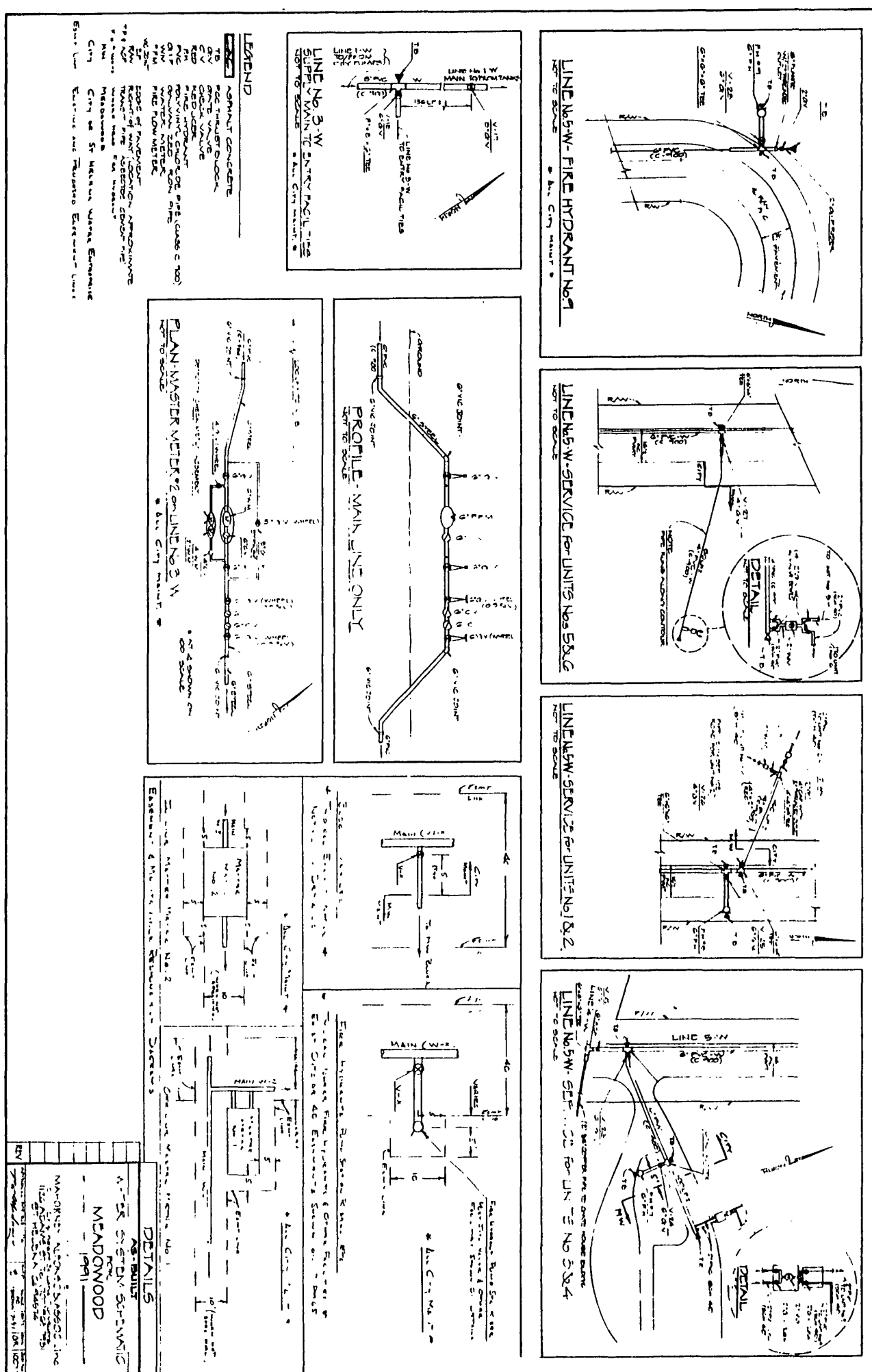


EXHIBIT B-2

NAPA COUNTY

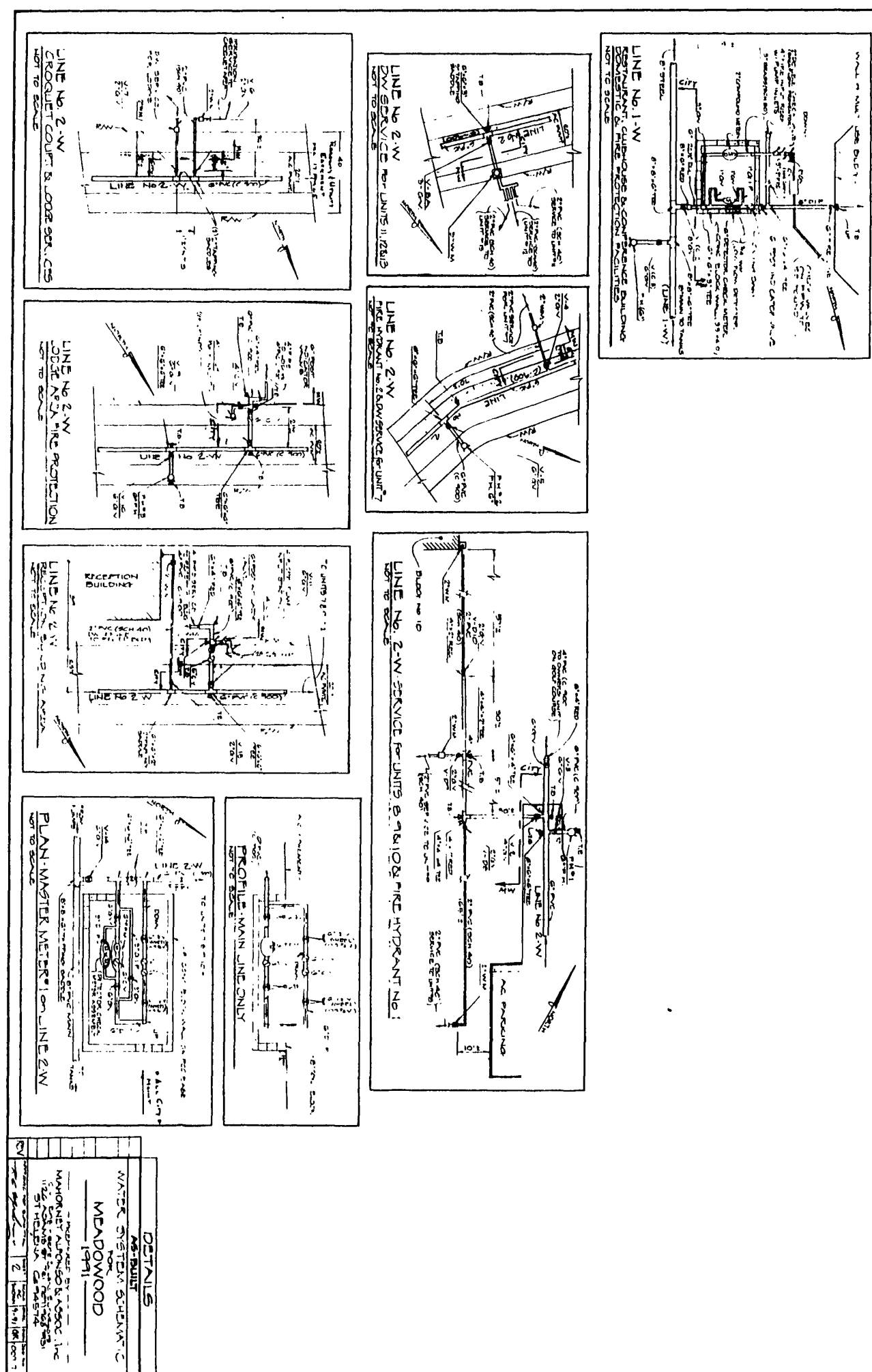


EXHIBIT B-3

NAPA COUNTY

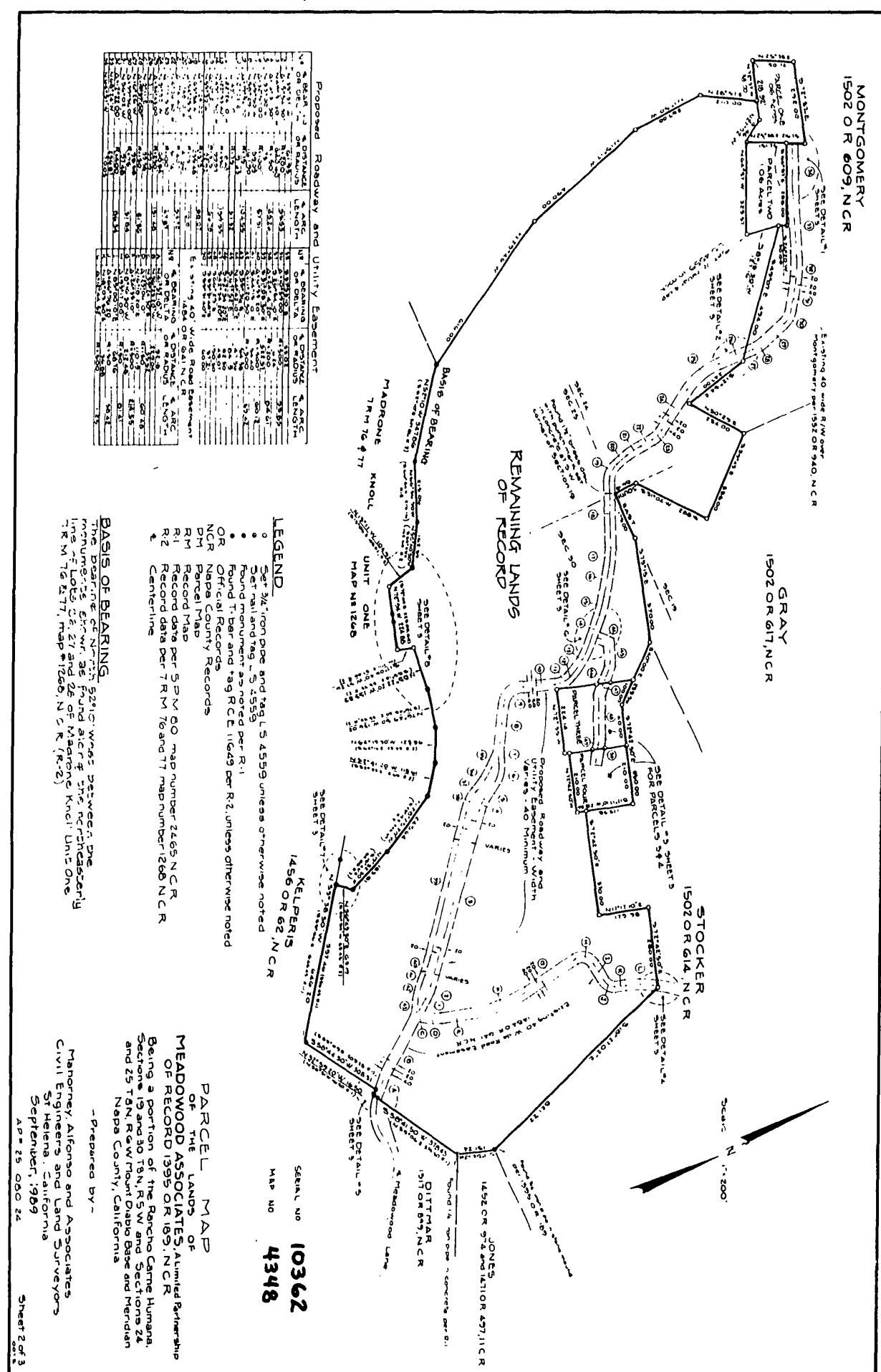


EXHIBIT C-1

NAPA COUNTY

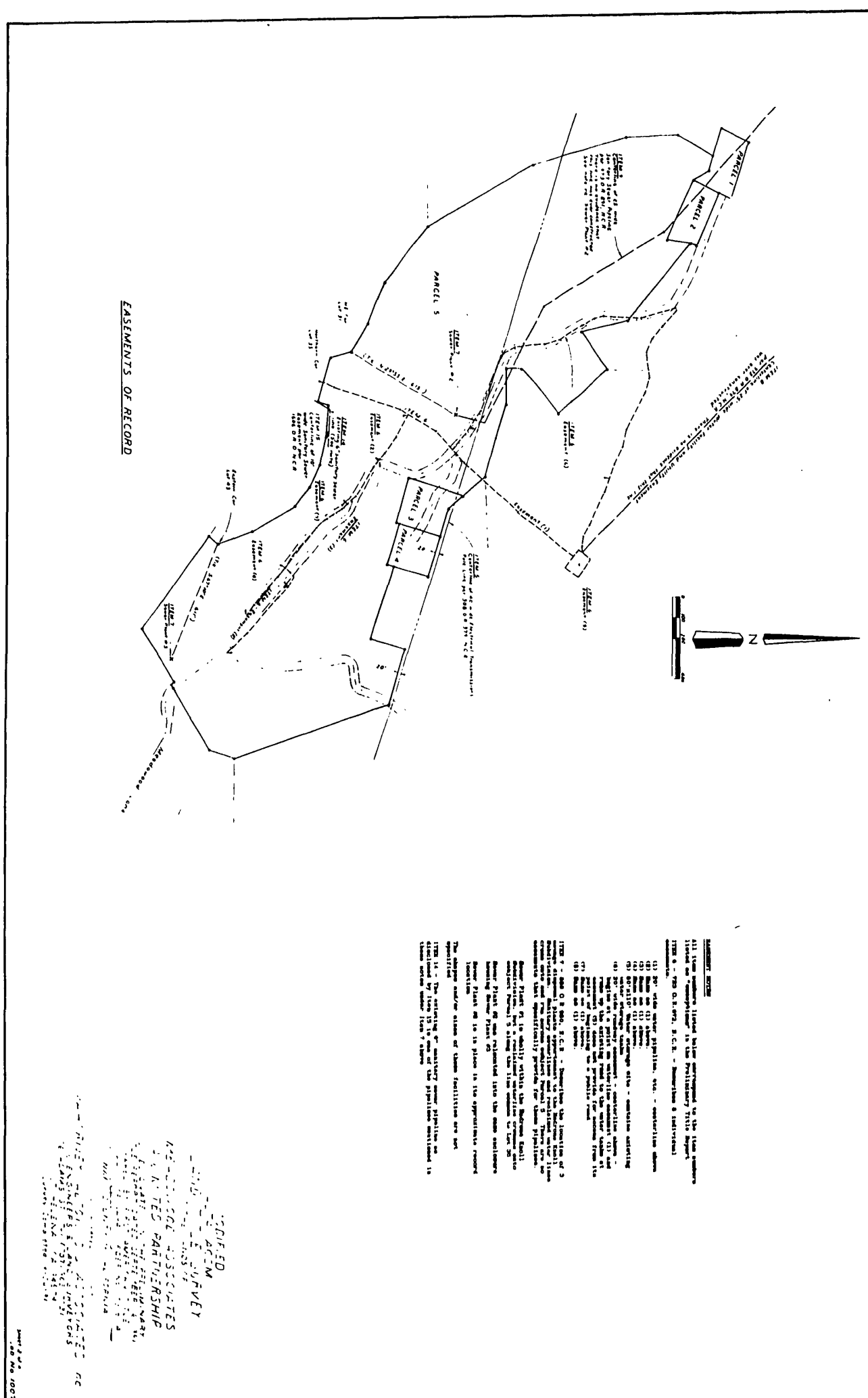


EXHIBIT C-2

NAPA COUNTY

END OF DOCUMENT

CITY OF ST. HELENA

RESOLUTION NO. 91 - 151

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA APPROVING DEDICATION OF DEDICATED WATER FACILITIES AND UTILITY EASEMENT AGREEMENT FROM MEADOWOOD ASSOCIATES TO THE CITY OF ST. HELENA

Be it resolved that the City Council hereby approves the attached Dedication of Dedicated Water Facilities and Utility Easement Agreement from Meadowood Associates, a California limited partnership, according to condition 3(d) of the Meadowood Water Agreement.

Be it further resolved that the City Administrator is hereby authorized to execute the agreement.

PASSED AND ADOPTED at a Regular Meeting of the City Council held on the 10th day of December, 1991, by the following vote:

AYES: Councilmen Salinger, Hardy, Heitz, Mayor Hayne

NOES: Councilmen Brown

ABSENT: None

ABSTAIN: None

APPROVED:

William A. Hayne
William A. Hayne
Mayor

ATTEST:

Gene Armstead
Gene Armstead, City Clerk/
City Administrator

ATTEST.

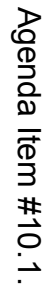
The foregoing instrument is a correct copy of the original on file in this office of City Clerk and Clerk of the St. Helena City Council, County of Napa, State of California.

