



UPDATED 11-9-2018
City of St. Helena
Regular City Council Meeting
Tuesday, November 13, 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 four 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 4 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Councilmembers for clarifications may be posed and answered, and Councilmembers may make requests that items be placed on future agendas, but in accordance with state law, no substantive discussion or action may take place unless and until the matter properly appears on the agenda.
5. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND AB 1234 REPORTS:
Reports by staff and/or Councilmembers on items of general interest. Brief questions for clarification may be posed and answered, and Councilmembers may request that items be placed on a future agenda. Except under certain circumstances, the Brown Act prohibits any other discussion or action by the City Council.
6. PRESENTATIONS AND PUBLIC RECOGNITIONS
 - 6.1. Arbor Day Proclamation presented to Carlos Uribe, Maintenance Manager
[Arbor Day 2018 Proclamation](#) 11
 - 6.2. Parks & Recreation Commission Report Out by Matthew Demchuk, Chair Report
 - 6.3. Planning Commission Report Out by Lester Hardy, Chair
7. STAFF BRIEFING
 - 7.1. Informational Report on St. Helena Municipal Ordinance 9.12, Curfew, and Police Department Enforcement 13 - 15

CEQA Determination: Not a CEQA project

Prepared By: Timothy A. Foley, Chief of Police

Recommendation:

Receive and file.

[Staff Report - Pdf](#)

- 7.2. County of Napa update on the Silverado Trail Slide Repair near Pratt Avenue by Napa County Representative(s) 17 - 18

CEQA Determination: Not a CEQA project

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

Recommendation:

Receive and file.

[Staff Report - Pdf](#)

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 October 9, 2018 and October 23, 2018 and Special Meeting Minutes of October 30, 2018. (Will be provided prior to the meeting)

- 8.2. Receive and File FY 18-19 Annual AB 1600 Report on Development Impact Fees 19 - 29

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Receive and file Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2018.

[Staff Report - Pdf](#)

- 8.3. Consideration of approval of a Resolution authorizing a budget increase and use of reserves/fund balances in FY 2018/19 totaling \$54,829 and broken down by fund as follows: (1) General Fund - \$19,388, (2) Water Fund - \$16,481, (3) Wastewater Fund - \$12,600, and (4) Civic Impact Fee Fund - \$6,360. 31 - 36

CEQA Determination: Exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council approve a resolution authorizing the following FY 2018/19 budget increases and use of reserves/balances: (1) General Fund - \$19,388, (2) Water Fund - \$16,481, (3) Wastewater Fund - \$12,600, and (4) Civic Impact Fee Fund - \$6,360.

[Staff Report - Pdf](#)

- 8.4. Consideration and proposed adoption of the following resolutions accepting the work and filing the Notice of Completion of 1) Railroad Curb Ramp Upgrades R-77 and 2) ADA Transition Plan - Curb Ramps R18-80 37 - 48

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA

Prepared By: Tobias Barr, Project Manager

Recommendation:

Adopt the attached resolutions to accept the work and direct the filing of the Notice of Completion's for the R-77 Railroad Curb Ramps Upgrades and R18-80 ADA Transition Plan - Curb Ramp.

[Staff Report - Pdf](#)

- 8.5. Consideration and Proposed Approval of a Resolution authorizing (1) the Director of Public Works to approve Change Orders up to \$16,223.55 with St. Helena Construction for the Lyman Park Restrooms, Project C19-01 for a total not to exceed contract amount of \$60,000.00, (2) Authorizing a budget increase of up to \$10,000 for a not-to-exceed amount of \$60,000 for the completion of the Lyman Park Restroom Improvements Project C19-01, and (3) Authorizing a transfer from Park Impact Fee Fund 734 to Civic CIP Fund 733 upon completion of Project C19-01 for the total project amount not-to-exceed \$60,000. 49 - 52

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA

Prepared By: Edrees Argand, Junior Assistant Engineer

Recommendation:

Adopt a Resolution authorizing (1) the Director of Public Works to approve Change Orders up to \$16,223.55 with St. Helena Construction for the Lyman Park Restrooms, Project C19-01 for a total not to exceed contract amount of \$60,000.00, (2) Authorizing a budget increase of up to \$10,000 for a not-to-exceed amount of \$60,000 for the completion of the Lyman Park Restroom Improvements Project C19-01, and (3) Authorizing a transfer from Park Impact Fee Fund 734 to Civic CIP Fund 733 upon completion of Project C19-01 for the total project amount not-to-exceed \$60,000.

[Staff Report - Pdf](#)

- 8.6. Consideration and proposed approval of a resolution approving the purchase of a KIP 800 Plotter wide format color printer, copier, and scanner for an amount not to exceed \$30,608.98 with an ongoing monthly maintenance fee of \$145 from KBA Docusys 53 - 58

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzafopoulos, City Clerk

Recommendation:

Staff recommends City Council approve the resolution authorizing the the purchase of the KIP 800 Plotter from KBA Docusys for an amount not to exceed \$30,608.98 with an ongoing monthly maintenance fee of

\$145.

[Staff Report - Pdf](#)

- 8.7. Consideration and proposed approval of a resolution: (1) approving temporary closure of Oak Avenue between Adams Street and Tainter Street for the November 30, 2018 Home for the Holidays City tree lighting festivities, (2) authorizing possession of open alcoholic beverages on this public street, and (3) approving the waiving of the encroachment fee.

59 - 62

CEQA Determination: Not a CEQA project

Prepared By: Andre Pichly, Recreation Director

Recommendation:

Staff recommends the City Council of the City of St. Helena adopt the attached resolution: (1) approving temporary closure of Oak Avenue between Adams Street and Tainter Street for the November 30, 2018 Home for the Holidays City tree lighting festivities, (2) authorizing possession of open alcoholic beverages on those public streets, and (3) approving the waiving of the encroachment fee.

[Staff Report - Pdf](#)

9. PUBLIC HEARINGS

- 9.1. Review and adoption of an Urgency Ordinance to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit and an administrative review process for such permits, citywide. This ordinance is proposed to "sunset" on March 13, 2019 (120-days after adoption).

63 - 103

CEQA Determination: The proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

Prepared By: Noah Housh, Planning & Community Improvement Director

Recommendation:

It is recommended that the City Council:

1. Find that the adoption of the proposed Urgency Ordinance proposing

to amend St. Helena Municipal Code Section 17.136.050 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA; and

2. Introduce and adopt an Urgency Ordinance to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit and an administrative review process for such permits, citywide. This ordinance is proposed to "sunset" on March 13, 2019 (120-days after adoption).

[Staff Report - Pdf](#)

10. NEW BUSINESS

- 10.1. Consideration and proposed approval of a resolution appointing applicants to the Parks & Recreation and Planning Commissions and consideration to leave the recruitment open for the Active Transportation & Sustainability Committee unfilled terms of office until filled 105 - 116

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

Per resolution 2018-75 Council Rules of Procedure, appointments shall be made by interview and appoint by ballot process. The Mayor shall nominate applicants with the appointments subject to approval by the majority of Council.

Planning Commission

- Appoint one applicant to fill the term expiring June 30, 2022.

Parks & Recreation Committee

- Appoint one applicant to a term expiring June 30, 2020.

[Staff Report - Pdf](#)

- 10.2. Human Trafficking Awareness and City Council Discussion 117 - 121

CEQA Determination: Not a CEQA project

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

Recommendation:

City Council discussion and direction to staff.

[Staff Report - Pdf](#)

[Public Comment.Edie Kausch](#)

- 10.3. Introduction and First Reading of an Ordinance Adding St. Helena Municipal Code ('SHMC') Title 9, Section 9.24 to adopt Mobile Home Park Rent Stabilization 123 - 292

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Introduce and conduct first reading of the ordinance, by title only and waive further reading.

[Staff Report - Pdf](#)

[Opposition Public Comment.Jeanne Wilson](#)

[Opposition Public Comment.Marie Hungler](#)

[Opposition Public Comment.Mr. and Mrs. Green](#)

[Opposition Public Comment.Ronald and Carolyn Long](#)

[Opposition Public Comment.Anthony Rodriguez](#)

[Opposition Public Comment.Jan Mandroian and Michael Flynn](#)

[City Council 10-9-18 Meeting.Opposition Public Comment](#)

[Support Public Comment.James Wayson](#)

[City Council 10-9-18 Meeting.Support Public Comments](#)

[Public Comment.Gary Crosman](#)

[Public Comment.Madeline DeMarco](#)

[Public Comment.Michael Shinn](#)

[Public Comment.Pat Dell](#)

[Publib Comment.Carol Brennan](#)

[Public Comment.Anthony Rodriguez](#)

- 10.4. Discussion and Direction regarding California Public Utilities Commission (CPUC) Request for Input on Utility Fire Mitigation Plans (Staff report provided 11-9-2018) 293 - 317

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Discuss and provide direction to the City Manager.

[Staff Report - Pdf](#)

- 10.5. Elmhurst Raw Water Pump Station and City Council Discussion 319 - 325

CEQA Determination: Not a CEQA project

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

Recommendation:

City Council discussion and feedback to staff.

[Staff Report - Pdf](#)

- 10.6. Fiscal Year 2018/19 1st Quarter Finance Report and consideration of a resolution authorizing a budget increase of \$30,000 to the Wastewater Fund, Attorney budget. 327 - 333

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Recommendation:

Staff recommends City Council approve a resolution authorizing a budget increase of \$30,000 to 571-4400-2130 and receive and file the Q1 FY 2018/19 financial report.

[Staff Report - Pdf](#)

- 10.7. Discussion and Direction Regarding Potential Amendment(s) to City of St. Helena Rules of Procedure for the Conduct of City Meetings and Standards of Conduct 335 - 389

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Recommendation:

Review, discuss and provide direction to City staff.

[Staff Report - Pdf](#)

[Public Comment](#)

- 10.8. Consideration of proposed adoption of a Resolution rescinding Resolution 2018-145 and updating portions on Main Street to the City's list of red zones (parking prohibitions) 391 - 417

CEQA Determination: Exempt

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

Recommendation:

Consideration of proposed adoption of a Resolution rescinding Resolution 2018-145 and updating portions on Main Street to the City's list of red zones (parking prohibitions)

[Staff Report - Pdf](#)

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

11.1. **November City Council Meetings:**
11/27 (staff reports due 11/9)

PROCLAMATIONS AND PUBLIC RECOGNITION:

CONSENT:

11/27 Acceptance of Water Tender and Brush Type 6 Engine - Finance

11/27 Award contract to Waterways for Sulphur Creek repair project – PW

11/27 Amended Coop Agreement with Caltrans for Grayson Signal for electricity(Caltrans to attend) - PW

11/27 2525 Madrona Final Map - PW

11/27 HB1 Visa - HR
<i>PH or NEW BUSINESS:</i>
11/27 1st Qtr Grant Report
11/27 Calderon Settlement update
11/27 Naveed Paydar, PhD, Local Government Liaison News & Outreach Office, Executive Division California Public Utilities Commission – Admin
11/27 Tennis Court Lighting and Resurfacing - Rec
11/27 2nd Reading of Rent Stabilization Ordinance (RSO) (Depending on City Council direction)
11/27 RSA for parking mediation and striping at Pratt - PW
<u>December City Council Meetings:</u>
12/11 (staff reports due 11/21)
12/25 Cancelled
<i>PROCLAMATIONS AND PUBLIC RECOGNITION:</i>
<i>CONSENT:</i>
12/11 Compensation schedule
12/11 Award of RFP for downtown improvements - PW
<i>PH or NEW BUSINESS:</i>
12/11 Bimonthly Goals and Objectives Update – Admin (Would go 2nd mtg but it's cancelled)
Public Works Reorganization
Discussion - Concept Review Ordinance - Planning

12. ADJOURNMENT

The next Regular City Council meeting is scheduled for November 27, 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 November 2, 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.

City of St. Helena PROCLAMATION

ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal, and

WHEREAS, the City of St. Helena has been recognized as a Tree City USA by The National Arbor Day Foundation for 20 years and desires to continue its tree-planting practices

NOW, THEREFORE, let it be known that the City of St. Helena has declared the 15th day of November 2018, as Arbor Day and will be holding tree plantings in recognition of Arbor Day for the purpose of expressing our support for efforts to protect our trees and woodlands.

Dated: November 13, 2018

Alan Galbraith, Mayor
City of St. Helena



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

Agenda Section: Staff Briefing

Subject: Informational Report on St. Helena Municipal Ordinance 9.12, Curfew, and Police Department Enforcement

CEQA Determination: **Not a CEQA project**

Prepared By: Timothy A. Foley, Chief of Police

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

During the City Council meeting on Tuesday October 23, 2018, City Staff was directed to provide an informational report on the City ordinance covering juvenile curfew (St. Helena Municipal Code section 9.12) and the Police Department's enforcement of this section.

DISCUSSION

In general, California curfew laws are regulations that prohibit minors or those under 18 years of age from being in outdoor public places during certain specified times of the day. Several exceptions to curfew laws exist. These exceptions include:

- When accompanied by a parent or guardian
- Running an errand for a parent or guardian
- Working or going to or from a place of employment
- Responding to some type of emergency
- Returning home from a school, cultural or recreational event

Curfew laws vary by jurisdiction both in hours and penalty (see table below).

Agency*	Start	End	Penalty
St. Helena	10:00PM	6:00AM	Infraction
Calistoga	11:00PM	6:00AM	Misdemeanor
Yountville	10:00PM	Sunrise	Misdemeanor
City of Napa	10:00PM	5:00AM	Misdemeanor
Napa County	11:00PM	Daylight	Misdemeanor

**American Canyon does not have a curfew ordinance.*

The City of St. Helena's curfew ordinance is found in Municipal Code Section 9.12. It is similar to other local ordinances except that the penalty for a violation is an infraction (citation) not a misdemeanor as it is in all other Napa county jurisdictions with ordinances. This can apply to both the juvenile and parent. In all cases parental and/or guardian responsibility is stressed.

In the past three years, the St. Helena Police Department has made contact 41 times with juveniles during the hours restricted by curfew. Thirty one of these encounters were for suspected conduct ranging from vehicle code violations, to noise complaints to shoplifting. Only 10 of these contacts were for a curfew violation alone. However, St. Helena has not issued a citation for a curfew violation in at least the last 10 years. Contact with juveniles who are out in public during the hours restricted by curfew have been made as a result of a citizen complaint/concern or other criminal activity is occurring or suspected. The curfew ordinance has provided a useful tool for our officers to contact a parent or guardian to respond to take charge of the minor.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Receive and file.

ATTACHMENTS

[Exhibit B ST Helena Curfew](#)

EXHIBIT B

St Helena Municipal Code Chapter 9.12 Curfew

9.12.010 Curfew hours.

No person under the age of eighteen (18) years may be in, on or about a public street or other public place or any place open to the public in the city between ten (10) p.m. and sunrise of the following day, unless accompanied by a parent, guardian or other adult person having the care, custody or control of such person. This section shall not apply when the person is returning directly home from a meeting, entertainment, recreational activity or dance; when the person is going directly to or returning from work; when the person is upon an errand or emergency directed by his or her parent or guardian or other adult person having the care, custody or control of such person; or when the person is exercising rights protected by the state or federal constitutions. (Ord. 02-3 § 1 (part): prior code § 11.1.010)

9.12.020 Parental responsibility.

Every parent, guardian or other person having the legal care, custody or control of any person under the age of eighteen (18) years who permits such person to violate the provisions of Section [9.12.010](#) is guilty of an infraction. (Ord. 02-3 § 1 (part): prior code § 11.1.020)

9.12.030 Violators to be detained—Parent or guardian must call for minor.

A. A person under the age of eighteen (18) years of age who violates Section [9.12.010](#) may be detained until the arrival of a parent, guardian or other proper person having custody or control.

B. Every parent, guardian or other person having a minor in his or her charge who fails or neglects to go in person or send some suitable person to where the minor is detained, after receiving notice that the minor is detained, is guilty of an infraction. (Ord. 02-3 § 1 (part): prior code § 11.1.030)

9.12.040 Violation—Penalty.

Any person under the age of eighteen (18) years violating the provisions of Section [9.12.010](#) shall be guilty of an infraction and shall be dealt with in accordance with juvenile court law and procedure. (Ord. 02-3 § 1 (part): prior code § 11.1.040)



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

Agenda Section: Staff Briefing

Subject: County of Napa update on the Silverado Trail Slide Repair near Pratt Avenue

CEQA Determination: **Not a CEQA project**

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

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

DISCUSSION

Representatives from the County of Napa Public Works Department will update City Council and the public on planned slide repairs on Silverado Trail near Pratt Avenue.

FISCAL IMPACT

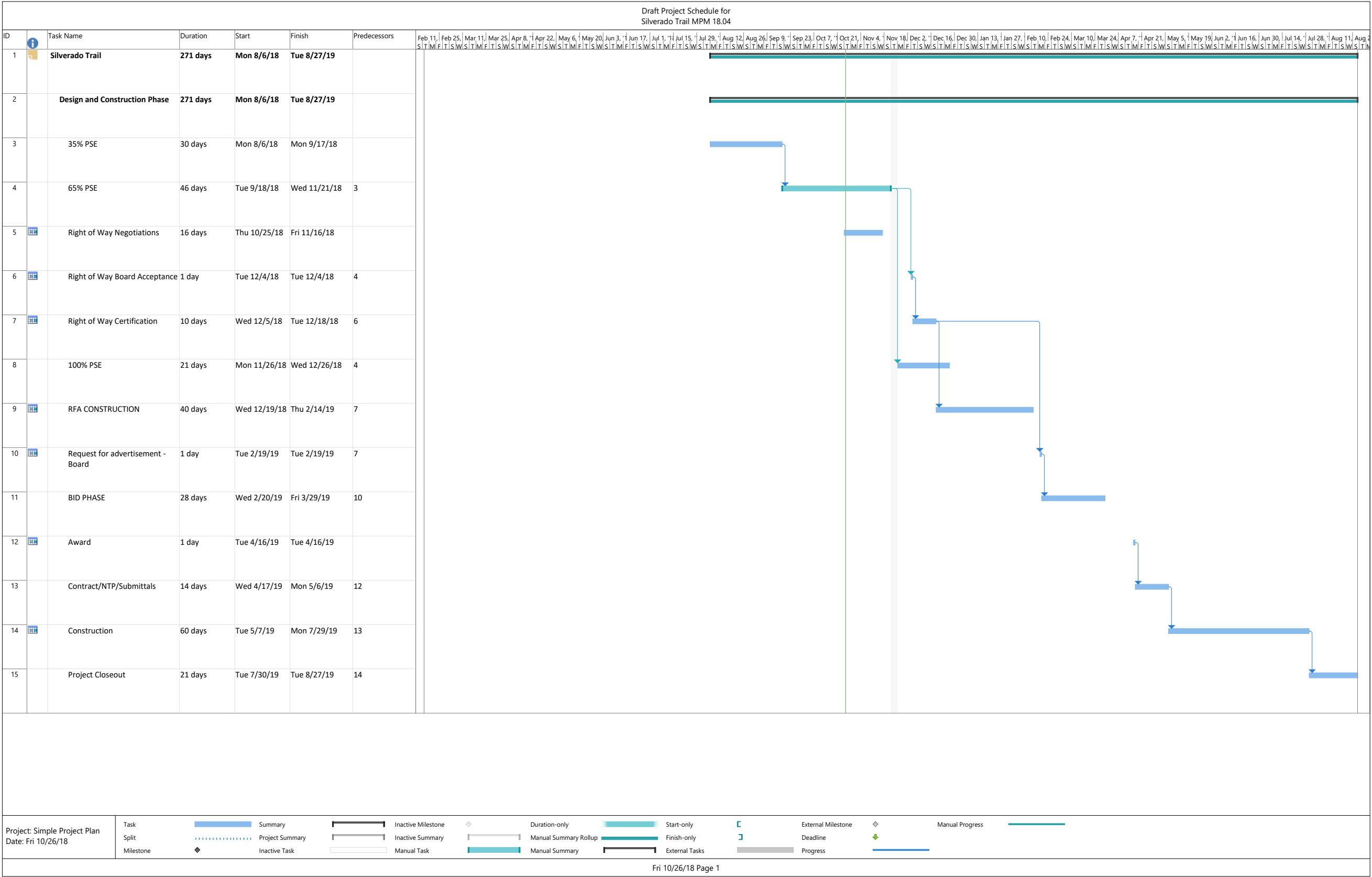
Not applicable.

RECOMMENDED ACTION

Receive and file.

ATTACHMENTS

[Silverado Trail Project Schedule 10.26.18](#)





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

Agenda Section: Consent

Subject: Receive and File FY 18-19 Annual AB 1600 Report on Development Impact Fees

CEQA Not a CEQA project
Determination:

Prepared By: April Mitts, Finance Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Cities and counties often charge fees on new development to fund public improvements to mitigate the impact of development activity. These fees are commonly known as development impact fees and are generally collected at the time building permits are issued for residential and commercial construction. Impact fees are established by ordinance and, as required by law, these fees are segregated from the General Fund and accounted for in special revenue funds.

In 1989, the State Legislature passed Assembly Bill 1600 (AB 1600), which added Sections 66000 et seq. to the California Government Code, commonly known as the Mitigation Fee Act. Under AB 1600 the City is required to make available to the public a report on development impact fees. The report must be made available within 180 days of the close of the fiscal year.

This Report Provides: Descriptions of each Development Impact Fee, Amount of the Fee, Beginning and Ending Balances of each Impact Fee Account, Identification of Public Improvements in which Fees were Expended, Schedule for Commencement of Certain Public Improvements to be Funded with Impact Fees, Description of any Interfund Transfer or Loan, and the Amount of Refunds Paid, if any, from Development Impact Fees.

DISCUSSION

The Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2018 was made available to the public on October 24, 2018 (Attachment 1).

Per Section 66006(b)(1) of the California Government Code the annual report must include the following specific reporting requirements:

- A. A brief description of the type of development impact fee in the account/fund;
- B. The amount of the fee;
- C. Beginning and ending balances of the account/fund, the amount of fees collected, and the interest earned;
- D. An identification of each public improvement on which fees were expended together with the amount of such expenditures;
- E. Information regarding the schedule for commencement of certain public improvements to be funded with development fees;
- F. A description of any interfund transfer or loan; and
- G. (G)The amount of refunds paid, if any, from a particular fund.

The City of St. Helena development fees covered by AB 1600, and documented in Attachment 1, include the following:

- A. Public Safety Impact Fees (pages 1, 2, and 3 of report)
- B. Civic Improvement Impact Fees (pages 1, 2, and 3 of report)
- C. Park Improvement Impact Fees (pages 1, 2, and 3 of report)
- D. Traffic Mitigation Impact Fees (pages 1, 2, and 3 of report)
- E. Storm Drain Improvement Impact Fees (pages 4, 5, and 6 of report)
- F. Housing Impact Fees (pages 4, 5, and 6 of report)
- G. (G)Affordable Housing Impact Fees (pages 4, 5, and 6 of report)
- H. Water Impact Fees (pages 7, 8, and 9 of report)
- I. Sewer Impact Fees (pages 7, 8, and 9 of report)

FISCAL IMPACT

None.

RECOMMENDED ACTION

Receive and file Annual AB 1600 Development Fee Report for Fiscal Year Ending June 30, 2018.

ATTACHMENTS

[Attachment 1 - FY 17-18 AB1600 Report](#)

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Analysis of Change in Fund Balance

	Public Safety Impact 216	Civic Improvement Impact 713	Park Impact 734	Traffic Mitigation Impact 740
Beginning Balance, 7/1/17	\$ 334,165	\$ 614,652	\$ 574,528	\$ 2,157,500
REVENUE				
Interest Earnings	\$ 2,907	\$ 5,424	\$ 5,993	\$ 18,475
Fees Collected	\$ 17,628	\$ 35,319	\$ 165,180	\$ 27,379
Miscellaneous Revenues	\$ -			
Operating Transfers In				
TOTAL	\$ 20,535	\$ 40,743	\$ 171,173	\$ 45,854
EXPENSE/EXPENDITURES				
Non Departmental Expense	\$ 2,376	\$ 16,875	\$ -	\$ -
Transfer to Other Funds*			\$ -	\$ -
Refunds			\$ -	
TOTAL	\$ 2,376	\$ 16,875	\$ -	\$ -
Excess Revenue Over/(Under) Expenses/Expenditures	\$ 18,159	\$ 23,869	\$ 171,173	\$ 45,854
Ending Balance	\$ 352,324	\$ 638,521	\$ 745,701	\$ 2,203,354
Ending Bal. on Balance Sheet	\$ 352,324	\$ 638,521	\$ 745,701	\$ 2,203,354
Current Accounts Payable	\$ 0	\$ -	\$ -	\$ -

Description of Fees

Public Safety Impact (216) - Section 22.5 of the City Code establishes this fund to accumulate revenues from fees on building permits to be used solely for equipment and facilities costs for the Police and Fire Departments. Vehicles, capital equipment, and building improvements are approved uses.

Civic Improvement (713) - This fund is used to accumulate restricted funds from new development's proportionate share of the depreciated replacement of cost of a range of facility types including City Hall, corporation yard facilities, as well as library and recreation facilities.

Park Impact (734) - This fund is used to accumulate funds from new or proposed residential development solely for park land acquisition and park improvements.

Traffic Mitigation (740) - This fund is used to accumulate funds from new or proposed development to finance circulation improvements to reduce the impacts of traffic generated by new development within the City.

*See 5-year CIP adopted by City Council on May 8, 2018

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Scheduled Projects

Public Safety Impact (216)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
Police Station Interview Rooms	January 2018	\$ 20,482	\$ 2,376

Civic Improvement (713)

Project	Anticipated Start	Estimated 5-year Project Costs	Total Impact Fees
General Plan EIR	January 2018	\$ 336,880	\$ 16,875

Park Impact (734)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Traffic Mitigation (740)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Expenditure by Project

Public Safety Impact (216)	FY 2017-18	% Funded with Development Fee
Police Station Interview Rooms	\$ 2,376	11.6%
Civic Improvement (713)	FY 2017-18	% Funded with Development Fee
General Plan EIR	\$ 16,875	11.6%
Traffic Mitigation (740)	FY 2017-18	% Funded with Development Fee
	\$ -	

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Fee Schedule

Public Safety Impact (216)	\$1.17 per square foot
Civic Improvement (713)	\$2.19 per square foot
Park Impact (734)	Amount per square foot Single family residential - \$8.85 Multi-family residential - \$13.70
Traffic Mitigation (740)	Amount per square foot Single family residential - \$2.18 Multi-family residential - \$2.65 Office - \$6.03 Industrial - \$3.82 Commercial/Retail - \$22.49 Lodging - \$8.97

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Analysis of Change in Fund Balance

	Storm Drain Improvement 742	Housing Impact 744	Affordable Housing 751
Beginning Balance, 7/1/17	\$ 605,812	\$ 26,120	\$ 1,519,672
Long-Term Receivable			\$ 831,076
REVENUE			
Interest Earnings	\$ 5,242	\$ 222	\$ 8,066
Fees Collected	\$ 18,260	\$ -	\$ 80,340
Miscellaneous Revenues			\$ 418
Operating Transfers In			\$ 26,288
TOTAL	\$ 23,502	\$ 222	\$ 115,112
EXPENSE/EXPENDITURES			
Non Departmental Expense	\$ -	\$ -	\$ 884,177
Transfer to Other Funds		\$ 26,288	
Refunds			
TOTAL	\$ -	\$ 26,288	\$ 884,177
Excess Revenue Over/(Under)	\$ 23,502	\$ (26,066)	\$ (769,066)
Ending Balance	\$ 629,314	\$ 53	\$ 1,581,683
Ending Bal. on Balance Sheet	\$ 629,314	\$ 53	\$ 1,581,683
Current Accounts Payable	\$ -	\$ (0)	\$ -

Description of Fees

Storm Drain Improvements (742) - This fund is used to accumulate funds from new development's proportionate share of planned drainage system improvements.

Housing Impact (744) - This fund is used to accumulate funds from new or proposed development in order to defray the costs of providing affordable housing in the City.

Affordable Housing (751) - This fund is used to accumulate funds from new or proposed development in order to defray the costs of providing affordable housing in the City.

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Scheduled Projects

Storm Drain Improvements (742)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees

Housing Impact (744)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
			\$ -

Affordable Housing (751)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
			\$ -

Expenditure by Project

Storm Drain Improvements (742)	FY 2017-18	% Funded with Development Fee
	\$ -	
Housing Impact (744)	FY 2017-18	% Funded with Development Fee
Transfer Balance to Fund 751	\$ 26,288	100%
Resolution 2018-88		
Affordable Housing (751)	FY 2017-18	% Funded with Development Fee
Turley Flats Contributions	\$ 813,765	100%
Brenkle Court Contributions	\$ 2,938	100%
Legal Costs - Affordable Housing	\$ 19,754	100%
TOTAL	<u>\$ 836,457</u>	

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Fee Schedule

Storm Drain Improvements (742) Amount per square foot:

Single family residential - \$0.82
Multi-family residential - \$0.78
Office - \$1.86
Industrial - \$1.86
Commercial/Retail - \$1.86
Lodging - \$1.44

Housing Impact (744)

Amount per square foot:
Residential - 2.5% of the valuation of construction
Office - \$4.11
Commercial/Retail - \$5.21
Hotel/Motel - \$3.80
Winery/Industrial - \$1.26

Affordable Housing (751)

Amount per square foot:
Residential - 2.5% of the valuation of construction
Office - \$4.11
Commercial/Retail - \$5.21
Hotel/Motel - \$3.80
Winery/Industrial - \$1.26

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Analysis of Change in Fund Balance

	Water Impact 764	Sewer Impact 774
Beginning Balance, 7/1/17	\$ 84,964	\$ 571,182
Long-term Receivable	\$ 758,642	\$ 146,694
REVENUE		
Interest Earnings	\$ 1,412	\$ 5,267
Fees Collected	\$ 27,084	\$ 13,050
Miscellaneous Revenues	\$ 31,643	\$ 9,763
Operating Transfers In		
TOTAL	\$ 60,140	\$ 28,080
EXPENSE/EXPENDITURES		
Non Departmental Expense	\$ -	\$ -
Transfer to Other Funds*	\$ -	\$ -
Refunds**	\$ -	
TOTAL	\$ -	\$ -
Excess Revenue Over/(Under)	\$ 60,140	\$ 28,080
Ending Balance	\$ 903,746	\$ 745,956
Ending Bal. on Balance Sheet	\$ 903,746	\$ 745,956
Current Accounts Payable	\$ (0)	\$ -

Description of Fees

Water Impact (764) - This fund is used to accumulate funds from new or proposed development to pay for water system capital improvements needed to support new development

Sewer Impact (774) - This fund is used to account for the cost of constructing and improving the wastewater treatment plant and sewer collection system in order to support new development.

*See 5-year CIP adopted by City Council on May 8, 2018

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Scheduled Projects

Water Impact (764)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
W-27 Meadowwood Tank Upgrades	FY 18/19	\$ 500,000	\$ 189,950
W-35 Bell Canyon Reservoir Improvements	FY 21/22	\$ 900,000	\$ 135,000
W-80 Dwyer Road Booster (pump station)	FY 20/21	\$ 2,590,000	\$ 421,261
W-85 Bell House Valve Replacement	FY 21/22	\$ 576,135	\$ 78,916
W-86 Holmes Tank Upgrade	FY 20/21	\$ 1,439,398	\$ 719,698
W-91 Bell Creek Inflow Weir	FY 18/19	\$ 750,000	\$ 47,355
W-109 Bell Canyon Intake Tower Replacement	FY 18/19	\$ 2,423,640	\$ 138,546

Sewer Impact (774)

Project	Anticipated Construction Start	Estimated 5-year Project Costs	Total Impact Fees
S-52 WWTP Upgrades	FY 19/20	\$ 8,430,514	\$ 22,500
S-53 Reclamation Field Improvements	September 2016	\$ 1,400,000	\$ 210,000
S-67 Sludge Removal	FY 17/18	150,000	11,250

Expenditure by Project

Water Impact (764) FY 2017-18 % Funded with Development Fee

Sewer Impact (774) FY 2017-18 % Funded with Development Fee

City of St. Helena
Annual Report on Development Impact Fees, Per Government Code 66006
AB 1600 Statement FY 2017-18

Fee Schedule

Water Impact (764)	Amount per square foot: Single family residential - \$1.79 Multi-family residential - \$1.44 Office - \$1.83 Industrial - \$2.44 Commercial/Retail - \$3.55 Lodging - \$3.58
Sewer Impact (774)	Amount per square foot: Single family residential - \$0.51 Multi-family residential - \$0.74 Office - \$0.51 Industrial - \$0.66 Commercial/Retail - \$0.99 Lodging - \$0.98



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

Agenda Section: Consent

Subject: Consideration of approval of a Resolution authorizing a budget increase and use of reserves/fund balances in FY 2018/19 totaling \$54,829 and broken down by fund as follows: (1) General Fund - \$19,388, (2) Water Fund - \$16,481, (3) Wastewater Fund - \$12,600, and (4) Civic Impact Fee Fund - \$6,360.

CEQA Determination: **Exempt from the requirements of CEQA pursuant to Section 15301, Class 1, which exempts the operation, leasing, or minor alteration of existing facilities**

Prepared By: April Mitts, Finance Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On April 24, 2018, City Council approved a three-year lease agreement with Williams Scotsman for the removal and replacement of two ancillary buildings at the St. Helena Public Works Corporation Yard (Resolution 2018-47). At the same time City Council approved budget adjustments and use of reserves totaling \$54,828 from FY 2017/18 for the initial removal of ancillary buildings being replaced, installation costs of new ancillary buildings, and monthly lease payments for the remainder of FY 2017/18 (Resolution 2018-50). The two new ancillary buildings were delivered and installed in August 2018 which was almost two months into FY 2018/19.

DISCUSSION

Costs for the ancillary buildings is split between the General, Water, Wastewater, and Civic Impact Funds. When the original contracts were approved by City Council it was anticipated the buildings would be delivered and installed in FY 2017/18 when the initial budget adjustments and use of reserves/balances were approved. Because the buildings were not installed until August 2018 (FY 2018/19) it is necessary to request

from City Council budget adjustments during the FY 2018/19 budget period. Funds approved in FY 2017/18 were considered un-expended and returned to General Fund reserves, Water Fund balance, Wastewater Fund balance, and Civic Impact Fee Fund balance.

Staff is recommending the following budget increases and used of reserves/balances for FY 2018/19:

1. General Fund
 - a. Use of General Fund Reserves of \$19,388
 - b. Budget adjustment of the same to 101-5000-2145
2. Water Fund
 - a. Use of Water Fund Balance of \$16,481
 - b. Budget Adjustment of the same to 561-5000-2145
3. Wastewater Fund
 - a. Use of Wastewater Fund Balance of \$12,600
 - b. Budget Adjustment of the same to 571-5000-2145
4. Civic Impact Fee Fund
 - a. Use of Civic Impact Fee Fund Balance of \$6,360
 - b. Budget Adjustment of the same to 713-5000-2145

The total budget increase is \$54,829.

FISCAL IMPACT

The fiscal impact would be the following: (1) Use of General Fund reserves of \$19,388, (2) Use of Water Fund balance of \$16,481, (3) Use of Wastewater Fund balance of \$12,600, and (4) Use of Civic Impact Fee Fund balance of \$6,360.

RECOMMENDED ACTION

Staff recommends City Council approve a resolution authorizing the following FY 2018/19 budget increases and use of reserves/balances: (1) General Fund - \$19,388, (2) Water Fund - \$16,481, (3) Wastewater Fund - \$12,600, and (4) Civic Impact Fee Fund - \$6,360.