By *[Signature]* Date 1-13-92

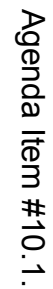
Seal



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Final Review of 2035 General Plan Update and Environmental Impact Report (EIR) Scope and Process

By: Noah Housh, Planning Director

Planning and Community Improvement

Mach 27, 2018



Description

Review of the preliminary feedback, scope and process to finalize the 2035 General Plan Update and associated EIR

February 20, 2018 Joint Meeting PC & CC provided preliminary feedback on a number of topics

Finalize the input on these items to allow staff and the consultants to move forward with completion of the General Plan Update and EIR in keeping with the projected schedule



Background

General Plan Update Formally Began in 2007-Draft Completed in 2010

April 2016-August 2016-PC Held Six Study Sessions to Finalize Direction

- Summarized in Attached Chair/Vice Chair Memo

January 9, 2018 Approved Contract with Finalize GP and EIR

February 20, 2018 Joint Meeting

- Commission Consensus on Most Topics=Chair & Vice Chair Memo

- Discussed several other topics including Jackson Lewis Letter and Citizens Voice Recommended Revisions



Outstanding Issues/Questions

Consultant Questions

- PC and CC Support for All Recommendations
- Parking Study?

Confirmation on Outstanding Issues in PC Memo

- PC and CC Generally Agreed
- Language and Timing of Future Policy Changes



Outstanding Issues/Questions Cont.

Remaining Public Comments

- George David; Mary Stevenson; Bradshaw; Citizens Voice; Chamber of Commerce;

Expanded Planning Areas-Revised Per Direction

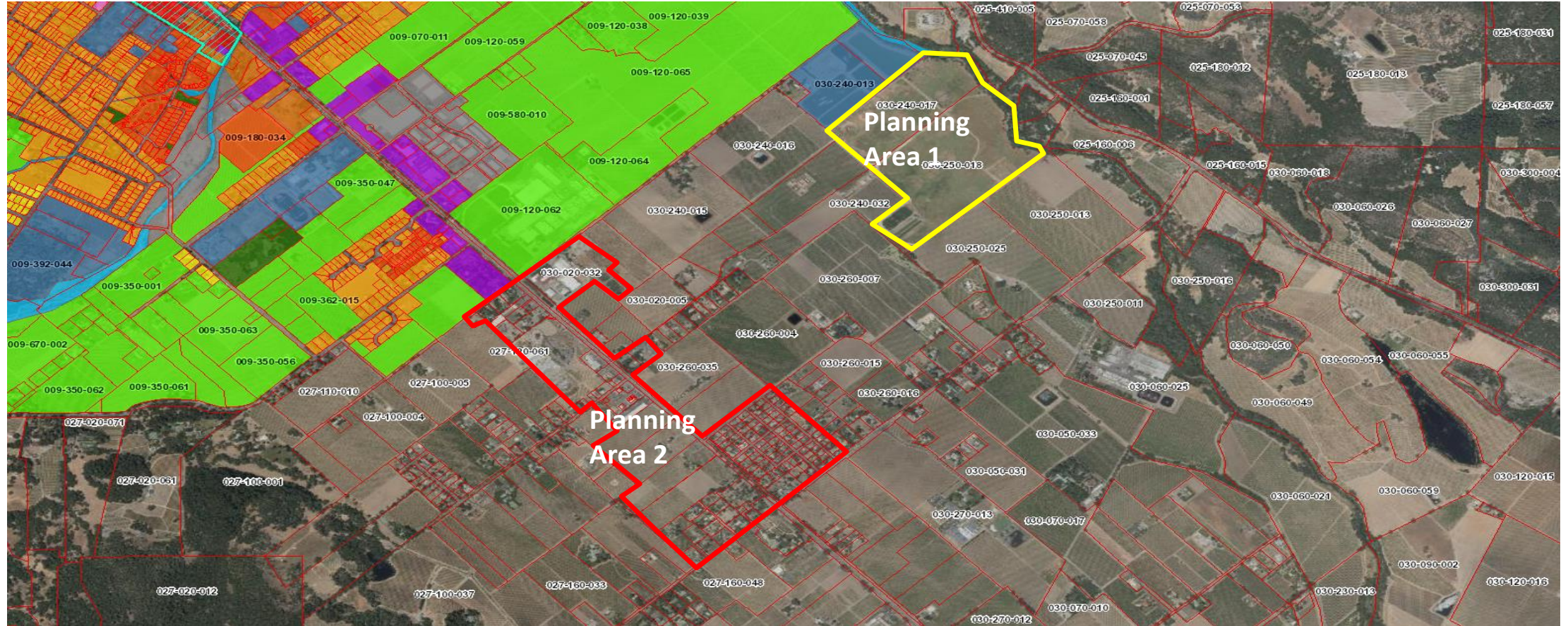
- Total Acreage 488
- Includes City Infrastructure
- Requested Updated Cost from Consultant

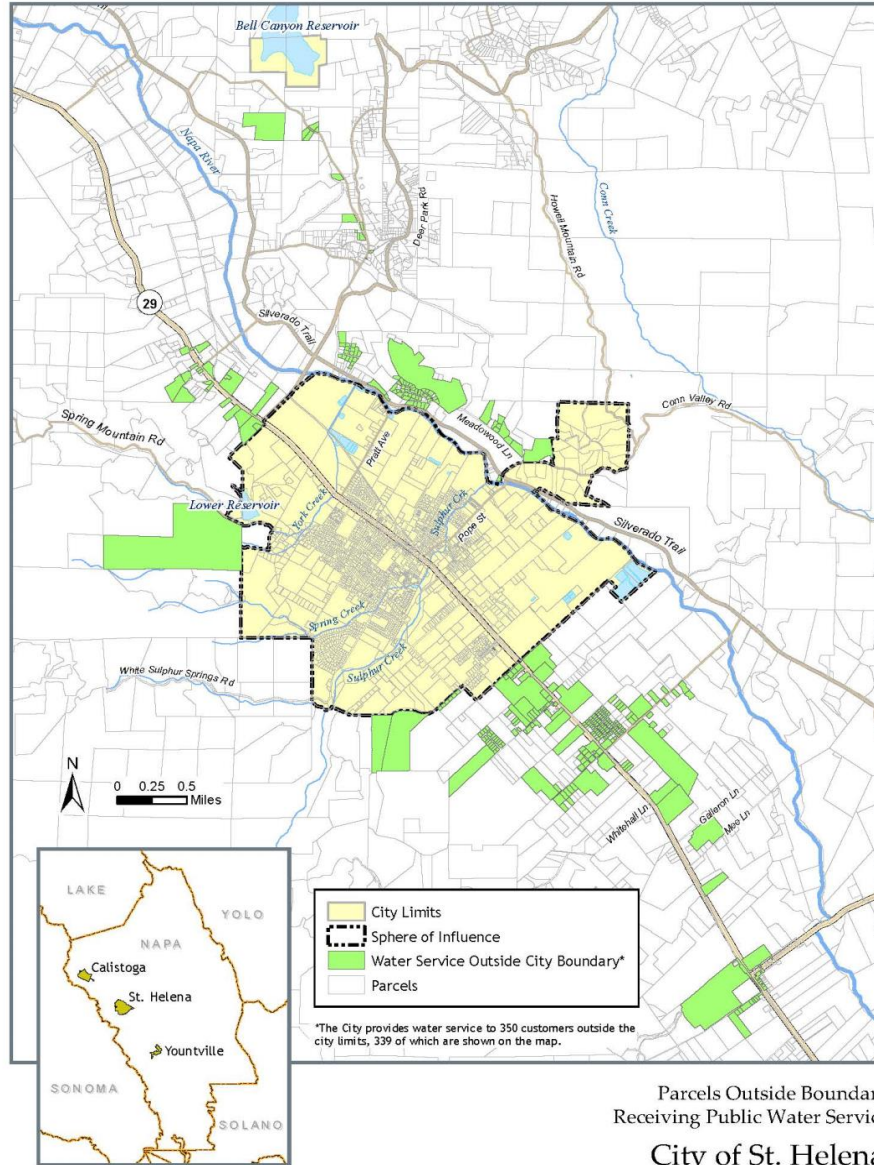


Additional Opportunities for Public Input

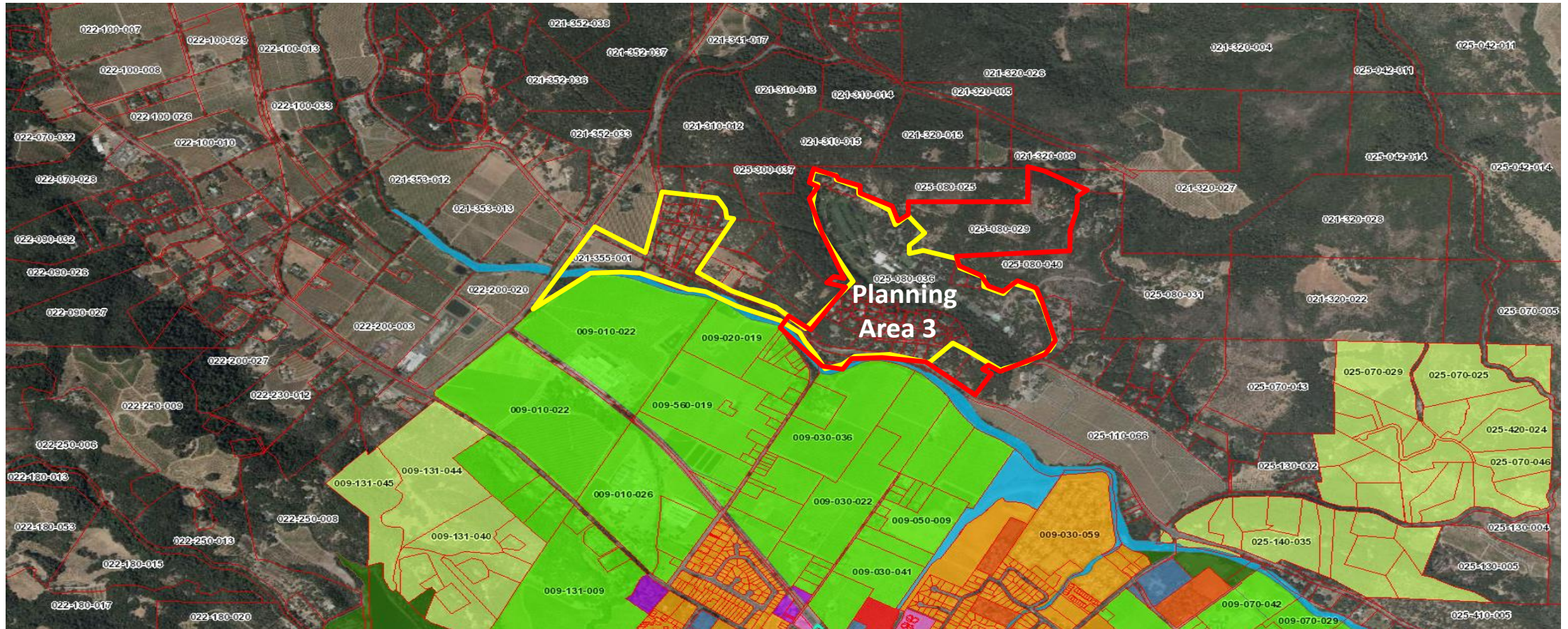
- General Plan Update EIR Scoping April 2-May 1
 - Scoping Meeting to Occur April 17, 2018
- Planning Commission Study Session
- City Council Study Session
- 45-Day Public Review and Comment Period on EIR
- Planning Commission Public Hearing
- City Council Public Hearing

Potential Expanded Planning Areas





Potential Expanded Planning Areas





Recommendation

Staff recommends the City Council:

1. Review the provided documents and information;
2. Discuss the various elements identified; and
3. Provide direction to staff and the consultants regarding the finalized scope of the 2035 General Plan Update and EIR.