ATTACHMENTS

[2018-47 Resolution Authorizing the City Manager to Execute a Three \(3\) Year Lease Agreement with William Scotsman that Includes the Removal and Replacement of Two Ancillary Buildings at](#)
[Resolution - Budget Adjustments](#)

CITY OF ST. HELENA

RESOLUTION No. 2018-50

Authorizing FY 17/18 budget transfers from Civic Impact Fees \$6,360, General Fund Reserves \$19,388, Water \$16,481, and Wastewater \$12,600 for building removal, building leases, roof and flooring repairs

RECITALS

- A. On January 11, 2018; EMG provided an assessment report of the condition of the City of St. Helena's Public Works Corporation Yard; and
- B. The report identified various deficiencies including mold, moisture stains, and water damage from extensive roof leaks, and floor tile and exterior door replacements in the main portable office building and two ancillary buildings; and
- C. Due to safety concerns, the City Manager directed staff to obtain quotes for the repair, leasing or replacement of the buildings; and
- D. City staff received quotes from various companies to implement necessary building replacement and repair recommendations; and
- E. Staff recommends budget transfers in order to move forward with the work.

RESOLUTION

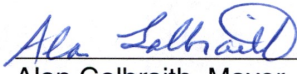
The City Council of the City of St. Helena hereby resolves as follows:

- 1. Approval of a budget transfer from Civic Impact Fees to 101-5000-2145 in the amount of \$6,360; and
- 2. Approval of a budget transfer from General Fund Reserves to 101-5000-2145 in the amount of \$19,388; and
- 3. Approval of a budget transfer from Water Enterprise to 561-5000-2145 in the amount of \$16,481; and
- 4. Approval of a budget transfer from Wastewater Enterprise to 571-5000-2145 in the amount of \$12,600.

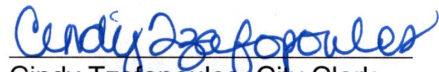
Approved at a Regular Meeting of the St. Helena City Council on April 24, 2018, by the following vote:

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

APPROVED:


Alan Galbraith, Mayor

ATTEST:


Cindy Tzafopoulos, City Clerk



CITY OF ST. HELENA

RESOLUTION NO. 2018-_____

Resolution authorizing FY 18-19 budget increases and use of reserves/fund balance in the following amounts: General Fund - \$19,388.00, Water Fund - \$16,481.00, Wastewater Fund - \$12,600.00, and Civic Impact Fee Fund - \$6,360.00 for the Corporation Yard Trailers installed in August 2018.

RECITALS

- A. On April 24, 2018, City Council approved Resolutions No. 2018-47 and 2018-50 authorizing the City Manager to execute a three (3) year lease agreement with Williams Scotsman for the replacement of two ancillary buildings at the St. Helena Public Works Corporation Yard and use of reserves/fund balance for the building removal, leases, and roof and flooring repairs; and
- B. When the original contracts were approved by City Council in April 2018, it was anticipated the buildings would be delivered in FY 17-18; and
- C. Because the buildings were not installed until FY 18-19 it is necessary to request from City Council budget adjustments and use of reserves/fund balances for FY 18-19.

RESOLUTION

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

- 1. Approval of use of General Funds reserves of \$19,388.00 and a budget increase to 101-5000-2145 of the same; and
- 2. Approval of use of Water Fund balance of \$16,481.00 and a budget increase to 561-5000-2145 of the same; and
- 3. Approval of use of Wastewater Fund balance of \$12,600.00 and a budget increase to 571-5000-2145 of the same; and
- 4. Approval of use of Civic Impact Fee Funds of \$6,360.00 and a budget increase to 713-5000-2145 of the same.

Approved at a Regular Meeting of the St. Helena City Council on November 13, 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 November 13, 2018

Agenda Section: Consent

Subject: Consideration and proposed adoption of the following resolutions accepting the work and filing the Notice of Completion of 1) Railroad Curb Ramp Upgrades R-77 and 2) ADA Transition Plan - Curb Ramps R18-80

CEQA Class I Categorical Exemption under Section 15301 of CEQA Determination:

Prepared By: Tobias Barr, Project Manager

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

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The adopted 2017-2022 Capital Improvement Plan and 2017/2018 Annual Budget included R-77 Railroad Curb Ramps and R18-80 Americans with Disabilities Act (ADA) Transition Plan - Curb Ramps to upgrade curb ramps on Railroad Avenue and other ADA curb ramp and facility upgrades at City facilities.

Green Valley Consulting Engineers were hired through their Master Professional Services Agreement with the City to perform the design and engineering for the project. Following the completion of the plans, specifications and estimate for the projects, Public Works combined the two project into a single public bid. The purpose of combining the two projects into a single bid was to achieve lower overall costs and streamline construction activities at the City facilities. As permitted under City of St. Helena Municipal Code Section 3.04.,210 (B) for projects less than \$175,000, the Public Works Department released the request for bids without the need for City Council to adopt the Plans and Specifications prior to the bid release.

On June 26, 2018, City Council adopted Resolution 2018-89 1) awarding the Capital Improvement Projects R-77 Railroad Curb Ramp Improvement and R18-80 for ADA curb ramp improvements to AAA Concrete Construction, and 2) authorizing the Public

Works Director to approve change orders not to exceed 20% of the total construction contract amount. AAA Concrete Construction's total price for both projects was \$135,670 (and \$198,205 less than the next lowest bidder).

The projects replaced non-compliant pedestrian curb ramps, damaged sidewalks and ADA facilities at the City Library, on Library Lane and Adams, Lyman Park, Carnegie Building, at the St. Helena Primary School on Grayson Avenue, and on Railroad Avenue between Fulton Lane and Hunt Avenue. Various change orders were authorized to complete additional ADA/pedestrian improvements. The change orders are summarized below:

Change Order	R-77	R18-80	Description
1	NA	\$6,330	Directed Contractor to repair sidewalk at Library and replace ADA curb ramp at library.
2	\$8,264	NA	Added remove and replace sidewalk at Lyman Park, remove and replace damaged sidewalk and driveway apron at Public Works Building
3	\$1560	NA	Remove and replaced additional damaged concrete sidewalk adjacent to new curb ramp at SE corner of Railroad Ave. and Adams St.
4	NA	\$600	Provided Credits for bid items not constructed and directed contractor to rebuild non compliant ADA Parking Space at Library and area in front of Carnegie Building.
5	No Cost	No Cost	Added working days due to delay

			related to PG&E tree removal blocking the installation of ADA curb ramp at Fulton and Railroad Ave.
6	\$5,900	NA	Added re-mobilization charge due to delays, stump grinding due to removed tree and required work to locate gas line prior to stump grinding and grading for curb ramp installation.
Total	\$16,214	\$6,930	Total Costs of combined project contract change orders

The total change orders for Railroad Curb Ramps Upgrades R-77 is \$16,214 which is less than the authorized change order amount of \$16,864 for R-77. The total change order amount for R18-80 of \$6,930 is less than the authorized change order amount of \$10,270.

DISCUSSION

Both projects were completed below their respective allocated budgets. The Public Works Department has inspected the work and found the work to be completed satisfactorily.

FISCAL IMPACT

The total approved budget for the R-77 Railroad Curb Ramps \$134,108 and the total approved budget for R18-80 was \$85,753. Including the Change Order, the total construction cost of the projects are within the allocated budgets. Each project is summarized below.

R-77 Railroad Curb Ramps	
Phase	Amount
Preliminary Engineering & Design	\$19,424
Final Construction Contract	\$83,320
Final Change Orders	\$16,214
*Total Cost	\$118,958

*\$51,500 funded by local TDA3 Grant Funds

R18-80 ADA Curb Ramp Improvements	
Phase	Amount
Preliminary Engineering & Design	\$5,753
Final Construction Contract	\$51,350
Final Change Orders	\$6,930
Total Cost	\$64,033

Both projects were completed below the allocated budgets with a savings of \$15,150 and \$13,340 for R-77 Railroad Curb Ramps and R18-80 ADA Transition Plan - Curb Ramps respectively.

RECOMMENDED ACTION

Adopt the attached resolutions to accept the work and direct the filing of the Notice of Completion's for the R-77 Railroad Curb Ramps Upgrades and R18-80 ADA Transition Plan - Curb Ramp.

ATTACHMENTS

[R-77 NOC RESO](#)

[R18-80 NOC RESO](#)

[NOTICE OF COMPLETION R18-80](#)

[NOTICE OF COMPLETION R77](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**Resolution Accepting the work
and final project construction
costs of \$118,958 with AAA
Concrete Construction and
directing the filing of the Notice
of Completion for the Railroad
Curb Ramps Capital
Improvement Project R-77.**

RECITALS

- A. On August 8, 2017, City Council adopted a Capital Improvement Program that included the R-77 Railroad Avenue Curb Ramp Upgrades; and
- B. On June 13, 2017 the City Council adopted the budget that included fund transfers into the R-77 Railroad Curb Ramp Upgrades; and
- C. On June 26, 2018, the City Council adopted Resolution 2018-89 finding the project exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 and awarded authorized the City Manager to execute a construction contract with AAA Concrete Construction; and
- D. The Public Works Director/City Engineer authorized three Contract Change Orders during the project as follows:

Number	Description	Amount
CCO#2	Replaced additional sidewalk	\$8,264
CCO#3	Replaced additional damaged sidewalk	
		\$1,560
CCO#6	Remobilization, stump grinding and location of gas line	
		\$5,900

The final, full construction contract amount as amended by the contract change orders and the final contract quantities is \$118,958.

E. AAA Concrete Construction has completed the work in accordance with the contract documents for the project; and

F. If no liens or claims have been filled within 35 days of filing the Notice of Completion, the retained payment funds and any amount due will be released to AAA Concrete Construction.

RESOLUTION

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

1. The work performed by AAA Concrete Construction, under the subject contract is accepted as complete.
2. The Public Works Director/City Engineer is authorized to prepare a Notice of Completion and the City Clerk is directed to file a Notice of Completion with the Napa County Recorder.

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

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Koberstein: _____

Councilmember Dohring: _____

Councilmember Ellsworth: _____

APPROVED: ATTEST:

Alan Galbraith, Mayor

Cindy Tzafofopoulos, City Clerk

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**Resolution Accepting the work
and final project construction
costs of \$64,033 with AAA
Concrete Construction and
directing the filing of the Notice
of Completion for the ADA
Transition Plan Curb Ramps
Capital Improvement Project
R18-80.**

RECITALS

- A. On August 8, 2017, City Council adopted a Capital Improvement Program that included the R18-80 ADA Transition Plan – Curb Ramp Upgrades; and
- B. On June 13, 2017 the City Council adopted the budget that included fund transfers into the R18-80 ADA Transition Plan – Curb Ramps; and
- C. On June 26, 2018, the City Council adopted Resolution 2018-89 finding the project exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301 and awarded authorized the City Manager to execute a construction contract with AAA Concrete Construction; and
- D. The Public Works Director/City Engineer authorized two Contract Change Orders during the project as follows:

Change Order

Number	Description	Amount
CCO#1	Library curb ramp and sidewalk	
\$8,264		
CCO#4	Credits items not constructed and ADA parking space	\$1,560

The final, full construction contract amount as amended by the contract change orders and the final contract quantities is \$64,033.

E. AAA Concrete Construction has completed the work in accordance with the contract documents for the project; and

F. If no liens or claims have been filled within 35 days of filing the Notice of Completion, the retained payment funds and any amount due will be released to AAA Concrete Construction.

RESOLUTION

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

1. The work performed by AAA Concrete Construction, under the subject contract is accepted as complete.
2. The Public Works Director/City Engineer is authorized to prepare a Notice of Completion and the City Clerk is directed to file a Notice of Completion with the Napa County Recorder.

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

Mayor Galbraith: _____

Vice Mayor White: _____

Councilmember Koberstein: _____

Councilmember Dohring: _____

Councilmember Ellsworth: _____

APPROVED: ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulous, City Clerk

Recording Requested By: City of St Helena 1480 Main Street St Helena, CA 94574	
Exempt From Recording Fees Per Government Code Sec. 27383	
When Recorded Mail To: City Clerk City of St Helena 1480 Main Street St Helena, CA 94574	

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

- 1 The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is: fee simple.
- 2 The full name and address of the undersigned owner and of any and all co-owners are:

Name	Street and No.	City	State
City of St Helena	1480 Main Street	St Helena	CA

- 3 On the 3rd Day of October, 2018 there was completed upon the hereinafter described real property a work of improvement as a whole and described as follows: **ADA Transition Plan Curb Ramps – R18-80**

- 4 The name of the original contractor for the work of improvement as a whole was: **AAA Concrete Construction.**

- 5 The real property herein referred to is situated in the City of St Helena, County of Napa, State of California, and described as follows: **Adams Street and Library Lane and Grayson Avenue**

- 6 The street address of the property is: **1492-1400 Library Lane, 999-1000 Adams Street and 1701 Grayson Avenue.**

By: _____
 Owner's Authorized Agent's Signature
 Erica Ahmann Smithies, PE Public Works Director/City Engineer

Recording Requested By: City of St Helena 1480 Main Street St Helena, CA 94574	
Exempt From Recording Fees Per Government Code Sec. 27383	
When Recorded Mail To: City Clerk City of St Helena 1480 Main Street St Helena, CA 94574	

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

- 1 The undersigned is an owner of an interest of estate in the hereinafter described real property, the nature of which interest or estate is: fee simple.
- 2 The full name and address of the undersigned owner and of any and all co-owners are:

Name	Street and No.	City	State
City of St Helena	1480 Main Street	St Helena	CA

- 3 On the 3rd Day of October, 2018 there was completed upon the hereinafter described real property a work of improvement as a whole and described as follows: **Railroad Avenue Curb Ramp Upgrades R-77**

- 4 The name of the original contractor for the work of improvement as a whole was: **AAA Concrete Construction.**

- 5 The real property herein referred to is situated in the City of St Helena, County of Napa, State of California, and described as follows: **Railroad Avenue between Fulton Avenue and Hunt Street.**

- 6 The street address of the property is: **1573-1113 Railroad Avenue**

By: _____
 Owner's Authorized Agent's Signature
 Erica Ahmann Smithies, PE Public Works Director/City Engineer



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

Agenda Section: Consent

Subject: Consideration and Proposed Approval of a Resolution authorizing (1) the Director of Public Works to approve Change Orders up to \$16,223.55 with St. Helena Construction for the Lyman Park Restrooms, Project C19-01 for a total not to exceed contract amount of \$60,000.00, (2) Authorizing a budget increase of up to \$10,000 for a not-to-exceed amount of \$60,000 for the completion of the Lyman Park Restroom Improvements Project C19-01, and (3) Authorizing a transfer from Park Impact Fee Fund 734 to Civic CIP Fund 733 upon completion of Project C19-01 for the total project amount not-to-exceed \$60,000.

CEQA Class I Categorical Exemption under Section 15301 of CEQA Determination:

Prepared By: Edrees Argand, Junior Assistant Engineer

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

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On September 25, 2018, City Council received an update on the estimated cost for rehabilitating and upgrading the Lyman Park Restrooms and directed staff to proceed with the proposed work. After soliciting informal construction bids from multiple vendors, the City entered into a Construction Agreement with St. Helena Construction (STH Contract: FY 2019-037) in an amount not to exceed \$43,776.45.

DISCUSSION

Construction began the week of October 22, 2018 with the contractor encountering dry rot in multiple areas such as the sill plate, vertical studs, the particle boards, and plywood roofing. Estimates for the unforeseen work were not available at the time of the

publishing of the staff report. However, the cost of the change orders will exceed the City Manager's current authorization limit of \$45,000 as set forth in the St. Helena Municipal Code. Therefore, staff is recommending a construction contingency of \$16,223.55 to allow the Director of Public Works to approve change orders up to a total not to exceed contract amount of \$60,000. Work is anticipated to be completed by November 30, 2018.

In addition, staff is recommending City Council authorize a budget adjustment of \$10,000 from the Park Impact Fund for a total not-to-exceed amount of \$60,000. Once work is completed, a budget transfer will be done from the Park Impact Fee Fund to the Civic Impact Fund for the total costs of the restroom improvement project.

FISCAL IMPACT

The fiscal impact is an additional \$10,000 from the Park Impact Fee Fund. The current Park Impact Fee Fund balance is \$745,700.

RECOMMENDED ACTION

Adopt a Resolution authorizing (1) the Director of Public Works to approve Change Orders up to \$16,223.55 with St. Helena Construction for the Lyman Park Restrooms, Project C19-01 for a total not to exceed contract amount of \$60,000.00, (2) Authorizing a budget increase of up to \$10,000 for a not-to-exceed amount of \$60,000 for the completion of the Lyman Park Restroom Improvements Project C19-01, and (3) Authorizing a transfer from Park Impact Fee Fund 734 to Civic CIP Fund 733 upon completion of Project C19-01 for the total project amount not-to-exceed \$60,000.

ATTACHMENTS

[Attachment 1: Resolution Lyman Park Restroom](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-

Resolution authorizing the Director of Public Works to approve Change Orders up to \$16,223.55 with St. Helena Construction for the Lyman Park Restrooms, Project C19-01 for a total not to exceed contract amount of \$60,000.00; authorizing a budget increase of up to \$10,000 for a not-to-exceed amount of \$60,000 for the completion of the Lyman Park Restroom Improvements Project C19-01, and (3) authorizing a transfer from Park Impact Fee Fund 734 to Civic CIP Fund 733 upon completion of Project C19-01 for the total project amount not-to-exceed \$60,000.

RECITALS

- A. On June 12, 2018, City Council adopted the FY 2018/19 budget. Included in the budget was \$50,000 from the Park Impact Fee Fund for improvements to the Lyman Park Restrooms, Project C19-01; and
- B. After soliciting informal proposals from multiple vendors, the City entered into a Construction Services Agreement with St. Helena Construction (STH Contract: FY 2019-037) in an amount not to exceed \$43,776.45; and
- C. Work on the bathroom project began the week of October 22, 2018. During the initial work it was discovered additional costs for the restroom project would be encountered as a result of dry rot; and
- D. The cost of the change orders will exceed the City Manager's current authorization limit of \$45,000 as set forth in the St. Helena Municipal Code; and
- E. Staff is requesting a construction contingency that will allow the Director of Public Works to approve change orders up to \$16,223.55 over the approved contract amount; and
- F. It is anticipated total project costs will not exceed \$60,000; and
- G. Staff is recommending City Council authorize a budget adjustment of \$10,000 for a total cost from the Park Impact Fund not-to-exceed \$60,000; and
- H. Once work is completed, a budget transfer will be done from the Park Impact Fee Fund to the Civic Impact Fund for the total costs of the restroom improvement project.

RESOLUTION

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

1. The City Council authorizes the Director of Public Works to approve Change Orders up to \$16,223.55 with St. Helena Construction for the Lyman Park Restrooms, Project C19-01 for a not to exceed amount of \$60,000; and
2. The City Council authorize a budget increase of up to \$10,000 for a not-to-exceed amount of \$60,000 for the completion of the Lyman Park Restroom Improvements Project C19-01; and
3. The City Council authorize a transfer from Park Impact Fee Fund 734 to Civic CIP Fund 733 upon completion of Project C19-01 for the total amount of the project amount not-to-exceed \$60,000.

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

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk



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

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution approving the purchase of a KIP 800 Plotter wide format color printer, copier, and scanner for an amount not to exceed \$30,608.98 with an ongoing monthly maintenance fee of \$145 from KBA Docusys

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzafopoulos, City Clerk

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Currently, the City's Administration, Planning, and Building Departments use outside resources for scanning and printing large format documents.

During the October 2017 firestorm, the state operated emergency command center distributed maps to the City's fire personnel via digital files with the expectation staff would be able to print maps onsite. However, the City was unable to print maps any larger than 11"x17" without the use of private resources. Fortunately, the City was able to secure the assistance of a local printer to assist with map production. Larger format maps assist the Fire Department with the ability to understand and explain fire movement, as well as plot and prepare for future fire activity.

Acquisition of a City-owned scanner, copier, and printer was identified in the City's "After Incident Action Report" as a solution that would eliminate these concerns during future unforeseen events (particularly during power outages given the City's redundant power resources the private sector may not have), as well as provide important contributions for routine City business including the digital scanning of City documents.

As a result, the City Council allocated resources for the purchase of a large format printer, scanner and copier in the FY 2018/19 budget.

DISCUSSION

Following the adoption of the budget, the City Clerk solicited and received three quotes for a KIP 800 large format Plotter that was identified to meet the City's needs. When staff evaluated the quotes, KBA Docusys provided the machine with a greater discount, lower monthly maintenance fee, and additional options including toner supplies to better serve the needs of each department.

Of the three quotes KBA Docusys was the second lowest bid, but overall the most responsive to the City's needs. The purchase price of the plotter, scanner, and printer is \$30,608.98 with an ongoing monthly maintenance fee of \$145.

FISCAL IMPACT

\$39,000 has been budgeted in Fiscal Year 2018/19 to fund the plotter. The quote is for an amount not to exceed \$30,608.98 with an ongoing monthly maintenance fee of \$145.

RECOMMENDED ACTION

Staff recommends City Council approve the resolution authorizing the purchase of the KIP 800 Plotter from KBA Docusys for an amount not to exceed \$30,608.98 with an ongoing monthly maintenance fee of \$145.

ATTACHMENTS

[Resolution for KBA Docusys Plotter](#)

[Scanner Price Comparison Grid](#)

[KBA Docusys Quote](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-

Resolution authorizing the City Manager to execute the purchase of a KIP 800 Plotter in the amount not to exceed \$30,608.98 with an ongoing monthly maintenance fee of \$145 from KBA Docusys

RECITALS

- A. The St. Helena City Council desires to provide staff the capability for printing, copying and scanning in large format;
- B. Having a plotter on site will allow for staff to copy, scan and print and not outsource;
- C. After evaluating City needs, pricing, discount and additional options, staff recommends purchasing from KBA Docusys.

RESOLUTION

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

1. Authorize the City Manager to execute the purchase of the KIP 800 Plotter in the amount of \$30,608.98 with an ongoing monthly maintenance fee of \$145 per month.

Approved at a Regular Meeting of the St. Helena City Council on November 13, 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

KIP 860	Initial Cost	Discounts	90 Day Warranty	Meter Charge		Add Ons		PDF Format Print Option	Toner Kit	Install & Training	Maintenance		Freight	Taxes	Subtotal with Maintenance		Notes
				Color	B & W	Auto Stacker	Accounting Cost Center				Per Yr.	Per Mo.			Per Yr.	Per Mo.	
Intelliprint (Dave)	\$ 29,800.00	\$ (4,000.00)	Included	\$0.03	\$0.02	\$1,675.00	\$595.00	\$800.00	Included	Included	\$ 3,000.00	\$ 250.00	Included	Included	\$29,600.00	\$26,850.00	During the 90 day warranty, the volume of color/b&w used at the city would be monitored. Then drafted into a contract for maintenance (could be higher or lower than the \$250 base) based on our volume during the first 90 days.
HSMG (Larry)	\$ 25,000.00	Included in Initial Cost	Included	\$0.03	\$0.02	\$1,500.00	\$525.00	\$800.00	\$615.00	\$795.00	\$ 3,000.00	\$250.00	\$795.00	\$2,236.99	\$33,241.99	\$30,491.99	Waive first 3 months meter charge at startup, Requires 220V power.
KBA (Monte)	\$ 33,215.00	\$ (6,500.00)	Included	\$0.06	\$0.03	Included	Included	Included	Included	\$795.00	\$1,740.00	\$145.00	\$895.00	\$2,203.98	\$32,348.98	\$30,753.98	Maintenance Option 1: Per yr base rate includes 24,000 sq ft printing based on metered usage; overage rate \$.085/ sq ft; billed annually in arrears. <u>Option 2: Per mo base rate; usage rate \$.095/sq ft; billed quarterly in arrears.</u>

* Print Speed: 8 D-size per minute (color); 10 D-size per minute (black and white)

KBA Docusys
32900 Alvarado Niles Road
Suite 100
Union City, CA 94587

☐ WIDE-FORMAT PRINTERS ☐ REPROGRAPHICS ☐ SUPPLIES/SERVICE



Quotation for CITY OF ST. HELENA, CA	
Attention: Purchasing/Finance Dept 1480 Main St. St. Helena, CA 94574	Date: 10/15/2018 Ph: (707) 967-2779
Quote valid for 60 days	

KIP 860 WIDE FORMAT COLOR PRINTER/COPIER/SCANNER	DISCOUNTED PURCHASE PRICING																		
36" Wide - BW Copy/BW Print/Color Print/Color Copy and Scan 2 Roll System; roll size up to 36" x 500'; each roll can be different size - Print Speed: 8 D-size per minute (color); 10 D-size per minute (B/W) 50-Sheet Top Stacking Tray 12" Color TouchScreen Control Panel with USB port - B/W and Color Scanning - Scan to USB/Network/Cloud - PDF, TIFF, JPEG - Network Print (Windows Print Driver x32/x64 for Win7/Win10/Win 2012) - KIP ImagePro Software for Win7/Win10 Desktop PCs - batch print sets of PDFs or complex multi-page files as needed - Auto Stacker / Acctg/ Cost Center and PDF Format Print - Dock-to-Dock Delivery* - Network Installation & Training	<table border="1"> <tr> <td>Equipment Price</td> <td>\$ 33,215.00</td> </tr> <tr> <td>Less Discount</td> <td>\$ 6,500.00</td> </tr> <tr> <td>Pre-Tax Subtotal</td> <td>\$ 26,715.00</td> </tr> <tr> <td>Sales Tax 8.25%</td> <td>\$ 2,203.98</td> </tr> <tr> <td>SubTotal w/Tax</td> <td>\$ 28,918.98</td> </tr> <tr> <td>Freight from KIP</td> <td>\$ 895.00</td> </tr> <tr> <td>Network Connectivity & Training Session</td> <td>\$ 795.00</td> </tr> <tr> <td>Toner/Paper Setup Kit</td> <td>Included</td> </tr> <tr> <td>Total Price</td> <td>\$ 30,608.98</td> </tr> </table>	Equipment Price	\$ 33,215.00	Less Discount	\$ 6,500.00	Pre-Tax Subtotal	\$ 26,715.00	Sales Tax 8.25%	\$ 2,203.98	SubTotal w/Tax	\$ 28,918.98	Freight from KIP	\$ 895.00	Network Connectivity & Training Session	\$ 795.00	Toner/Paper Setup Kit	Included	Total Price	\$ 30,608.98
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Network Connectivity & Training Session	\$ 795.00																		
Toner/Paper Setup Kit	Included																		
Total Price	\$ 30,608.98																		
 Weight: Approx 1,200 lbs. Electrical: 20A/220V Dedicated Circuit NEMA 6-20R receptacle required Network Connectivity: one static IP address on a TCP/IP network via GigE. Customer to provide all site requirements for equipment delivery & operation	Options and Service Service is 145.00 a month .03 per Sq foot black .06 per square foot color INCLUDED OPTIONS Auto-Stacker - Acctg/Cost Center - PDF Format print -																		
DIGITAL ENGINEERING SYSTEMS IS AN AUTHORIZED KIP RESELLER AND SERVICE PROVIDER SINCE 1992																			

Authorized Acceptance: CITY OF ST. HELENA, CA

M

Name: _____ Date: _____ PO: _____
Signature: _____ Title: _____

Signed orders are non-cancelable. Payment for equipment/freight/installation due net 30 days. Standard payment terms for service maintenance/supply invoices for each billing period are due net 30 days. Customer is responsible for any applicable sales and use taxes. *Dock to Dock delivery to ground level; obstacles, stairs, rigging are not included and will require professional movers. Future equipment moves and/or relocations are billed at an additional fee, based upon the scope of the job required. Maintenance is for the installed equipment only; services calls for network troubleshooting and site issues (power, environmental) may be subject to additional charges.

Monte Jensen
415.286.1127
monte.jensen@kbadocusys.com



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

Agenda Section: Consent

Subject: Consideration and proposed approval of a resolution: (1) approving temporary closure of Oak Avenue between Adams Street and Tainter Street for the November 30, 2018 Home for the Holidays City tree lighting festivities, (2) authorizing possession of open alcoholic beverages on this public street, and (3) approving the waiving of the encroachment fee.

CEQA Determination: **Not a CEQA project**

Prepared By: Andre Pichly, Recreation Director

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The Home for the Holidays City tree lighting event is a new event hosted by the St. Helena Parks & Recreation Department. The event is planned to be held in front of the Carnegie Building on Oak Avenue and open to the community.

DISCUSSION

The Home for the Holiday City tree lighting is a new event that is planned for the evening of Friday, November 30, 2018, and includes the following activities:

Home for the Holidays

Time: 5:30 p.m. – 8:30 p.m.

Location: Carnegie Building (1360 Oak Ave.)

Arrival of Santa

Time: 6:15 p.m.

Santa will arrive via St. Helena Firetruck. Santa will help light the City tree.

Tree Lighting

Time: between 6:20 p.m. - 6:30 p.m.

Location: City tree in front of the Carnegie Building.

Holiday Party

Time: 6:30 p.m. - 8:30 p.m.

Location: in and in front of the Carnegie Building

Once the City tree is lit, the community can take their children to meet Santa, decorate holiday cookies and play reindeer games; attendees can listen to music, and enjoy some appetizers and drinks in this fun and festive holiday atmosphere. Clif Family Winery, a local business, will be on site pouring complimentary alcoholic beverages. In order for alcohol to be available at this event the City will obtain the proper ABC license as is required by law.

In consideration for the benefits of this event to the community of St. Helena, staff recommends that the City Council (1) approve temporary closures of Oak Avenue between Adams Street and Tainter Street for the Home for the Holidays event, (2) authorize possession of open alcoholic beverages on this public street during the event, and (3) waive the Encroachment Permit fee for the event. Permit requirements and the general conditions applicable to the permit still apply although the fee is being waived.

FISCAL IMPACT

While the fiscal impact is minimal, it does include costs for staff time for closures, additional hours for Park Maintenance staff, and the waiving of the encroachment permit fee - all estimated to be less than \$500.

RECOMMENDED ACTION

Staff recommends the City Council of the City of St. Helena adopt the attached resolution: (1) approving temporary closure of Oak Avenue between Adams Street and Tainter Street for the November 30, 2018 Home for the Holidays City tree lighting festivities, (2) authorizing possession of open alcoholic beverages on those public streets, and (3) approving the waiving of the encroachment fee.

ATTACHMENTS

[City tree lighting 2018- RESO Home for the Holidays v2](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018 - ____

**RESOLUTION (1) APPROVING TEMPORARY CLOSURE OF OAK AVENUE
BETWEEN ADAMS STREET AND TAINTER STREET FOR THE NOVEMBER
30, 2018, HOME FOR THE HOLIDAYS FESTIVITIES; (2) AUTHORIZING
POSSESSION OF OPEN ALCOHOLIC BEVERAGES ON THOSE PUBLIC
STREETS; AND (3) WAIVING ENCROACHMENT FEES FOR THE HOME FOR
THE HOLIDAYS FESTIVITIES**

RECITALS

- A. The St. Helena Recreation Department has requested temporary closure of Oak Avenue between Adams Street and Tainter Street for the November 30, 2018 Home for the Holidays City tree lighting event;
- B. Closure of the City street in the area will provide space for Home for the Holidays activities and is situated adjacent to where event will take place;
- C. Clif Family Winery has requested to provide and pour alcohol at the event. St. Helena Municipal Code Section 9.04.010 authorizes the Council, by permit, to allow possession of open alcoholic beverages on public streets or any private or public off-street parking lot;
- D. In consideration for the benefits of this event to the community of St. Helena, the City Council desires to waive the Encroachment Permit fee for the event but does not waive the permit requirements and the General Conditions applicable to said permit;
- E. Section 21101(e) of the California Vehicle Code provides the local authorities may, by resolutions, temporarily close a portion of any street for celebrations, parades, local special events, and other purposes when, in the opinion of local authorities having jurisdiction or a public officer or employee that the local authority designated by resolution, the closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing;

RESOLUTION

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

1. The City Council finds that the benefits derived from the temporary closing of portions of a City street for the Home for the Holidays City tree lighting event outweigh the anticipated inconvenience to the neighborhood and citizens generally, and authorize closure of:
 - Oak Avenue between Adams Street and Tainter Street on November 30, 2018 from 4:00 p.m. to 10:00 p.m.
2. The possession of open container of wine and beer is permitted on public streets and parking lots encompassed by this event.
3. Temporarily closing a portion of the subject streets is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.
4. City Council desires to waive the Encroachment Permit fee for the event.
5. The City insurance policy covers this event at no additional cost to the City.
6. The City Manager is directed to provide reasonable levels of City staff support to accomplish closure of streets and related activities.

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

Mayor Galbraith:

Vice Mayor White:

Councilmember Dohring:

Councilmember Ellsworth:

Councilmember Koberstein:

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk



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

Agenda Section: Public Hearing

Subject: Review and adoption of an Urgency Ordinance to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit and an administrative review process for such permits, citywide. This ordinance is proposed to "sunset" on March 13, 2019 (120-days after adoption).

CEQA Determination: The proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council held a strategic planning workshop to discuss three-year organizational goals and 12-month strategic objectives. "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture and Quality of Life" emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.

On July 24, 2018, the City Council heard a presentation of an Economic and Demographic Profile and a Downtown Retail Market Analysis to evaluate the downtown's retail vitality from economic consultant Kosmont Companies. This analysis and presentation included several recommendations to address concerns with the downtown retail environment. Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps.

On September 11, 2018, the City Council reviewed a draft Downtown Economic Strategy prepared by the City Manager and provided recommendations on the prioritization of initiatives, one of which was the creation of a Temporary Use Permit, and administrative review process for such permits. This initiative was highlighted as a short-term priority with the hope that these regulations could be in place prior to the holiday shopping season.

On October 2, 2018, staff presented a draft Ordinance proposing to create a Temporary Use Permit to the Planning Commission for review and recommendation to the City Council. After providing general feedback and recommending some revision, the Planning Commission voted unanimously (4-0) to recommend adoption of the Ordinance to the City Council.

On October 23, 2018, the City Council reviewed and discussed the Temporary Use Permit Ordinance and directed staff to prepare an Urgency Ordinance to create the Temporary Use Permit for a limited period of time (proposed as 120-days).

DISCUSSION

In response to the Council direction provided on October 23, 2019, staff has prepared an Urgency Ordinance to allow Temporary Uses to operate within the City of St. Helena, subject to certain requirements and provisions to be identified in Chapter 17.136.050 of the St. Helena Municipal Code (SHMC). This allowance and process for temporary uses to operate will "sunset" on March 19, 2019 (120-days after adoption), unless the Council directs these provisions to be permanently codified. As drafted, temporary uses receiving approval for a Temporary Use Permit, would be permitted to continue to operate for the individual approved period of time, even if that time frame extends beyond the sunset period of the Ordinance.

As written the Urgency Ordinance temporarily updating SHMC Section 17.136.050 will, among other things, memorialize:

- Residential yard sales, non-profit fundraising events and similar non-commercial activities are permitted and do not require City approvals; and
- That temporary uses and structures (including those serving formula businesses) may be allowed subject to specific provisions when granted approval of a Temporary Use Permit by the Planning Department; and
- That large scale temporary events targeting more than 200 attendees on an individual day require approval from the City Council.

More details on the ordinance may be found in the attached documents, including the staff report presented on October 23, 2018.

CEQA Determination

Staff finds and the Planning Commission concurred that the proposed Urgency Ordinance to temporarily amend St. Helena Municipal Code Section 17.136.050 to create a Temporary Use Permit is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

FISCAL IMPACT

There is no direct fiscal impact anticipated to result from the adoption of the proposed Urgency Ordinance to create a Temporary Use Permit process for a limited period of time. Indirect fiscal impacts include the staff time required to prepare and present the materials, and any potential fees and tax revenue collected from the issuance of a temporary use permit and the operation of such a use (e.g. sales tax, business license tax, etc.).

RECOMMENDED ACTION

It is recommended that the City Council:

1. Find that the adoption of the proposed Urgency Ordinance proposing to amend St. Helena Municipal Code Section 17.136.050 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of

the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA; and

2. Introduce and adopt an Urgency Ordinance to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit and an administrative review process for such permits, citywide. This ordinance is proposed to "sunset" on March 13, 2019 (120-days after adoption).

ATTACHMENTS

[Draft St. Helena Urgency Ordinance Amending and Restating Chapter 17.136.050 \(Temporary Uses\)-Final](#)

[Draft Exhibit A Temp Use Permit Code Language-Final](#)

[Oct 23, 2019 CC Staff Report and Background-Temporary Use Permit](#)

CITY OF ST. HELENA

ORDINANCE NO. ____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA,
CALIFORNIA, AMENDING AND RESTATING ST. HELENA MUNICIPAL CODE
CHAPTER 17.136.050 (TEMPORARY USES).**

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

SECTION 1. Background Findings. The City Council finds as follows:

- A. In late 2017, the City Council held a strategic planning workshop to discuss three-year organizational goals and 12-month strategic objectives. "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture and Quality of Life" emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.
- B. On July 24, 2018, the City Council heard a presentation of an Economic and Demographic Profile and a Downtown Retail Market Analysis to evaluate the downtown's retail vitality from economic consultant Kosmont Companies. This analysis and presentation included several recommendations to address concerns with the downtown retail environment. Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps.
- C. On September 11, 2018, the City Council reviewed a draft Downtown Economic Strategy prepared by the City Manager and provided recommendations on the prioritization of initiatives, one of which was the creation of a Temporary Use Permit, and administrative review process for such permits. This initiative was highlighted as a short-term priority with the hope that these regulations could be in place prior to the holiday shopping season.
- D. On October 2, 2018, staff presented a draft Ordinance proposing to create a Temporary Use Permit to the Planning Commission for review and recommendation to the City Council. The City's Planning Commission conducted a duly noticed public hearing on. After all interested parties were given full opportunity to be heard, and to present evidence, the Planning Commission voted unanimously (4-0) to recommend to the City Council that the Council adopt the amendments to Chapter 17.136.050 proposed by this Ordinance.
- E. On October 23, 2018, the City Council conducted a duly noticed public hearing to consider this ordinance, and all interested parties were given full opportunity to be heard and to present evidence.
- F. Chapter 17.136.050 of the St Helena Municipal Code (SHMC) establishes the City's regulations regarding Temporary Uses primarily located on private property.

G. These regulations further the City's interest in facilitating retail and other business activities in the Central Business District and other commercial parts of the City to support the business community and expand the retail and service options available to citizens of the community, and to help maintain the St. Helena downtown as the City's core and primary center of retail business. In response the City prepared draft text amendments to modify and expand the existing provisions governing Temporary Uses and to create a Temporary Use Permit process.

H. The City desires by this Ordinance to make minor amendments to its Temporary Use regulations with respect to (1) allowable temporary uses located in each zoning district within the community, (2) the applicable procedures for processing Temporary Use Permit applications, and (3) the use designated as exempt from any permit requirement.

I. The creation of a new Temporary Use Permit requires adoption of a fee which accurately reflects the staff time required to process and evaluate such an administrative Temporary Use Permit.

J. City staff has calculated the overall staff time and effort required to process, analyze and issue an administrative Temporary Use Permit. Based on that calculation, staff has determined that a minimum of 3.5 hours are required to capture the cost of the staff time and efforts required to process such an application.

K. Staff has recommended that an Administrative Temporary Use Permit fee of \$500.00 be created and implemented, in an effort to capture and reimburse the City for the staff time required to process, analyze, and issue such an administrative permit. This fee is a conservative estimate of the time required to process such an application and is based on the overall staff blended rate of \$150/hour identified in the City's fee schedule.

L. The proposed amendments would further the public necessity, convenience, general welfare and good zoning practice by creating a more efficient and effective regulatory process and adopting regulations that are consistent with current state and federal law. The proposed amendments are also necessary for the preservation of the public peace, health and safety.

SECTION 2. Urgency Findings. The City Council further finds as follows:

A. The City Council has received evidence from staff, the community and the Kosmont Companies that the amended regulations proposed by this Ordinance are immediately needed for the economic success, sustainability and viability of the City's businesses and business districts, which are identified goals supported by policies in the General Plan, to address existing downtown vacancies, and to benefit St. Helena's citizens and entire community, especially during the upcoming holiday season, which is a critical element to permitting infill development, supporting local

serving land uses, addressing downtown vacancies and maintaining the downtown as the City's social and cultural core.

B. The Council further finds that any delay in the effective date of these regulations will frustrate and impede the City's efforts to promote and enhance the economic success, sustainability and viability of the City's businesses and business districts, to address existing downtown vacancies, and to benefit the citizens and entire community given the pending holiday shopping season, the adopted policy of the General Plan to maintain St. Helena's downtown as the City's primary center of retail business, allow for the re-use of existing structures and provide opportunities for new pedestrian oriented uses.

C. Government Code § § 36934 and 36937(b) authorize ordinances to take immediate effect when they are "[f]or the immediate preservation of the public peace, health or safety, containing a declaration of the facts constituting the urgency, and [are] passed by a four-fifths [4/5] vote of the city council."

D. For the reasons set forth in the above findings, the City Council of the City of St. Helena finds and declares that this proposed Ordinance is necessary for immediate preservation of the public peace, health, and safety, and the findings and determinations above taken together constitute the City Council's statement of reasons constituting the urgency.

SECTION 3. Compliance with CEQA. The City Council hereby finds that the action to adopt this Ordinance to amend St. Helena Municipal Code Section 17.136.050 is exempt from the requirements of CEQA (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15303, and 15304 in that these modifications create an administrative process for the use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA. In addition, no exception to the categorical exemptions apply. The Ordinance does not present any unusual circumstances, and there is no substantial evidence in the record of a possible significant adverse impact.

SECTION 4. Amendment of SHMC Chapter 17.136.050. SHMC Chapter 17.136.050 "TEMPORARY USES" is hereby amended to read as set forth in the attached Exhibit A.

SECTION 5. Severability. The City Council hereby declares every section, paragraph, sentence, cause and phrase is severable. If any section, paragraph, sentence, clause or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 6. General Plan Consistency. The amendments made by this Ordinance are consistent with the General Plan in that they would preserve and maintain the development standards for permanent uses established to ensure new development occurs in a logical manner; continue to protect historic commercial buildings due to their temporary nature, allow temporary retail and service options available to citizens of the community, create an opportunity for temporary events to request approval from the City, would help to reinvigorate under-utilized parcels, allow temporary uses to expand opportunities for the re-use of structures, provide for new opportunities for pedestrian connections and would to help maintain the St. Helena downtown as the City's core and primary center of retail business (General Plan Policies 7.5.1, 2.6.1, 2.6.28, 2.6.29, 2.6.30, 206.31 and 2.6.35, 2.6.50).

SECTION 7. Ordinance Expiration. The amendments made through the adoption of this Ordinance modifying St. Helena Municipal Code Chapter 17.1136.050 (Temporary Uses) are enacted for a period of 120-days and shall terminate and have no further effect on March 13, 2019, unless extended or made permanent by action of the City Council. Any Temporary Use Permits issued prior to the termination date are permitted to operate for the entire approval timeframe they are granted (beyond the March 13, 2019 termination); however, in no case shall they be extended.

SECTION 8. Urgency Ordinance Effective Date. Upon four fifths (4/5) vote by the City Council, this Ordinance shall become immediately effective.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the 13th day of November, 2018, and was adopted as an urgency measure on the 13th day of November, 2018, by the following vote of at least four fifths (4/5) of the City Council:

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

APPROVED:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafoopoulos, City Clerk

I, CINDY TZAFPOPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the St. Helena City Council on the 13th day of November, 2018, and was adopted as an urgency measure on the 13th day of November, 2018 by the above vote of at least four fifths (4/5) of the City Council.

Exhibit A

17.136.050 Temporary uses.

- A. Purpose. This Section establishes procedures for the granting of ministerial Temporary Use Permits for short-term activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with surrounding areas.
- B. Applicability. A Temporary Use Permit allows the short-term activities listed in Subsection D (Allowed temporary activities), below that may not comply with the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are not subject to Design Review, standard parking requirements, sign requirements or the limitations on the placement or location of merchandise otherwise restricted by this code.
- C. Exempt temporary activities. The following allowed temporary activities are exempt from the requirement for a Temporary Use Permit. Activities that do not fall within the categories defined below shall comply with Subsection D (Allowed temporary activities).
 - 1. Construction yards—On-site. On-site contractors' storage yards of less than one acre, including a work trailer, **only** in conjunction with an approved construction project located on the same site. The contractor's storage yard shall be removed immediately upon completion of the construction project, or the expiration of the companion Building Permit authorizing the construction project, whichever first occurs.
 - 2. Emergency facilities. Emergency public health and safety needs/activities, as determined by the Council, **City Manager or designee**.
 - 3. Location filming. The temporary use of a specific site for the location filming of commercials, movies, videos, etc., as regulated and approved by the City Manager pursuant to SHMC Chapter 5.24.
 - 4. Garage sales or similar sales activities. The sale of personal goods which are owned by the household, **or neighboring households located** on residentially zoned property, for up to three consecutive days and three times within a 12-month period.
 - 5. Public property. Activities conducted on public properties that are approved by the Council.
 - 6. Nonprofit Special Events. Special events (such as but not limited to carwashes, bake sales, rummage sales or flea markets) conducted by or for a recognized nonprofit or charitable community group may be conducted on the grounds of a religious institution, commercial property, school or other permanent place of public assembly up to three days during any six-month period provided they meet the following standard or provisions:
 - a. Event activities do not block a building exit, present a hazard to pedestrians or vehicles, reduce the width of a pedestrian walkway to less than **required ADA access dimensions five feet**, significantly reduce onsite parking or occupy a fire lane.

- b. If the merchandise or activity is proposed for location on any street, sidewalk or public right-of-way, an encroachment permit shall be secured from the Public Works Department.
 - c. If any commercial vendors are involved in the event, they shall secure a business license from the Finance Department pursuant to SHMC Title 5.
 - d. Nonprofit special events occurring more frequently than three days during any six-month period shall require a Use Permit or Temporary Use Permit.
- D. Allowed temporary activities. The following temporary activities may be allowed within the specified time limits, but in no case for more than 12 months, subject to the issuance of a Temporary Use Permit by the Planning Director. Other temporary or short-term activities that do not fall within the categories defined below shall instead comply with the land use permit requirements and development standards that otherwise apply to the property.
- 1. Events. Arts and crafts exhibits, carnivals, concerts, fairs, farm stands, festivals, flea markets, food events, outdoor entertainment/sporting events , and swap meets for up to ~~seven~~ fourteen consecutive days, or six two-day weekends, within a 12-month period, when conducted on non-residential properties.
 - 2. Indoor Pop-Up Uses. Retail sales, museums, art exhibits, restaurants or cafes for up to ninety (90) consecutive days when conducted on non-residential properties. Includes or does not include (non-restaurant) Formula Businesses?
 - 3. Seasonal sales lots. Seasonal sales activities (e.g., Halloween, Thanksgiving, Christmas, etc.) including temporary residence/security trailers, on non-residential properties, for up to 30 days and four times within a 12-month period.
 - 4. Temporary structures. A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved for a maximum of 12 months from the date of approval, to accommodate an existing approved primary or accessory use, or as the first phase of a development project.
 - 5. Similar temporary activities. Similar temporary activities that the Director determines are compatible with the zoning district and surrounding land uses.
- E. Large Scale Temporary Uses. Applications for temporary uses such as concerts or festivals which are intended to draw large numbers of individuals (200+) to the temporary use in a single day shall be approved by the City Council.
- F. In reviewing the Temporary Use Permit, the review authority may attach any conditions governing access, hours of operation, parking and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety and other items as necessary to assure compatibility with surrounding uses and minimize potential adverse effects.
- G. Application requirements. An application for a Temporary Use Permit shall be filed in compliance with Chapter 17.08 (Administrative Procedures). The application shall be accompanied by

the information identified in the Department handout for Temporary Use Permit applications. It is the responsibility of the applicant to provide evidence in support of the findings required by Subsection G (Findings and decision), below.

H. Development criteria. The Director shall ~~consider~~ utilize the following criteria based on the type and duration of the proposed temporary activity, using input from other departments (police, fire public works, etc.), the requirements and development criteria of the applicable zoning district and use standards as well as Chapter 17.112 (General Site Design and Development Standards) for guidance:

1. Floor areas, heights, hours of operation, nuisance controls, off-street parking, setbacks, signs, and other structure and property development features;
2. Measures for removal of the activity and site restoration, to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Code; and
3. Limitation on the duration of approved "temporary structures," to a maximum of 12 months, so that they shall not become permanent or long-term structures.

I. Findings and decision. A Temporary Use Permit may be approved by the Director only after the Director first finds that the requested activity complies with applicable standards, and therefore the establishment, maintenance, or operation of the temporary activity would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed activity.

J. Post approval procedures. The procedures relating to appeals, performance guarantees, and revocation in Chapter 17.08 (Administrative Procedures) shall apply following the approval of a Temporary Use Permit application.

1. Condition of the site following temporary activity. Each site occupied by a temporary activity shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity, and shall thereafter be used in compliance with the provisions of this Zoning Code. A performance security (including a Bond or financial deposit) in a form and amount acceptable to the Director may be required before initiation of the activity to ensure cleanup after the activity is finished.
2. Performance security for temporary structures. Before issuance of a Temporary Use Permit the applicant shall provide performance security in a form and amount acceptable to the Director to guarantee removal of all temporary structures within 30 days following the expiration of the Temporary Use Permit.
3. Extensions of Temporary Use Permits prohibited. The term of a Temporary Use Permit may not be extended. Applicants for activities that would exceed the allowed terms identified in Subsection D (Allowed temporary activities) shall file for a Use Permit, rather than a Temporary Use Permit, in compliance with Chapter 17.168

4. Required lapse of time for Temporary Use Permits. Except for seasonal sales lots, a minimum of 30 days shall pass between the expiration of a Temporary Use Permit and the issuance of a new and similar Temporary Use Permit for the same property, or the actual removal of the materials and structures associated with the former activity, whichever last occurs.

* Code reviser's note: Section 7 of Ordinance ~~X~~ amending and restating existing St. Helena Municipal Code Chapter 17.136.050 (Temporary Uses), includes a provision stating "These amendments are enacted for a period of 120-days and shall terminate on March 13, 2019, unless extended or made permanent by action of the City Council. Any Temporary Use Permits issued prior to the termination date are permitted to operate for the entire approval timeframe they are granted (beyond the March 13, 2019 termination) however in no case shall they be extended."

~~The following temporary uses shall be permitted as specified by these regulations:~~

~~A.—Christmas tree sales;~~

~~B.—Fireworks sales;~~

~~C.—Garage sales;~~

~~D.—Rummage sales conducted by nonprofit organizations. (Prior code § 27.274).~~



Report to the City Council
Council Meeting of October 23, 2018

Agenda Section: New Business

Subject: Review of a draft Ordinance proposing to amend and restate St. Helena Municipal Code (SHMC) Chapter 17.136.050 'Temporary Uses', to create a Temporary Use Permit and an administrative review process for such permits, citywide.

CEQA Determination: The proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

Prepared By: Noah Housh, Planning & Community Improvement Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council held a strategic planning workshop to discuss three-year organizational goals and 12-month strategic objectives. "Ensure the Long-Term Economic Sustainability while Safeguarding St. Helena's Unique Culture and Quality of Life" emerged as a key goal, along with a desire to revitalize downtown to improve its resilience.

On July 24, 2018, the City Council heard a presentation of an Economic and Demographic Profile and a Downtown Retail Market Analysis to evaluate the downtown's retail vitality from economic consultant Kosmont Companies. This analysis and presentation included several recommendations to address concerns with the downtown retail environment. Direction was subsequently provided to the City Manager to prepare a plan and recommended next steps.

On September 11, 2018, the City Council reviewed a draft Downtown Economic Strategy prepared by the City Manager and provided recommendations on the prioritization of initiatives, one of which was the creation of a Temporary Use Permit, and administrative review process for such permits. This initiative was highlighted as a short-term priority with the hope that these regulations could be in place prior to the holiday shopping season.

On October 2, 2018, staff presented a draft Ordinance proposing to create a Temporary Use Permit to the Planning Commission for review and recommendation to the City Council. After providing general feedback and recommending some revision, the Planning Commission voted unanimously (4-0) to recommend adoption of the Ordinance to the City Council.

DISCUSSION

In response to the direction provided by the City Council, staff prepared a draft Ordinance to create a Temporary Use Permit process by which temporary uses may be permitted to operate and occur in limited number throughout the City. Below is a summary of the general elements of the ordinance.

- The ordinance memorializes certain temporary activities as permitted, including construction yards, emergency facilities, filming, garage sales, activities on public property authorized by the City Council, and non-profit special events.
- The ordinance seeks to identify temporarily permitted special events including arts and crafts events, concerts, fairs and festivals, indoor "pop-up" events including retail uses, museums, restaurants and cafes, seasonal sales events (pumpkin patches and Christmas tree lots), and temporary structures. Events are proposed to be limited to fourteen consecutive days, or six two-day weekends, within a 12-month period; "Pop-Up" uses are proposed to be permitted for up to 90 consecutive days; and seasonal sales lots are proposed to be restricted to a maximum of 30 consecutive days, four

times within a 12-month period. A 30-day break is required to occur between individual temporary uses occurring on any individual site.

- The ordinance sets review criteria and identifies that the approval of a Temporary Use Permit may be restricted by any condition deemed necessary to govern access, hours of operation, parking and circulation, fencing and other temporary structures, drainage, dust control, trash/litter control, public safety, and other items as necessary to assure compatibility with surrounding uses and in order to minimize potential adverse effects. Similarly, there are requirements intended to ensure properties proposed to accommodate a temporary use are returned to their original state after the temporary use is concluded.

CEQA

Staff finds that the action to adopt the proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

General Plan

The changes to the Temporary Use section (S.H.M.C. Chapter 17.136.050) are generally proposed to create a process for temporary uses and would apply to all commercial areas of the City, with some non-commercial areas also allowing limited temporary uses as discussed above. These changes would in no way affect zoning requirements governing such permanent uses.

The proposed changes to the zoning code are generally intended to allow administrative review of Temporary Uses primarily on commercial property where none currently exist, or where the code currently identifies a limited list of temporary uses are permitted, but provides no standards or requirements for their operation.

Specific General Plan policies which relate to the proposed code amendments include:
7.5.1 Preserve the City's Historic and cultural resources as they contribute to the special character and quality of the City and help support its economic base.

2.6.1 New development should be required to occur in a logical and orderly manner within well-defined boundaries, and be consistent with the ability to provide urban services.

2.6.28 Maintain the pedestrian-oriented character of the Central Business District and provide for convenient pedestrian connections to encourage walking and reduce vehicle trips within the commercial core area.

2.6.29 Minimize the strip commercial appearance of the area south of the bridge by encouraging the redevelopment of underutilized parcels and poorly designed developments, and by maintaining open space corridors extending from the highway to the east and west as shown on the Land Use Map.

2.6.30 Protect historic resources in the commercial areas, and encourage their rehabilitation and re-use.

2.6.31 Require the design of all new commercial development to be compatible with and complementary to the image and character of the historic Main Street area.

2.6.35 Maintain the Central Business District as the City's social cultural core, and the primary center of retail business.

City staff has determined the recommended amendments to create a Temporary Use Permit and associated review process are in keeping with the City of St. Helena General Plan in that these changes preserve and maintain the development standards for permanent uses established to ensure new development occurs in a logical manner; continue to protect historic commercial buildings due to their temporary nature; allow temporary retail and service options available to citizens of the community, create an opportunity for temporary events to request approval from the City, would help to reinvigorate under-utilized parcels, allow temporary uses to expand opportunities for the re-use of structures, provide for new opportunities for pedestrian connections, and would to help maintain the St. Helena downtown as the City's core and primary center of retail business by reducing the regulatory burden for outdoor amenities and maintenance of ancillary building features.

Ordinance Process

In keeping with the requirements of S.H.M.C. Chapter 17.12.100, after review and comment by the Planning Commission, the draft Ordinance and proposed changes are being brought before the City Council for further review and action. In considering the proposed changes, both the Commission and the Council shall look for consistency of the proposed amendments with the goals, programs and policies of the General Plan, as well as other existing City policies.

Planning Commission Review

On October 2, 2018, the Planning Commission reviewed a draft ordinance as discussed above. In their review, the Planning Commission requested several changes be incorporated into the Ordinance to improve the applicability and consistency of the draft language. These concerns have been summarized below and the resulting changes have been incorporated into the draft and are highlighted in blue text.

- The Commission wanted to ensure both the applicant and the property owner were responsible for issues with the temporary use operating from an individual site.
- Ensure all temporary uses also receive approval from other jurisdictions with responsibility over the use (such as the County Health Department).
- The uses allowed under the Temporary Use Permit process should be reflective of the underlying zoning district and applicable zoning standards.
- That there was a substantive break between temporary uses and in no case shall one individual location be used for temporary uses for greater than 12 months.
- No permanent pop-up space could be created without Use Permit approval from the Planning Commission.

In addition to the concerns above (for which there was consensus on the Commission), one individual commissioner voiced concerns over the noise, light, and traffic impacts of temporary uses that could be approved under the Temporary Use Permit, especially when viewing these impacts as cumulative. In addition, this commissioner wanted a complaint mechanism to be incorporated to the Temporary Use Permit process.

Issues

Separately staff asked the Commission to provide input on two questions related to the decision process and applicability of Temporary Use Permits.

1. Should the targeted or potential number of patrons affect the review process for a Temporary Use Permit? For a example, a concert or festival although temporary, may create a large draw of individuals to a specific parcel within the community.

The Planning Commission unanimously agreed that a potentially large number of patrons attending a temporary use should effect and/or elevate the review and decision process for such a temporary use. In response, staff has incorporated language requiring events intended for more than 200 individual patrons should be decided by the City Council.

2. Should the Temporary Use Permit apply to a formula business proposing to operate a "pop-up" business within the Community? Currently, a formula business requires Use

Permit approval from the Planning Commission, however such a distinction was not written into the Temporary Use Permit Ordinance.

The Planning Commission unanimously agreed to recommend that a formula business be allowed to operate under a Temporary Use Permit, identifying that the 90-day limitation on "pop-up" uses could be an opportunity for the community to experience a formula business operation, without a significant commitment being made to allow their permanent establishment.

Finally, staff has included several background documents to facilitate Council review of the Ordinance, including an article on the recent trends in retail pop-up uses and example applications and information from other jurisdictions.

FISCAL IMPACT

The Ordinance proposes to create an administrative review fee of \$500.00 to cover the staff time associated with the review of the proposed Temporary Use Permit. Based on this, direct fiscal impacts to the General Fund would result in increased permit application fees for each Temporary Use Permit application reviewed by the City. The fee amount was determined utilizing the combined staffing hourly rate identified in the Fee Schedule and based on the anticipated time to review Temporary Use Permit applications. Indirect impacts to the General Fund could result from additional retail activity and sales tax payments occurring from under utilized properties used to house temporary uses.

RECOMMENDED ACTION

It is recommended by the Planning Commission that the City Council:

1. Find that the proposed Ordinance to amend St. Helena Municipal Code Title 17 is exempt from the requirements of CEQA pursuant to Guidelines Sections 15301, 15303, and 15304 as Class 1, Class 3 and Class 4 Categorical Exemptions in that these modifications create an administrative process for the temporary use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA; and
2. Review, comment on and make a recommendation to staff regarding preparing an Ordinance making changes to Chapter 17.136.050 of the St. Helena Municipal Code to

create a Temporary Use Permit, the associated review process and the creation of a fee to cover the costs of such a permit, citywide.

ATTACHMENTS

[Draft Exhibit A Temp Use Permit Code Language-PC Input](#)

[Draft Ordinance](#)

[Pop Up Brochure-Fairfax County, VA](#)

[Pop Up Store Article](#)

[PC Reso-Temp Use Permit](#)

[Example Application-City of Napa](#)

[Example Application-City of SR](#)



Greensboro Park



Tysons Biergarten



Smart Markets: Oakton

Pop-Up Uses Fairfax County, VA



Smart Markets: Springfield



Greensboro Park



Reston Station

This brochure highlights five types of pop-ups and provides contact information for establishing a pop-up in Fairfax County.

Pop-up:

1. a temporary use of a space that can be used to activate an area.
2. a use that appears or occurs suddenly and unexpectedly.
3. a store or other business that opens quickly in a temporary location and operates for only a short period of time.

Pop-ups can last for an hour, a day or for an indefinite period of time. They are a great way to create energy and enthusiasm without a significant expenditure or resources.

October 2016



Tysons Biergarten

This brochure is for general informational purposes only and is not intended to provide a complete step by step guide to establishing a pop-up. The exact process will be determined by the location of the site and type of pop-up uses desired including conformance with any proffers as applicable.

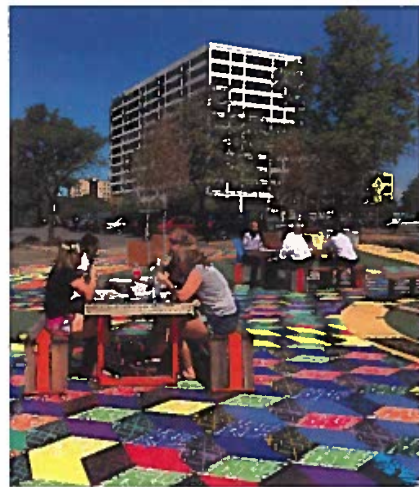
Additional contact information for the various departments and permitting agencies can be found on the back of this brochure.

Pop-Up Type: Parks

The primary purpose of these parks is to provide outdoor space for people to enjoy and generate excitement about a particular project. Pop-up parks can be located on private or public land. Elements in pop-up parks can include movable outdoor seating, shaded areas, planted areas, food trucks, movable planters, and colored pavement. Pop-up parks can also provide space for temporary art installations or gathering space for performances. The permitting requirements for pop-up parks will vary depending on the uses proposed for the space. Examples of pop-up parks include Greensboro Park at The Boro development in Tysons.

Pop-Up Type: Farmers Markets

Farmers markets are located across Fairfax County on a variety of sites, including Park Authority property, parking lots, schools, places of worship, and at metro stations. Farmer's markets are typically held on a weekly basis at each location. Typically they include stands with tents and food trucks and vendors that provide fresh, local produce and goods. A few locations of Farmers Markets are Springfield Town Center, Huntington, McLean, and Annandale. The requirements for permitting a Farmers Market depend on the location and the type of vendors/items provided. However, they do require a temporary special permit through the Zoning Permit Review Branch.



Pop-up Type: In Existing Buildings

This type of pop-up utilizes the inside of an existing vacant structure. It does not involve a long-term retail lease, nor is it envisioned as a permanent site condition; is however envisioned to breathe new life into an existing building until the space is ready for redevelopment or a new permanent tenant. Current examples of pop-ups in existing buildings include the Biergarten at Tysons or an event such as Artomatic. Permitting requirements will vary based on the proposed use.



Pop-up Type: Street Festivals/Fairs

Street Festivals are short term pop-up events that may close parts of road right-of-way to vehicles so that the space can be utilized by people. The operator of the street festival is typically a non-profit community group or organization. Street Festivals vary in type but usually include food vendors and may have a cultural or neighborhood theme. Examples of festivals include the Taste of Annandale on Tom Davis Drive or the Taste of Reston at Reston Town Center. The permitting requirements for a road closure will vary depending on who controls that particular right of way.



Pop-up Type: Interim Buildings

This type of pop-up is located on public or private land that is not yet ready for redevelopment and is typically an interim condition that exists as part of a phased redevelopment. This pop-up primarily includes retail kiosks (interim structures), supportive features such as food trucks, outdoor seating, and programmed events. The uses within the interim structures vary, and permitting requirements will vary depending on the use. Although these are considered interim uses, they can remain in place for an extended period of time but are not considered permanent site structures or uses. Examples of this type of pop-up include the plaza at the Reston Metro Station.



The following county and state agencies play a role in the pop-up permitting process. Most, if not all, pop-ups will need a County permit. Contact information for the various agencies to help with the process:

Temporary Special Permits/Use Permits:

Zoning Permit Review Branch - (703) 222-1082
www.fairfaxcounty.gov/dpz/dpzdivisions/zad.htm

Food/Drink:

Health Department - (703) 653-2444
www.fairfaxcounty.gov/hd/food/permits/

Structures/Mechanical/Plumbing:

Building Plan Review, DPWES - (703) 222-0801
www.fairfaxcounty.gov/dpwes/buildingpermits/

Alcohol:

VA ABC - (703) 313-4432
www.abc.virginia.gov/licenses/get-a-license

Use Determination:

Zoning Administration Division - (703) 324-1314
www.fairfaxcounty.gov/dpz/dpzdivisions/zad.htm

Proffered Conditions:

Zoning Evaluation - (703) 324-1290
www.fairfaxcounty.gov/dpz/dpzdivisions/zed.htm

Life Safety:

Fire Marshal - (703) 246-4803
www.fairfaxcounty.gov/fr/prevention/fmpermits.htm

If you are interested in doing a pop-up in your community, OCR is here to help navigate the process.

Please contact us:

Fairfax County Office of Community Revitalization

12055 Government Center Parkway
 Suite 1048
 Fairfax, VA 22035

703.324.9300
www.fcrevit.org

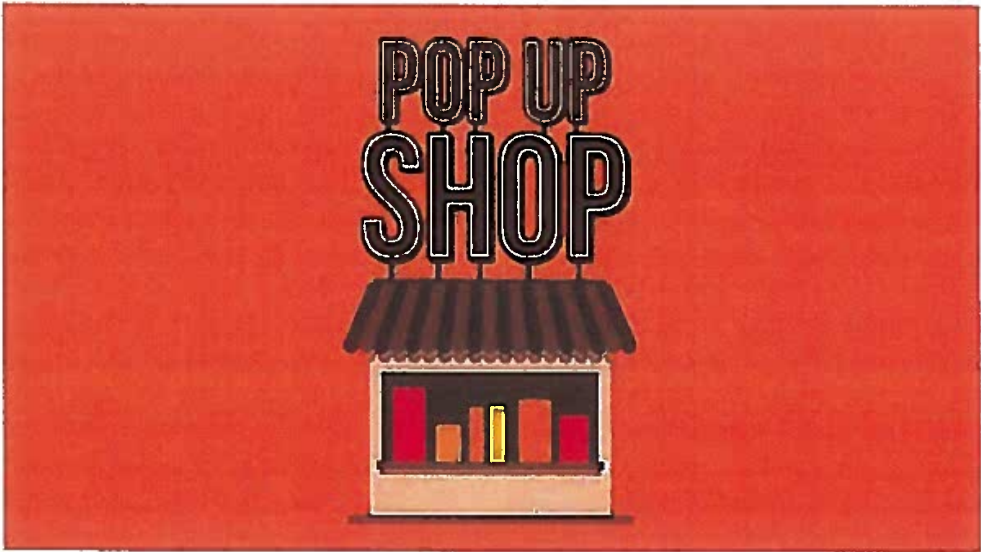


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Pop-Up Stores Become More Than Just A Trend



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The pop-up store has become a go-to marketing strategy for retailers looking to extend the brand and introduce new products. The pop-up industry has grown to approximately \$10 billion in sales, according to **PopUp Republic**.

Pop-up shops are being developed in a variety of shapes and sizes, as well as locations. They can be found in a traditional brick-and-mortar store — as a store-within-a-store — as a

standalone kiosk or even via a motorized vehicle, taking the lead from the food truck craze.

ADVERTISING Consumers expect that the pop-up shopping experience will be unique — different from the average brick-and-mortar visit. They also look to pop-ups for more specialized shopping. For example, 61% of shoppers list seasonal products as the main reason to shop at a pop-up store, according to a **PopUp Republic poll**. Pop-up shoppers also are looking for:

Unique services/products (39%);

Localized assortments (36%);

Optimal pricing (34%);

Convenience (33%); and

A fun experience (30%).

“The great thing about pop-ups that we find all across the board — whether it’s a pop-up store, pop-up restaurant or event — is that they have this ‘fear of missing out’ quality to them,” said Jeremy Baras, the CEO of PopUp Republic. “Customers are attracted to exclusivity. They’re attracted to a ‘here today, gone tomorrow’ type of concept.”

In this feature article, Baras and other industry experts share tips and tactics to help retailers build brand exclusivity and decide if a pop-up store fits into the overall marketing strategy. Topics include:

Selecting the right pop-up model;

Planning a standalone pop-up store;

Attracting the right target shoppers to the pop-up experience; and

Measuring the success of a pop-up launch.

Retailers including Best Buy, J.Crew and Nordstrom have ventured into the world of pop-ups. Examples from these and other retailers highlight different strategies and scenarios worth exploring.

Choosing A Pop-Up Model That Works

Starting a pop-up shop can serve as a hybrid for businesses looking to ease their way into a new niche while minimizing potential losses. In fact, launching one is approximately 80% less expensive compared to opening up a traditional brick-and-mortar location, according to **StoreFront**.

For retailers unsure about setting up a standalone pop-up location, the store-within-a-store concept can be a viable alternative. Several brands have partnered with major retailers, such as Best Buy, Nordstrom and Sears, to showcase and sell related relevant items via in-store pop-ups. These partnerships enable brands to introduce their products in an atypical store offering, with the goal of broadening their appeal among new consumers.

Best Buy has allowed partner companies to use store floor space to set up store-within-a-store models, such as the Samsung Open Houses recently opened in two Minnesota stores and one Chicago location. The electronics retailer expects to open 200 more Open House pop-ups in different Best Buy locations by the end of 2015.

Nordstrom hosts its own **"Pop-In@Nordstrom"** specialty shops, which are a recurring series of in-store sales on products not typically found in a Nordstrom location. From July 3 to Aug. 2, 2015, the upscale fashion and apparel retailer featured luxury and designer goods from London-based department store **Liberty** in five U.S. Nordstrom locations. This partnership was Liberty's official entrance into the U.S. market via a brick-and-mortar store.

Nordstrom initially launched the "pop-in" concept in late 2013, spearheaded by Olivia Kim, Director of Creative Projects. The concept features unique brands on a near-monthly basis, and Kim curates the brands herself, giving massive exposure to retailers that may not sell often to consumers that purchase at Nordstrom.

Sears also is testing out the store-within-a-store concept, presently working with four independent partner retailers. As part of the deal, Sears will showcase appliances and lawn and garden equipment in the partners' stores. These partners include:

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Tri-Fecta Home Center, in Sidney, Mo.;

The Grand Emporium Furniture and Bedding, in Waveland, Miss.;

Paco and Son's Furniture, in Nogales, Ariz.; and

Fremi's Furniture, in New Iberia, La.