Questions?

From: Hunt Street [<mailto:HuntStreetCoop@mail.com>]
Sent: Tuesday, March 27, 2018 1:44 PM
To: Cindy Tzaopoulos <ctzaopoulos@cityofsthelena.org>
Subject: Monte Vista rezoning for the city council meeting

We are sending this letter as a means of communicating our opinions to our elected officials, But we live in a very small town, and due to the potential backlash many of us feel could occur from future planning commission decisions, city council decisions and small town social complications, we have united as a co-operative and are choosing not to single out anyone of us by name. We hope you understand and will not let our fear of reprisal keep you from listening to us. The Hunt Street Co-op.

To the St Helena city council,

At a planning commission meeting, a private property rental unit owner got the planning commission to include her proposal to make Monte Vista Ave a high density zone in the new general plan. We are now becoming aware you are going to review this topic, and we want our voices heard.

We are absolutely opposed to the rezoning of the street, especially since none of the neighbors anywhere in the area were notified about this proposal, either years ago, or now. Why not? Why are you considering a request made by a rental unit property owner who lives on the other side of town and fought against a second unit in her neighborhood saying "We are lucky we have CCR rules that don't allow second units in our neighborhood." The blatant double-standard of not wanting more housing in that "lucky neighborhood", along with the financial benefit from high density zoning of rental property, and disregard for neighbors is unbelievable.

To even discuss allowing 3 stories and zero setbacks and no additional parking without even notifying us of the idea is a blatant example of favoritism in this city, and since almost all the city council lives on the west side, we feel marginalized. It seems we're obviously not part of the "preferred west side of town", where even second units are shut down due to special rules, while we are faced with 3 stories and extreme parking issues without notice.

1. Monte Vista is a narrow dead end street lined with 2-story apartments. Cars cram along every inch of both sides, hanging over driveways, ADA ramps and Red Zones. *Can our fire department gain access to this dead end, overcrowded street to handle a 3 story blaze? Will fire jump to surrounding adjacent homes just feet away?*
1. Lack of onsite parking for all Monte Vista's apartments now forces the residents to spill onto Hunt St. which already struggles with parking for the surrounding Christine apartments, the multi-unit condo building, 50 unit Woodbridge apartment complex, 20 unit townhouse complex, second unit rentals and the Hunt's Grove apartment complex. *What is the associated plan for increasing parking for 3rd story units?*
2. The sidewalk on Hunt is heavily traveled due to the existing density in the area but is only on one side, with telephone poles in the middle of the pavement. Pedestrians have to step into the street when passing. Tragically, one person has already been killed walking along Hunt. *Are you planning to build new wider sidewalks to safely accommodate the additional people?*

3. Monte Vista's 2-story apartments back-up to single family homes with a 20 foot setback. High density zoning would allow 3 story apartments with zero setback, 35 feet tall to tower over backyards and homes. *Neighbors were not notified, and no one has invited our input. Why not?*
4. Mrs Stevenson owns property on Monte Vista and will benefit financially from her proposed zoning change where 3 stories can be built without any restrictions, expanding her future rental capacity and increasing the value of her property. *Is rezoning in the general plan based on who you know?*

This attempt by a resident living in a high end neighborhood across town, who battled against one little second unit near her house, who has no suggestion for parking or fire access, and who has a financial interest to rezone an already overbuilt dead end street along Hunt St is out of line on her part. But when there has been no effort to notify us of enormous possible changes that directly impact us, then that is out of line on your part. Where is the transparency and fairness? .

We are holding out hope that you elected officials, will see this as an unreasonable single location general plan proposal from a private property owner and her friend on the Planning Commission. It shows a lack of respect to all the surrounding neighborhoods in this area. We look to you for fairness and ask that you do not increase the zoning on this overcrowded dead-end street. Otherwise, we hereby officially request that the zoning on Chablis Court, Chardonnay, and Pinot Way be changed to high density in the new general plan to accommodate additional housing where there is plenty of street parking, adequate fire access and safer sidewalks. (And in order to be consistent, please do not notify them when you discuss it at the next meeting).

Respectfully,

The Hunt Street Neighborhood Co-op



Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: **New Business**

Subject: **2018 Water Storage Projections Update**

CEQA **Not a CEQA project**
Determination:

Prepared By: Felix Hernandez III, Utilities Operations Manager

Reviewed By: Erica Ahmann Smithies, Public Works Director and City Engineer

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Given below average seasonal rainfall, the City Council recently requested a water supply update to determine if formal water restrictions might be needed. In conjunction with the State Water Resources Control Board Division of Drinking Water, staff evaluated projected rainfall and demand through December 31, 2018 as well as available supply from all available water sources. In addition to this, staff also developed surface water storage projections for Bell Canyon Reservoir through November 1, 2018 and a potable water production plan.

St. Helena Municipal Code Section 13.04.220 establishes that at any time the City Council finds and determines a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the City Council shall adopt a resolution setting forth the applicable phase.

St. Helena Municipal Code Section 13.04.230 requires implementation of Phase I Emergency Water Regulations where conditions requiring the establishment of a Phase II water emergency, as determined by the Director of Public Works appear imminent. In addition to the Municipal Code, the 2017 adopted water rate structure includes a drought period surcharge that begins once the City implements Phase I Water Regulations.

DISCUSSION

The St. Helena Municipal Code Chapter 13.04 provides rainfall precipitation and supply/usage balance as guiding factors in determining Safe Annual Yield of the City's water supply and the implementation of water restrictions. "Safe annual yield" of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a dry year (rainfall at twenty-two (22) inches to twenty-five and nine-tenths (25.9) inches) without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant hardship on water customers in a critically dry year (rainfall at twenty-one and nine-tenths (21.9) inches or less) or in periods of two or more consecutive dry years. "Undue hardship" is defined to mean Phase II or Phase III restrictions at any time, as these phases are set forth in the code. The safe annual yield shall be determined pursuant to the analytical methodology used by the Safe Yield Committee, as identified in its report dated March 17, 2011. The Committee determined that the safe annual yield to be 1,950 acre-feet which is calculated as needed at the beginning of each fiscal year.. The safe annual yield shall be redetermined any time there is a material change in the City's water supply or operations.

The projected water demand through the end of June is approximately 544 acre-feet and the projected water supply as of March 12 from all three sources is as follows:

Water Source	Volume in Acre-Feet
Bell Canyon Reservoir	1,450
*Stonebridge Well Production	104
**City of Napa	178
Total Supply	1,732
*The City can increase well production from 20% to 30% which would increase production to 159 acre-feet	
**An additional 200 acre-feet of water is available for allocation from the City of Napa if needed	

The available water supply versus projected demand through the end of the fiscal year is currently in the positive.

The City's annual rainfall as of March 12, 2018 was approximately 15.66 inches, which is an increase of 3.18 inches since February 28, but well below what is considered a dry year without water restrictions. If the City does not receive several additional inches of precipitation by the end of June it may be in a critically dry year scenario and the implementation of Phase I restrictions may be recommended with potential Phase II or III implications pending annual safe yield calculations at the end of this fiscal year. It is important to note that the rainfall year coincides with the City's fiscal year from July 1 to June 30.

A potable water production plan developed in February by City staff and staff at the State Water Resources Control Board Division of Drinking Water, as well as Bell Canyon Reservoir water storage projections, take into account conservation of Bell Canyon's surface water supply for 2018. Staff is in agreement with the analysis that moving into Phase I may be warranted later this year and has included for the City Council's review a resolution to that effect.

The actions taken by residents and the City during a Phase I Water Emergency are formally outlined in the attached Municipal Code Sections 13.04.220-310. If implemented, City staff will notify customers that one or more of the criteria for Phase I has been met, and shall identify and explain in sufficient detail each criterion that forms a basis for establishing a Phase I water emergency, as well as possible Phase II Regulations. With Phase I restrictions, most water conservation actions are recommended, not mandatory, with the exception of prohibiting filling pools and surface cleaning using potable water sources. If the declaration of a Phase II emergency appears reasonably imminent, the City Council shall also form a Water Advisory Board consisting of one City Council Member, one Planning Commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer. The Director of Public Works shall be an ex officio member of this board. Unless the City Council otherwise directs, the board will disband when the water emergency is no longer in effect.

Staff will continue to monitor potable water demand, cumulative rainfall, as well as continue to update projections. Staff will report back to City Council if Phase I water regulations and restrictions are warranted or if Phase II is imminent.