The partnership is designed to allow independent furniture and related home category store owners to expand their product lines to better cater to consumer demand without the need to purchase any inventory. Additionally, Sears can expand reach into smaller markets without having to operate a full department store.

Depending on the level of these types of store-within-a-store partnerships, brands have a varying amount of input regarding merchandising and the overall presentation in the host's store. Either way, decreased costs for both inventory and appearance management and fewer labor expenses make the model an intriguing concept for both large and small businesses.

"It comes down to how much the control matters to you as a brand," said Erik Eliason, Co-Founder and CEO of Storefront. "If you have the mindset that 'this is my experience, my store and my customers,' then sure, rent your own space and really control that. We've seen a lot of retailers driven by the collaborative economy that end up partnering with companies with similar customers so they can set up a two-week pop-up inside another store. It's equally as prevalent, just not as well covered, in a lot of mom-and-pop shops. These businesses will have an up-and-coming designer or e-Commerce brand that will come in and use their space. For the brand that's renting, typically that would be at least half the cost than it would to set up a shop, if not less."

Strategizing For Standalone Pop-Ups

Traditional standalone pop-up stores suit retailers that are interested in controlling all aspects of the store and are willing to take the financial chance to rent or purchase real estate. To create the exclusivity and sense of urgency necessary to build a standalone store, these retailers must plan to cover all facets of merchandise buying, location, design and marketing. Since the pop-up concept offers a different retail experience compared to the typical brick-and-mortar location, retailers must start the planning process at least three months before opening a pop-up location.

"The ideation for big companies usually starts very early," said Melissa Gonzalez, CEO of **The Lion'Esque Group**, a pop-up store architect.

"They tend to get projects approved before everything comes together months later. If you were to isolate it, preparation should start a solid three months at minimum, including ideation, approval, finding the location, then rendering 3D mockups of the store. Then we need time for buildout, and decide if we are renting or buying the real estate. We would definitely like to have no less than three months to plan it out, and we've had times that were longer that makes the process much better. We've worked in less time and it's a rush game, but even if it works out, it's not ideal."

To promote the brand exclusivity of the store, these shops generally remain open for just a few months — making every minute count when it comes to creating brand awareness. For example, **J.Crew** launched a pop-up shop inside its Prince Street store in New York City on June 12 that only lasted 24 hours. At the shop, J.Crew sold merchandise from three brands (Public School, Juan Carlos Obando and Marc Alary) — finalists of The Council of Fashion Designers of America/Vogue Fashion Fund. To promote the event, the retailer launched an online presale of the brands for a few weeks prior to the opening, with some of the pieces nearly selling out.

Attracting The Right Consumers To Your Pop-Up Experience

Location is arguably the most significant factor to consider when building a pop-up shop. With very little time in the spotlight, pop-ups must be located in an area that will attract the right attention from targeted shoppers. By collecting and analyzing shopper data from online purchases, retailers can pinpoint the best location to open a pop-up.

"It's all about your target market," Baras said in an interview with **Retail TouchPoints**. "Who do you want to be your ideal customer? If you want your customer to be Millennials, most likely you would set up shop downtown, or set up in a location surrounded by other stores where Millennials shop, or in a shopping mall. Tailor your location not necessarily to heavily populated areas of towns or cities, but rather go into places where your target market exists and build a following that way."

Marketing also is a crucial element in pop-up store success. As more pop-up shops enter the market, competition is heating up and retailers must push the envelope when it comes to creative campaigns. Some brands have found success tapping social media or events marketing.

When it comes to social media strategy, retailers and brands should focus on their powerful influencers who are advocates of the company's message and products. Influencers can be bloggers or unofficial spokespersons who interact with the brands' social media pages often and generate buzz in the lead up to the store's opening. Gonzalez also recommended retailers to hold cross-promotions with non-competing brands to add value to the experience and introduce the product to a newer audience.

"If you already have a following, have them engaging with you," Gonzalez stated. "You can even invite a major influencer to host a night in your shop, where they can invite their own following. Open up the doors for them for free."

Additionally, Gonzalez noted, look to engage "guerilla marketing street teams. As long as street teams hand out something intriguing and thought-provoking, and will make people want to check out the store."

M&M'S World, a pop-up store in New York City's SoHo district that opened July 17 and is set to run through Sept. 2015, will deploy street teams to distribute coupons that will drive awareness and visits to the store. Also, guests who follow M&M'S World on Instagram will receive a special discount at check-out.

Retailers also can use special events to spread the word about their pop-up. This tactic is called "programming the store," according to Eliason, of Storefront. "It's moving from a pure warehouse retail store to a platform for events," Eliason said. "Every night, what events do you have within the store that can attract your customers?"

For example, in July, **Sprite opened up a corner store in New York City** that only sells Sprite soda. Throughout August, the bodega-styled "Sprite Corner" will hold events including a cooking class taught by celebrity chef Eddie Huang and numerous performances from local hip-hop artists.

How Can Brands Measure Pop-Up Success?

The best metric that truly gauges the success of a pop-up shop is the number of people that visit the store, according to Baras of PopUp Republic.

Store visits outweigh overall revenue and sales, Baras asserts. "Yes, retailers want to make as much money as possible and there's a certain amount of success that's measured through revenues and PNL statements. But the amount of customers walking through your store shows that they are interested in and aware of your brand, which arguably is just as valuable as making that sale, because that means that you have the potential for them to be loyal followers of your specific brand."

Additionally, retailers can measure success via sales lift in both their in-store environment and their e-Commerce site, particularly if they offer deals in the shop that consumers can redeem online, according to Eliason. Not only are retailers looking into how many people enter the store; they also look at how many people sign up for email lists and engage through social media.

"In a digital setting, these pop-ups are ideal for social media," Eliason said. "The brands are looking for compelling content to share and the consumers are looking for compelling content to engage with. They might get 30,000 people to come into the store to come into the event, but there might be another 300,000 impressions online."

Deliver On The Promise Of Unique Pop-Up Experiences

The best way for retailers to approach the launch of successful pop-up shops is to focus on building a combination of a 'can't miss' attitude and making connections beyond the products being sold. As more retailers enter the pop-up space, they must reach for innovative ideas and take more risks to make their pop-up stores relevant and unique.

"The consumer has different expectations from a pop-up than they do from a regular store," Gonzalez stressed. "They go to a pop-up to be surprised and delighted and be able to discover new things. I'd rather retailers go a little bit deeper into their inventory than have a store full of 100 SKUs and a confusing story told in the space, because the pop-up is your opportunity to tell that story to the customer what you offer that's unique and different."

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CITY OF ST. HELENA PLANNING COMMISSION

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ST. HELENA RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE ATTACHED ORDINANCE (EXHIBIT 1) AMENDING ST. HELENA MUNICIPAL CODE (S.H.M.C.) TITLE 17, SECTION 17.136.050 'TEMPORARY USES' TO MEMORIALIZE A LIST OF PERMITTED TEMPORARY ACTIVITIES, CRREATE A TEMPORARY USE PERMIT GOVERNING OTHER TEMPORARY USES AND TO CREATE REVIEW CRITERIA AND PROCEDURES BY WHICH SUCH TEMPORARY USES ARE GOVERNED, CITYWIDE.

Recitals

- A. City of St. Helena Municipal Code (S.H.M.C.) Section 17.136.050 identifies and describes a limited number of Temporary Uses stating said uses "shall be permitted" but provides little to no review criteria or regulations of such uses within the City; and
- B. S.H.M.C. Chapter 17.08 "Administrative Procedures" identifies procedural requirements for the review and appeal procedures governing administrative decisions (on both public and private property); and
- C. The City Council has identified a concern and interest in facilitating retail and other business activities in the Central Business District and other commercial parts of the City to support the business community and expand the retail and service options available to citizens of the community, and to help maintain the St. Helena downtown as the City's core and primary center of retail business. In response the City prepared draft text amendments to modify and expand the existing provisions governing Temporary Uses and to create a Temporary Use Permit process.
- D. The proposed text amendments are found to be consistent with the goals and objectives of the General Plan, as identified in the staff report; and
- E. The proposed text amendments are consistent with public necessity, convenience, general welfare, and good zoning practice; and
- F. The Planning Commission of the City of St. Helena held a duly noticed Public Hearing to review the proposed text amendments on October 2, 2018, at which time all interested parties had the opportunity to be heard.

Resolution

- G. Now, therefore let it be resolved that, the Planning Commission finds that the action to adopt this Ordinance to amend St. Helena Municipal Code Title 17 Section 17.136.050 is exempt from the requirements of CEQA (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15301, 15303, and 15304 in

that these modifications create an administrative process for the use, conversion or minor alteration of existing properties, which may include the construction, modification or conversion of "Small Structures" as defined in the statute, however only for temporary and set periods of time for the use of the land; that the proposed text amendments are consistent with the environmental impact analysis of the 1993 General Plan and Zoning Code EIR, given their intent to facilitate operation of temporary activities at existing facilities, and that the proposed changes are exempt from the requirements of CEQA, under Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and therefore, the activity is not subject to CEQA.

H. Now, therefore be it further resolved that the Planning Commission recommends that the City Council adopt the Ordinance attached hereto as **Exhibit A** modifying existing zoning code regulations identified in St. Helena municipal code (S.H.M.C.) Title 17, Chapter 17.136.050 'Temporary Uses' to memorialize a list of permitted temporary activities, create a Temporary Use Permit governing other temporary uses and to create review criteria and procedures by which such temporary uses are governed, citywide.

I HEREBY CERTIFY that the foregoing recommendation to the City Council was duly and regularly approved by the Planning Commission of the City of St. Helena at a regular meeting of said Planning Commission held on October 2, 2018, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Lester Hardy
Chair, Planning Commission

Noah Housh
Planning and Community
Improvement Director



TEMPORARY USE Submittal Requirements

Mailing Address:
PO Box 660
Napa, CA 94559

Planning Division
1600 First Street
707.257.9530

PURPOSE

Temporary or seasonal uses not specifically listed in Section 17.52.490 of the Zoning Ordinance that typically operate less than 45 days, such as Christmas tree or pumpkin sales, require an Administrative Permit in non-residential or mixed-use districts.

PLAN REQUIREMENTS

1. **Size.** 24"x36" trimmed and folded to 9"x12" maximum size.
2. **Scale.** Acceptable site plan scales are 1"=10', 1"=20', 1"=30', or 1"=40'. Acceptable architectural plan scales are 1/4"=1' or 1/8"=1'.
3. **Other.** Include north arrow, date prepared, the scale, bar scale, and legend identifying symbols and abbreviations.
4. **Preparer.** Name, address, phone number, and email of person preparing the plan(s). In many cases, plans must be prepared and signed by a licensed civil engineer, surveyor, licensed architect, landscape architect, and/or building designer.

SUBMITTAL MATERIALS

Some submittal requirements may be waived depending on the type of project. Unless waived on this form with a cross-out/staff initial, all submittal information shall be provided before the application is accepted as complete.

If another City permit or Project entitlement is also required, the materials supporting the added permit or entitlement must also be submitted.

If your application requires multiple permits or entitlements, submit the number of plan sets for the permit or entitlement that requires the largest number of plans sets.

- ☐ 1 Planning Application Form - Completed and signed by all property owners holding a title interest.
- ☐ 2 Fee/Initial Deposit - Administrative Permits are a \$594 flat fee. Check payable to City of Napa.
- ☐ 3 Written Project Description - Shall describe how the proposed temporary use including days and hours operating, how litter and security will be handled, type of fencing if any, signs, and other information to address the standards listed Section 17.52.490 of the Zoning Ordinance.
- ☐ 4 SITE PLAN DRAWINGS- (6 full size copies and a reduced set of all plan and map sheets at 8.5" X 11") - fully dimensioned and accurately drawn. Use as many sheets as necessary. Information may be combined as long as the plans are easy to read. Site plan shall include the following basic information:
 - ☐ a Vicinity map - Show site in relationship to local and major cross streets, named; include a north arrow.
 - ☐ b Site and adjacent properties - Location of all existing structures identified by type and indicating which are proposed to be removed and which will remain. Include the project site and adjacent property at least 100 feet beyond site, adjacent building footprints and approximate height, and streets (labeled) leading to the site.
 - ☐ c Boundaries - All existing and proposed property lines, tract name, easements (size and type called out), right-of-ways, trails, and the like. Approximate dimensions of all lots, radii of all curves and central angles.
 - ☐ d Trees - All trees over 6" in diameter measured 54" above existing grade. Provide their common name, size, condition, drip line and location onsite. Note whether any are "Significant Trees" designated by the City that are strictly protected. Any trees

proposed to be removed shall be identified along with the reasons why they are proposed for removal. In addition, show trees in the adjacent public right-of-way within 30 feet of the area proposed for development, and on adjacent properties with drip lines over the project site. An arborist report and photographs may be required.

- ☐ e Natural features and constraints - Site features including creeks and adjacent riparian vegetation, wetlands, major rock outcroppings, landslides, flood zones, earthquake faults and related setbacks.
- ☐ f Other site development - All decks; fences and walls including retaining walls; monument signs; bicycle racks; refuse disposal and outdoor storage areas with proposed screening, etc. The project will need to include detail design and materials.
- ☐ 5 Lighting Plan -Preliminary plan for any exterior lighting, detailing design, location and height *may* be needed to address project impacts.

ADDITIONAL SUBMITTAL REQUIREMENTS IN CERTAIN CIRCUMSTANCES

- ☐ 6 If site is in :FP Floodplain Overlay District, floodway analysis (if applicable) and other materials must be provided to address Floodplain (17.38.050), and potentially floodway (17.38.090) and/or Flood Evacuation Area (17.38.070) requirements. For properties in the floodway area, a detailed development plan and floodway development analysis showing all elements of Title 17 of the Napa Municipal Code. For properties in the flood hazard areas, a development plan indicating the amount of fill required and/or floodproofing measures required by Title 17 of the Napa Municipal Code. The site plan will need to show the approximate location of all areas subject to inundation of stormwater overflow and the location, width and direction of flow of all watercourses, including tidewaters. For residential subdivisions in the flood evacuation area, a flood evacuation plan will be required.
- ☐ 7 If site is in the :HS Hillside Overlay District, a slope analysis shall be prepared consistent with the requirements of 17.30.040(H) in order to determine site density. The plans will need to identify any building or access siting concerns and applicants will need to review and provide plans consistent with the city's *Hillside Development Guidelines*. Application submittals must include (unless waived) a site plan with the precise location of existing topography and proposed changes and natural site features; a precise grading and drainage plan; a preliminary landscape plan, construction drawings, and a scale model or visual simulations (17.40.070.B).
- ☐ 8 If site is on the City's Historic Resources List, the structure is subject to the City's Historic Preservation Ordinance. (NMC Chapter 15.52). A Certificate of Appropriateness may be required, and city "Rehabilitation Guidelines for Historic Properties" apply. Check with Community Development staff.
- ☐ 9 If the Administrative Permit is appealed, the applicant shall provide a mailing list and mailing labels of property owners within a 500 foot radius of project site for public hearing notice per 17.68.070.
- ☐ 10 Environmental Information Form - To help determine whether any supplemental environmental studies are required, such as a parking, traffic or noise study.
- ☐ 11 Other data or information necessary to complete processing of the map and environmental documents.
- ☐ 12 Other - _____



PLANNING APPLICATION FORM

Mailing Address:
PO Box 660
Napa, CA 94559

Planning Division
1600 First Street
707.257.9530

APPLICATION TYPE - check all applicable items

- | | |
|---|--|
| ☐ Administrative Permit | ☐ Extensions / Project Modification |
| ☐ Accessory Dwelling Unit (ADU) / Junior ADU | ☐ General Plan Amendment |
| ☐ Carports and Shade Structures in Side Yard | ☐ Lot Line Adjustment / Lot Merger |
| ☐ Detached Accessory Structure with Plumbing | ☐ Pre-Application |
| ☐ Temporary Use | ☐ Reasonable Accommodation |
| ☐ Other _____ | ☐ Sign Permit |
| ☐ Annexation | ☐ Tentative Map |
| ☐ Certificate of Appropriateness | ☐ Use Permit |
| ☐ Certificate of Compliance | ☐ Variance |
| ☐ Design Review | ☐ Zoning Amendment |
| ☐ Residential | ☐ Zoning Letter |
| ☐ Non-Residential | ☐ Other _____ |
| ☐ Major | |

SITE INFORMATION - type or print

Address(es) _____

APN(s) _____

General Plan _____ Historic _____

Zoning _____ Size _____

CONTACT INFORMATION - type or print

Applicant _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Email _____

Authorized Agent _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Email _____

Property Owner _____

Address _____

City _____ State _____ ZIP _____

Phone _____ Email _____

Planning Division Use Only

Project Number _____

Project Name _____

Project Planner _____

Date Stamp

CONDITIONS OF APPLICATION

1. All materials and representations submitted in conjunction with this form shall be considered a part of this application.
2. The Applicant shall inform the Planning Division in writing of any changes.
3. Indemnification. The Applicant(s) agree(s) to defend, indemnify and hold the City, its agents, officers, and employees harmless from any claim, action or proceeding to attack, set aside, void or annul an approval of the City concerning the project, as long as the City promptly notifies the applicant of any such claim, action or proceedings and the City cooperates fully in the defense.
4. Fees. The Applicant(s) hereby agree(s) that he/they shall be jointly and severally liable for the payment of any and all processing fees imposed by the Napa Municipal Code Chapter 15.92, "Development Project Processing Fees", and Policy Resolution 16. The applicant(s) hereby represent(s) and warrant(s) that he/they understand that fees include, but are not limited to: staff time billed at an hourly rate; production or reproduction of materials and exhibits; and postage. Failure to pay all accumulated fees by the time of public hearing will result in a continuance.
5. I hereby authorize employees of the City of Napa to enter upon the subject property, as necessary, to inspect the premises and process this application.

I have read and agree with all of the above. The above information and attached documents are true and correct to the best of my knowledge.

Applicant _____	Date _____
Authorized Agent _____	Date _____
Property Owner* _____	Date _____
Property Owner* _____	Date _____

*All property owners holding a title interest must sign the application form. If there are more than two, list name, address, phone number, and signature on a separate sheet.

CONTACT INFORMATION INSTRUCTIONS

An "Applicant" is any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium who seeks approval of a City permit or other Project entitlement for the use of property. The Applicant shall be the primary billing contact for all processing and development fees associated with the application. The Applicant may additionally identify an "Authorized Agent." An Authorized Agent is any person, firm, partnership, association, joint venture, corporation or any entity, combination of entities or consortium authorized by the Applicant to represent and act on behalf of the Applicant. If identified in this application, the Authorized Agent shall receive all written correspondence from the City regarding the application and any hearings or proceedings scheduled before the Planning Commission, City Council or other appointive City Boards and Commissions, but shall not be responsible for the payment of development or processing fees. The Applicant shall receive all billing invoices for the project, and under the "Conditions" set forth below, shall be liable for the payment of all development and processing fees associated with the application.

The "Property Owner" of property means a person, persons or corporation holding fee title to the real property within the City as shown on the most recent assessor's roll in the County of Napa upon which the Project is proposed. Property Owner and Applicant may be the same person or legal entity, or may be different. For example, in the case of a person or entity holding an option on the land, or other contractual relationship with the property owner, the fee owner(s) of the property would be the Property Owner, and the person or entity seeking the approvals or permits and holding an option to purchase the property would be the Applicant. If Applicant and Property Owner are the same person or entity, please enter "Same as Applicant" in the area provided for Property Owner information. In the event that Applicant and Property Owner are different, all Property Owners must sign on the following page to authorize the Applicant to file an Application for the City permit or Project entitlement on his or her property.

SUBMITTAL REQUIREMENTS

This form must be submitted to the Planning Division with the materials identified in the Submittal Requirements handout(s) for the appropriate City permit or Project entitlement. If your application requires multiple permits or entitlements, submit the number of plan sets for the permit or entitlement that requires the largest number of plans sets.



APPLICATION
CONDITIONAL USE
PERMIT

Please Type or Print

File #:	
Related Files:	
Set:	
Department Use Only	

www.srcity.org

☐ MAJOR☐ MINOR

☐ TEMPORARY

LOCATION OF PROJECT (ADDRESS)		ASSESSOR'S PARCEL NUMBER(S)	
NAME OF PROPOSED PROJECT		EXISTING ZONING	
APPLICANT NAME		GENERAL PLAN DESIGNATION	
		☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX	
APPLICANT ADDRESS	CITY	STATE	ZIP
APPLICANT REPRESENTATIVE		☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX	
APPLICANT REPRESENTATIVE ADDRESS	CITY	STATE	ZIP
PROPERTY OWNER NAME (SIGNATURE REQUIRED BELOW)		☐ CELL ☐ HOME ☐ BUSINESS ☐ FAX	
PROPERTY OWNER ADDRESS	CITY	STATE	ZIP
PROJECT/BUSINESS DESCRIPTION (Attach separate sheet if necessary)			
SIZE OF PARCEL		GROSS SQ. FT. OF PROPOSED USE	
SQ. FT. or ACRES		PRIOR USE	
☐ RESIDENTIAL		☐ OFFICE ☐ COMMERCIAL ☐ INDUSTRIAL ☐ OTHER (Please describe)	
☐ EXISTING BUILDING/REOCCUPANCY ☐ NEW CONSTRUCTION		☐ EXISTING BUILDING/REOCCUPANCY ☐ NEW CONSTRUCTION	
# UNITS TOTAL:		LIST EXISTING TENANTS	
# BEDROOMS PER UNIT:		MAX EMPLOYEES/SHIFT:	
# PARKING SPACES:		# SEATS/CAPACITY:	
TYPE OF UNIT:		# PARKING SPACES:	
☐ SINGLE FAMILY DETACHED		☐ USE ☐ SQ. FT.	
☐ SINGLE FAMILY ATTACHED		☐ DAYS/HOURS OF OPERATION	
☐ SECOND UNIT ☐ MULTI-FAMILY			
☐ DUPLEX ☐ MOBILE HOME			
% LOT COVERAGE			
SUBMITTAL INFORMATION - THESE ITEMS MUST BE SUBMITTED FOR A COMPLETE APPLICATION UNLESS INITIALED BY A CITY PLANNER			
Plan MUST either be reduced to 11 X 17 or folded to 8 1/2 X 14			
10 Copies of SITE PLAN showing all dimensions		DISCLOSURE FORM	
10 Copies of FLOOR PLANS		VICINITY MAP WITH NORTH ARROW	
10 Copies of NEIGHBORHOOD CONTEXT MAP		INDEMNIFICATION FORM (Back of sheet)	
ADDITIONAL SUBMITTAL INFORMATION - THESE ITEMS MAY BE REQUIRED FOR A COMPLETE APPLICATION			
10 Copies of DIMENSIONED ELEVATIONS (New construction only)		ENVIRONMENTAL ASSESSMENT (New construction only)	
10 Copies of SITE ANALYSIS MAP (New construction only)		Completed STORMWATER DETERMINATION WORKSHEET	
10 Copies of LANDSCAPE PLANS (New construction only)			
Completed ABC APPLICATION WORKSHEET 23958.4 B & P (For sales of alcoholic beverages)			
PROPERTY OWNER'S CONSENT - I declare under penalty of perjury that I am the owner of said property or have written authority from property owner to file this application. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.			
PROPERTY OWNER'S SIGNATURE			
APPLICATION	RECEIVED BY	DATE	FEE RECEIVED \$
PUBLIC HEARING		DATE	FEE RECEIVED \$
ENVIRONMENTAL REVIEW	☐ REQUIRED ☐ EXEMPT	DATE	FEE RECEIVED \$

CONDITIONAL USE PERMIT

04/19/2016



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

Agenda Section: New Business

Subject: Consideration and proposed approval of a resolution appointing applicants to the Parks & Recreation and Planning Commissions and consideration to leave the recruitment open for the Active Transportation & Sustainability Committee unfilled terms of office until filled

CEQA Determination: Not a CEQA project

Prepared By: Cindy Tzaopoulos, City Clerk

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City Clerk advertised a recruitment seeking applicants from the community to fill vacant terms of office for the Active Transportation & Sustainability Committee, Parks and Recreation Commission, and Planning Commission.

At the June 12, 2018 City Council meeting, the City Council adopted resolution 2018-75 re-establishing rules of procedure which updated the appointment process to Committees and Boards. Section 2.24 Appointments to Committee and Boards notes the following new appointment process:

2.24 Appointments to Committees and Boards

The City Clerk posts a Notice of Vacancy in the City designated posting locations, the City's website and sends a Media Release to the St. Helena Star advertising vacancies to Commissions, Committees and Boards.

Applicants must submit a completed application to the City Clerk and shall be interviewed by the Council at a special meeting prior to a regular meeting.

Applicants are requested to list references on their applications and individual Council Members may contact those references as part of the interview process. Council Members contacting references should disclose this information during the appointment process.

Council reviews applicants for appointments to Commissions, Committees and Boards based on interviews and qualifications. Council shall rank all applicants from highest to lowest and appoint by ballot process. Mayor shall nominate applicants and appointments are subject to approval by the majority of Council.

Depending on the qualifications of the applicants and the needs of the City, there may be times when the City Council does not appoint an applicant who has applied. If an applicant is not appointed, the City Clerk will automatically re-advertise for the vacant position(s) to seek additional applicants.

DISCUSSION

The City Council convened a Special City Council meeting on October 30, 2018 at 4:00 pm and interviewed applicants for the Planning Commission and Parks and Recreation Commission (no applications were received for the Active Transportation and Sustainability Committee). The following lists the vacancies and applicants.

Planning Commission

Vacant term of office will expire June 30, 2022.

Two applications were received from Daniel Hale and Patrick Raggio.

Parks and Recreation Commission

Vacant term of office will expire June 30, 2020.

Two applications were received from Robert Frescura and Jeff Feeney.

Should City Council decide not to appoint someone from the current applicants, staff will re-advertise for the position to fill the vacancy. However, the Council has the option of leaving the recruitment open for any Committee or Commission openings until filled.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDED ACTION

Per resolution 2018-75 Council Rules of Procedure, appointments shall be made by interview and appoint by ballot process. The Mayor shall nominate applicants with the appointments subject to approval by the majority of Council.

Planning Commission

- Appoint one applicant to fill the term expiring June 30, 2022.
- Parks & Recreation Committee**
- Appoint one applicant to a term expiring June 30, 2020.

ATTACHMENTS

[11.13.18 Planning Commission Applicants](#)

[11.13.18 P&R Applicants](#)

[11.13.18 Commission Appointments Resolution](#)

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:

PLANNING COMMISSION

Name:

DANIEL HALE

Home Address:

1616 MADRONA AVE ST HELENA

Mailing Address:

1616 MADRONA AVE ST HELENA CA 94574

Occupation:

ARTIST/DESIGN

Business Address:

1616 MADRONA AVE ST HELENA CA 94574

Telephone: Home

Cell 707 2274322 Business 707 2274322

E-mail:

daniel.hale64@yahoo.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? _____

Current occupation (within last 12 months)

ARTIST/DESIGN

Business interests in last 12 months:

ARTIST/DESIGN

Previous Committee/Commission Experience:

CITY OF
ST. HELENA
SEP - 6 2018
OFFICE OF
CITY CLERK

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

BA ARCHITECTURE

Professional and/or community service activities:

30+ years experience in art/design/construction.

Local government related experience:

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

I have been a resident of St Helena since 2001.
I have raised 3 children here and also had both
commercial space and a business out of my home.
I would like to bring my voice that is informed by
my varied experience.

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

Christine Hale

TOM TRAINOR

CHRIS PHELPS

BRENT RANDOL

Ave St Helena CA

St Helena CA

Ave St Helena CA

ing St Helena CA

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

6 SEPT 2018

Date

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



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

Planning Commission

Name: Patrick Raggio

Home Address: 1365 St. James Dr. St Helena, CA 94574

Mailing Address: Same

Occupation: Trinchero Family Estates Finance & Accounting

Business Address: _____

Telephone: Home _____ Cell (781) 690 9119 Business _____

E-mail: patrick.raggio@gmail.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? <1 yr

Current occupation (within last 12 months) Sr Financial Analyst

Business interests in last 12 months: Sr. Financial Analyst

Previous Committee/Commission Experience:

Treasurer on HOA board (St. Helena Park Association)

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

St. Ignatius College Prep – San Francisco; Holy Cross – Worcester, MA (B.A. Philosophy) University of San Diego (MBA – Finance)

I've worked for 6 years in the beverage alcohol industry – 3 years at Chimay (Belgian craft beer importer); 1 year at Global Craft Trading (A southern California craft beer exporter) and now two years at Trinchero Family Estates.

Professional and/or community service activities:

None yet. We recently moved to town and I'm looking for community volunteer / non profit opportunities

Local government related experience: none

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

My fiancé and I moved to St. Helena in October 2017 for my job. She works as a veterinary technician at Silverado Vet Hospital in Napa. We would eventually like to raise our family in St. Helena and I'd like to join the planning commission to help shape the community for our family. We both come from large cities (I'm an SF native, Gina is from Chicago), and we met and ultimately relocated from San Diego. I would bring a fresh, big city perspective to the committee, as well as strong financial acumen from my current line of work.

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

Mark Smithers () com)

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

Patrick Raggio

7/30/2018

Signature of Applicant

Date



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

Parks and Recreation Commission

Name: Robert A. Frescura

Home Address:

1416 Sulphur Springs Avenue, St. Helena, California 94574

Mailing Address:

Occupation: Retired - former State Licensed Landscape Contractor and Landscape Manager.

Business Address:

Telephone: Home 707-963-3432 Cell _____ Business _____

E-mail: raf1416@yahoo.com

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

Resident of St. Helena? ☒ Yes ☐ No Yes, how long have you lived in St. Helena? 41 yr

Current occupation (within last 1 months): _____

Business interests in last 12 months: None

Previous Committee/Commission: _____

St. Helena Parks & Recreation Commission 1986-1995

St. Helena Tree Committee 1995-2000

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

UC Davis - Bachelor of Science - Landscape Horticulture 1964

UC Davis - post graduate study- Environmental Horticulture 1970

35 years as a Landscape professional including 3 years in park & recreation work.

Professional and/or community service activities:

Member of Board of Directors - Napa Valley State Park Association

Volunteer - Land Trust of Napa County

Local government related experience: Part-time Landscape and Tree Inspector - City of St. Helena 2000-2001

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

My past experience as a landscape professional and former commission member along with my continuing interest in how our parks are managed would help to balance the current make-up of the commission and fill a vacancy.

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

Richard Seiferheld, St. Helena

Kathy Carrick, St. Helena, CA

Carol Spencer, St. Helena, CA

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

Signature of Applicant _____ August 28, 2018
Date

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



City of St. Helena, City Hall
Received

OCT 04 2018

1480 Main St.
St. Helena, CA 94574

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

PARKS & REC Commission

Name: JEFF FEENEY

Home Address: 730 N. CRANE

Mailing Address: SAME

Occupation: Commercial R/E Broker

Business Address: 1200 MAIN STREET

Telephone: Home 707-580-5678 Cell Business

E-mail: jfeeney@CBNAVALLEY.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? 13 yrs

Current occupation (within last 12 months) SAME

Business interests in last 12 months:

Previous Committee/Commission Experience:

SHAPE

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

CHICO STATE GRADUATE 1990

Professional and/or community service activities:

SHAPE / Church / Soccer Coach

Local government related experience:

SHAPE & SPEAKING @ P.C & C.C. MEETINGS FOR CUP⁵

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

CLEAN UP OUR ~~PARKS~~ PARKS THEY NEED ATTENTION

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

JOEL GALT 707-
PETER WHITE 707-
BEN SANGE 707-

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

Signature of

Date

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

CITY OF ST. HELENA

RESOLUTION NO. 2018-

**APPOINTING A MEMBER TO THE ST. HELENA
PLANNING COMMISSION AND PARKS AND RECREATION COMMISSION**

RECITALS

- A. There is a vacancy on the Planning Commission and Parks and Recreation Commission.
- B. Applications have been received from community members for the openings. Per City Council Rules of Procedure appointments shall be made by interview, ballot process and the Mayor shall nominate applicants with the appointments subject to approval by the majority of Council.

RESOLUTION

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

Planning Commission

- 1. _____ is appointed to the St. Helena Planning Commission filling a four year term expiring on June 30, 2022; and

Parks and Recreation Commission

- 1. _____ is appointed to the Parks and Recreation Commission filling a two year term expiring on June 30, 2020.

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

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor

Cindy Tzafopoulos, City Clerk



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

Agenda Section: New Business

Subject: Human Trafficking Awareness and City Council Discussion

CEQA Determination: Not a CEQA project

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

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On April 24, 2018, a Proclamation for Human Trafficking Awareness was presented to Soroptimist International of St. Helena and Soroptimist International of St. Helena Sunrise.

DISCUSSION

Soroptimist International of St. Helena and Soroptimist International of St. Helena Sunrise are requesting the City Council's permission and support to post the City's Proclamation for Human Trafficking Awareness in all public restrooms and other facilities public and private in order to raise awareness. The proclamation is available in both English and Spanish with a phone number to call. The Soroptimist International of Calistoga began posting a similar proclamation earlier this year. Representatives of Soroptimist International will be available to answer questions.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

City Council discussion and direction to staff.

ATTACHMENTS

[Attachment 1: April 24, 2018 Proclamation Human Trafficking](#)

[Attachment 2: Updated Proclamation in English and Spanish for Posting](#)

City of St. Helena

PROCLAMATION

HUMAN TRAFFICKING AWARENESS

Whereas, human trafficking is a form of modern day slavery in which victims are forced to work in various forms of labor exploitation including, but not limited to commercial sex acts and other services induced through force, fraud or coercion; and

Whereas, due to its isolating nature, many individuals across the globe are unaware that trafficking exists in their neighborhoods; and

Whereas, it is estimated that more than 40 million men, women and children around the world are victims of human trafficking or enslavement reaping worldwide profits of over \$150 billion; and

Whereas, Soroptimist International of St. Helena and Soroptimist International of St. Helena Sunrise have declared Raising Awareness of Human Trafficking as a platform of their work by recognizing the week of April 23 – 27 as Human Trafficking Awareness Week in the City of St. Helena;

Now, therefore, let it be resolved, that I, Alan Galbraith, Mayor of the City of St. Helena, do hereby call upon the citizens of St. Helena to recognize the vital role we can play in ending all forms of slavery and to support Soroptimist International of St. Helena and Soroptimist International of St. Helena Sunrise as they raise awareness, through education and other efforts, to stop human trafficking.

Dated: April 24, 2018

Alan Galbraith, Mayor

City of St. Helena

City of St. Helena

PROCLAMATION

HUMAN TRAFFICKING AWARENESS

Whereas, human trafficking is a form of modern day slavery in which victims are forced to work in various forms of labor exploitation including, but not limited to, commercial sex acts and other services induced through force, fraud or coercion; and

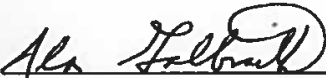
Whereas, due to its isolating nature, many individuals across the globe are unaware that trafficking exists in their neighborhoods; and

Whereas, it is estimated that more than 40 million men, women and children around the world are victims of human trafficking or enslavement which produces illegal profits of over \$150 billion; and

Whereas, Soroptimist International of St. Helena and Soroptimist International of St. Helena Sunrise have declared Raising Awareness of Human Trafficking as a platform of their work by recognizing the week of April 23 – 27 as Human Trafficking Awareness Week in the City of St. Helena;

Now, therefore, let it be resolved, that I, Alan Galbraith, Mayor of the City of St. Helena, do hereby call upon the citizens of St. Helena to recognize the vital role we can play in ending all forms of human trafficking and slavery and to support Soroptimist International of St. Helena and Soroptimist International of St. Helena Sunrise as they raise awareness, through education and other efforts, to stop human trafficking.

Dated: April 24, 2018


Alan Galbraith, Mayor
City of St. Helena



If you are a victim of human trafficking, call
this number: 1-888-3737-888
www.TraffickingResourceCenter.org

Ciudad de St. Helena

PROCLAMACION

CONCIENTIZACION SOBRE LA TRATA
DE PERSONAS

Considerando, que la trata de personas es una forma de esclavitud moderna en la que se obliga a las víctimas a trabajar en diversas formas de explotación laboral, incluidas, entre otras, los actos sexuales comerciales y otros servicios incluidos mediante la fuerza, el fraude o coerción; y

Considerando, que debido a su naturaleza de aislamiento, muchas personas en todo el mundo desconocen que existe la trata de personas en sus vecindarios; y

Considerando, que se estima que más de 40 millones de hombres, mujeres y niños alrededor del mundo son víctimas de la trata de personas o de la esclavitud, obteniendo ganancias mundiales superiores a los 150 millones de dólares; y

Considerando, que Soroptimist International de St. Helena y Soroptimist International de St. Helena Sunrise han declarado la Concientización Sobre la Trata de Personas como una plataforma de su trabajo al reconocer la semana del 23 al 27 de abril como la Semana de Concientización Sobre la Trata de Personas en la ciudad de St. Helena;

Por consiguiente, declaro, que yo, Alan Galbraith, alcalde de la ciudad de St. Helena, hago un llamado a los ciudadanos de St. Helena para reconocer el papel vital que podemos desempeñar para poner fin a todas las formas de esclavitud y apoyar a Soroptimist International de St. Helena y Soroptimist International de St. Helena Sunrise a medida de concientizar, a través de la educación y otros esfuerzos, para detener la trata de personas.

Fechado: 24 de abril, 2018


Alan Galbraith, Mayor
City of St. Helena



Si eres una víctima de tráfico humana, llama
a este numero: 1-888-3737-888
www.TraffickingResourceCenter.org

STOP HUMAN TRAFFICKING

If you or someone you know is being forced to engage in any activity and cannot leave -- whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity -- call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

Victims of slavery and human trafficking are protected under United States and California law.

The hotlines are:

- Available 24 hours a day, 7 days a week.
- Toll-free.
- Operated by nonprofit, nongovernmental organizations.
- Anonymous and confidential.
- Accessible in more than 160 languages.
- Able to provide help, referral to services, training, and general information.



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 Brea, CA 92821
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Report to the City Council
Council Meeting of November 13, 2018

Agenda Section: New Business

Subject: Introduction and First Reading of an Ordinance Adding St. Helena Municipal Code ('SHMC') Title 9, Section 9.24 to adopt Mobile Home Park Rent Stabilization

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: Noah Housh, Planning & Community Improvement Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In late 2017, the City Council adopted three year goals and 12-month strategic objectives to guide the work of the City. One of the objectives included a request to evaluate and recommend for City Council consideration rent stabilization options to maintain mobile home parks as an affordable housing option. The Housing White Paper transmitted to the City Council on June 26, 2018 identified the critical shortage and rising cost of housing in St. Helena, and recommended consideration of a rent stabilization ordinance for senior housing among numerous other strategies.

The City Council discussed the elements of a conceptual rent stabilization ordinance at their Council Meeting of July 24, 2018 and provided direction to conduct a community workshop. On August 30, the City held an informational workshop and Special Council Meeting to discuss rent stabilization and provide answers to common questions. The workshop was attended by approximately 50 people.

At the City Council meeting of October 9, 2018, the City Council 1) discussed and provided policy direction on various ordinance elements including maximum allowable annual rent adjustments, fees, vacancy control provisions, and regulatory and dispute processes, and 2) directed staff to prepare a First Reading of an Ordinance establishing mobile home rent stabilization.

DISCUSSION

As provided by the State's Mobile Home Residency Law, the proposed rent stabilization ordinance does not apply to mobile home owners that are subject to long term leases in excess of 12 months. A copy of the proposed ordinance and a version with track changes since the October 9, 2018 draft are included as Attachments A and B. Revisions to the October 9, 2018 draft are summarized in a table in Attachment C.

Key provisions of the proposed ordinance include:

1. Maximum Allowable Annual Rent Adjustments. The permissible annual increase shall be the lesser of 75% of the percent change in the Consumer Price Index (CPI) for All Urban Consumers, San Francisco-Oakland-San Jose region OR 3.0% of the base rent.

2. Vacancy Control. On October 9, 2018, the Council expressed interest in a modified approach, which allows park owners to raise rents above the standard annual amount, but places a limitation on the increase. Rents would be stabilized from that new amount. As written, the ordinance permits a Mobile Home Park owner to increase the space rent by up to three times the Maximum Allowable Annual Rent Adjustment whenever a lawful vacancy occurs. However, an alternate "modified" approach that would permit a Mobile Home Park Owner to increase the space rent by the amount that would have been allowed had the park owner implemented rent increases whenever a lawful vacancy occurs has been drafted for consideration (see Attachment D).

3. Fees. The cost of administration, including costs of mediation and arbitration shall be borne by the City until at least 50 percent of the leases within the City choose to be regulated by the ordinance, at which point the City may impose a Rent Stabilization Administration Fee chargeable to each mobile home space subject to the ordinance.

4. Regulatory and Dispute Processes for Rent Increases.

- Rent increase of greater than 300 percent of the percent change in the CPI

If a Mobile Home Park Owner wishes to implement a rent increase greater than 300 percent of the percent change in the CPI, the park owner must: 1) provide notice to affected homeowners with documentation supporting the level of the increase desired; 2) set an informational meeting with the homeowners within 10 days of the proposed rent increase; and 3) set up a mediation meeting which shall take place within 20 days of the proposed rent increase (and at least 10 days' notice is required). The rent increase is automatically subject to arbitration (Sec. 9.24.070(D)).

- Rent increase less than 300 percent of the percent change in the CPI, but greater than the maximum allowable rent adjustment

If a Mobile Home Park Owner wishes to implement a rent increase more than the permitted annual increase and less than 300 percent of the percent change in the CPI, they are required to 1) provide notice to affected homeowners with documentation supporting the level of the increase desired; 2) schedule an information meeting within 10 days of the notice of the proposed rent increase; and 3) set up a mediation meeting to be held within 20 days from service of the notice of the proposed rent increase or notice from the Administrator that mediation is required (and at least 10 days notice is required).

If discussions do not resolve the dispute, a petition for rent review signed by at least 51 percent of the affected homeowners shall require an Arbitrator to be appointed by the Administrator within 15 business days and a date set for arbitration no sooner than 10 working days nor later than 30 working days after the Arbitrator is assigned.

FISCAL IMPACT

As written, the proposed ordinance requires the City to absorb administrative, mediation and arbitration costs until at least 50% of the homeowners opt into the ordinance.

RECOMMENDED ACTION

Introduce and conduct first reading of the ordinance, by title only and waive further reading.

ATTACHMENTS

[Attachment A - Proposed Mobile Home Rent Stabilization Ordinance CLEAN](#)

[Attachment B - Proposed Mobile Home Rent Stabilization Ordinance TRACK CHANGES](#)

[Attachment C - Mobile Home Rent Stabilization Ordinance Changes](#)

[Attachment D - St. Helena Vacancy Control Provision Options](#)

CITY OF ST. HELENA

ORDINANCE NO. _____

**ADDING CHAPTER 9.24 TO THE ST. HELENA MUNICIPAL CODE TO ESTABLISH
A MOBILE HOME RENT STABILIZATION PROGRAM WITHIN THE CITY OF ST.
HELENA**

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

SECTION 1. Chapter 9.24 Added. Chapter 9.24 of the St. Helena Municipal Code is hereby added, to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. CEQA. The City Council hereby finds that the action to adopt this Ordinance to add Chapter 9.24 and the implementation of this Chapter are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

SECTION 3. General Plan Consistency. The City Council finds this ordinance is consistent with the St. Helena General Plan.

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

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

SECTION 6. Ordinance Applicability. The City Council finds and intends that this ordinance shall apply to disputes and matters currently active as of the effective date of the ordinance.

SECTION 7. Effective Date. This ordinance shall take effect and be in force (thirty) 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the __ day of _____ 2018, and was adopted at a regular meeting of the St. Helena City Council on the __ day of _____, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY TZAFPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the __ day of _____, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the __ day of _____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cindy Tzafopoulos, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney

EXHIBIT A

Chapter 9.24

Mobile Home Park Rent Stabilization Ordinance

9.24.010 Purpose and Findings.

A. The purpose of this Chapter is to stabilize Mobile Home Space rents by preventing excessive and unreasonable rent increases, and to assure that Mobile Home Park Owners receive a fair and reasonable return on their investment.

B. The City Council finds and declares the following:

1. Mobile homes provide an important alternative form of housing; and
2. Based on the most recent available data, within St. Helena City limits there is one mobile home park with a total of 214 spaces, and approximately 208 of those spaces are occupied, thus resulting in a vacancy rate of just 2.8 percent; and
3. St. Helena's Housing Element Update for 2015-2017 acknowledged that mobile homes constitute an important component of the City's affordable stock; and
5. Market conditions suggest that the high demand for mobile home spaces is likely to persist; and
6. The City of St. Helena currently does not regulate rental amounts or rent increases on mobile homeowners to ensure that that rents remain affordable; and
7. Residents of mobile home parks, unlike apartment tenants or residents of other rental properties, are in a unique position in that they have made a substantial investment in a residence for which space is rented or leased; and
8. The removal or relocation of a mobile home from a park space is generally accomplished at substantial cost depending on how far away the new location is situated; and
9. The removal or relocation of a mobile home may cause extensive damage to the mobile home; and
10. The potential for rents to increase within mobile home parks within the City could cause hardship to a substantial number of mobile homeowners and residents of the parks, many of who are elderly, on fixed incomes, or are persons of low and moderate income; and
11. On multiple occasions, members of the community have expressed concerns to the City Council regarding the potential for rising rents citywide, including mobile home rents,

and their potential to leave St. Helena residents vulnerable to displacement from the community; and

12. On November 14, 2017, the City Council adopted Three Year Goals and 12-Month Strategic Objectives to accomplish those goals, and one objective included an evaluation of a mobile home rent stabilization ordinance to preserve mobile home parks as an affordable housing option; and

13. On June 26, 2018, the City Council received the Housing White Paper, which identified the problem of rising housing costs and a critical shortage of housing in St. Helena, and included a recommendation for establishing rent stabilization regulations; and

14. On July 24, 2018, at a regular meeting of the City Council, the issue of mobile home rent stabilization was placed on the agenda, and the City Council formally deliberated the issue for the first time, and directed staff to conduct a community workshop on a mobile home rent stabilization ordinance to solicit additional public input; and

15. On August 30, 2018, the City Council held a special meeting where further discussion and public input occurred regarding mobile home rent stabilization and the possible adoption of a mobile home rent stabilization ordinance; and

16. On October 9, 2018, at a regular meeting of the City Council, the Council provided direction on key policy considerations for a mobile home rent stabilization ordinance; and

17. Commencing on October 9, 2018, it was highly foreseeable that mobile home rent regulations were under consideration by the City of St. Helena, thus making it reasonable to conclude that Mobile Home Park Owners would increase rents to the levels they otherwise would not have in anticipation of imminent regulation; and

18. The foregoing conditions create a detrimental effect on substantial numbers of mobile homeowners and residents, and thus constitute a threat to the public health, safety, and welfare; and

19. It is necessary to protect mobile homeowners and residents of mobile home parks from unreasonable rent increases and at the same time recognize the rights of mobile home park owners to receive a reasonable return on their investments.

9.24.020 Definitions.

A. “Administrator” shall refer to the Administrator of the City’s Mobile Home Space Rent Stabilization Program. The Administrator shall be the Planning and Community Improvement Director, or such other City employee as the City Manager may, in the Manager’s discretion, appoint to serve as Administrator.

B. “Affected Homeowners” shall mean those Mobile Homeowners who are subject to a Rent Increase. For purposes of providing notice of any Rent Increase and copies pursuant to this Chapter and calculating the number of Affected Homeowners in support of a rent arbitration petition, each Mobile Home Space subject to a Rent Increase shall be deemed to have only one Affected Homeowner. Reference to “All Affected Homeowners” shall mean one Homeowner from each Mobile Home Space subject to the proposed Rent Increase.

C. “Arbitrator” shall refer to a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Arbitrator meets one of the following criteria:

a. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in arbitration, which, in the sole judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute arbitration in a professional and successful manner; or

b. Completion of at least three arbitration proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute arbitrations; or

c. Prior service as a Superior Court pro tempore judge.

D. “Arms-Length Transaction” shall refer to a transaction negotiated by unrelated parties, each acting in his or her own self-interest, which serves as a basis for a fair return determination in this Chapter.

E. “Base Rent” shall mean the authorized Rent calculated pursuant to the provisions of Section 9.24.040, plus any Rent Increase allowed under this Chapter, unless it is expressly excluded from Base Rent, plus any adjustment attributable to vacancy decontrol as provided in Section 9.24.050.

F. “Capital Improvements” shall mean those new improvements or replacements which directly and primarily benefit and serve Mobile Home Park Homeowners by materially adding to the value of the property and appreciably prolonging its useful life or adapting it to new uses, consisting of more than ordinary maintenance and/or repairs, and which may be amortized over the useful remaining life of the improvement to the property. Capital Improvement costs shall include all costs reasonably and necessarily related to the planning, engineering, and construction of the improvement or replacement and shall include debt service costs, if any, incurred as a direct result of the Capital Improvement or replacement.

G. “Comparable Space” shall refer to a Mobile Home Space that is suitable for comparison, taking into account such characteristics as the size of the space, as well as available views.

H. “Consumer Price Index” or “CPI” shall mean the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may be adopted by the U.S. Bureau of Labor Statistics as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics.

I. “Gross Income” shall have the meaning set forth in Section 9.24.130.

J. “Homeowner” shall mean an existing Mobile Homeowner.

K. “Homeowner Representative” shall mean a designated homeowner association (HOA) or its designee who shall have the authority to represent the interest of, negotiate on behalf of, and bind the Homeowners.

L. “Housing Service” shall mean a service or facility provided by the Mobile Home Park Owner related to the use or occupancy of a Mobile Home Space, which is neither a Capital Improvement nor a Substantial Rehabilitation. “Housing Service” includes, but is not limited to, repairs (including street repairs), replacement, maintenance, landscaping, painting, lighting, heat, water, utilities, laundry facilities, refuse removal, recreational and meeting facilities, parking, security service, and employee services.

M. “Mediator” shall mean a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Mediator meets one of the following criteria:

a. Is a member of the American Arbitration Association and has specific experience in mediating real estate matters; or

b. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in mediation or arbitration which, in the judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute mediation in a professional and successful manner; or

c. Completion of at least three mediation proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute mediations; or

d. Prior service as a Superior Court pro tempore judge.

- N. “Mobile home” shall mean structure designed for human habitation and for being moved on a street under permit pursuant to California Vehicle Code section 35790. “Mobile home” includes a manufactured home, as defined in California Health and Safety Code section 18007, and a mobile home, as defined in California Health and Safety Code section 18008.
- O. “Mobile Homeowner” shall mean a person who has a tenancy in a Mobile Home Park under a rental agreement that is not otherwise exempt from regulation under this Chapter pursuant to California Civil Code sections 798.17 or 798.45.
- P. “Mobile Home Park” shall refer to any area of land within the City where two or more Mobile Home Spaces are rented, or held out for rent, to accommodate mobile homes used for human habitation.
- Q. “Mobile Home Park Owner” shall mean any park owner, lessor, or sublessor of a Mobile Home Park in the City who receives or is entitled to receive Rent for the use or occupancy of any Mobile Home Space thereof and who reports to the Internal Revenue Service any income received or loss of income resulting from such ownership or claims any expenses, credits, or deductions because of such ownership, and the representative, agent, or successor of such park owner, lessor, or sublessor.
- R. “Mobile Home Space” shall mean any site within a Mobile Home Park located in the City intended, designed, or used for the location or accommodation of a mobile home. “Mobile Home Space” includes any accessory structures or appurtenances attached to the mobile home or used in conjunction therewith. “Mobile Home Space” does not include: 1) sites rented together and concurrently with a Mobile Home provided by the Mobile Home Park Owner; and 2) “New Construction” as defined by California Civil Code section 798.45.
- S. “Net Operating Income” shall have the meaning set forth in Section 9.24.120.
- T. “Operating Expenses” shall have the meaning set forth in Section 9.24.140.
- U. “Park Owner Representative” shall mean a Mobile Home Park Owner or designated representative who shall have the authority to represent the interest of, negotiate on behalf of, and bind park owner parties.
- V. “Percent Change in Consumer Price Index” shall mean the annual percent change in the Consumer Price Index, calculated to the nearest tenth, published for the month of February, or the closest preceding month for which an index is published in the event that an index for the month of February is not released.
- W. “Prospective Homeowner” shall refer to a person who is not currently a Homeowner in a Mobile Home Park but is a prospective homeowner who desires the use of a Mobile Home Space as defined in this Chapter and has approached the Mobile Home Park Owner as such.

X. “Rent” shall refer to the total consideration, including any bonus, benefit, or gratuity, demanded or received by a Mobile Home Park Owner for or in connection with the use occupancy of a Mobile Home dwelling unit.

Y. “Rent Increase” shall mean any additional Rent demanded of, or paid by, a Homeowner for Mobile Home Space. “Rent Increase” includes any reduction in Housing Services without a corresponding reduction in the amount demanded or paid for Rent.

Z. “Rent Stabilization Administration Fee” shall refer to the fee established from time to time by resolution of the City Council in accordance with the provisions of Section 9.24.190.

AA. “Substantial Rehabilitation” shall mean that work done by a Mobile Home Park Owner to a Mobile Home Space or to the common areas of the Mobile Home Park, exclusive of Capital Improvements, which as a value in excess of \$200.00, and is performed either to secure compliance with any State or local law, or to repair damage result from fire, earthquake, or other casualty or natural disaster, to the extent such work is not reimbursed by insurance or other benefits. Costs of substantial rehabilitation include all costs reasonably and necessarily related to the planning, engineering, and construction of the work. Such costs shall also include debt service costs incurred as a direct result of the substantial rehabilitation work, if any.

9.24.030 Applicability.

A. The provisions of this Chapter shall apply to every Mobile Home Park within the City, except that the provisions of this Chapter shall not apply to Mobile Home Spaces which are subject to a written rental agreement that is for more than 12-month duration pursuant to Civil Code section 798.17. The provisions of this Chapter shall also not apply to a newly constructed space initially held out for rent per Civil Code section 798.45.

B. The exceptions provided in this Section 9.24.030(A) shall be effective only until the expiration or other termination of the rental agreement subject to the exception, whereupon all provisions of this Chapter shall immediately be applicable to the Mobile Home Space, unless the rental agreement meets the criteria of Civil Code section 798.17.

C. Forty-eight hours prior to any rental agreement or lease in excess of 12 months being executed by a Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall:

1. Offer any Homeowner or Prospective Homeowner the option of a rental agreement or lease for a term of 12 months or less which will permit such person to receive the benefits of the Mobile Home Space Rent Stabilization Program;

2. Provide the Homeowner or Prospective Homeowner a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator’s contact information;

3. Inform the Homeowner or Prospective Homeowner in writing that consultation by the Mobile Home Park’s Homeowner Representative is available upon request;

4. Inform the Homeowner or Prospective Homeowner orally and in writing that if the Homeowner or Prospective Homeowner signs a lease or rental agreement with a term in excess of 12 months, and complies with Civil Code Section 798.17, then the lease or rental agreement is not subject to the terms and protections of this Chapter. The written notification shall include a copy of Civil Code section 798.27 and state the following language:

UNDER ST. HELENA MUNICIPAL CODE SECTION 9.24.030, YOU ARE LEGALLY ENTITLED TO A RENTAL AGREEMENT FOR A TERM OF 12 MONTHS OR LESS OR A MONTH-TO-MONTH TENANCY. IF THE TERM OF THE LEASE IS MORE THAN 12 MONTHS IN DURATION, AND THAT LEASE MEETS THE REQUIREMENTS OF CIVIL CODE SECTION 798.17, YOU WILL NOT BE COVERED BY ST. HELENA'S RENT STABILIZATION ORDINANCE.

5. At the time the rental agreement is first offered to the Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall provide written notice to the Homeowner or Prospective Homeowner of the Homeowner's or Prospective Homeowner's right to (1) have at least 30 days to inspect the rental agreement, and (2) void the rental agreement by notifying the Mobile Home Park Owner in writing within 72 hours of the acceptance of a rental agreement. The failure of the Mobile Home Park Owner to provide this written notice shall make the rental agreement voidable at the Homeowner's or Prospective Homeowner's option. The receipt of any written notice provided pursuant to this subsection shall be acknowledged in writing by the Homeowner or Prospective Homeowner.

D. A Mobile Home Park Owner's efforts to circumvent the requirements of this Section 9.24.030 shall be unlawful, as well as an unfair business practice subject to enforcement under California Business and Professions Code Section 17200. A lease or rental agreement in excess of 12 months, executed by a Homeowner or Prospective Homeowner, shall not be exempt from this Chapter unless it complies with each and every requirement of Civil Code Section 798.17.

9.24.040 Base Rent.

A. Initial Calculation.

1. Except as provided herein, a Mobile Home Park Owner shall not demand, accept, or retain Rent for a Mobile Home Space exceeding the Rent in effect for that space on October 9, 2018. In the event that a Mobile Home Space was not occupied on October 9, 2018, the Base Rent for that Mobile Home Space shall be the highest Mobile Home Space Rent charged by the Mobile Home Park Owner for a Comparable Space in the Mobile Home Park on October 9, 2018, plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

2. If a Mobile Home Space is exempted from the provisions of this Chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17, and that agreement expires and is not renewed, then the Base Rent, until the next annual adjustment pursuant to this Chapter, shall be the highest Mobile Home Space Rent charged by the Mobile

Home Park Owner for a Comparable Space in the Mobile Home Park on October 9, 2018, plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

3. It shall be presumed that the Base Rent yields a fair return.

B. A Mobile Home Park Owner may seek an adjustment to the initial Base Rent if it can be clearly established that circumstances exist which require an adjustment to assure that the Mobile Home Park Owner is receiving a fair return.

1. In seeking an adjustment to the initial Base Rent under this section, the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

2. The guidelines for determining an adjustment to the initial Base Rent are set forth in Section 9.24.150.

9.24.050 Vacancy Control – Establishment of a New Base Rent.

A. A Mobile Home Park Owner is prohibited from increasing the Rent for a Mobile Home Space upon the closure of an in-place sale, transfer, or other conveyance of a mobile home on a site to a Prospective Homeowner or Homeowner.

B. A Mobile Home Park Owner shall be permitted to increase the Space Rent by up to three times the amount provided in Section 9.24.070(A) whenever a lawful vacancy occurs, and this amount shall be considered the new Base Rent for a Mobile Home Space. For purposes of this Chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a Mobile Home Homeowner in accordance with California Civil Code sections 798.56 through 798.58; or

2. A vacancy of the Mobile Home Space arising from the voluntary removal of a mobile home from the Mobile Home Space by the Mobile Homeowner. A removal of the mobile home from the Mobile Home Space for the purpose of performing rehabilitation or Capital Improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home.

C. Any alleged violation of this Section 9.24.050 shall be subject to automatic arbitration pursuant to Section 9.24.090(F).

9.24.060 Anniversary Date.

The anniversary date for all Rent Increases in the Mobile Home Park Owner’s park shall be established by City Council resolution at a public hearing. Rent Increases, if any, except as specified below, shall be enacted only on the anniversary date of a Mobile Home Park. The Mobile Home Park Owner shall post the anniversary date in the park office or areas where it can easily be seen by Homeowners.

9.24.070 Rent Increase Limitations.

A. As of the effective date of this Chapter, no Rent Increases may be implemented within 12 months of the effective date of the preceding Rent Increase unless otherwise authorized under this Chapter. The permissible annual increase shall be the lesser of:

1. Seventy-five (75) percent of the Percent Change in the Consumer Price Index; or
2. Three percent of the Base Rent.

B. A Mobile Home Park Owner shall not implement any additional Rent Increase within a 12-month period above the authorized amount pursuant to 9.24.070(A), unless the Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, or Substantial Rehabilitation that were not reasonably foreseeable at the time notice of the preceding Rent Increase was given. If a Mobile Home Park Owner seeks a Rent Increase pursuant to this Subsection 9.24.070(B), the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

C. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase on the anniversary date or within a 12-month period more than the amount permitted in subsection (A) of this Section 9.24.070 and less than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall apply.

D. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase for any Mobile Home Space on the anniversary date or within a 12-month period in an amount equal to or more than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall be followed except that the petition requirements of Section 9.24.090(C)-(D) shall not apply because an arbitration shall automatically be required to show good cause why such an increase is necessary.

E. The Arbitrator may reduce the proposed Rent Increases pursuant to subsections (B), (C) or (D) of this Section 9.24.070 to a figure determined upon the evidence submitted by the Mobile Home Park Owner or the Park Owner Representative to be a fair return.

F. Any notice of a Rent Increase implemented by a Mobile Home Park Owner pursuant to this Section 9.24.070 shall be provided in writing to Affected Homeowners at least 90 days before any Rent Increase is to take effect.

9.24.080 Information Required From Mobile Home Park Owner.

A. Within 30 days after the effective date of this Chapter and upon the re-renting of each Mobile Home Space thereafter, the Mobile Home Park Owner shall supply each Affected Homeowner or Prospective Homeowner with a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator's contact information.

B. Whenever the Mobile Home Park Owner serves a notice of a proposed Rent Increase, except a notice of proposed Rent Increase implemented pursuant to Section 9.24.070(A), the Mobile Home Park Owner shall at the same time and in the same manner serve the Affected Homeowner or Prospective Homeowner with a written notice that sets forth all of the following information:

1. The amount of the Rent Increase both in dollars and as a percentage of existing Rent and documentation supporting the level of increase desired, including, but not limited to: a summary of the unavoidable increases in maintenance and Operating Expenses; a statement of the cost, nature, amortization, and allocation among Mobile Home Spaces of any Substantial Rehabilitation or Capital Improvement; a summary of the increased cost of the Mobile Home Park Owner's debt service and the date and nature of the sale or refinancing transaction; a summary of the Mobile Home Park Owner's Net Operating Income of the preceding 24 months and other relevant information that supports the level of Rent Increase desired;

2. A current listing of all other Affected Homeowners and the spaces which they rent may be requested through the Homeowner Representative;

3. The address and telephone number of the Administrator and statement that the Homeowner is encouraged to contact the Administrator for an explanation of the provisions of this Chapter;

4. A copy of the petition form prepared and provided by the Administrator which initiates the process of rent review established by this Chapter;

5. If applicable, notification that the proposed Rent Increase exceeds 300 percent of the change in the Consumer Price Index, and that arbitration is automatically required by the provisions of Section 9.24.070(D) without any need to file an arbitration petition. Such notices shall bear the following language in capital letters: "ARBITRATION OF THE PROPOSED INCREASE IS AUTOMATICALLY REQUIRED IN THIS MATTER BY OPERATION OF LAW." Erroneous use of this notice shall be regarded as an irrevocable stipulation to submit to arbitration;

6. Time and place for a mandatory informational meeting with the Homeowners to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of proposed Rent Increase.

7. The Mobile Home Park Owner shall, at the same time, file with the Administrator two copies of the notice and summary of expenses required in Section 9.24.080(B)(1), along with two copies of all relevant financial records, bills or documents which substantiate the level of increase proposed. This financial information shall be verified in writing by an auditor or certified public accountant or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner. This information will be made available at City Hall for inspection and copying by the Affected Homeowners.

D. A Mobile Home Park Owner's failure to provide any information, documents, or notices required by this Section 9.24.080 shall not be entitled to collect any Rent Increase that might otherwise be awarded by an Arbitrator. Such failure by the Mobile Home Park Owner shall be a defense in any action brought by the Mobile Home Park Owner to recover possession of a Mobile Home Space or to collect any Rent Increase from the Homeowner.

E. An Affected Homeowner who is given notice of a Rent Increase is entitled to file a petition for rent review as provided in Section 9.24.090 regardless of whether the Mobile Home Park Owner has failed to provide the Affected Homeowner with all the information, documents and notices required by this Chapter.

9.24.090 Rent Dispute Resolution Process.

A. A Homeowner may contact the Administrator for an explanation of the provisions of this Chapter.

B. If a Rent Increase is proposed pursuant to Section 9.24.070(B)-(D), then after service of the Rent Increase notice and the production of the accompanying information required by Section 9.24.080, the Mobile Home Park Owner shall set a time and place for an informational meeting with the Homeowners and a mediation meeting to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of proposed Rent Increase. The mediation meeting shall be held within 20 days from the service of the notice of proposed Rent Increase or notice from the Administrator that mediation is required pursuant to this Section 9.24.090. The Mobile Home Park Owner shall give Affected Homeowners and the Administrator at least 10 days' advance written notice of this meeting. The Mobile Home Park Owner and the Affected Homeowners shall serve any additional documents to be presented at the mediation on the other party and the Administrator at least five days before the meeting.

The purpose of this mediation meeting shall be to allow and encourage the parties to mediate any differences they may have concerning the proposed Rent Increase. At the meeting, the Mobile Home Park Owner or Park Owner Representative shall be available to meet with Affected Homeowners or Homeowner Representative to explain the reasons for the proposed Rent Increase. If the parties agree to a specific Rent Increase, the Mediator shall prepare a mediation agreement setting forth the terms of the agreement between the Mobile Home Park Owner and the Affected Homeowners. The mediation agreement shall be executed by the parties and a copy of the agreement shall be filed with the Administrator.

C. Petition Procedures.

1. If discussions between the Mobile Home Park Owner and Affected Homeowners, either informally or pursuant to subsection (B) of this Section 9.24.090, do not resolve the dispute, the Homeowners or Homeowner Representative may file with the Administrator a petition for rent review with a copy of the notice of Rent Increase within 30 days after receipt of the Rent Increase notice.

2. The Administrator shall not accept a petition for rent review unless it has been signed by at least 51 percent of All Affected Homeowners.

3. As soon as possible after a petition has been filed with respect to Mobile Home Spaces that are within a Mobile Home Park, the Administrator shall, to the extent possible, consistent with the time limitations provided herein, consolidate petitions involving similarly situated Affected Homeowners.

4. Upon the filing of a petition, the Rent Increase shall not be implemented until and to the extent it is awarded by an Arbitrator or until the petition is abandoned by the Affected Homeowners or the Homeowner Representative. "Abandoned" as used herein shall mean a failure to actively pursue the necessary steps to prepare the Homeowners' case for the arbitration. An automatic arbitration based upon a 300 percent Consumer Price Index increase shall not require active Homeowner participation and shall not be considered abandoned due to lack of Homeowner participation.

D. Contents of Petition.

1. The petition for rent review shall: a) set forth the total number of affected Mobile Home Spaces in the Mobile Home Park; b) identify the name of the Homeowners who occupy each space; and 3) state the date upon which the notice of the Rent Increase was received by the Homeowner.

2. After obtaining the required signatures of Affected Homeowners, the Homeowners shall deliver the petition or mail it by certified mail to the Administrator at the following address: City of St. Helena, 1480 Main Street, St. Helena, California 94574. No petition shall be accepted unless it is accompanied by the requisite number of signatures and is received in the office of the Administrator within the 30-day period set forth in subsection (C) of this Section 9.24.090. The Administrator shall provide a copy of the completed petition to the Mobile Home Park Owner and the Arbitrator.

E. After the Administrator has accepted a petition for rent review, the Administrator shall remit to the Mobile Home Park Owner and petitioning Homeowners or the Homeowner Representative an information questionnaire in such form as the Administrator may prescribe. The completed information questionnaire must be returned to the Administrator at least five business days prior to the date scheduled for hearing of the petition by the Arbitrator. The Administrator shall provide copies of the completed information questionnaire to the Arbitrator, the Mobile Home Park Owner, and the Affected Homeowners or the Homeowner Representative.

F. Upon receipt of a petition, or in the event of an automatic arbitration pursuant to Section 9.24.070(D), or upon an Affected Homeowner's claim of a vacancy control rent increase violation pursuant to Section 9.24.050, the Administrator shall, within 15 business days, assign an Arbitrator. The Administrator shall set a date for the arbitration hearing no sooner than 10 working days nor later than 30 working days after the Arbitrator is assigned. The Mobile Home

Park Owner and All Affected Homeowners shall be notified immediately in writing by the Administrator of the date, time, and place of the hearing either in person or by ordinary mail.

Any additional documents to be presented at the hearing by either the park owner or the Affected Homeowners, other than those previously submitted pursuant to Section 9.24.080(C) or subsection (B) of this Section 9.24.090, shall be served on the other party, the Administrator, and the Arbitrator at least 10 working days before the hearing by mail or in-person delivery. All financial documents submitted shall be verified in writing by an auditor or certified public accountant, or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner.

G. Arbitration Hearing.

1. The Mobile Home Park Owner and any Affected Homeowners may appear at the hearing and offer oral and documentary evidence. Both the Mobile Home Park Owner and Homeowners may designate a representative or representatives to appear for them at the hearing. The Arbitrator may grant or order one continuance to each party not to exceed 10 business days from the date of the hearing. A further continuance may be granted if stipulated to by all the parties. The burden of proving that the amount of Rent Increase is reasonable shall be on the Mobile Home Park Owner by a preponderance of the evidence. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of evidence and manner of producing evidence shall be those rules set forth in California Government Code Section 11513 for the conduct of hearings under the Administrative Procedure Act. These rules may be relaxed at the discretion of the Arbitrator in the interests of justice.

2. Any party may have electronic recording equipment or a court reporter present to record and prepare a transcript of the hearing before the Arbitrator. Such equipment or reporter shall be provided at that party's own expense.

3. Any jurisdictional or procedural dispute regarding the process set forth herein may be decided by the Arbitrator.

4. The Arbitrator shall, within 14 days of the conclusion of the hearing, submit by mail a written statement of decision and the reasons for the decision to the Administrator. The Administrator shall mail copies of the decision to the Mobile Home Park Owner and Affected Homeowners.

5. The decision of the Arbitrator, rendered in accordance with this Section 9.24.090, shall be final and binding upon the Mobile Home Park Owner and Affected Homeowners. The decision of the Arbitrator will be subject to the provisions of California Code of Civil Procedure Section 1094.5.

H. It is the intent of the Council to have a final decision rendered within 90 days of the initial notice of the Rent Increase. The Administrator or the Arbitrator may, however, modify the time periods set forth herein at his or her discretion to promote the purposes of this Chapter.

9.24.100 Subpoena Power.

Subpoenas, including subpoenas duces tecum, requiring a person to attend at a particular time and place to testify as a witness, may be issued in connection with any dispute pending before an Arbitrator. Subpoenas shall be issued at the request of the Administrator, an Arbitrator, the Homeowners, or the Mobile Home Park Owners. Subpoenas shall be issued and attested by the City Attorney. A subpoena duces tecum shall be issued only upon the filing with the City Attorney of an affidavit showing good cause for the production of the matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the proceedings, and stating that the witness has the desired matters or things in his or her possession or under his or her control. A copy of such affidavit shall be served with the subpoena. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter may be served in person or by certified mail, before the hearing for which attendance is sought. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter shall be deemed issued by and in the name of the Council.