FISCAL IMPACT

The recently adopted water rate structure includes a drought period surcharge that begins once the City implements Phase 1 Water Regulations. Drought rates are only applied to use charges (does not affect service charges). Drought rates are 6% higher than non- drought rates because during drought years the cost of water per 1,000 gallons is 6% higher than during non- drought years.

RECOMMENDED ACTION

No action required at this time.

ATTACHMENTS

[Attachment 1 Resolution Example](#)

[Attachment 2 2016 Municipal Code](#)

[Attachment 3 2011 Safe Yield Committee Report](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**ESTABLISHING A WATER SHORTAGE EMERGENCY
CONDITION
REQUIRING THE IMPLEMENTATION OF PHASE I
WATER REGULATIONS AND A 6% DROUGHT
SURCHARGE**

RECITALS

- A. St. Helena Municipal Code Section 13.04.220 establishes that at any time that the City Council finds and determines a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the City Council shall adopt a resolution setting forth the applicable phase; and
- B. St. Helena Municipal Code Section 13.04.230 requires implementation of Phase I Emergency Water Regulations where conditions requiring the establishment of a Phase II Water Emergency, as determined by the Director of Public Works, appear to be imminent; and
- C. The recently adopted water rate structure includes a drought period surcharge that begins once the City implements Phase 1 Emergency Water Regulations. Drought rates are only applied to use charges (does not affect service charges). Drought rates are 6% higher than non-drought rates because during drought years the cost of water per 1,000 gallons is 6% higher than during non-drought years.

RESOLUTION

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

1. To establish Phase I Water Emergency Regulations and a 6% drought surcharge.
2. That the City Clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of Sections 13.04.290 and 13.04.310 of St. Helena Municipal Code. The establishment of a particular phase shall be completed and effective at midnight of the day on which the newspaper containing such notice is distributed.

I HEREBY CERTIFY that the this Resolution was adopted at a regular meeting of the City Council held on March 27, 2018 by the following roll call vote:

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Dohring: _____

Councilmember Ellsworth: _____

Councilmember Koberstein: _____

APPROVED: ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk

Article 2

Water Shortage Emergencies, Drought and Water Conservation

13.04.220 Procedure for establishing water emergency phases.

At any time that the city council finds and determines that a water shortage emergency condition exists within the criteria of Sections 13.04.230 through 13.04.250, and that it is necessary to limit usage by the customers of the municipal water department, the city council shall adopt a resolution setting forth the applicable phase. As soon as is practicable after adoption of such resolution, the city clerk shall cause to be published at least once, in a newspaper of general circulation published and circulated in the city, a notice declaring the establishment of such regulatory phase. Such notice shall set forth the limitations of water use applicable to the particular phase being established and shall further declare that violations of such limitations are punishable in accordance with the provisions of Sections 13.04.230 and 13.04.310. The establishment of a particular phase shall be completed and effective as described in the resolution adopting the water shortage phase.

Whenever the cumulative rainfall for the current water year (beginning November 1st) is less than the median amount for the same time period, the director of public works or designee shall report at least monthly to the city council and recommend whether the city should enter into a water shortage phase, and if so, which phase is recommended.

At any time, the state of California may require the city to conform with emergency drought regulations.

Notwithstanding any other provisions of this article, the city council may, at the recommendation of the director of public works, activate a water shortage phase as a means of compliance with emergency drought regulations adopted by the state. (Ord. 16-13 § 5 (Att. 6 (part)): Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.23)

13.04.221 Water conservation.

St. Helena has limited water resources and has adopted both required and encouraged conservation measures. All customers shall comply with all mandatory water use efficiency requirements within this chapter for water conservation. Any customer who fails to comply with the mandatory water conservation measures shall immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions as directed by the city to bring about full compliance.

A. All persons are encouraged to use the following water use efficiency guidelines to minimize water waste:

1. Establish procedures in the home and business to recycle water;
2. Install water-saving devices in existing facilities including low flow showerheads, faucet aerators, ULF (ultra-low flush) toilets, and WaterSense certified (or successor certification) appliances;
3. Refrain from additional irrigation and unnecessary use of water, such as car washing, when the temperature exceeds ninety (90) degrees Fahrenheit;
4. Limit the expansion or installation of new water-using appliances, plumbing or improvements, such as lawns, landscaping, pools, sprinkler irrigation systems, wash-down equipment, larger washing machines or garbage disposal units. In the event that a new water-using appliance is necessary, installation of water efficient devices are encouraged;

5. All schools, social and professional groups, churches, etc., should discuss water conservation as a regular agenda item and forward worthwhile suggestions to the department for consideration and implementation;

6. Limit irrigation of potable water to landscaping between the hours of eight a.m. and eight p.m.; and

7. All sites with irrigated landscapes or gardens are encouraged to establish the following irrigation practices:

a. Turn off irrigation systems during the off-peak season (November through April) as defined in Section 13.04.080;

b. Reduce the amount of time for all outdoor irrigation.

B. Mandatory Conservation Measures. The following water conservation prohibitions and limitations are required by all persons:

1. The application of potable water to any driveway or sidewalk is prohibited, unless the person proposing such application of potable water documents to the director of public works' satisfaction that application is necessary to abate a condition constituting a public health hazard.

2. Using a hose that dispenses potable water to wash a motor vehicle is prohibited unless the hose is fitted with a shut-off nozzle.

3. Customers shall install new landscaping in existing or new development that is water efficient within the meaning of the state's water efficient landscape ordinance.

4. Using potable water to water outdoor landscapes in a manner that causes runoff to adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures is prohibited.

5. Using potable water in a fountain or decorative water feature is prohibited unless the water is part of a recirculating system.

6. Withdrawing water from fire hydrants, except for firefighting, firefighting training, and water system maintenance purposes, is prohibited.

7. Use of potable water for grading, dust control, street, pipeline or similar construction is prohibited.

8. The application of potable water to outdoor landscapes during and up to forty-eight (48) hours after measurable rainfall is prohibited.

9. No person shall use potable water to irrigate ornamental turf on public street medians.

10. Restaurants, hotels, cafes, cafeterias, bars or other public places where food or drink is served and/or purchased shall supply water to patrons only upon request.

11. Operators of hotels and motels shall provide guests with the option of choosing not to have towels and

linens laundered daily. The hotel or motel shall prominently display notice of this option in each bathroom using clear and easily understood language.

12. All projects for which the planning department requires approved landscape plans must adhere to the city's xeriscape standards or the state's Model Water Efficient Landscape Ordinance, whichever is stricter, in order to obtain plan approval.

13. Any new water connection for new development must offset new demand by an amount of water equal to the new demand on the city water system using the methodology defined in Section 13.12.030. The offset must be clearly demonstrated, to the satisfaction of the director of public works. (Ord. 16-13 § 5 (Att. 6 (part)))

13.04.230 Phase I water regulations.

A. The criteria for establishing Phase I shall be any or all of the following:

1. The supply/usage balance, as calculated at the beginning of the fiscal year, is in deficit;
2. The volume of water to be delivered by the city of Napa in any fiscal year will not exceed four hundred (400) AF;
3. The volume of water anticipated to be available prior to the next November 1st, as determined by the director of public works, is not sufficient to meet projected demand through November 1st without demand reduction measures being implemented; or
4. Conditions requiring the establishment of a Phase II water emergency, as determined by the director of public works, appear to be imminent.

B. During the Phase I water emergency, the following mandatory conservation measures by customers of the department shall be enforced by the department and publicized by the city:

1. All customers must be in compliance with all water conservation requirements of Section 13.04.221(B) (Water Conservation). If a customer is found to be out of compliance with any part of Section 13.04.221 or provisions of these water shortage emergency requirements, the customer must immediately stop the water waste by installing the appropriate water-saving devices in their plumbing, appliances, or improvements, or take other such actions to bring about full compliance.
2. All customers are prohibited from expanding or installing landscaping or appliances that will increase the overall water use of the property. Replacement of existing appliances, landscaping, plumbing, or improvements shall be allowed only if the change can be documented to the satisfaction of the director of public works to result in more efficient water-using fixtures or systems.
3. Customers shall cease the operation of air-cooling outdoor misting systems using treated water supplied by the city, unless on a timer.
4. Outdoor irrigation of ornamental landscapes or turf with potable water is limited to no more than two days a week. The director of public works shall specify the two days per week in accordance with the needs of any geographical area within the city.