9.24.110 Standards of Review.

A. The Arbitrator shall determine whether Rent Increases proposed or imposed by the Mobile Home Park Owner are reasonable based upon the circumstances and all the provisions of this Chapter. The Arbitrator shall take into consideration that the purpose of this Chapter is to permit Mobile Home Park Owners a just and reasonable return, while protecting Homeowners from unnecessary or unreasonable Rent Increases.

B. The Arbitrator shall not allow more than one Rent Increase per Mobile Home Space per 12-month period, unless a Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, and/or Substantial Rehabilitation not reasonably foreseeable at the time notice of the preceding Rent Increase was given.

C. Maintenance of Net Operating Income.

1. It shall be presumed that the base year Net Operating Income adjusted by 75 percent of the increase or decrease in the CPI since the base year yields a fair return. Mobile Home Park Owners shall be entitled to maintain and increase their Net Operating Income in accordance with this Section 9.24.110. The Arbitrator shall make a determination of whether the Mobile Home Park Owner's Net Operating Income yields a fair return under this standard.

2. The formula for calculating the fair NOI return shall be as follows:

$$\text{Fair NOI} = \text{Base Year NOI} \times (1 + .75) \% \text{ change in CPI}$$

3. Except as provided in Section 9.24.150, it shall be presumed that the Net Operating Income produced by the Mobile Home Park during the base year provided a fair return.

4. Calendar year 2017 shall be established as the base year for purposes of determining whether a Mobile Home Park Owner's Net Operating Income provides a fair return. If a satisfactory base year is, in the Arbitrator's opinion, not otherwise available, such as where a Mobile Home Park Owner did not own the subject property in the base year and/or the 2017 Operating Expenses are not available, the Arbitrator may take any relevant evidence into account to construct a base year.

5. The base year CPI shall be the CPI level in June 2017.

6. The percentage change in the CPI shall be calculated by using the CPI as of the month prior to the noticed increase.

7. The comparison NOI year shall be the most recent calendar or fiscal year, unless another period is found by the Arbitrator to be more appropriate.

D. A park owner may seek a Rent Increase based on the cost of a completed new Capital Improvement, as defined in Section 9.24.020(F), together with a reasonable return upon the Capital Improvement investment, only if the Mobile Home Park Owner has:

1. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of the new Capital Improvement are factually correct as claimed;

2. Cost factored and amortized the costs of the Capital Improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and

3. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

E. Mitigating Factors. In evaluating a Rent Increase, the Arbitrator shall also consider the following factors in addition to any other factors the Arbitrator deems relevant in order to determine whether there are any circumstances that may justify a reduction in a proposed Rent Increase:

1. In the event the Mobile Home Park Owner reduces or eliminates any Housing Services, a proportionate share of the cost savings due to such reduction or elimination shall be passed on in the form of a decrease in existing Rent or a decrease in the amount of a Rent Increase otherwise proposed or permitted by this Chapter.

2. The physical condition of the Mobile Home Space or Park of which it is a part, including the quantity and quality of maintenance and repairs performed during the preceding 12 months.

F. Notwithstanding any other provision to the contrary, no provision of this Chapter shall be applied to prohibit the granting of a Rent Increase that is demonstrated to be necessary to provide a Mobile Home Park Owner with a fair and reasonable return.

9.24.120 Net Operating Income.

In evaluating a Rent Increase imposed by a Mobile Home Park Owner to maintain the Mobile Home Park Owner's Net Operating Income, "Net Operating Income" (NOI) shall mean the Gross Income as defined in Section 9.24.130 of the Mobile Home Park less the Operating Expenses as defined in Section 9.24.140.

9.24.130 Gross Income.

For purposes of calculating the Net Operating Income pursuant to Section 9.24.120, "Gross Income" shall mean the sum of the following:

- A. Gross Mobile Home Space rents, computed as gross space rental income at 100 percent occupancy; plus
- B. Other income generated as a result of the operation of the Mobile Home Park, including, but not limited to, fees for services actually rendered; plus
- C. Revenue received by a Mobile Home Park Owner from the sale of gas and electricity to Homeowners where such utilities are billed individually to the Homeowners by the Mobile Home Park Owner. Such revenue shall equal the total cost of the utilities to the Homeowners minus the amount paid by the Mobile Home Park Owner for such utilities to the utility provider; minus
- D. Uncollected Mobile Home Space Rents due to vacancy and bad debts to the extent that the same are beyond a Mobile Home Park Owner's control. Uncollected Mobile Home Space Rents in excess of three percent of gross Mobile Home Space Rents shall be presumed to be unreasonable unless established otherwise and shall not be included in computing Gross Income. If uncollected Mobile Home Space Rents must be estimated, then the average of the preceding three years' experience shall be used.

9.24.140 Operating Expenses.

A. For purposes of calculating Net Operating Income pursuant to Section 9.24.120, "Operating Expenses" may include:

- 1. Real property taxes and assessments.
- 2. Utility costs to the extent that they represent costs to the Mobile Home Park Owner which are not passed through to Homeowners of the Mobile Home Park.

3. Management expenses (including the compensation of administrative personnel, including the value of any Mobile Home Space offered as part of compensation for such services), reasonable and necessary advertising to ensure occupancy, legal and accounting services as permitted herein, and other managerial expenses. Management expenses are presumed to be not more than five percent of Gross Income, unless established otherwise.

4. In addition to the management expenses listed above, if the Mobile Home Park Owner performs managerial or maintenance services which are uncompensated, the Mobile Home Park Owner may include the reasonable value of such services or Operating Expenses. Mobile Home Park Owner-performed labor shall be limited to five percent of Gross Income unless the Arbitrator finds that such a limitation would be substantially unfair in a given case. A Mobile Home Park Owner must devote substantially all of the Mobile Home Park Owner's time, that is, at least 40 hours per week, to performing such managerial or maintenance services in order to warrant the full five percent credit as an Operating Expense. No credit for such services shall be authorized unless a Mobile Home Park Owner documents the hours utilized in performing such services and the nature of the services provided.

5. Normal repair and maintenance expenses for the grounds and common facilities, including but not limited to landscaping, cleaning, and repair of equipment and facilities.

6. Operating supplies such as janitorial supplies, gardening supplies, and stationery.

7. Insurance premiums prorated over the life of the policy.

8. Other taxes, fees, and permits, except as provided in Section 9.24.190.

9. Reserves for replacement of long-term improvements or facilities, provided that accumulated reserves shall not exceed five percent of Gross Income.

10. A Mobile Home Park Owner may include the cost of necessary Capital Improvement or Substantial Rehabilitation expenditures which would exceed existing reserves for replacement. A necessary Capital Improvement shall be an improvement required to maintain the common facilities and areas of the Mobile Home Park in a decent, safe, and sanitary condition or to maintain the existing level of Mobile Home Park amenities and services. In the event that the necessary Capital Improvement or Substantial Rehabilitation expenditure is necessitated as the result of an accident, disaster, or other event for which the Mobile Home Park Owner received insurance or other benefits, only those costs otherwise allowable and exceeding such benefits may be calculated as Operating Expenses.

Expenditures for necessary Capital Improvements to upgrade existing facilities, together with a reasonable return upon the Capital Improvement investment made by the Mobile Home Park Owner, shall be an allowable Operating Expense only if the park owner has:

a. Informed the Affected Homeowners prior to initiating construction or implementation of the Capital Improvement regarding the nature, purpose and estimated cost of the improvement; and

b. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of Capital Improvement provided to the Homeowners for their general use are factually correct as claimed; and

c. Cost factored and amortized the costs of the improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and

d. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

11. Increases in interest payments which result from one of the following situations or the equivalent thereof:

a. Refinancing of the outstanding principal owed for the acquisition of a park where such refinancing is mandated by the terms of a financing transaction entered into prior to October 9, 2018 , for instance, termination of a loan with a balloon payment; or

b. Increased interest costs incurred as a result of a variable interest rate loan used to finance the acquisition of the park and entered into prior to October 9, 2018.

In refinancing, increased interest shall be permitted to be considered as an Operating Expense only where the Mobile Home Park Owner can show that the terms of the refinancing were reasonable and consistent with prudent business practices under the circumstances.

B. “Operating Expenses” shall not include the following:

1. Debt service expenses, except as provided in subsection (A)(11) of this Section 9.24.140;

2. Depreciation;

3. Any expense for which the Mobile Home Park Owner is reimbursed; or

4. Attorneys’ fees and costs (except printing costs and documentation as required by Section 9.24.080) incurred in proceedings before an Arbitrator or in connection with legal proceedings challenging the decision of an Arbitrator or the validity or applicability of this Chapter.

C. Whenever a particular expense exceeds the normal industry or other comparable standard, the Mobile Home Park Owner shall bear the burden of proving the reasonableness of

the expense. To the extent that the Arbitrator finds any such expense to be unreasonable, the Arbitrator shall adjust the expense to reflect the normal industry or other comparable standard.

9.24.150 Special Base Year NOI/Base Rent Adjustments.

A. Mobile Home Park Owners may obtain a one-time special adjustment to the base year NOI and/or Base Rent dates if the rebuts the presumption that the base year NOI and/or Base Rent date yielded a fair return. The Arbitrator shall not make such a determination unless the Arbitrator has first made at least one of the following findings:

1. That the Mobile Home Park Owner's Operating Expenses in the base year were unusually high or low in comparison to the three years prior to the base year. The average expenses for this period shall be presumed to reflect reasonable average annual expenses and the average of such expenses shall be used to calculate and adjust the base year NOI.

In determining whether the park owner's Operating Expenses were unusually high or low, the Arbitrator shall consider whether:

a. The park owner made substantial Capital Improvements during the base year, which were not reflected in the Rent levels on the Base Rent date.

b. Substantial repairs were made due to uninsured damage caused by fire, natural disaster or vandalism.

c. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of Housing Services.

d. Other expenses were unreasonably high or low notwithstanding the following of prudent business practice.

2. That the Rent was disproportionate due to one of the enumerated factors below:

a. The Rent on the base date was exceptionally high or low due to the fact that the Rent was not established in an Arms-Length Transaction.

b. The Rent on the Base Rent date was substantially higher or lower than at other times of the year by reason of premiums being charged or rebates given for reasons unique to particular spaces.

B. If the circumstances specified in subsection (A)(2) of this Section 9.24.150 are demonstrated, the Base Rent date shall be adjusted to reflect the Rent that would have been received if the Base Rent date had been set under general market conditions. In making this adjustment, the Arbitrator shall utilize the median rent in effect on the Base Rent date, or a good faith estimate of such median rent, for Comparable Spaces within the Mobile Home Park or, if necessary, other comparable parks. Comparability shall be judged based on the location of the park, services, amenities provided, and other relevant factors.

9.24.160 Obligations of the Parties.

A. After the Mobile Home Park Owner's proposed effective date of a noticed Rent Increase, if the Arbitrator finds that the proposed increase or any portion thereof that was previously inoperative is justified, All Affected Homeowners shall pay the amount found justified to the Mobile Home Park within 30 days after the decision is made.

B. If the Arbitrator finds that an increase or any portion thereof is not justified, the Mobile Home Park Owner shall refund any amount found to be unjustified, but that had been paid, to All Affected Homeowners within 90 days of the Arbitrator's decision. In the event that the tenancy of an Affected Homeowner is terminated for any reason prior to receipt of a refund, the balance of the credit due the Homeowner shall be paid by the Mobile Home Park Owner within 30 days from the date of the termination of the tenancy.

C. Any sum of money that under the provisions of this Section 9.24.160 is the obligation of the Mobile Home Park Owner or Homeowner to pay, as the case may be, shall constitute a debt and, subject to the foregoing provisions of this section, may be collected in any manner provided by law for the collection of debts.

9.24.170 Homeowner's Right of Refusal.

An Affected Homeowner may refuse to pay any increase in Rent which is in violation of this Chapter, provided a petition has been filed and either no final decision has been reached by an Arbitrator or the increase has been determined to violate the provisions of this Chapter. Such right of refusal to pay shall be a defense in any action brought to recover possession of a Mobile Home Space or to collect the Rent Increase.

9.24.180 Retaliatory Acts – Homeowner's Right to Organize.

No Mobile Home Park Owner may retaliate against a Homeowner, Homeowner Representative, or Prospective Homeowner for the assertion or exercise of rights under this Chapter in any manner. This includes, but is not limited to, threatening to bring or bringing an action to recover possession of a Mobile Home Space, engaging in any form of harassment that causes a Homeowner to quit the premises, dissuading a Prospective Homeowner from freely exercising the Homeowner's legal option to choose a tenancy of a shorter term, decreasing Housing Services, increasing the Mobile Home Space Rent, or imposing or increasing a security deposit or any other charge payable by a Homeowner.

9.24.190 Fees.

A. The costs of administration of this Chapter, including the costs of mediation and arbitration, shall be borne by the City. The City shall be reimbursed by the imposition of a Rent Stabilization Administration Fee ("Fee") chargeable against each Mobile Home Space in the City subject to this Ordinance upon the finding that at least fifty (50) percent of leases within the City are not exempt pursuant to Section 9.24.200 of this Chapter.

B. The Administrator shall recommend to the City from time to time the amount of the Fee and the Council shall adopt such Fee by resolution at a public hearing. A reporting of expenditures and staff time spent on administration of this Chapter shall be conducted during review of this Ordinance pursuant to Section 9.24.250.

C. On or before May 1st of each year, each Mobile Home Park Owner in the City shall register with the City. The Mobile Home Park Owner shall provide the name and address of the Mobile Home Park Owner, the current rent roll for all spaces which shall identify: 1) the length of the lease term for each space; 2) the expiration of the lease term for each space; 3) current rents and other fees or charges that are received by the Mobile Home Park Owner itemized per Mobile Home Space; and 4) the number of Mobile Home Spaces, including both occupied and unoccupied spaces, contained in that Mobile Home Park Owner's Mobile Home Park. The provision of the information required by this Section 9.24.190(C) must also be made immediately upon change of ownership of the Mobile Home Park, or an increase or a decrease in the number of spaces available at a Mobile Home Park Owner's Mobile Home Park.

D. On or before July 31st of each and every fiscal year, each Mobile Home Park Owner shall pay to the City the Fee then in effect for each Mobile Home Space in the Mobile Home Park Owner's Mobile Home Park, except for those spaces subject to a rental agreement in full compliance with the requirements of California Civil Code Section 798.17(a) and (b), and except as provided in this Section 9.24.190(A).

E. Allocation of the Fee.

1. A Mobile Home Park Owner may allocate 50 percent of the Fee imposed on a Mobile Home Space to the Homeowners in accordance with the provisions set forth in this Section 9.24.190. This allocation shall be passed on, if at all, no later than the next park anniversary date or within 12 months from the date of payment to the City. The remaining 50 percent of the Fee imposed on a Mobile Home Space shall not be passed on in any way to Homeowners.

2. The Mobile Home Park Owner shall post in a common area for a period of 90 days for All Affected Homeowners to read, documentation supporting the allowable amount to be collected in order for the Mobile Home Park Owner to recover 50 percent of the Fee. At a minimum, such documentation shall include:

- a. Billing notices or other equivalent documents from the City imposing Fee;
- b. A copy of this Section;
- c. The calculations used by the park owner to apportion the cost of the allowable percentage among the Affected Homeowners;
- d. The address and telephone number of the Administrator; and

e. Notice to the Affected Homeowners that Homeowners are encouraged to contact the Administrator for an explanation of the provisions of this Chapter.

3. The Fee allocation shall not be considered part of the Base Rent upon which future Rent Increases can be based.

4. The Fee allocation shall be separately listed on any monthly or other periodic billing statement to the Homeowner.

F. A service fee equal to one and one-half percent per month will be charged on Mobile Home Park Owners who make late payments of Fees required under this Chapter. The service fee may not be passed on to Homeowners.

9.24.200 Exemption from Fees.

A. A Mobile Home Park Owner who is eligible for a space fee exemption pursuant to Civil Code Section 798.17 or any other provision of this Chapter, shall provide the Administrator with the following documentation, as appropriate:

1. A listing of long-term executed lease space numbers and spaces used other than for residency;

2. For a newly constructed space, proof that the space was constructed and initially held out for rent after January 1, 1990; and

3. A statement of the basis for the exemption.

B. The Administrator's decision as to an exemption shall be final.

9.24.210 Nonwaivable Obligations.

Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this Chapter is waived or modified, is against public policy and void, except with respect to any rental agreement complying with all of the terms and conditions set forth in California Civil Code Section 798.17.

9.24.220 Remedies And Waiver of Rights.

A. In addition to those penalties and remedies set forth in this Chapter, no Mobile Home Park Owner shall demand, accept, receive, or retain any Rent in excess of the amounts allowed under this Chapter. In the event that a Mobile Home Park Owner demands, accepts, receives, or retains any payment in excess of the amounts allowed under this Chapter, the Homeowner may file a civil suit against the Mobile Home Park Owner. A Mobile Home Park Owner who demands, accepts, receives, or retains any payment of Rent in excess of the amounts allowed under this Chapter shall be liable to the Homeowner in the amount by which the payment or

payments have exceeded the allowable Rent. In such a case, the Rent shall be adjusted to reflect the lawful Rent pursuant to this Chapter.

B. A Mobile Home Park Owner who willfully demands, accepts, or retains any payment of Rent in violation of the provisions of this Chapter shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three times the amount by which payment or payments demanded, accepted or retained exceed the maximum Rent which could lawfully be demanded, accepted or retained. A prevailing Homeowner in a civil action brought to enforce this Chapter shall be awarded reasonable attorneys' fees and costs as determined by the court. No administrative remedy need be exhausted prior to filing suit pursuant to this Section 9.24.220.

C. The remedies available in this Chapter are not exclusive and may be used cumulatively with any other remedies available in this Chapter or at law.

D. Waiver of Rights.

1. Any waiver or purported waiver by a Homeowner of rights granted under this Chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this Section 9.24.220.

2. It shall be unlawful for a Mobile Home Park Owner to require or attempt to require, as a condition of tenancy in a Mobile Home Park, a Homeowner, or Prospective Homeowner, to waive, in a lease or rental agreement, the rights granted to a Homeowner by this Chapter.

3. It shall be unlawful for a Mobile Home Park Owner to deny or threaten to deny a tenancy in a Mobile Home Park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this Chapter.

4. Nothing in this Section 9.24.220 shall preclude a Mobile Home Owner or tenant, or Prospective Homeowner, from entering into a lease or rental agreement; provided, that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the Mobile Home Park, and is not procured under a threat of denial of tenancy in the Mobile Home Park.

E. If a Homeowner fails to bring an action to enforce this Chapter within a reasonable time after the date of the violation, the City Council may bring such an action or settle the claim on the Homeowner's behalf. If the City Council brings such an action, the Homeowner shall be provided the right to opt in or out of the action. In the case of an opt-in, the Homeowner on whose behalf the City Council acted is barred from bringing a separate action against the Landlord in regard to the same violation, and the City shall be entitled to recuperate the costs it incurred from any monetary recovery from the Mobile Home Park Owner, with the remainder to go to the Homeowner against whom the violation has been committed. In the case of an opt-out, the Homeowner shall retain all rights relating to his or her right to private action. The City

Council may take other such enforcement action as necessary to ensure compliance with this Chapter.

9.24.230 Rights of Affected Parties Reserved.

- A. This Chapter shall not be construed to limit or curtail any other action or proceeding which may be pursued by an Affected Homeowner or Mobile Home Park Owner before any court or other body having jurisdiction thereof.
- B. Defense to Action for Recovery of Possession.
 - 1. A Mobile Home Park Owner's failure to comply with any of the provisions of this Chapter or any regulations promulgated hereunder shall serve as a complete affirmative defense in any action brought to recover possession of a Mobile Home Space.
 - 2. A Homeowner's refusal to pay Rent in excess of the amount allowed under this Chapter shall be a complete affirmative defense in any action brought to: a) recover possession of a Mobile Home Space for nonpayment of Rent; or b) collect Rent in excess of the amount allowed under this Chapter.

9.24.240 Extension of Time Limits.

By written agreement of the parties, upon application to the Administrator, or for good cause shown to the Mediator or Arbitrator, the timeframes provided for under this Chapter may be extended.

9.24.250 Regulations and Review By the City Council.

- A. The City Council may issue rules and regulations as necessary to further the purpose of this Chapter. If any portion of this Chapter is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by law, the City Council shall have the authority to enact replacement regulations consistent with the intent and purpose of the invalidated or unenforceable provisions of this Chapter to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Chapter.
- B. The Council shall review the effectiveness of this Chapter every two years from the effective date to determine whether a full-scale review of the Ordinance is necessary. Notice of the time and place of the Council's review shall be published at least 10 days prior to the review date in a newspaper of general circulation in the City.

9.24.260 Environmental Determination.

The City Council finds that the adoption and implementation of this Article are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the

City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

9.24.270 Partial Invalidity.

If any provision of this Chapter or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable. This Chapter shall be liberally construed to achieve the purposes of this Chapter and to preserve its validity.

CITY OF ST. HELENA

ORDINANCE NO. _____

**ADDING CHAPTER 9.24 TO THE ST. HELENA MUNICIPAL CODE TO ESTABLISH
A MOBILE HOME RENT STABILIZATION PROGRAM WITHIN THE CITY OF ST.
HELENA**

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

SECTION 1. Chapter 9.24 Added. Chapter 9.24 of the St. Helena Municipal Code is hereby added, to read in its entirety as shown on Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. CEQA. The City Council hereby finds that the action to adopt this Ordinance to add Chapter 9.24 and the implementation of this Chapter are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

SECTION 3. General Plan Consistency. The City Council finds this ordinance is consistent with the St. Helena General Plan.

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

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

SECTION 6. Ordinance Applicability. The City Council finds and intends that this ordinance shall apply to disputes and matters currently active as of the effective date of the ordinance.

SECTION 7. Effective Date. This ordinance shall take effect and be in force (thirty) 30 days after its adoption, and a summary of this ordinance shall be published once with the names of the members of the Council voting for and against the ordinance in the St. Helena Star, a newspaper of general circulation published in the city of St. Helena.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the St. Helena City Council on the ____ day of _____ 2018, and was adopted at a regular meeting of the St. Helena City Council on the ____ day of _____, 2018, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Alan Galbraith, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Black, City Clerk

I, CINDY TZAFPOULOS, CITY CLERK of the City of St. Helena, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the ____ day of _____, 2018. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the ____ day of _____, 2018 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Cindy Tzafopoulos, City Clerk

APPROVED AS TO FORM:

Thomas B. Brown, City Attorney

EXHIBIT A

Chapter 9.24

Mobile Home Park Rent Stabilization Ordinance

9.24.010 Purpose and Findings.

A. The purpose of this Chapter is to stabilize Mobile Home Space rents by preventing excessive and unreasonable rent increases, and to assure that Mobile Home Park Owners receive a fair and reasonable return on their investment.

B. The City Council finds and declares the following:

1. Mobile homes provide an important alternative form of housing; and
2. Based on the most recent available data, wWithin St. Helena City limits there is one mobile home park with a total of 214 spaces, and approximately 208 of those spaces are occupied, thus resulting in a vacancy rate of just 2.8 percent; and
3. St. Helena's Housing Element Update for 2015-2017 acknowledged that mobile homes constitute an important component of the City's affordable stock; and
5. Market conditions suggest that the high demand for mobile home spaces is likely to persist; and
6. The City of St. Helena currently does not regulate rental amounts or rent increases on mobile homeowners to ensure that that rents remainstay affordable; and
7. Residents of mobile home parks, unlike apartment tenants or residents of other rental properties, are in a unique position in that they have made a substantial investment in a residence for which space is rented or leased; and
8. The removal or relocation of a mobile home from a park space is generally accomplished at substantial cost depending on how far away the new location is situated; and
9. The removal or relocation of a mobile home may cause extensive damage to the mobile home; and
10. The potential for rents to increase within mobile home parks within the City could cause hardship to a substantial number of mobile homeowners and residents of the parks, many of who are elderly, on fixed incomes, or are persons of low and moderate income; and
11. On multiple occasions, members of the community have expressed concerns to the City Council regarding the potential for rising rents citywide, including mobile home rents,

and their potential to leave St. Helena residents vulnerable to displacement from the community; and

12. On November 14, 2017, the City Council adopted Three Year Goals and 12-Month Strategic Objectives to accomplish those goals, and one objective included an evaluation of a mobile home rent stabilization ordinance to preserve mobile home parks as an affordable housing option; and

13. On June 26, 2018, the City Council received the Housing White Paper, which identified the problem of rising housing costs and a critical shortage of housing in St. Helena, and included a recommendation for establishing rent stabilization regulations; and

14. On July 24, 2018, at a regular meeting of the City Council, the issue of mobile home rent stabilization was placed on the agenda, and the City Council formally deliberated the issue for the first time, and directed staff to conduct a community workshop on a mobile home rent stabilization ordinance to solicit additional public input; and

15. On August 30, 2018, the City Council held a special meeting where further discussion and public input occurred regarding mobile home rent stabilization and the possible adoption of a mobile home rent stabilization ordinance; and

16. On October 9, 2018, at a regular meeting of the City Council, the Council provided direction on key policy considerations for a mobile home rent stabilization ordinance; and

17. Commencing on October 9, 2018, it was highly foreseeable that mobile home rent regulations were under consideration by the City of St. Helena, thus making it reasonable to conclude that Mobile Home Park Owners would increase rents to the levels they otherwise would not have in anticipation of imminent regulation; and

18. The foregoing conditions create a detrimental effect on substantial numbers of mobile homeowners and residents, and thus constitute a threat to the public health, safety, and welfare; and

19. It is necessary to protect mobile homeowners and residents of mobile home parks from unreasonable rent increases and at the same time recognize the rights of mobile home park owners to receive a reasonable return on their investments.

9.24.020 Definitions.

A. “Administrator” shall refer to the Administrator of the City’s Mobile Home Space Rent Stabilization Program. The Administrator shall be the Planning and Community Improvement Director, or such other City employee as the City Manager may, in the Manager’s discretion, appoint to serve as Administrator.

B. “Affected Homeowners” shall mean those Mobile Homeowners who are subject to a Rent Increase. For purposes of providing notice of any Rent Increase and copies pursuant to this Chapter and calculating the number of Affected Homeowners in support of a rent arbitration petition, each Mobile Home Space subject to a Rent Increase shall be deemed to have only one Affected Homeowner. Reference to “All Affected Homeowners” shall mean one Homeowner from each Mobile Home Space subject to the proposed Rent Increase.

C. “Arbitrator” shall refer to a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Arbitrator meets one of the following criteria:

a. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in arbitration, which, in the sole judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute arbitration in a professional and successful manner; or

b. Completion of at least three arbitration proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute arbitrations; or

c. Prior service as a Superior Court pro tempore judge.

D. “Arms-Length Transaction” shall refer to a transaction negotiated by unrelated parties, each acting in his or her own self-interest, which serves as a basis for a fair return determination in this Chapter.

E. “Base Rent” shall mean the authorized Rent calculated pursuant to the provisions of Section 9.24.040, plus any Rent Increase allowed under this Chapter, unless it is expressly excluded from Base Rent, plus any adjustment attributable to vacancy decontrol as provided in Section 9.24.050.

F. “Capital Improvements” shall mean those new improvements or replacements which directly and primarily benefit and serve Mobile Home Park Homeowners by that materially adding to the value of the property and appreciably prolonging its useful life or adapting it to new uses, consisting of more than ordinary maintenance and/or repairs, and which may be amortized over the useful remaining life of the improvement to the property. Capital Improvement costs shall include all costs reasonably and necessarily related to the planning, engineering, and construction of the improvement or replacement and shall include debt service costs, if any, incurred as a direct result of the Capital Improvement or replacement.

G. “Comparable Space” shall refer to a Mobile Home Space that is suitable for comparison, taking into account such characteristics as the size of the space, as well as available views.

H. “Consumer Price Index” or “CPI” shall mean the Consumer Price Index for All Urban Consumers, San Francisco-Oakland-San Jose region, or any successor designation of that index that may be adopted by the U.S. Bureau of Labor Statistics as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics.

IH. “Gross Income” shall have the meaning set forth in Section 9.24.130.

J. “Homeowner” shall mean an existing Mobile Homeowner.

KJ. “Homeowner Representative” shall mean a designated homeowner association (HOA) or its designee who shall have the authority to represent the interest of, negotiate on behalf of, and bind the Homeowners.

LK. “Housing Service” shall mean a service or facility provided by the Mobile Home Park Owner related to the use or occupancy of a Mobile Home Space, which is neither a Capital Improvement nor a Substantial Rehabilitation. “Housing Service” includes, but is not limited to, repairs (including street repairs), replacement, maintenance, landscaping, painting, lighting, heat, water, utilities, laundry facilities, refuse removal, recreational and meeting facilities, parking, security service, and employee services.

ML. “Mediator” shall mean a person who:

1. Is neither a Homeowner nor has an interest in a Mobile Home Park of a nature that would require disqualification under the provisions of the Political Reform Act if the person were an elected State official; and

2. The Administrator determines that the Mediator meets one of the following criteria:

a. Is a member of the American Arbitration Association and has specific experience in mediating real estate matters; or

b. Completion of a Juris Doctor or equivalent degree from a school of law and completion of a formal course of training in mediation or arbitration which, in the judgment of the Administrator, provides that person with the knowledge and skills to conduct a space rent dispute mediation in a professional and successful manner; or

c. Completion of at least three mediation proceedings for a Superior Court or other public entity that involved issues the Administrator finds similar to those raised in space rent dispute mediations; or

d. Prior service as a Superior Court pro tempore judge.

NM. “Mobile home” shall mean structure designed for human habitation and for being moved on a street under permit pursuant to California Vehicle Code section 35790. “Mobile home” includes a manufactured home, as defined in California Health and Safety Code section 18007, and a mobile home, as defined in California Health and Safety Code section 18008.

ON. “Mobile Homeowner” shall mean a person who has a tenancy in a Mobile Home Park under a rental agreement that is not otherwise exempt from regulation under this Chapter pursuant to California Civil Code sections 798.17 or 798.45.

PO. “Mobile Home Park” shall refer to any area of land within the City where two or more Mobile Home Spaces are rented, or held out for rent, to accommodate mobile homes used for human habitation.

QP. “Mobile Home Park Owner” shall mean any park owner, lessor, or sublessor of a Mobile Home Park in the City who receives or is entitled to receive Rent for the use or occupancy of any Mobile Home Space thereof and who reports to the Internal Revenue Service any income received or loss of income resulting from such ownership or claims any expenses, credits, or deductions because of such ownership, and the representative, agent, or successor of such park owner, lessor, or sublessor.

RQ. “Mobile Home Space” shall mean any site within a Mobile Home Park located in the City intended, designed, or used for the location or accommodation of a mobile home. “Mobile Home Space” includes any accessory structures or appurtenances attached to the mobile home or used in conjunction therewith. “Mobile Home Space” does not include: 1) sites rented together and concurrently with a Mobile Home provided by the Mobile Home Park Owner; and 2) “New Construction” as defined by California Civil Code section 798.45.

SR. “Net Operating Income” shall have the meaning set forth in Section 9.24.120.

TS. “Operating Expenses” shall have the meaning set forth in Section 9.24.140.

UF. “Park Owner Representative” shall mean a Mobile Home Park Owner or designated representative who shall have the authority to represent the interest of, negotiate on behalf of, and bind park owner parties.

VU. “Percent Change in Consumer Price Index” shall mean the annual percent change in the Consumer Price Index, calculated to the nearest tenth, published for the month of **February**[MONTH], or the closest preceding month for which an index is published in the event that an index for the month of **February**[MONTH] is not released.

WV. “Prospective Homeowner” shall refer to a person who is not currently a Homeowner in a Mobile Home Park but is a prospective homeowner who desires the use of a Mobile Home Space as defined in this Chapter and has approached the Mobile Home Park Owner as such.

~~XW~~. “Rent” shall refer to the total consideration, including any bonus, benefit, or gratuity, demanded or received by a Mobile Home Park Owner for or in connection with the use occupancy of a Mobile Home dwelling unit.

~~YX~~. “Rent Increase” shall mean any additional Rent demanded of, or paid by, a Homeowner for Mobile Home Space. “Rent Increase” includes any reduction in Housing Services without a corresponding reduction in the amount demanded or paid for Rent.

~~ZY~~. “Rent Stabilization Administration Fee” shall refer to the fee established from time to time by resolution of the City Council in accordance with the provisions of Section 9.24.190.

~~AAZ~~. “Substantial Rehabilitation” shall mean that work done by a Mobile Home Park Owner to a Mobile Home Space or to the common areas of the Mobile Home Park, exclusive of Capital Improvements, which as a value in excess of \$200.00, and is performed either to secure compliance with any State or local law, or to repair damage result from fire, earthquake, or other casualty or natural disaster, to the extent such work is not reimbursed by insurance or other benefits. Costs of substantial rehabilitation include all costs reasonably and necessarily related to the planning, engineering, and construction of the work. Such costs shall also include debt service costs incurred as a direct result of the substantial rehabilitation work, if any.

9.24.030 Applicability.

A. The provisions of this Chapter shall apply to every Mobile Home Park within the City, except that the provisions of this Chapter shall not apply to Mobile Home Spaces which are subject to a written rental agreement that is for more than 12-month duration pursuant to Civil Code section 798.17. The provisions of this Chapter shall also not apply to a newly constructed space initially held out for rent per Civil Code section 798.45.

B. The exceptions provided in this Section 9.24.030(A) shall be effective only until the expiration or other termination of the rental agreement subject to the exception, whereupon all provisions of this Chapter shall immediately be applicable to the Mobile Home Space, unless the rental agreement meets the criteria of Civil Code section 798.17.

C. Forty-eight hours prior to any rental agreement or lease in excess of 12 months being executed by a Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall:

1. Offer any Homeowner or Prospective Homeowner the option of a rental agreement or lease for a term of 12 months or less which will permit such person to receive the benefits of the Mobile Home Space Rent Stabilization Program;

2. Provide the Homeowner or Prospective Homeowner a copy of the City Information Sheet, which provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator’s contact information;

3. Inform the Homeowner or Prospective Homeowner in writing that consultation by the Mobile Home Park’s Homeowner Representative is available upon request;

4. Inform the Homeowner or Prospective Homeowner orally and in writing that if the Homeowner or Prospective Homeowner signs a lease or rental agreement with a term in excess of 12 months, and complies with Civil Code Section 798.17, then the lease or rental agreement is not subject to the terms and protections of this Chapter. The written notification shall include a copy of Civil Code section 798.27 and state the following language:

UNDER ST. HELENA MUNICIPAL CODE SECTION 9.24.030, YOU ARE LEGALLY ENTITLED TO A RENTAL AGREEMENT FOR A TERM OF 12 MONTHS OR LESS OR A MONTH-TO-MONTH TENANCY. IF THE TERM OF THE LEASE IS MORE THAN 12 MONTHS IN DURATION, AND THAT LEASE MEETS THE REQUIREMENTS OF CIVIL CODE SECTION 798.17, YOU WILL NOT BE COVERED BY ST. HELENA'S RENT STABILIZATION ORDINANCE.

5. At the time the rental agreement is first offered to the Homeowner or Prospective Homeowner, the Mobile Home Park Owner shall provide written notice to the Homeowner or Prospective Homeowner of the Homeowner's or Prospective Homeowner's right to (1) have at least 30 days to inspect the rental agreement, and (2) void the rental agreement by notifying the Mobile Home Park Owner in writing within 72 hours of the acceptance of a rental agreement. The failure of the Mobile Home Park Owner to provide this written notice shall make the rental agreement voidable at the Homeowner's or Prospective Homeowner's option. The receipt of any written notice provided pursuant to this subsection shall be acknowledged in writing by the Homeowner or Prospective Homeowner.