5. No person shall use potable water to irrigate landscaping between the hours of eight a.m. and eight p.m.
 6. Irrigation with potable water of landscapes outside of newly constructed homes and buildings shall be in a manner consistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development. If irrigation systems are installed as a part of new development, they shall be drip or microspray irrigation systems or a system determined by the director of public works or designee to be more efficient.
 7. Draining and refilling of swimming pools shall be permitted only as needed for the purpose of pool repair or to correct a severe chemical imbalance. Draining and refilling of decorative ponds and lakes shall be permitted only as needed for the purpose of lining the bottom to prevent absorption.
 8. All new or replacement industrial and commercial clothes washers shall be high efficiency as defined by the U.S. Environmental Protection Agency. All new or expanded car washing facilities shall include water-saving methods.
 9. In accordance with Section 864 of Title 23 of the California Code of Regulations or any successor regulation, the taking of any action prohibited in this subsection B, in addition to any other applicable civil or criminal penalties (including the penalties set forth in Sections 13.04.230 and 13.04.310), is an infraction, punishable by a fine of up to five hundred dollars (\$500.00) for each day in which the violation occurs.
- C. During the Phase I water emergency, the following actions shall be carried out by the city:
1. The city shall notify customers that one or more of the criteria for Phase I has been met, and shall identify and explain in sufficient detail each criterion that forms a basis for establishing a Phase I water emergency.
 2. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase II water emergency if a Phase II water emergency appears to be imminent.
 3. The city shall advise customers of the Phase I water shortage and of restrictions and opportunities for exception permits that are available under Section 13.04.280 if a Phase II water emergency appears to be imminent.
 4. Any applicant for, or holder of, a building permit for construction that may be affected by the existence of this or future water emergency phases shall be informed of the impact of such phases, but lack of such notice shall not permit a new water connection that is otherwise prohibited.
 5. The city shall not issue permits for construction of any new swimming pool unless the pool is to be supplied with water other than treated water supplied by the city. Customers are encouraged to fill existing pools from water other than treated water.
 6. If a Phase II water emergency appears to be imminent, the city shall make plans for implementation of a water shortage disaster plan, which shall include provisions for:
 - a. Emergency water stations;

b. Acquisition of private property under the right of eminent domain, with immediate possession to alleviate the emergency; and

c. Application for relief assistance from county, state, and federal sources.

7. The city council shall give notice to any customer that has a terminable contract with the department (whereby the department is the supplier) that such contract will be terminated upon implementation of Phase III by the city council.

8. If the declaration of a Phase II emergency appears reasonably imminent, the city council shall cause a water advisory board to be formed consisting of one city council member, one planning commissioner, one winery customer, and two public members, one of whom shall be solely a residential customer. The director of public works shall be an ex officio member of this board. Unless the city council otherwise directs, the board will disband when the water emergency is no longer in effect. The water advisory board shall have access to all records in the possession of the water enterprise necessary in its judgment to perform its duties, including customer records. The board shall maintain the confidentiality of individual customer records unless the board determines by resolution that release of such information is necessary in the pursuit of its duties.

D. In addition to the mandatory measures defined in subsection B of this section, customers of the department and members of the community are encouraged to do the following:

1. Reduce all indoor water use to not more than an average of seventy-five (75) gallons per person per day within the residence, including single-family residences, apartments, condominiums, townhomes, mobile homes and manufactured homes.

2. Reduce indoor water use in the work place and commercial establishments by a minimum of ten percent (10%) from customary consumption.

3. Eliminate or defer all nonessential water use such as topping off swimming pools.

4. All schools, social and professional groups, churches, etc., are encouraged to discuss water conservation as a regular agenda item and to forward worthwhile suggestions to the department for consideration. (Ord. 16-13 § 5 (Att. 6 (part)): Ord. 15-5 § 1 (part): Ord. 14-11 § 3 (Exh. A): Ord. 14-9 § 5 (Exh. A): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.23.1)

13.04.240 Phase II water regulations.

A. The criteria for establishing Phase II shall be:

1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase I reductions being implemented; or

2. Conditions requiring the establishment of a Phase III water emergency appear imminent.

3. In assessing the need to impose Phase II restrictions, due weight shall be accorded to the trigger system

developed by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phase I, Section 13.04.230(B), (C) and (D) shall be included in Phase II and publicized by the city except insofar as they are inconsistent with subsections C and D of this section.

C. The following mandatory conservation measures by customers of the department shall be enforced by the department:

1. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be ten percent (10%) less than the average use during the four winter months of the preceding non-shortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than sixty (60) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. Commercial, industrial, and institutional customers with irrigation and domestic use provided by the same water meter may receive an additional landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

2. Residential users in the single-family residential, multifamily residential, mobile home and manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty-five (65) gallons per person per day. Single-family residences will receive an additional twenty-five hundred (2,500) gallons per month from April through October for landscape irrigation. Multifamily residential, mobile home and manufactured homes customers may receive a landscape allocation of up to seventy (70) gallons per day per thousand (1,000) square feet of landscaped area during April through October by documenting the landscaped square footage served by city water to the satisfaction of the director of public works. For purposes of landscape allocation, the April allocation period will begin on the date the water meter is read in April, and the October allocation period will end on the date the water meter is read in November.

3. For a lawn, landscaping, vineyard or field watered or irrigated through a meter dedicated to that use, usage shall be limited to sixty percent (60%) of current reference evapotranspiration as established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations.

4. No new water connections shall be permitted during a Phase II water emergency.

D. During the Phase II water emergency, the following actions shall be carried out by the city:

1. The city shall notify customers of the water usage allocation for each account that would be allowed under a Phase III water emergency.

2. The department of public works shall make available, or arrange to have delivered, nonpotable water from

either lower reservoir or, if permitted and available, tertiary treated wastewater to city-owned properties for irrigation purposes.

3. Nothing herein shall restrict the authority of the director of public works from imposing more severe usage restrictions on each class of water customer if circumstances so warrant. (Ord. 16-13 § 5 (Att. 6 (part)): Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part))

13.04.250 Phase III water regulations.

A. The criteria for establishing Phase III shall be:

1. The volume of water anticipated to be available prior to the next November 1st from all potable water sources is not sufficient to meet the projected demands through November 1st without demand reduction measures beyond the Phase II reductions being implemented.

2. In assessing the need to impose Phase III restrictions, due weight shall be accorded the trigger system developed and defined by the safe yield committee for use by the director of public works. The trigger system is based on water levels in Bell Canyon Reservoir, with the level necessary to trigger a water emergency being adjusted each month to reflect the supply capacity of groundwater and water to be delivered by the city of Napa at that time. Details of the system can be obtained from the director of public works.

B. All mandatory and voluntary measures established by Section 13.04.221, Water Conservation, and Phases I and II, Sections 13.04.230(B), (C) and (D) and 13.04.240(B), (C) and (D), shall be included in Phase III and publicized by the city, except insofar as they are inconsistent with subsections C and D of this section.

C. The following mandatory conservation measures by customers of the department shall be enforced by the department:

1. Commercial, industrial, and institutional users other than dedicated irrigation accounts will receive an allocation per billing period which will be twenty percent (20%) less than the average use during the four winter months of the preceding non-shortage year; provided, that no commercial, industrial, or institutional user will be required to reduce usage to less than fifty (50) gallons per day. Users with no prior record of use shall be governed by comparable facilities' usage records as determined by the department. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established non-turf plants only.

2. Residential users in single-family residential, multifamily residential, mobile home and manufactured homes customer classes will receive an allocation per billing period which will be limited to sixty (60) gallons per person per day. The allocation for landscape irrigation will be fifty percent (50%) of the allocation in Phase II and will be based on the same meter reading period as for Phase II. Landscape allocations are provided for established non-turf plants only.

3. For a vineyard or approved field (as approved by the water advisory board) watered or irrigated through a meter dedicated to that use, the allocation shall be limited to thirty percent (30%) of current reference evapotranspiration as established in the California Model Water Efficient Landscape Ordinance (MWELO) or successor regulations, and irrigation will be allowed for established non-turf plants only.

4. All nonessential uses of water shall be prohibited. Nonessential uses shall include, but not be limited to, the following:

- a. The use of water for irrigation of turf, lawns, or landscaping;
- b. The refilling of swimming pools, hot tubs and spas, except as required by the fire chief for use as standby neighborhood fire protection. The fire chief shall maintain a list of such pools to be on file at the fire department.

5. No new water connections for new development shall be permitted.

D. During the Phase III water emergency, the following actions shall be carried out by the city:

- 1. The department shall terminate all nonessential contracts which are terminable. (Ord. 16-13 § 5 (Att. 6 (part)):
Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.25)

13.04.270 Termination of water emergency phases.

Water emergency phases shall be terminated or changed to a less critical phase in the same manner as they are established in accordance with criteria set forth in the preceding sections and at the discretion of the city council. (Ord. 16-13 § 5 (Att. 6 (part)):
Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28)

13.04.280 Exception permits.

A. Under a Phase II or Phase III water emergency, the director of public works shall, with such conditions as seem to him or her to be reasonable, grant exception permits in addition to any basic allocation, on application of a water customer submitted under penalty of perjury, based on the conditions defined in this section. The city may provide a process for certification of efficiency, lot size, medical condition, or efficient and essential use prior to declaration of a water shortage emergency condition which could result in a customer being prequalified for exception.

1. For any customer with an allocation based on previous water use, if it can be demonstrated to the satisfaction of the director of public works that water conservation measures beyond those required in Chapter 13.12 were in place prior to the preceding non-shortage year, an additional quantity of water may be allocated to recognize the higher efficiency in place prior to the water emergency condition.

2. For single-family residential parcels exceeding seven thousand (7,000) square feet in area, the quantity of up to twenty (20) gallons per day for each one thousand (1,000) square feet that the property area exceeds seven thousand (7,000) square feet for the purpose of maintaining mature landscape or orchard plants. For purposes of this subsection, multiple parcels maintained and fully landscaped as one property may be computed as being one parcel. An exception granted based on this subsection shall allow the use of no more than an additional two hundred fifty (250) gallons per day for this purpose.

3. For medical conditions of a resident, a quantity as required to maintain health standards.

4. For any customer with an allocation based on previous winter water use, if it can be demonstrated to the satisfaction of the director of public works that efficient and essential water uses are not represented in average winter water use, an additional quantity of water may be allocated to provide for these efficient and essential needs.

B. The water advisory board shall meet at least monthly and may grant permits for uses of water or for exceptions to water conservation measures or for water connections otherwise prohibited by Sections 13.04.230, 13.04.240, and 13.04.250 if it finds and determines that such regulations would:

1. Cause an unnecessary and undue hardship to the applicant or to the public;
2. Cause an emergency condition affecting the health, sanitation, fire protection, or safety of the applicant or public; or
3. Promote water conservation by providing for the establishment of water efficient landscaping meeting the standards of Section 17.112.140 and such policies and regulations as have been adopted to implement the provisions of that chapter, replacing more water-intensive landscaping.

C. The water advisory board of the city shall prescribe necessary procedures for application for and use of exception permits.

D. Any decision of the director of public works in granting or denying exceptions may be appealed by the applicant or any other person to the water advisory board by filing a written appeal with the city clerk within ten (10) calendar days after the date of mailing of written notice to the applicant of the decision rendered. The water advisory board shall use its best efforts to hear and determine such appeal within twenty (20) days, and shall affirm, reverse, or modify the decision.

E. Any decision of the water advisory board may be appealed by the applicant to the city council according to the provisions of Chapter 1.16. (Ord. 16-13 § 5 (Att. 6 (part)): Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.28.1)

13.04.310 Violation—Misdemeanor.

Notwithstanding any provision of this code to the contrary, the provisions of Section 377 of the California Water Code shall be applicable to any violation of this article. Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by imprisonment in the county jail and/or fined in accordance with the penalties as set forth in the provisions of Section 377 of the California Water Code. (Ord. 16-13 § 5 (Att. 6 (part)): Ord. 15-5 § 1 (part): Ord. 11-7 (part): Ord. 02-7A § 1 (part): prior code § 18.30)

Thursday, March 17, 2011

Report of the Safe Yield Committee

I. INTRODUCTION

In accordance with a policy directive (PF1.1) in the General Plan Update 2030 (revised draft, October 2010), which brought forward a similar but unfulfilled directive from the 1993 General Plan, the City Council on December 14, 2010 appointed the Safe Yield Committee ("the Committee") to ascertain the annual safe yield of the St. Helena potable water system at the present time. The ultimate goal of the Committee was to determine whether, at the present time, potable water usage was below, above, or equal to the safe yield of the potable water supply system.

The Committee consisted of Alan Galbraith, Tim Nieman, and John Sales. The Committee met a total of seven times. The Committee was supported by the Public Works Director, John Ferons. The Committee reviewed its work with Jim Connell of West Yost Associates, the City's outside consulting firm on water supply. This report states the findings, conclusion, and immediate recommendations of the Committee.

The Committee is pleased to report that Mr. Ferons and Mr. Connell are in concurrence with the Committee's calculations of water supply from each water supply source, given the definition of "safe yield" immediately below. They also agree with the Committee's recommendations in Section VII. They take no position on the definition of "safe yield" itself as it is a policy-level issue.

II. DEFINITION OF SAFE YIELD

The meaning of "safe yield" was not defined in the 1993 General Plan. In connection with the general plan update process, the Planning Commission undertook to define the meaning of "safe yield." The City Council approved the definition recommended by the Planning Commission.

The definition of "safe yield" is as follows: **"The safe annual yield of the St. Helena water supply system is that quantity of water which can be reliably delivered on an annual basis through most rainfall years, including a Dry Year (rainfall at 22" to 25.9") without undue hardship on water customers through water shortage restrictions. It is recognized that the safe annual yield, as so defined, could place significant hardship on water customers in a Critically Dry Year (rainfall at 21.9" or less) or in periods of two or more consecutive Dry Years."**

The initial task of the Safe Yield Committee was to quantify the “safe yield” of the City’s potable water supply system *under current operating conditions*.

III. THE SAFE YIELD OF THE ST. HELENA WATER SUPPLY SYSTEM

Based on current operating conditions, the annual safe yield of the St. Helena potable water supply system is estimated to be 1950 AF.

The Committee’s modeling shows that if the City experiences a dry year (22 inches of rainfall) following a series of normal rainfall years, the City can make it through this single dry year with, potentially, the necessity for Phase III restrictions during at least some months in the dry year. This is not deemed an “undue hardship,” even though the imposition of Phase III restrictions would require mandatory rationing and is clearly a significant hardship. The Committee considers “undue hardship” to be Phase IV or V restrictions, or three or more consecutive months of Phase III restrictions.

The basic supply assumptions behind the Committee’s modeling are as follows: (1) the City purchases all Napa water available to it, including the option water (200 AF over 600 AF) in years when it can be purchased; (2) the City limits groundwater production to a long-term average not to exceed 450 AF/yr; (3) the City manages Bell Canyon reservoir as it is currently being managed. The Committee’s model assumes that the City at all times meets its bypass obligations as set forth in Permits 9157 and 14810 from the State Water Resources Control Board.

Detailed computer modeling provides the factual basis for the safe yield finding of the Committee. The models used are extensions of models constructed and used by West Yost Associates. All inputs are based on the best data available; where the data are incomplete, the uncertainties are captured as probabilities and/or examined via sensitivity analysis to gain additional confidence in the stability of the results.

IV. THE NET SAFE YIELD OF THE ST. HELENA WATER SYSTEM

In order to assess total potable water supply of the City’s Water Enterprise that is actually available for sale to customers, it is necessary to subtract from the total supply that amount of water that is not actually available for delivery (“unavailable water”). The safe yield of the St. Helena Water System less unavailable water equals the *net* safe yield of the system.

“Unavailable water” consists of “unaccounted for water,” which is metered water that enters the water supply distribution system but cannot be sold to customers due to loss in the distribution system, metered water necessarily lost in connection with the filtration process at

the Water Treatment Plant at Bell Canyon, and metered water lost in well backwashing at the Stonebridge Well Complex.

The quantity of unavailable water was determined through careful analysis of potable water production and potable water sales in calendar year 2010 (ending December 31, 2010). This data was deemed more reliable than prior year data on account of completion of the meter replacement program prior to 2010. Unavailable water is best expressed as a percentage of production.

Based on calendar year 2010 data, total unavailable water, expressed as a percentage of production, was determined to be 14.96% (15.0% rounded). Of this amount, 14.47% was unaccounted for water loss. The remainder (0.49%) was water lost in production at Bell Canyon and at the Stonebridge complex.

Accordingly, at the current annual safe yield of the potable water supply system at 1950 AF, the *net* safe yield of the potable water supply system is 1658 AF (1950AF – (1950 AF x 15.0%)).

V. CURRENT SYSTEM POTABLE WATER USAGE

Due to the numerous factors that can impact water usage in any single year (total rainfall, seasonality of rainfall, state of economic activity, water restrictions, *etc.*), the Committee, the Public Works Director, and West Yost Associates determined that the most accurate picture of water usage is presented by using a *five-year*, rolling average. Use of any shorter time period carries the serious risk of presenting a skewed picture of “current” usage.

The Committee uses “rainfall year” usage data (July 1 through June 30). A rainfall year coincides with the City’s fiscal year. The City summarizes usage data on a fiscal year basis.

Total potable (metered) water usage was 1853 AF in FY 2006, 2026 AF in FY 2007, 1894 AF in FY 2008, 1807 AF in FY 2009, and 1581 AF in FY 2010.

The current five-year average of metered usage is therefore 1833 AF. Adding in the estimates of unavailable water gives an estimate of total average water usage of 2156 AF (1833 x .85).

VI. THE CURRENT SUPPLY/USAGE BALANCE

Current total usage, 2156 AF, is above the safe yield of the St. Helena water supply system of 1950 AF. The difference is 206 AF.

VII. CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that the St. Helena potable water supply system, under current conditions, is *not* currently in balance under the definition of safe yield adopted by the City Council. In future years, estimates of total usage should be updated on an annual (fiscal year) basis using the most recent five-year rolling average to re-evaluate the supply/usage balance.

Apart from contracting for new sources of water, the Committee recommends that the City consider two immediate steps to augment potable water supply.

First, the City should seek an amendment to the Napa contract. The current contract with Napa uses a trigger date of April 15 for determining the delivery quantities available to the City, and is based on the allocation of water from the State Water Project (“SWP”) to Napa on that date. The SWP allocation to Napa is often updated after April 15, usually as an increase. The new amendment will seek to change the effective trigger date to June 30. It should provide that if the SWP increases its allocation to Napa in the period between April 15 and June 30, and the increase would have triggered the City’s obligation to purchase 200 AF over the base 400, then Napa will deliver and St. Helena will pay for the additional 200 AF. Similarly, if the SWP increases its allocation to Napa in the period between April 15 and June 30, and the increase would have triggered the City’s option to purchase 200 AF over 600 AF, then Napa will provide St. Helena with the option to purchase 200 AF over 600 AF. The Committee estimates that this change in the Napa contract will increase the annual safe yield of the water supply system by approximately 75 AF.