D. A Mobile Home Park Owner's efforts to circumvent the requirements of this Section 9.24.030 shall be unlawful, as well as an unfair business practice subject to enforcement under California Business and Professions Code Section 17200. A lease or rental agreement in excess of 12 months, executed by a Homeowner or Prospective Homeowner, shall not be exempt from this Chapter unless it complies with each and every requirement of Civil Code Section 798.17.

9.24.040 Base Rent.

A. Initial Calculation.

1. Except as provided herein, a Mobile Home Park Owner shall not demand, accept, or retain Rent for a Mobile Home Space exceeding the Rent in effect for that space on October 9, 2018[DATE]. In the event that a Mobile Home Space was not occupied on October 9, 2018[DATE], the Base Rent for that Mobile Home Space shall be the highest Mobile Home Space Rent charged by the Mobile Home Park Owner for a Ceomparable Sspace in the Mobile Home Park on October 9, 2018[DATE], plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

2. If a Mobile Home Space is exempted from the provisions of this Chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17, and that agreement expires and is not renewed, then the Base Rent, until the next annual adjustment pursuant to this Chapter, shall be the highest Mobile Home Space Rent charged by the Mobile

Home Park Owner for a ~~C~~comparable ~~S~~space in the Mobile Home Park on ~~October 9, 2018~~~~[DATE]~~, plus any Rent Increases allowed thereafter pursuant to this Chapter unless otherwise provided.

3. It shall be presumed that the Base Rent yields a fair return.

B. A Mobile Home Park Owner may seek an adjustment to the initial Base Rent if it can be clearly established that circumstances exist which require an adjustment to assure that the Mobile Home Park Owner is receiving a fair return.

1. In seeking an adjustment to the initial Base Rent under this section, the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

2. The guidelines for determining an adjustment to the initial Base Rent are set forth in Section 9.24.150.

9.24.050 Vacancy Control – Establishment of a New Base Rent.

A. A Mobile Home Park Owner is prohibited from increasing the Rent for a Mobile Home Space upon the closure of an in-place sale, transfer, or other conveyance of of a mobile home on a site to a Prospective Homeowner or Homeowner.

B. A Mobile Home Park Owner shall be permitted to increase the Space Rent by up to three times the amount provided in Section 9.24.070(A) charge a new Base Rent for a Mobile Home Space whenever a lawful vacancy occurs, and this amount shall be considered the new Base Rent for a Mobile Home Space. For purposes of this Chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a Mobile Home Homeowner in accordance with California Civil Code sections 798.56 through 798.58; or

2. A vacancy of the Mobile Home Space arising from the voluntary removal of a mobile home from the Mobile Home Space by the Mobile Homeowner. A removal of the mobile home from the Mobile Home Space for the purpose of performing rehabilitation or Capital Improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home.

C. Any alleged violation of this Section 9.24.050 shall be subject to automatic arbitration pursuant to Section 9.24.090(F).

9.24.060 Anniversary Date.

The anniversary date for all Rent Increases in the Mobile Home Park Owner’s park shall be established by City Council resolution at a public hearing. Rent Increases, if any, except as specified below, shall be enacted only on the anniversary date of a Mobile Home Park. The Mobile Home Park Owner shall post the anniversary date in the park office or areas where it can easily be seen by Homeowners.

9.24.070 Rent Increase Limitations.

A. As of the effective date of this Chapter, no Rent Increases may be implemented within 12 months of the effective date of the preceding Rent Increase unless otherwise authorized under this Chapter. The permissible annual increase shall be the lesser of:

1. ~~Seventy-five (75) One hundred (100)~~ percent of the Percent Change in the Consumer Price Index; or
2. ~~ThreeSix~~ percent of the Base Rent.

B. A Mobile Home Park Owner shall not implement any additional Rent Increase within a 12-month period above the authorized amount pursuant to 9.24.070(A), unless the Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, or Substantial Rehabilitation that were not reasonably foreseeable at the time notice of the preceding Rent Increase was given. If a Mobile Home Park Owner seeks a Rent Increase pursuant to this Subsection 9.24.070(B), the procedures set forth in Sections 9.24.080 and 9.24.090 shall apply.

C. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase on the anniversary date or within a 12-month period more than the amount permitted in subsection (A) of this Section 9.24.070 and less than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall apply.

D. In the event that a Mobile Home Park Owner wishes to implement a Rent Increase for any Mobile Home Space on the anniversary date or within a 12-month period in an amount equal to or more than 300 percent of the Percent Change in the Consumer Price Index, the procedures set forth in Section 9.24.080 and 9.24.090 shall be followed except that the petition requirements of Section 9.24.090(C)-(D) shall not apply because an arbitration shall automatically be required to show good cause why such an increase is necessary.

E. The Arbitrator may reduce the proposed Rent Increases pursuant to subsections (B), (C) or (D) of this Section 9.24.070 to a figure determined upon the evidence submitted by the Mobile Home Park Owner or the Park Owner Representative to be a fair return.

F. Any notice of a Rent Increase implemented by a Mobile Home Park Owner pursuant to this Section 9.24.070 shall be provided in writing to Affected Homeowners at least 90 days before any Rent Increase is to take effect.

9.24.080 Information Required From Mobile Home Park Owner.

A. Within 30 days after the effective date of this Chapter and upon the re-renting of each Mobile Home Space thereafter, the Mobile Home Park Owner shall supply each Affected Homeowner or Prospective Homeowner with a copy of the City Information Sheet, which

provides information about the Mobile Home Park Rent Stabilization Ordinance and includes the Administrator's contact information.

B. Whenever the Mobile Home Park Owner serves a notice of a proposed Rent Increase, except a notice of proposed Rent Increase implemented pursuant to Section 9.24.070(A), the Mobile Home Park Owner shall at the same time and in the same manner serve the Affected Homeowner or Prospective Homeowner with a written notice that sets forth all of the following information:

1. The amount of the Rent Increase both in dollars and as a percentage of existing Rent and documentation supporting the level of increase desired, including, but not limited to: a summary of the unavoidable increases in maintenance and Operating Expenses; a statement of the cost, nature, amortization, and allocation among Mobile Home Spaces of any Substantial Rehabilitation or Capital Improvement; a summary of the increased cost of the Mobile Home Park Owner's debt service and the date and nature of the sale or refinancing transaction; a summary of the Mobile Home Park Owner's Net Operating Income of the preceding 24 months and other relevant information that supports the level of Rent Increase desired;

2. A current listing of all other Affected Homeowners and the spaces which they rent may be requested through the Homeowner Representative;

3. The address and telephone number of the Administrator and statement that the Homeowner is encouraged to contact the Administrator for an explanation of the provisions of this Chapter;

4. A copy of the petition form prepared and provided by the Administrator which initiates the process of rent review established by this Chapter;

5. If applicable, notification that the proposed Rent Increase exceeds 300 percent of the change in the Consumer Price Index, and that arbitration is automatically required by the provisions of Section 9.24.070(D) without any need to file an arbitration petition. Such notices shall bear the following language in capital letters: "ARBITRATION OF THE PROPOSED INCREASE IS AUTOMATICALLY REQUIRED IN THIS MATTER BY OPERATION OF LAW." Erroneous use of this notice shall be regarded as an irrevocable stipulation to submit to arbitration;

6. Time and place for a mandatory informational meeting with the Homeowners to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of proposed Rent Increase.

7. The Mobile Home Park Owner shall, at the same time, file with the Administrator two copies of the notice and summary of expenses required in Section 9.24.080(B)(1), along with two copies of all relevant financial records, bills or documents which substantiate the level of increase proposed. This financial information shall be verified in writing by an auditor or certified public accountant or certified in writing as true and correct under penalty of perjury by

the Mobile Home Park Owner. This information will be made available at City Hall for inspection and copying by the Affected Homeowners.

D. A Mobile Home Park Owner's failure to provide any information, documents, or notices required by this Section 9.24.080 shall not be entitled to collect any Rent Increase that might otherwise be awarded by an Arbitrator. Such failure by the Mobile Home Park Owner shall be a defense in any action brought by the Mobile Home Park Owner to recover possession of a Mobile Home Space or to collect any Rent Increase from the Homeowner.

E. An Affected Homeowner who is given notice of a Rent Increase is entitled to file a petition for rent review as provided in Section 9.24.090 regardless of whether the Mobile Home Park Owner has failed to provide the Affected Homeowner with all the information, documents and notices required by this Chapter.

9.24.090 Rent Dispute Resolution Process.

A. A Homeowner may contact the Administrator for an explanation of the provisions of this Chapter.

B. If a Rent Increase is proposed pursuant to Section 9.24.070(B)-(D), then after service of the Rent Increase notice and the production of the accompanying information required by Section 9.24.080, the Mobile Home Park Owner shall set a time and place for an informational meeting with the Homeowners and a mediation meeting to be held on the Mobile Home Park premises. The informational meeting shall be held within 10 days from the service of the notice of proposed Rent Increase. The mediation meeting shall be held within 20 days from the service of the notice of proposed Rent Increase or notice from the Administrator that mediation is required pursuant to this Section 9.24.090. The Mobile Home Park Owner shall give Affected Homeowners and the Administrator at least 10 days' advance written notice of this meeting. The Mobile Home Park Owner and the Affected Homeowners shall serve any additional documents to be presented at the mediation on the other party and the Administrator at least five days before the meeting.

The purpose of this mediation meeting shall be to allow and encourage the parties to mediate any differences they may have concerning the proposed Rent Increase. At the meeting, the Mobile Home Park Owner or Park Owner Representative shall be available to meet with Affected Homeowners or Homeowner Representative to explain the reasons for the proposed Rent Increase. If the parties agree to a specific Rent Increase, the Mediator shall prepare a mediation agreement setting forth the terms of the agreement between the Mobile Home Park Owner and the Affected Homeowners. The mediation agreement shall be executed by the parties and a copy of the agreement shall be filed with the Administrator.

C. Petition Procedures.

1. If discussions between the Mobile Home Park Owner and Affected Homeowners, either informally or pursuant to subsection (B) of this Section 9.24.090, do not resolve the dispute, the Homeowners or Homeowner Representative may file with the Administrator a

petition for rent review with a copy of the notice of Rent Increase within 30 days after receipt of the Rent Increase notice.

2. The Administrator shall not accept a petition for rent review unless it has been signed by at least 51 percent of All Affected Homeowners.

3. As soon as possible after a petition has been filed with respect to Mobile Home Spaces that are within a Mobile Home Park, the Administrator shall, to the extent possible, consistent with the time limitations provided herein, consolidate petitions involving similarly situated Affected Homeowners.

4. Upon the filing of a petition, the Rent Increase shall not be implemented until and to the extent it is awarded by an Arbitrator or until the petition is abandoned by the Affected Homeowners or the Homeowner Representative. "Abandoned" as used herein shall mean a failure to actively pursue the necessary steps to prepare the Homeowners' case for the arbitration. An automatic arbitration based upon a 300 percent Consumer Price Index increase shall not require active Homeowner participation and shall not be considered abandoned due to lack of Homeowner participation.

D. Contents of Petition.

1. The petition for rent review shall: a) set forth the total number of affected Mobile Home Spaces in the Mobile Home Park; b) identify the name of the Homeowners who occupy each space; and 3) state the date upon which the notice of the Rent Increase was received by the Homeowner.

2. After obtaining the required signatures of Affected Homeowners, the Homeowners shall deliver the petition or mail it by certified mail to the Administrator at the following address: City of St. Helena, 1480 Main Street, St. Helena, California 94574. No petition shall be accepted unless it is accompanied by the requisite number of signatures and is received in the office of the Administrator within the 30-day period set forth in subsection (C) of this Section 9.24.090. The Administrator shall provide a copy of the completed petition to the Mobile Home Park Owner and the Arbitrator.

E. After the Administrator has accepted a petition for rent review, the Administrator shall remit to the Mobile Home Park Owner and petitioning Homeowners or the Homeowner Representative an information questionnaire in such form as the Administrator may prescribe. The completed information questionnaire must be returned to the Administrator at least five business days prior to the date scheduled for hearing of the petition by the Arbitrator. The Administrator shall provide copies of the completed information questionnaire to the Arbitrator, the Mobile Home Park Owner, and the Affected Homeowners or the Homeowner Representative.

F. Upon receipt of a petition, or in the event of an automatic arbitration pursuant to Section 9.24.070(D), or upon an Affected Homeowner's claim of a vacancy control rent increase violation pursuant to Section 9.24.050, the Administrator shall, within 15 business days, assign

an Arbitrator. The Administrator shall set a date for the arbitration hearing no sooner than 10 working days nor later than 30 working days after the Arbitrator is assigned. The Mobile Home Park Owner and All Affected Homeowners shall be notified immediately in writing by the Administrator of the date, time, and place of the hearing either in person or by ordinary mail.

Any additional documents to be presented at the hearing by either the park owner or the Affected Homeowners, other than those previously submitted pursuant to Section 9.24.080(C) or subsection (B) of this Section 9.24.090, shall be served on the other party, the Administrator, and the Arbitrator at least 10 working days before the hearing by mail or in-person delivery. All financial documents submitted shall be verified in writing by an auditor or certified public accountant, or certified in writing as true and correct under penalty of perjury by the Mobile Home Park Owner.

G. Arbitration Hearing.

1. The Mobile Home Park Owner and any Affected Homeowners may appear at the hearing and offer oral and documentary evidence. Both the Mobile Home Park Owner and Homeowners may designate a representative or representatives to appear for them at the hearing. The Arbitrator may grant or order one continuance to each party not to exceed 10 business days from the date of the hearing. A further continuance may be granted if stipulated to by all the parties. The burden of proving that the amount of Rent Increase is reasonable shall be on the Mobile Home Park Owner by a preponderance of the evidence. The hearing need not be conducted according to technical rules relating to evidence and witnesses. The rules of evidence and manner of producing evidence shall be those rules set forth in California Government Code Section 11513 for the conduct of hearings under the Administrative Procedure Act. These rules may be relaxed at the discretion of the Arbitrator in the interests of justice.

2. Any party may have electronic recording equipment or a court reporter present to record and prepare a transcript of the hearing before the Arbitrator. Such equipment or reporter shall be provided at that party's own expense.

3. Any jurisdictional or procedural dispute regarding the process set forth herein may be decided by the Arbitrator.

4. The Arbitrator shall, within 14 days of the conclusion of the hearing, submit by mail a written statement of decision and the reasons for the decision to the Administrator. The Administrator shall mail copies of the decision to the Mobile Home Park Owner and Affected Homeowners.

5. The decision of the Arbitrator, rendered in accordance with this Section 9.24.090, shall be final and binding upon the Mobile Home Park Owner and Affected Homeowners. The decision of the Arbitrator will be subject to the provisions of California Code of Civil Procedure Section 1094.5.

H. It is the intent of the Council to have a final decision rendered within 90 days of the initial notice of the Rent Increase. The Administrator or the Arbitrator may, however, modify the time periods set forth herein at his or her discretion to promote the purposes of this Chapter.

9.24.100 Subpoena Power.

Subpoenas, including subpoenas duces tecum, requiring a person to attend at a particular time and place to testify as a witness, may be issued in connection with any dispute pending before an Arbitrator. Subpoenas shall be issued at the request of the Administrator, an Arbitrator, the Homeowners, or the Mobile Home Park Owners. Subpoenas shall be issued and attested by the City Attorney. A subpoena duces tecum shall be issued only upon the filing with the City Attorney of an affidavit showing good cause for the production of the matters or things desired to be produced, setting forth in full detail the materiality thereof to the issues involved in the proceedings, and stating that the witness has the desired matters or things in his or her possession or under his or her control. A copy of such affidavit shall be served with the subpoena. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter may be served in person or by certified mail, before the hearing for which attendance is sought. Any subpoena or subpoena duces tecum issued pursuant to the provisions of this Chapter shall be deemed issued by and in the name of the Council.

9.24.110 Standards of Review.

A. The Arbitrator shall determine whether Rent Increases proposed or imposed by the Mobile Home Park Owner are reasonable based upon the circumstances and all the provisions of this Chapter. The Arbitrator shall take into consideration that the purpose of this Chapter is to permit Mobile Home Park Owners a just and reasonable return, while protecting Homeowners from unnecessary or unreasonable Rent Increases.

B. The Arbitrator shall not allow more than one Rent Increase per Mobile Home Space per 12-month period, unless a Mobile Home Park Owner can clearly establish that the Rent Increase is necessary to cover costs of operation, maintenance, Capital Improvements, and/or Substantial Rehabilitation not reasonably foreseeable at the time notice of the preceding Rent Increase was given.

C. Maintenance of Net Operating Income.

1. It shall be presumed that the base year Net Operating Income adjusted by 75 percent of the increase or decrease in the CPI since the base year yields a fair return. Mobile Home Park Owners shall be entitled to maintain and increase their Net Operating Income in accordance with this Section 9.24.110. The Arbitrator shall make a determination of whether the Mobile Home Park Owner's Net Operating Income yields a fair return under this standard.

2. The formula for calculating the fair NOI return shall be as follows:

$$\text{Fair NOI} = \text{Base Year NOI} \times (1 + .75) \% \text{ change in CPI}$$

3. Except as provided in Section 9.24.150, it shall be presumed that the Net Operating Income produced by the Mobile Home Park during the base year provided a fair return.

4. Calendar year 2017 shall be established as the base year for purposes of determining whether a Mobile Home Park Owner's Net Operating Income provides a fair return. If a satisfactory base year is, in the Arbitrator's opinion, not otherwise available, such as where a Mobile Home Park Owner did not own the subject property in the base year and/or the 2017 Operating Expenses are not available, the Arbitrator may take any relevant evidence into account to construct a base year.

5. The base year CPI shall be the CPI level in June 2017.

6. The percentage change in the CPI shall be calculated by using the CPI as of the month prior to the noticed increase.

7. The comparison NOI year shall be the most recent calendar or fiscal year, unless another period is found by the Arbitrator to be more appropriate.

D. A park owner may seek a Rent Increase based on the cost of a completed new Capital Improvement, as defined in Section 9.24.020(F), together with a reasonable return upon the Capital Improvement investment, only if the Mobile Home Park Owner has:

1. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of the new Capital Improvement are factually correct as claimed;

2. Cost factored and amortized the costs of the Capital Improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and

3. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

E. Mitigating Factors. In evaluating a Rent Increase, the Arbitrator shall also consider the following factors in addition to any other factors the Arbitrator deems relevant in order to determine whether there are any circumstances that may justify a reduction in a proposed Rent Increase:

1. In the event the Mobile Home Park Owner reduces or eliminates any Housing Services, a proportionate share of the cost savings due to such reduction or elimination shall be passed on in the form of a decrease in existing Rent or a decrease in the amount of a Rent Increase otherwise proposed or permitted by this Chapter.

2. The physical condition of the Mobile Home Space or Park of which it is a part, including the quantity and quality of maintenance and repairs performed during the preceding 12 months.

F. Notwithstanding any other provision to the contrary, no provision of this Chapter shall be applied to prohibit the granting of a Rent Increase that is demonstrated to be necessary to provide a Mobile Home Park Owner with a fair and reasonable return.

9.24.120 Net Operating Income.

In evaluating a Rent Increase imposed by a Mobile Home Park Owner to maintain the Mobile Home Park Owner's Net Operating Income, "Net Operating Income" (NOI) shall mean the Gross Income as defined in Section 9.24.130 of the Mobile Home Park less the Operating Expenses as defined in Section 9.24.140.

9.24.130 Gross Income.

For purposes of calculating the Net Operating Income pursuant to Section 9.24.120, "Gross Income" shall mean the sum of the following:

A. Gross Mobile Home Space rents, computed as gross space rental income at 100 percent occupancy; plus

B. Other income generated as a result of the operation of the Mobile Home Park, including, but not limited to, fees for services actually rendered; plus

C. Revenue received by a Mobile Home Park Owner from the sale of gas and electricity to Homeowners where such utilities are billed individually to the Homeowners by the Mobile Home Park Owner. Such revenue shall equal the total cost of the utilities to the Homeowners minus the amount paid by the Mobile Home Park Owner for such utilities to the utility provider; minus

D. Uncollected Mobile Home Space Rents due to vacancy and bad debts to the extent that the same are beyond a Mobile Home Park Owner's control. Uncollected Mobile Home Space Rents in excess of three percent of gross Mobile Home Space Rents shall be presumed to be unreasonable unless established otherwise and shall not be included in computing Gross Income. If uncollected Mobile Home Space Rents must be estimated, then the average of the preceding three years' experience shall be used.

9.24.140 Operating Expenses.

A. For purposes of calculating Net Operating Income pursuant to Section 9.24.120, "Operating Expenses" may include:

1. Real property taxes and assessments.

2. Utility costs to the extent that they represent costs to the Mobile Home Park Owner which are not passed through to Homeowners of the Mobile Home Park.

3. Management expenses (including the compensation of administrative personnel, including the value of any Mobile Home Space offered as part of compensation for such services), reasonable and necessary advertising to ensure occupancy, legal and accounting services as permitted herein, and other managerial expenses. Management expenses are presumed to be not more than five percent of Gross Income, unless established otherwise.

4. In addition to the management expenses listed above, if the Mobile Home Park Owner performs managerial or maintenance services which are uncompensated, the Mobile Home Park Owner may include the reasonable value of such services or Operating Expenses. Mobile Home Park Owner-performed labor shall be limited to five percent of Gross Income unless the Arbitrator finds that such a limitation would be substantially unfair in a given case. A Mobile Home Park Owner must devote substantially all of the Mobile Home Park Owner's time, that is, at least 40 hours per week, to performing such managerial or maintenance services in order to warrant the full five percent credit as an Operating Expense. No credit for such services shall be authorized unless a Mobile Home Park Owner documents the hours utilized in performing such services and the nature of the services provided.

5. Normal repair and maintenance expenses for the grounds and common facilities, including but not limited to landscaping, cleaning, and repair of equipment and facilities.

6. Operating supplies such as janitorial supplies, gardening supplies, and stationery.

7. Insurance premiums prorated over the life of the policy.

8. Other taxes, fees, and permits, except as provided in Section 9.24.190.

9. Reserves for replacement of long-term improvements or facilities, provided that accumulated reserves shall not exceed five percent of Gross Income.

10. A Mobile Home Park Owner may include the cost of necessary Capital Improvement or Substantial Rehabilitation expenditures which would exceed existing reserves for replacement. A necessary Capital Improvement shall be an improvement required to maintain the common facilities and areas of the Mobile Home Park in a decent, safe, and sanitary condition or to maintain the existing level of Mobile Home Park amenities and services. In the event that the necessary Capital Improvement or Substantial Rehabilitation expenditure is necessitated as the result of an accident, disaster, or other event for which the Mobile Home Park Owner received insurance or other benefits, only those costs otherwise allowable and exceeding such benefits may be calculated as Operating Expenses.

Expenditures for necessary Capital Improvements to upgrade existing facilities, together with a reasonable return upon the Capital Improvement investment made by the Mobile Home Park Owner, shall be an allowable Operating Expense only if the park owner has:

a. Informed the Affected Homeowners prior to initiating construction or implementation of the Capital Improvement regarding the nature, purpose and estimated cost of the improvement; and

b. Established by written verification or other competent evidence to the satisfaction of the Arbitrator that the costs of Capital Improvement provided to the Homeowners for their general use are factually correct as claimed; and

c. Cost factored and amortized the costs of the improvement over the good faith estimate of the remaining life of the improvement, but in no event for a period of less than 60 months; and

d. Allocated the increase among Affected Homeowners on a per space basis and separately itemized such increase on the Rent bill. Such increases shall not be considered included in the Base Rent for purposes of the annual permissible Rent Increases pursuant to Section 9.24.070(A).

11. Increases in interest payments which result from one of the following situations or the equivalent thereof:

a. Refinancing of the outstanding principal owed for the acquisition of a park where such refinancing is mandated by the terms of a financing transaction entered into prior to October 9, 2018 ~~[DATE, 2018]~~, for instance, termination of a loan with a balloon payment; or

b. Increased interest costs incurred as a result of a variable interest rate loan used to finance the acquisition of the park and entered into prior to October 9, 2018 ~~[DATE, 2018]~~.

In refinancing, increased interest shall be permitted to be considered as an Operating Expense only where the Mobile Home Park Owner can show that the terms of the refinancing were reasonable and consistent with prudent business practices under the circumstances.

B. "Operating Expenses" shall not include the following:

1. Debt service expenses, except as provided in subsection (A)(11) of this Section 9.24.140;

2. Depreciation;

3. Any expense for which the Mobile Home Park Owner is reimbursed; or

4. Attorneys' fees and costs (except printing costs and documentation as required by Section 9.24.080) incurred in proceedings before an Arbitrator or in connection with legal

proceedings challenging the decision of an Arbitrator or the validity or applicability of this Chapter.

C. Whenever a particular expense exceeds the normal industry or other comparable standard, the Mobile Home Park Owner shall bear the burden of proving the reasonableness of the expense. To the extent that the Arbitrator finds any such expense to be unreasonable, the Arbitrator shall adjust the expense to reflect the normal industry or other comparable standard.

9.24.150 Special Base Year NOI/Base Rent Adjustments.

A. Mobile Home Park Owners may obtain a one-time special adjustment to the base year NOI and/or Base Rent dates if the rebuts the presumption that the base year NOI and/or Base Rent date yielded a fair return. The Arbitrator shall not make such a determination unless the Arbitrator has first made at least one of the following findings:

1. That the Mobile Home Park Owner's Operating Expenses in the base year were unusually high or low in comparison to the three years prior to the base year. The average expenses for this period shall be presumed to reflect reasonable average annual expenses and the average of such expenses shall be used to calculate and adjust the base year NOI.

In determining whether the park owner's Operating Expenses were unusually high or low, the Arbitrator shall consider whether:

- a. The park owner made substantial Capital Improvements during the base year, which were not reflected in the Rent levels on the Base Rent date.
- b. Substantial repairs were made due to uninsured damage caused by fire, natural disaster or vandalism.
- c. Maintenance and repair were below accepted standards so as to cause significant deterioration in the quality of Housing Services.
- d. Other expenses were unreasonably high or low notwithstanding the following of prudent business practice.

2. That the Rent was disproportionate due to one of the enumerated factors below:

- a. The Rent on the base date was exceptionally high or low due to the fact that the Rent was not established in an Arms-Length Transaction.
- b. The Rent on the Base Rent date was substantially higher or lower than at other times of the year by reason of premiums being charged or rebates given for reasons unique to particular spaces.

B. If the circumstances specified in subsection (A)(2) of this Section 9.24.150 are demonstrated, the Base Rent date shall be adjusted to reflect the Rent that would have been

received if the Base Rent date had been set under general market conditions. In making this adjustment, the Arbitrator shall utilize the median rent in effect on the Base Rent date, or a good faith estimate of such median rent, for Comparable Spaces within the Mobile Home Park or, if necessary, other comparable parks. Comparability shall be judged based on the location of the park, services, amenities provided, and other relevant factors.

9.24.160 Obligations of the Parties.

A. After the Mobile Home Park Owner's proposed effective date of a noticed Rent Increase, if the Arbitrator finds that the proposed increase or any portion thereof that was previously inoperative is justified, All Affected Homeowners shall pay the amount found justified to the Mobile Home Park within 30 days after the decision is made.

B. If the Arbitrator finds that an increase or any portion thereof is not justified, the Mobile Home Park Owner shall refund any amount found to be unjustified, but that had been paid, to All Affected Homeowners within 90 days of the Arbitrator's decision. In the event that the tenancy of an Affected Homeowner is terminated for any reason prior to receipt of a refund, the balance of the credit due the Homeowner shall be paid by the Mobile Home Park Owner within 30 days from the date of the termination of the tenancy.

C. Any sum of money that under the provisions of this Section 9.24.160 is the obligation of the Mobile Home Park Owner or Homeowner to pay, as the case may be, shall constitute a debt and, subject to the foregoing provisions of this section, may be collected in any manner provided by law for the collection of debts.

9.24.170 Homeowner's Right of Refusal.

An Affected Homeowner may refuse to pay any increase in Rent which is in violation of this Chapter, provided a petition has been filed and either no final decision has been reached by an Arbitrator or the increase has been determined to violate the provisions of this Chapter. Such right of refusal to pay shall be a defense in any action brought to recover possession of a Mobile Home Space or to collect the Rent Increase.

9.24.180 Retaliatory Acts – Homeowner's Right to Organize.

No Mobile Home Park Owner may retaliate against a Homeowner, Homeowner Representative, or Prospective Homeowner for the assertion or exercise of rights under this Chapter in any manner. This includes, but is not limited to, threatening to bring or bringing an action to recover possession of a Mobile Home Space, engaging in any form of harassment that causes a Homeowner to quit the premises, dissuading a Prospective Homeowner from freely exercising the Homeowner's legal option to choose a tenancy of a shorter term, decreasing Housing Services, increasing the Mobile Home Space Rent, or imposing or increasing a security deposit or any other charge payable by a Homeowner.

9.24.190 Fees.

A. The costs of administration of this Chapter, including the costs of mediation and arbitration, shall be borne by the City. ~~The City shall be reimbursed by the, subject to reimbursement by~~ imposition of a Rent Stabilization Administration Fee ("Fee") chargeable against each Mobile Home Space in the City subject to this Ordinance upon the finding that at least fifty (50) percent of leases within the City are not exempt pursuant to Section 9.24.200 of this Chapter.

B. The Administrator shall recommend to the City from time to time the amount of the Fee and the Council shall adopt such Fee by resolution at a public hearing. A reporting of expenditures and staff time spent on administration of this Chapter shall be conducted during review of this Ordinance pursuant to Section 9.24.250e-City's budget.

C. On ~~or before September 30th of the fiscal year of the adoption of this Chapter, and thereafter on~~ or before May July 31st of each ~~subsequent fiscal~~ year, each Mobile Home Park Owner in the City shall register with the City. The Mobile Home Park Owner shall provide, ~~in writing,~~ the name and address of the Mobile Home Park Owner, the current rent roll for all spaces which shall identify: 1) the length of the lease term for each space; 2) the expiration of the lease term for each space; 3) current rents and other fees or charges that are received by the Mobile Home Park Owner itemized per Mobile Home Space; and 4) and a statement of the number of Mobile Home Spaces, including both occupied and unoccupied spaces, contained in that Mobile Home Park Owner's Mobile Home Park. ~~Re-registration and-~~ The provision of ~~theis~~ information required by this Section 9.24.190(C) must also be made immediately upon change of ownership of the Mobile Home Park, or an increase or a decrease in the number of spaces available at a Mobile Home Park Owner's Mobile Home Park.

D. On or before ~~September 30th of the fiscal year of adoption, and thereafter on or before~~ July 31st of each and every ~~subsequent~~ fiscal year, each Mobile Home Park Owner shall pay to the City the Fee then in effect for each Mobile Home Space in the Mobile Home Park Owner's Mobile Home Park, except for those spaces subject to a rental agreement in full compliance with the requirements of California Civil Code Section 798.17(a) and (b), and except as provided in this Section 9.24.190(A).

E. Allocation of the Fee.

1. A Mobile Home Park Owner may allocate 50 percent of the Fee imposed on a Mobile Home Space to the Homeowners in accordance with the provisions set forth in this Section 9.24.190. This allocation shall be passed on, if at all, no later than the next park anniversary date or within 12 months from the date of payment to the City. The remaining 50 percent of the Fee imposed on a Mobile Home Space shall not be passed on in any way to Homeowners.

2. The Mobile Home Park Owner shall post in a common area for a period of 90 days for All Affected Homeowners to read, documentation supporting the allowable amount to be collected in order for the Mobile Home Park Owner to recover 50 percent of the Fee. At a minimum, such documentation shall include:

- a. Billing notices or other equivalent documents from the City imposing Fee;
- b. A copy of this Section;
- c. The calculations used by the park owner to apportion the cost of the allowable percentage among the Affected Homeowners;
- d. The address and telephone number of the Administrator; and
- e. Notice to the Affected Homeowners that Homeowners are encouraged to contact the Administrator for an explanation of the provisions of this Chapter.

3. The Fee allocation shall not be considered part of the Base Rent upon which future Rent Increases can be based.

4. The Fee allocation shall be separately listed on any monthly or other periodic billing statement to the Homeowner.

F. A service fee equal to one and one-half percent per month will be charged on Mobile Home Park Owners who make late payments of Fees required under this Chapter. The service fee may not be passed on to Homeowners.

9.24.200 Exemption from Fees.

A. A Mobile Home Park Owner who is eligible for a space fee exemption pursuant to Civil Code Section 798.17 or any other provision of this Chapter, shall provide the Administrator with the following documentation, as appropriate:

1. A listing of long-term executed lease space numbers and spaces used other than for residency;

2. For a newly constructed space, proof that the space was constructed and initially held out for rent after January 1, 1990~~[DATE]~~; and

3. A statement of the basis for the exemption.

B. The Administrator's decision as to an exemption shall be final.

9.24.210 Nonwaivable Obligations.

Any provision, whether oral or written, in or pertaining to a rental agreement whereby any provision of this Chapter is waived or modified, is against public policy and void, except with respect to any rental agreement complying with all of the terms and conditions set forth in California Civil Code Section 798.17.

9.24.220 Remedies And Waiver of Rights.

A. In addition to those penalties and remedies set forth in this Chapter, no Mobile Home Park Owner shall demand, accept, receive, or retain any Rent in excess of the amounts allowed under this Chapter. In the event that a Mobile Home Park Owner demands, accepts, receives, or retains any payment in excess of the amounts allowed under this Chapter, the Homeowner may file a civil suit against the Mobile Home Park Owner. A Mobile Home Park Owner who demands, accepts, receives, or retains any payment of Rent in excess of the amounts allowed under this Chapter shall be liable to the Homeowner in the amount by which the payment or payments have exceeded the allowable Rent. In such a case, the Rent shall be adjusted to reflect the lawful Rent pursuant to this Chapter.

B. A Mobile Home Park Owner who willfully demands, accepts, or retains any payment of Rent in violation of the provisions of this Chapter shall be liable in a civil action to the person from whom payment is demanded, accepted or retained for damages in the sum of three times the amount by which payment or payments demanded, accepted or retained exceed the maximum Rent which could lawfully be demanded, accepted or retained. A prevailing Homeowner in a civil action brought to enforce this Chapter shall be awarded reasonable attorneys' fees and costs as determined by the court. No administrative remedy need be exhausted prior to filing suit pursuant to this Section 9.24.220.

C. The remedies available in this Chapter are not exclusive and may be used cumulatively with any other remedies available in this Chapter or at law.

D. Waiver of Rights.

1. Any waiver or purported waiver by a Homeowner of rights granted under this Chapter prior to the time when said rights may be exercised shall be void as contrary to public policy, except as provided in this Section 9.24.220.

2. It shall be unlawful for a Mobile Home Park Owner to require or attempt to require, as a condition of tenancy in a Mobile Home Park, a Homeowner, or Prospective Homeowner, to waive, in a lease or rental agreement, the rights granted to a Homeowner by this Chapter.

3. It shall be unlawful for a Mobile Home Park Owner to deny or threaten to deny a tenancy in a Mobile Home Park to any person on account of such person's refusal to enter into a lease or rental agreement or any other agreement under which such person would waive the rights granted to a tenant by this Chapter.