Second, the safe yield of the system can be increased by giving the Public Works Department more opportunity to attempt to optimize its operations. Specifically, if the pumping capacity of groundwater wells were increased, Bell Canyon could be drawn down more during normal years (less carryover water) but with the ability to produce more groundwater in drought years. The overall anticipated effect would be to increase the total yield of the system and, at the same time, reduce over the long run the City’s average groundwater production from the Stonebridge Wells. Although further study is needed, initial modeling estimates that such a change in operations would increase the annual safe yield of the water supply system.

The Committee has the following **two additional recommendations**:

Third, City should retain West Yost Associates to develop a new system for triggering water emergencies. The current system, developed at a time when Bell Canyon was the City’s primary source of water and at a time when the yields from Bell Canyon were materially greater than they are today, is out-of-date, and a poor indicator of actual conditions. A new system would take into account that the City has three sources of water, and would give the Public

Works Director authority to recommend to City Council an appropriate level of emergency water restrictions in the context of the total supply situation as it exists or is reasonably forecasted to exist. The Committee remains willing to work with West Yost Associates and the Public Works Director on this difficult assignment if deemed appropriate.

Fourth, the City should re-determine the usage/supply balance at the end of each fiscal year in the ordinary course of business of the Water Enterprise. This will require recalculation each year of the forward-rolling, five-year average total potable water usage. It should also take into account any change in supply conditions.

Respectfully submitted,

Alan Galbraith
Tim Nieman
John Sales



Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: New Business

Subject: Consideration and Proposed approval of a Resolution Authorizing a Professional Services Agreement with Kosmont Companies in an Amount Not to Exceed \$25,000 to conduct a Downtown St. Helena Market Analysis

**CEQA Not a CEQA project
Determination:**

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

A number of vacant retail spaces in the downtown are experiencing challenges securing tenants, including the prominent retail space at 1331 Main Street, site of the former Goodman's Department Store.

One of the City Council's three year goals is to "Ensure Long Term Economic Sustainability While Safeguarding St. Helena's Unique Culture and Quality of Life." A specific 12-month strategic objective of goal attainment includes developing solutions to revitalize and create a resilient downtown. The objective includes a vision of working with local merchants and property owners by July 31, 2018 to catalogue and understand issues related to vacant and underutilized commercial space, and intervening to assist with efforts to secure tenants for vacant buildings. Council Members Paul Dohring and Mary Koberstein serve as Council liaisons to staff on the completion of this objective. They have been meeting frequently with the City Manager, conferring with and discussing the concerns of both downtown tenants and building owners and gathering input about what is required to ensure a sustainable downtown commercial district, including zoning ordinance updating, marketing strategies, coordinated monument signage, accessibility, connectivity, parking and retailer fit and compatibility.

DISCUSSION

In an effort to accelerate the City's efforts of identifying strategies to support a healthy downtown economy and business mix, the working group of Council Members Dohring and Koberstein, in consultation with the City Manager, are recommending the City utilize a consulting firm to conduct a market analysis of the downtown. In addition to compiling demographic data on local residents, and an identification of retail leakage in key categories, such an effort would include interviewing property owners and tenants to understand economic or other issues affecting the success/failure of the businesses. There are also opportunities to improve the City's marketing collateral and establish a digital presence to immediately help expose key properties to the investment community.

The City recently hired the Kosmont Companies, a full service real estate and economic advisory firm, to provide specialty real estate and municipal financial advisory services in support of the City's St. Helena Assets Planning Engagement (SHAPE) Committee review of municipal assets. Kosmont Companies also has expertise in conducting market and retail analyses for cities, developing successful strategies to facilitate sustainable downtown commercial districts, and assisting cities with digital marketing of vacant retail space. As a result, there are economies of scale available to the City as well as an opportunity to accelerate this work because Kosmont representatives are already planning travel to St. Helena over the next two months. For these reasons, it is recommended the City enter into a professional services agreement for an amount not to exceed \$25,000 to complete a downtown market study that will identify strategies to improve the downtown commercial district.

FISCAL IMPACT

The fiscal impact of approving this agreement is a not to exceed amount of \$25,000. Funds for this contract are available in the FY 2017/18 budget.

RECOMMENDED ACTION

Pass a resolution authorizing the City to enter into a professional services agreement with Kosmont Companies for an amount not to exceed \$25,000 to complete a downtown market study to identify strategies to improve the downtown commercial district.

ATTACHMENTS

[Resolution Kosmont](#)

[PSA Kosmont 032718 Downtown Analysis](#)

CITY OF ST. HELENA

RESOLUTION No. 2018-

Resolution of the Council of the City of St. Helena authorizing the City Manager to execute a Professional Services Agreement with Kosmont Companies for a total not-to-exceed amount of \$25,000 to conduct a Downtown St. Helena Market Analysis

RECITALS

- A. The City Council adopted 3-year Goals and 12-month Strategic Objectives in November 2018; and
- B. One of the 3-year Goals adopted is to Ensure Long Term Economic Sustainability While Safeguarding St. Helena's Unique Culture and Quality of Life; and
- C. The objective includes a vision of working with local merchants and property owners by July 31, 2018, to catalogue and understand issues related to vacant and underutilized commercial space and intervening to assist with efforts to secure tenants for vacant buildings; and
- D. The City recently hired the Kosmont Companies, a full service real estate and economic advisory firm, to provide specialty real estate and municipal financial advisory services in support of the City's St. Helena Assets Planning Engagement (SHAPE) Committee; and
- E. Kosmont Companies also has expertise in conducting market and retail analyses for cities, developing successful strategies to facilitate sustainable downtown commercial districts, and assisting cities with digital marketing of vacant retail space; and
- F. As a result, there are economies of scale available to the City as well as an opportunity to accelerate this work because Kosmont representatives are already traveling to St. Helena; and
- G. For these reasons, staff is recommending authorizing the City Manager to execute a Professional Services Agreement with Kosmont Companies for a total not-to-exceed amount of \$25,000 to conduct a Downtown St. Helena Market Analysis.

RESOLUTION

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

1. The City Council authorizes the City Manager to execute Professional Services Agreement with Kosmont Companies to conduct a Downtown St. Helena Market Analysis for a total not to exceed amount of \$25,000.

Approved at a Regular Meeting of the St. Helena City Council on March 27, 2018, by the following vote:

Mayor Galbraith:	_____
Vice Mayor White:	_____
Councilmember Koberstein:	_____
Councilmember Dohring:	_____
Councilmember Ellsworth:	_____

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzaopoulos, City Clerk





Report to the City Council
Council Meeting of March 27, 2018

Agenda Section: **New Business**

Subject: **City Council Meeting Schedule for Calendar Year 2018
Discussion and Direction**

CEQA **Not a CEQA project**
Determination:

Prepared By: Cindy Tzaopoulos, City Clerk

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Regular City Council meetings are held on the second and fourth Tuesdays of each month at 6:00 pm at the Vintage Hall Boardroom. If a City Council meeting falls on a holiday, the meeting is cancelled. Historically, the City Council has also cancelled one regular meeting in July or August.

DISCUSSION

Adjustments to the regular Council meeting schedule for 2018 are being proposed for consideration. The second meeting in December falls on the December 25th scheduled holiday and is being proposed for cancellation. Also, a summer regular meeting is being proposed for cancellation to provide the Council and City staff with an opportunity to make advance planning arrangements for time off during the summer.

The City Council has the ability to add special meeting dates as deemed necessary.

FISCAL IMPACT

No fiscal impact.

RECOMMENDED ACTION

Staff recommends reviewing the 2018 City Council meeting schedule and providing direction.

ATTACHMENTS

[Calendar 2018 CC PC and Holidays](#)

CITY OF ST. HELENA
PLANNING/COUNCIL/HOLIDAY
CALENDAR

2018

		Planning Commission
		PH Notices due to City Clerk
1st	2nd	Council Mtg
		Council Reports Due
		City Council Agenda Published
		Holiday

JANUARY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

FEBRUARY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

MARCH

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

APRIL

Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

MAY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JUNE

Sun	Mon	Tue	Wed	Thur	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

JULY

Sun	Mon	Tue	Wed	Thur	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

AUGUST

Sun	Mon	Tue	Wed	Thur	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER

Sun	Mon	Tue	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

OCTOBER

Sun	Mon	Tue	Wed	Thur	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

NOVEMBER

Sun	Mon	Tue	Wed	Thur	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

DECEMBER

Sun	Mon	Tue	Wed	Thur	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Meeting Date	Staff Reports Due	Agenda Published
01/09/18	12/22/17	12/29/17
01/23/18	01/05/18	01/12/18
02/13/18	01/26/18	02/02/18
02/27/18	02/09/18	02/16/18
03/13/18	02/23/18	03/02/18
03/27/18	03/09/18	03/16/18
04/10/18	03/23/18	03/29/18
04/24/18	04/06/18	04/13/18
05/08/18	04/20/18	04/27/18
05/22/18	05/04/18	05/11/18
06/12/18	05/25/18	06/01/18
06/26/18	06/08/18	06/15/18
07/10/18	06/22/18	06/29/18
07/24/18	07/06/17	07/13/18
08/14/18	07/27/18	08/03/18
08/28/18	08/10/18	08/17/18
09/11/18	08/24/18	08/31/18
09/25/18	09/07/18	09/14/18
10/09/18	09/21/18	09/28/18
10/23/18	10/05/18	10/12/18
11/13/18	10/26/18	11/02/18
11/27/18	11/09/18	11/16/18
12/11/18	11/21/18	11/30/18