4. Nothing in this Section 9.24.220 shall preclude a Mobile Home Owner or tenant, or Prospective Homeowner, from entering into a lease or rental agreement; provided, that such lease or rental agreement is not procured by a requirement that it be entered into as a condition of tenancy in the Mobile Home Park, and is not procured under a threat of denial of tenancy in the Mobile Home Park.

E. If a Homeowner fails to bring an action to enforce this Chapter within a reasonable time after the date of the violation, the City Council may bring such an action or settle the claim on the Homeowner's behalf. If the City Council brings such an action, the Homeowner shall be provided the right to opt in or out of the action. In the case of an opt-in, the Homeowner on whose behalf the City Council acted is barred from bringing a separate action against the Landlord in regard to the same violation, and the City shall be entitled to recuperate the costs it incurred from any monetary recovery from the Mobile Home Park Owner, with the remainder to go to the Homeowner against whom the violation has been committed. In the case of an opt-out, the Homeowner shall retain all rights relating to his or her right to private action. The City Council may take other such enforcement action as necessary to ensure compliance with this Chapter.

9.24.230 Rights of Affected Parties Reserved.

A. This Chapter shall not be construed to limit or curtail any other action or proceeding which may be pursued by an Affected Homeowner or Mobile Home Park Owner before any court or other body having jurisdiction thereof.

B. Defense to Action for Recovery of Possession.

1. A Mobile Home Park Owner's failure to comply with any of the provisions of this Chapter or any regulations promulgated hereunder shall serve as a complete affirmative defense in any action brought to recover possession of a Mobile Home Space.

2. A Homeowner's refusal to pay Rent in excess of the amount allowed under this Chapter shall be a complete affirmative defense in any action brought to: a) recover possession of a Mobile Home Space for nonpayment of Rent; or b) collect Rent in excess of the amount allowed under this Chapter.

9.24.240 Extension of Time Limits.

By written agreement of the parties, upon application to the Administrator, or for good cause shown to the Mediator or Arbitrator, the timeframes provided for under this Chapter may be extended.

9.24.250 Regulations and Review By the City Council.

A. The City Council may issue rules and regulations as necessary to further the purpose of this Chapter. If any portion of this Chapter is declared invalid or unenforceable by decision of a court of competent jurisdiction or rendered invalid or unenforceable by law, the City Council shall have the authority to enact replacement regulations consistent with the intent and purpose of the invalidated or unenforceable provisions of this Chapter to the extent necessary to resolve any inconsistency. The subject matter of such replacement regulations shall be limited to the matters addressed in this Chapter.

B. The Council shall review the effectiveness of this Chapter ~~every~~^{within two}~~five~~ years from the effective date to determine whether a full-scale review of the Ordinance is necessary. Notice of the time and place of the Council's review shall be published at least 10 days prior to the review date in a newspaper of general circulation in the City.

9.24.260 Environmental Determination.

The City Council finds that the adoption and implementation of this Article are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) in that the City Council finds there is no possibility that the implementation of this Article may have significant effects on the environment.

9.24.270 Partial Invalidity.

If any provision of this Chapter or application thereof to any person or circumstances is held invalid, this invalidity shall not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable. This Chapter shall be liberally construed to achieve the purposes of this Chapter and to preserve its validity.

Provision	Topic	Revision since October 9, 2018 Draft
9.24.010	Findings	Added findings detailing Council consideration of topic
9.24.020(F)	Definition of Capital Improvement	Specify that Capital Improvements are those that serve mobile home park residents
9.24.020(G)	Definition of Comparable Space	Specify that "comparable space" shall take into account the size and available views
9.24.020 (V)	Consumer Price Index	Specify that February is the month that City will use to base standard annual adjustment
9.24.040	Base Rent Date	Specify that the base rent date is October 9, 2018
9.24.050(A)	Vacancy Control	Added language to clarify that a mobile home park owner may not increase rents in the event of an in-place transfer or other type of conveyance of a mobile home on a space.
9.24.050(B)	Vacancy control	Includes a modified vacancy de-control provision that caps the park owner's ability to increase rents at three times the allowable standard adjustment upon the occurrence of a lawful vacancy (as specified in Civil Code section 798.56). Park owner will also be unable to increase rent upon the transfer of ownership of a mobile home on a space.
9.24.070	Standard Adjustment Amount	Require that the permissible annual increase be the lesser of: 1) 75% of the CPI; or 2) 3% of the base rent.

9.24.190 (A)	Fees	Specifies that the City bears the administration costs and may be reimbursed when at least 50% of leases are not exempt; upon 50% of spaces being subject to the ordinance, 50% of the fee can be levied on homeowners. Specifies that Fees should be reviewed during the 2 year review process.
9.24.190 (B)	Annual Registration	Provides that mobile home park owner must annually provide a copy of the rent roll
9.24.190 (D)	Park Owner's Payment of Fee to the City (if Fee is applicable)	Specify that Park Owner must pay fee by July 31 annually if a fee is in effect per Sec. 9.24.190(A)
9.24.200	Exemption from Fees	Specify that a newly constructed space is one held out for rent after January 1, 1990 per the requirements of Cal. Civil Code section 798.7
9.24.250	Council Review of Ordinance	Specifies that Council shall review the effectiveness of the Ordinance every two years.

Vacancy Control Provision

The Council has discretion to decide whether a park owner may increase rents beyond the maximum annual allowable amount upon vacancy of a space, and the manner in which any such increases may be implemented. The Council may also decide when a space is considered “vacant” for purposes of the ordinance.

For example, certain ordinances provide that a space is vacant when there has been a “just cause” eviction, which means an eviction for a reason provided in California Civil Code sections 798.56-798.58 (failure to pay rent, failure to follow park rules, etc.). Other ordinances have provided that a space is vacant when there is a transfer of ownership of an existing mobile home on a space, or when a mobile home has been voluntarily removed from a space. Using a combination of these is also permissible.

Modified Vacancy Decontrol

On October 9, 2018, the Council expressed interest in a modified approach, which allows park owners to raise rents above the standard annual amount, but places a limitation on the increase. Rents would be stabilized from that new amount.

Sample language 1: Limit based on standard rent increase amount

A Mobile Home Park Owner shall be permitted to increase the Space Rent by up to three times the amount provided in Section 9.24.070(A) whenever a lawful vacancy occurs, and this amount shall be considered the new Base Rent for a Mobile Home Space. For purposes of this Chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a Mobile Home Homeowner in accordance with California Civil Code sections 798.56 through 798.58; or
2. A vacancy of the Mobile Home Space arising from the voluntary removal of a mobile home from the Mobile Home Space by the Mobile Homeowner. A removal of the mobile home from the Mobile Home Space for the purpose of performing rehabilitation or Capital Improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home.

Sample language 2: Limit based on past standard adjustments that were not previously implemented

In the event that a Mobile Home Park Owner has not implemented rent increases as provided in Section 9.24.070(A) for a particular Space, the Mobile Home Park Owner shall be permitted to increase the Space Rent by the amount that would have been allowed had the park owner implemented rent increases pursuant to Section 9.24.070(A) whenever a lawful vacancy occurs, and this amount shall be considered the new Base Rent for a Mobile Home Space. For purposes of this Chapter, “lawful space vacancy” shall mean:

1. A vacancy occurring because of the termination of the tenancy of a Mobile Home Homeowner in accordance with California Civil Code sections 798.56 through 798.58; or
2. A vacancy of the Mobile Home Space arising from the voluntary removal of a mobile home from the Mobile Home Space by the Mobile Homeowner. A removal of the mobile home from the Mobile Home Space for the purpose of performing rehabilitation or Capital Improvements to the space or for the purpose of upgrading the mobile home shall not constitute a voluntary removal of the mobile home.

Cindy Tzaopoulos

From: Mary Koberstein
Sent: Friday, November 09, 2018 3:54 PM
To: Cindy Tzaopoulos
Subject: Fwd: Rent Stabilization

Mary Koberstein
St Helena City Council
MKoberstein@cityofsthelena.org
207-542-5035

Begin forwarded message:

From: "Jeanne Wilson" <jeannew2001@verizon.net>
Subject: Rent Stabilization
Date: November 4, 2018 at 10:56:06 AM PST
To: <agalbraith@cityofsthelena.org>, <pwhite@cityofsthelena.org>, <pdohring@cityofsthelena.org>, <mkoberstein@cityofsthelena.org>, <gellsworth@cityofsthelena.org>, <citycouncil@cityofsthelena.org>
Cc: "'Vineyard Valley MHP'" <vineyardvalleymhp@gmail.com>

I am a resident of Vineyard Valley and I strongly oppose Rent Stabilization. If you vote for it, I will never support your candidacy.

Sincerely,
Jeanne Wilson
36 Laguna Seca Cour

Cindy Tzaopoulos

From: Mary Koberstein
Sent: Tuesday, November 06, 2018 7:37 AM
To: Mark Prestwich; Cindy Tzaopoulos
Subject: Fwd: Vineyard Valley Rent Control Ordinance

Another . . .

Mary Koberstein
St Helena City Council Member
207-542-5035

Sent from my iPhone

Begin forwarded message:

From: marie hungler <marieh837@hotmail.com>
Date: November 5, 2018 at 5:43:39 PM PST
To: "citycouncil@cityofsthelena.org" <citycouncil@cityofsthelena.org>
Subject: Vineyard Valley Rent Control Ordinance

Gentlemen and Lady of the City Council:

I am writing this email because I will not be able to attend the CityCouncil meeting on Nov. 13 at which my hunch is that you will vote in the Rent Control Ordinance referenced above.

I'm pretty sure my objection to this Ordinance makes no difference to you although you are elected to represent me, not tell me what is good for me. I feel totally blindsided by my city government! This particular Ordinance is the brain child of a few Vineyard Valley residents who are acting out of fear. Why their will should prevail over the majority of residents who are opposed to the Ordinance is a real mystery to me.

Does that sound like Democracy to you?

Marie Hungler
25 Redondo Ct.

Cindy Tzaopoulos

From: Mary Koberstein
Sent: Friday, November 09, 2018 3:55 PM
To: Cindy Tzaopoulos
Subject: Fwd: Rent Stabilization - Vineyard Valley

Mary Koberstein
St Helena City Council
MKoberstein@cityofstheleena.org
207-542-5035

Begin forwarded message:

From: Elizabeth Green <green05@sbcglobal.net>
Subject: Rent Stabilization - Vineyard Valley
Date: November 4, 2018 at 12:58:11 PM PST
To: "mkoberstein@cityofstheleena.org" <mkoberstein@cityofstheleena.org>
Reply-To: Elizabeth Green <green05@sbcglobal.net>

Please be advised that the majority of residents in this park DO NOT want this ordinance passed.

Rodney & Elizabeth Green

TOTAL CITY COUNCIL



November 2, 2018

WE ARE VINEYARD
VALLEY RESIDENTS
AND WE AGREE WITH
THIS LETTER.

RONALD AND CAROLYN LUNG

Homeowner/Resident
Vineyard Valley MHP
290 Pope Street
St. Helena, California 94574

CITY OF
ST. HELENA
NOV 9 2018
OFFICE OF
CITY CLERK

Dear Homeowner/Resident:

We would like to take this opportunity to thank each of you who have voiced your opposition to the City's proposed rent control ordinance. Up until this point, it has always been our intention to operate the park for many decades to come. However, if the proposed ordinance is adopted, we cannot guarantee our long-term plans will remain the same.

Over the years, we have attempted to be as fair as possible to our long-term residents, raising the rent to market only when a new person moves in, who voluntarily agrees to pay the market rate. The proposed ordinance not only presumes our 2017 profits should not even be allowed to keep pace with inflation, it prevents us from increasing the rent to market when homes are sold, regardless of whether the new person has the financial ability to pay the fair market rate.

So that you can more fully examine the impact the proposed ordinance would have on the more than 40 people in our ownership group, I am enclosing a copy of the letter we are sending to the Mayor and City Council, objecting to the ordinance. Rather than adopting an ordinance that might force us to change the use of the property, we are asking the City to adopt a subsidy program, so as to assist any of you who truly are unable to pay the rent.

If the City declines to adopt a subsidy program, we are prepared to offer a "rent credit program" for the truly needy, as an alternative to rent control. As you can see, under our rent credit program, qualifying residents would not have to pay any rent increases at all.

We sincerely believe that either a government subsidy program, or a privately run rent credit program, would be superior to the proposed ordinance. Because the long-term viability of the community we all care so deeply about may be at stake, we respectfully request you to contact the Mayor and City Council and urge them to reject the proposed ordinance.

Vineyard Valley Mobile Home Park, LLC


By: Greg Reynolds, Managing Member

290 Pope Street • St. Helena, CA 94574 • (707)963-2725
vineyardvalleymhp@gmail.com

ANTHONY C. RODRIGUEZ
ATTORNEY AT LAW
1425 LEIMERT BOULEVARD
SUITE 101
OAKLAND, CALIFORNIA 94602 -1808
— —
TELEPHONE (510) 336-1536
FACSIMILE (510) 336-1537

November 2, 2018

The Mayor and City Council
City of St. Helena
1480 Main Street
St. Helena, California 94574

Re: Objections to Proposed Mobilehome Rent Control Ordinance

Dear Mayor and City Council Members:

This office represents the owner of Vineyard Valley Mobilehome Park, which is a 216 space manufactured housing community located at 290 Pope Street in St. Helena, California. I am writing to object in the strongest possible terms to the proposed rent control ordinance, which will regulate rents at my client's property, but no other property within the City limits.

First, the proposed ordinance arbitrarily presumes that adjusting 2017 profits by 75% of the increase in the inflation rate will result in a fair return in all future years. If that provision is adopted, my client will have little chance of earning a profit in excess of the amount it earned in 2017, thereby creating a disincentive to stay in business.

Next, although much of the park's infrastructure is nearing the end of its useful life, the proposed ordinance does not guarantee the "pass through" of capital improvement costs. As my client has no interest in operating a park where rents cannot be increased to recover the cost of major rehabilitation projects, the failure to guarantee such "pass throughs" creates another disincentive to remaining in business.

Perhaps most important of all, for many years my client has refrained from raising the rents of long term tenants to the market rate. Instead, my client only increased rents to market when new tenants moved into the park, because new tenants were free to either accept or reject those rents. Because the proposed ordinance does not allow rents to be increased when new tenants move in, it would destroy my client's business plan, creating still another disincentive to continue operating as a mobilehome park.

Should my client decide to close the park, the tenants will have no place to relocate their mobilehomes, as few parks accept "used" mobilehomes. Although the City may try to

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calm the tenants' fears by attempting to force my client to buy their mobilehomes, any such attempt is certain to fail. In addition to the fact that such a forced purchase would almost certainly be unconstitutional, my client simply does not have the more than \$60,000,000 it would take to buy those 216 homes at their current fair market value. As a result, the tenants are likely to receive pennies on the dollar in the event of a closure, if they receive anything at all.

As you may know, my client has developed strong working relationships with many of the tenants at the park over the years. In fact, more than 145 of those tenants share my client's concerns, opposing the proposed ordinance in no uncertain terms.

One of the reasons the City appears to have misjudged the demand for rent control at Vineyard Valley is that many of the residents have significant assets, in part because they have been able to sell their former homes for a significant profit. Although not every tenant at the park is "wealthy," it must be stressed that the average net worth of those who have moved into the park during the past three years is in excess of \$1,000,000, while almost thirty of the spaces are occupied by "second homes," owned by people who live at the park on a part time basis.

In addition to creating a disincentive for my client to remain in business, the proposed ordinance is virtually certain to create an adversarial relationship between the parkowner and the tenants, pitting one side against the other over each and every dollar. As many of the tenants relocated to St. Helena to enjoy a relatively stress free retirement, it is hard to imagine how an endless stream of litigation over such issues will enable those tenants to achieve that goal.

Finally, if the City Council is attempting to provide more "affordable" housing for low income seniors, that goal will not be achieved under the proposed ordinance. In addition to the fact that most of current residents are not "low income," it is beyond dispute that there is an inverse relationship between rents and the resale price of mobilehomes in mobilehome parks. In short, if rents are controlled, the price of mobilehomes will go up, not down. In other words, unless the City Council places a "cap" on the resale price of mobilehomes, the proposed ordinance will actually make mobilehomes more difficult to purchase. Below is a more detailed analysis of my client's position on each of these issues.

A. Adjusting Base Year Profits for 75% of the Increase in Inflation is Arbitrary and Eventually Will Cause the Parkowner's Real Profits to Approach Zero.

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Under Section 9.24.110 of the proposed ordinance, it is presumed that adjusting the parkowner's 2017 profit for 75% of the increase in the inflation rate will result in a fair return in all future years. In other words, the parkowner would have no right to expect to do better in any future year than it did in 2017, after accounting for inflation. To the contrary, the longer the parkowner owns the property, the worse off the parkowner will be.

In fact, it is a mathematical certainty that if the parkowner's 2017 profits are limited to 75% of the increase in the inflation rate, the *real* value of the parkowner's 2017 profit will eventually approach zero. Furthermore, the higher the increase in the inflation rate, the faster the parkowner's real profit will approach zero. If the City Council has any doubt regarding that fact, a "mathematical proof" is enclosed, conclusively establishing it.

Like most real estate investors, the parkowner has always anticipated that *real* profits would grow over time, not shrink. Otherwise, there would have been no reason to make the investment in the first place. If the City Council adopts an ordinance that presumes it is fair to shrink the real value of the parkowner's profits over time, the City Council is likely to create more problems than it solves. As will be demonstrated below, those problems include, but are not limited to (1) deterioration of the park's infrastructure, (2) creation of an adversarial relationship between the parkowner and the tenants, (3) a closure or change of use of the park, and (4) a loss of the more than \$60,000,000 the tenants have accumulated in their mobilehomes, due primarily to the location of those homes in my client's park.

B. The Proposed Ordinance Does Not Guarantee the Rent Increases that Will be Required to Replace the Park's Aging Infrastructure.

In *Sierra Lake Reserve v. City of Rocklin* (9th Cir. 1991) 938 F.2d. 951, 958, the Ninth Circuit Court of Appeal held that the owner of a rent controlled mobilehome park is entitled to a fair return on capital improvements made at the property. In fact, the *Sierra Lake* court found that the failure to provide a fair return on capital expenditures would result in a violation of the due process clause of the United States Constitution. The *Sierra Lake* court addressed this issue as follows:

"[E]very dollar the landlord puts into the property by way of capital improvements constitutes an investment in the property for which a 'fair and reasonable' return must be allowed. Breaking even is not enough; the law must provide for a profit

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on one's investment . . . Thus, [the rent control ordinance] must do more than allow [the Parkowner] to pass through certain costs; it must ensure that [the Parkowner] will receive a reasonable return on those expenditures. ***To the extent Plaintiff alleges that the rent increases allowed on account of capital improvements merely offset the cost of those improvements (or less), it has stated a claim for a violation of substantive due process . . .***” (*Id.* at 958). (Emphasis added).

The *Sierra Lake* court is not the only one to hold that the owners of rent controlled properties have a constitutional right to a fair return on capital expenditures. In fact, the California Supreme Court has cited the *Sierra Lake* case with approval, finding that the right to a fair return would be “an empty promise” if it did not include a fair return on capital expenditures. *Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal. 4th 761, 773.

Under Section 9.24.110D of the proposed ordinance, the parkowner “may seek a rent increase based on the cost of a completed new Capital Improvement.” (Emphasis added). However, under Section 9.24.110A of the proposed ordinance, the City’s hearing officer may deny such a rent increase, based on the circumstances. As a result, there is no incentive for a parkowner to add “new” capital improvements, such as a tennis court that did not previously exist.

More important, the proposed ordinance does not contain a stand-alone procedure for obtaining rent increases based on the replacement of existing capital improvements. Rather, under Section 9.24.140(10) of the ordinance, it is presumed such costs cannot be recovered, unless necessary to adjust the parkowner’s 2017 profits for 75% of the increase in the inflation rate, and then only to the extent needed to reach that 75% threshold.

Vineyard Valley was developed almost fifty years ago. As a result, some of the infrastructure is nearing the end of its useful life. Should the sewer or water system fail, or need replacement due to the Hunter Project, an earthquake or other disaster, the cost of replacing that infrastructure, plus the streets above it, could easily exceed \$2,000,000.

Under the proposed ordinance, the parkowner could not apply for a rent increase to recover those costs, until after the project has been completed and the money has been spent. Even then, the City’s hearing officer could deny all or part of the rent increase, if the parkowner’s 2017 profit has been adjusted for 75% of the increase in the inflation rate. As a result, the failure to guarantee the pass through of capital improvement projects creates

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another disincentive to remain in business.

C. The Proposed Ordinance Destroys the Parkowner's Business Model by Prohibiting Fair Rent Increases When Tenants Sell Their Mobilehomes and Move Out of the Park.

Under Section 9.24.050 of the proposed ordinance, the parkowner is not allowed to increase the rent to market when an existing tenant sells his or her mobilehome to a new tenant. The parkowner is only allowed to increase the rent to market when tenants are legally evicted, or take their mobilehomes with them when they move out, which almost never happens. In fact, the proposed ordinance does not even allow rents to be increased when a tenant abandons his or her mobilehome, even though it may cost the parkowner \$15,000 to \$20,000 to obtain a judgment and dispose of an abandoned mobilehome. See *Civil Code Section 798.61*.

For many years, the parkowner has limited rent increases for existing tenants to an average of 3% per year. That is because the parkowner's business model has always been to defer market rate increases until a new tenant moves in, who has voluntarily agreed to pay the then existing market rate.

Because the parkowner has been more than reasonable in this respect, some long term residents are currently paying as little as \$677 per month, while almost 90 long term residents are still paying less than \$800 per month. By contrast, most new residents have voluntarily moved into the park at rents ranging from \$833 to \$925 per month, depending on the space in question.

The vacancy control provision in the proposed ordinance would destroy the parkowner's business model, as it not only prohibits market rents for new tenants who for decades have voluntarily agreed to pay the market rate to live at this property, it actually punishes the parkowner for keeping the rents of long term tenants below market over these many years. By destroying the parkowner's business model, the proposed ordinance provides further incentive for the parkowner to close the park and/or explore alternative uses for this property.

D. The City Cannot Prevent the Parkowner From Going Out of Business by Requiring it to Pay "Prohibitive" Amounts of Money to the Tenants.

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Just last year, the First District Court of Appeal issued its decision in *Coyne v. City and County of San Francisco* (2017) 9 Cal. App. 5th 1215, 1224-1235. In that case, the Court found that any attempt by a local government to charge “prohibitive” relocation costs was preempted by state law, because the Legislature has expressed a clear intent to allow landlords to go out of business under the Ellis Act, holding as follows:

“We conclude the prohibitive price standard is the appropriate standard to determine conflict preemption under the Ellis Act. . . . ‘[A] public entity may ***not*** impose an inevitable and undue burden (to wit, a ‘prohibitive price’) on a landlord’s exercise of its right under the Ellis Act to exit the residential rental business.” (*Id.* at 1226). (Emphasis added).

Although the *Coyne* case was decided under the Ellis Act, there is no reason to believe a similar decision would not be reached with respect to mobilehome parks, because the Legislature has adopted a scheme allowing parkowners to go out of business at a cost “not to exceed the reasonable costs of relocation.”

The City may attempt to discourage the parkowner from going out of business, by attempting to force it to buy the tenants’ mobilehomes at their current fair market value. If there is any doubt such an attempt would be unconstitutionally “prohibitive,” the City need only look at the average price of the 25 mobilehomes sold at Vineyard Valley during the past two years.

As demonstrated by the chart at the end of this letter, the average price of the 25 mobilehomes sold at Vineyard Valley between October 19, 2016 and October 19, 2018 was \$278,817.48. As also demonstrated by that chart, using that average price would require the parkowner to spend more than \$60,000,000, simply to exercise its constitutional right to go out of business. ($\$278,817.48 \times 216 \text{ spaces} = \$60,224,575.68$). Of course, that does not include the cost of disposing of those homes, or the moving costs of the individual tenants.

Again, based on an average sales price of \$278,817.48, it would cost the parkowner more than \$60,000,000 simply to purchase all 216 mobilehomes at the park, without moving those homes even one inch. As a result, it should be obvious to the City that any attempt to require the parkowner to purchase the tenants’ mobilehomes at their in-place value is “prohibitive,” and therefore unconstitutional. *Coyne v. City and County of San Francisco* (2017) 9 Cal. App. 5th 1215, 1226.

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In this light, it must be stressed that Vineyard Valley is owned by a Limited Liability Company with no other assets, and nowhere near \$60,000,000. If there is any doubt Vineyard Valley could not possibly pay \$60,000,000 to buy the tenants' homes, the calculations set forth below should resolve that doubt.

Even if a parkowner had no operating expenses, a 216-space park with average rents of \$812 per month would generate an annual income of only \$2,104,704. ($\$812 \times 216 \text{ spaces} \times 12 \text{ months} = \$2,104,704$).

Of course, parkowners do have operating expenses. For purposes of this example, it is assumed that the average expense ratio for mobilehome parks is approximately 60% of income, which would leave the owner of such a park with a net operating income of only \$841,881.60, not including debt service or income taxes. Once those items are factored in, such a parkowner is likely to earn an actual profit that is significantly less than \$841,881.60 per year. In short, if the proposed ordinance results in the closure of the park, it is virtually certain the tenants will lose more than \$60,000,000 in the value of their mobilehomes, because the parkowner could not possibly buy all 216 of those mobilehomes.¹

E. If the Proposed Ordinance Results in the Closure of the Park, the Tenants Will Not Only Lose More than \$60,000,000 in Value, They May Lose the Ability to Spend Their Retirement Years in St. Helena.

As demonstrated above, under the proposed ordinance the parkowner may never do as well as it did in 2017. To the contrary, if profits are limited to 75% of the increase in the

¹ At this point, it must also be stressed that one of the most important rights of any property owner is the right to "exclude" others. Even more to the point, the denial of that right requires the payment of just compensation by the City to the parkowner, not by the parkowner to the tenants. As stated by the United States Supreme Court in *Kaiser Aetna v. United States* (1979) 444 U.S. 164:

"In this case, we hold that the 'right to exclude,' so universally held to be a fundamental element of the property right, falls within this category of interests that *the Government cannot take without compensation.*" (*Id.* at 179-180) (Emphasis added).

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inflation rate, it is a mathematical certainty that over time the parkowner's *real* profit will approach zero. In addition, the proposed ordinance provides no guarantee the parkowner will be able to increase the rent to replace the infrastructure at the park, which is nearing the end of its useful life. Moreover, by prohibiting rents from being increased to market when the tenants sell their mobilehomes to third parties, the City would be destroying the parkowner's long term business plan.

The proposed ordinance not only provides a strong incentive for the parkowner to explore alternative uses for all or part of the park, a closure would render the tenants' mobilehomes worthless. Perhaps more important than the loss in value, many of the tenants moved to St. Helena to enjoy their retirement years in one of the most beautiful places in America, if not in the entire world. Should the parkowner be forced to change the use of all or part of the park, there is a significant chance many of those tenants will not be able to find as good a deal in St. Helena as the one they have now.

As the City Council knows, the overwhelming majority of the tenants are *opposed* to the proposed rent control ordinance. What the City Council should also know is that the overwhelming majority of the tenants have the financial ability to pay their rent, which for most of them is significantly below market. Rather than attempting to fix something that is not broken, the City should focus its efforts on helping the relatively small group of people that may actually need assistance.

If there are people who are struggling to pay their bills, and if the City sincerely wants to help those people, the City should establish a means-tested financial aid program, whereby *the City* gives money to people who truly need assistance with their rent, food or other necessities of life. The City should reject the proposed ordinance, which would provide a windfall to those who do not need one, while at the same time forcing the parkowner to explore alternative uses for this property.

F. The Proposed Ordinance Will Not Result in Affordable Housing for Low Income Seniors Unless the City "Caps" the Resale Price of the Tenants' Mobilehomes and Requires Means-Testing for Rent Controlled Spaces.

In its 2016 study, the City expressed concern that St. Helena was losing its middle class. However, it appears the City's study focused on working age people, many of whom have children. The residents at Vineyard Valley do not fit that profile. To the contrary, because Vineyard Valley is a retirement community, there are no families with children

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living at the park. More important, most of the residents at Vineyard Valley not only have an above average income, they have assets far in excess of anything a typical working class family might have.

Before providing more detail on that point, it must be stressed that mobilehome rent control is unlike regular rent control, because it enables tenants to sell their mobilehomes at above market prices. In *Yee v. City of Escondido* (1990) 224 Cal. App. 3d 1349, the Fourth District Court of Appeal addressed this issue as follows:

“Mobilehomes and mobilehome park spaces are what economists refer to as complimentary goods. Because they are used together, there is a direct and necessarily inverse relationship between the prices for complimentary goods. . . .

It is thus inevitable that where government acts to reduce (or at least limit) the rental prices charged for mobilehome spaces, ***the price of the mobilehomes will increase.***” (*Id.* at 1352-1353). (Emphasis added).

In short, unless the City Council places a “cap” on the sales price of mobilehomes, the proposed ordinance will not result in more affordable housing in St. Helena, but will only shift equity from the parkowner to the selling tenants, who in most cases will be leaving St. Helena.

With that background in mind, the public record shows that at least twenty-five mobilehomes were sold at Vineyard Valley between October of 2016 and October of 2018. The average sales price of those twenty-five mobilehomes was \$278,817.48. Obviously, those mobilehomes hardly qualify as “affordable” for low income seniors living solely on Social Security.

Should the proposed ordinance be adopted, the price of those mobilehomes is certain to go up, not down. Accordingly, if the City is truly interested in providing housing for low income seniors on a fixed income, the City must place “caps” on the resale price of mobilehomes, requiring them to be resold at their actual blue book value, or less.

Of course, even if the City adopts the proposed ordinance and places “caps” on the resale price of the mobilehomes, that does not mean those mobilehomes will be occupied by low income seniors on a fixed income. As in the past, it is more likely most of those

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mobilehomes will be occupied by seniors with relatively high incomes, and significant assets, who in many cases purchase their mobilehomes in “all cash” transactions.

As is the case with most rental properties, the parkowner requires prospective tenants to provide information regarding their income and assets, to determine whether they have the financial ability to pay the rent and other charges of the park. See *Civil Code Section 798.74*. Although time constraints have prevented the parkowner from analyzing the financial information of each tenant, the parkowner has been able to create a profile for those who have moved into the park since 2016, when the City conducted its study.

That profile shows that the average annual income of those who have moved into the park since 2016 was **\$71,015.23**. Moreover, the average bank account balance of those tenants was \$548,313.52, while their average net worth was **\$1,049,643.47**. Clearly, the average retiree at Vineyard Valley is in a far better financial position than the average middle class working person in the City’s 2016 study.

In addition to the profile of those newer tenants, almost thirty of the homes at the park are second homes, owned by people who live in St. Helena on a part time basis. In short, although not every tenant at Vineyard Valley has an income in excess of \$70,000, or assets in excess of \$1,000,000, few if any are unable to pay their rent.

Based on all of the above, it is obvious that any claim the proposed ordinance is aimed at providing affordable housing to low income seniors on a fixed income is not supported by the facts. Rather, the proposed ordinance would provide an unwarranted windfall to those who do not need or want rent control, while doing virtually nothing to provide additional affordable housing opportunities for senior citizens living primarily on Social Security, with no other assets.

G. The Proposed Ordinance is Likely to Result in Years of Costly, Time Consuming and Unwanted Litigation for All Parties.

Unless the parkowner is willing to simply accept the diminution of its yearly profit and a significant reduction in the fair market value of its property, the proposed ordinance is certain to result in years of costly, time consuming and unwanted litigation for the City, the parkowner and the tenants.

In order to rebut the presumption in the ordinance, the parkowner must demonstrate

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that adjusting its 2017 profits for 75% of the increase in the inflation rate prevents it from earning a fair return on its property. This office has been involved in many such cases over the past thirty-three years. Below is a summary of some of the issues that are common to most of those cases.

First, the California courts have held that the determination of a fair rate of return is a matter of expert testimony. *Whispering Pines Mobilehome Park, Ltd. v. City of Scotts Valley* (1986) 180 Cal. App. 3d 152, 160-161. Accordingly, both the parkowner and the tenants will be required to retain expert witnesses on rates of return in mobilehome parks. Those experts are not cheap.

The California courts have also held that lay persons may not represent others in administrative proceedings. *Baron v. City of Los Angeles* (1970) 2 Cal. 3d 535, 543. As a result, each of the tenants will either have to represent himself or herself, or retain an attorney to represent one or more of them. Again, most attorneys do not handle such cases for free.

The California courts have also held that tenants may be responsible for retroactive rents from the date a rent increase application is filed, if the parkowner ultimately prevails on its fair return claims. *Kavanau v. Santa Monica Rent Control Board* (1997) 16 Cal. 4th 761, 783-785. In my experience, these cases typically last two to four years, although in one instance involving the City of Palm Desert, such a case dragged on for twenty-one years. Even if a case lasts only a few years, it can create millions of dollars in exposure in “back rents,” to be paid by the tenants and/or the City.

The California courts have also determined that parkowners may be entitled to increase rents that were “below market” at the time rent control is first adopted, in order to prevent the then existing tenants from becoming the “beneficiaries of a windfall in perpetuity.” *Concord Communities, L.P. v. City of Concord* (2001) 91 Cal. App. 4th 1407, 1419. Because the current rents at many of the spaces at Vineyard Valley are significantly below market, the parkowner may be entitled to recover such rent increases at those spaces.

Regardless of whether the parkowner wins, loses or declines to initiate such litigation, the parkowner’s best hope of realizing the full value of its property may be to close the park and/or convert the property to another use. Unfortunately, such litigation is also likely to be time consuming, costly and stressful for all concerned, with the tenants almost certainly losing more than \$60,000,000 in value, no matter how hard they fight.

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H. The Parkowner is Willing to Establish a Rent Credit Program for Qualifying Tenants that Truly Need Assistance to Pay Future Rent Increases.

Although the overwhelming majority of the tenants at Vineyard Valley have significant income and/or assets, the parkowner understands there may be a handful of tenants who are not able to afford an increase in their rent. In the event the City declines to adopt its own subsidy program as an alternative to rent control, the parkowner is willing to establish its own assistance program.

More specifically, if a rent increase would cause a qualifying tenant's monthly rental obligation to exceed one third of his or her monthly income, the parkowner will provide that tenant with a credit for that part of the rent increase. In order to qualify for the rent credit program, tenants must establish that their monthly rent is more than one third of their income, and that their assets, including all stocks, bonds and cash (*but excluding their mobilehome, furnishings and vehicles*) do not exceed \$45,000.

For example, assume that a qualifying tenant's monthly rent is \$800, but his or her monthly income is only \$2,000. If the rent was increased by 3%, to \$824 per month, the tenant would not be required to pay that increase, because the tenant's rental obligation would be more than one third of the tenant's monthly income. Instead, the tenant would receive a \$24 rent credit. In that way, the tenant would be excused from paying the rent increase, but the rent would remain \$824, should the qualifying tenant sell his or her mobilehome, or otherwise cease residing at that space.

I. The Parkowner Has No Plans to Sell or Change the Use of the Park at this Time.

The parkowner has no plans to sell or change the use of the park at this time. To the contrary, the Parkowner's long term business plan is to continue operating the park as it has in the past, while at the same time making improvements to further enhance the beauty of this truly unique manufactured housing community.

Should the City Council adopt the proposed ordinance in spite of all of the information the parkowner has provided, the parkowner will have no choice other than to begin exploring alternative uses for the property, including closing it and selling the vacant land to a developer, who can change the use as it deems fit. The parkowner understands the City may threaten it by claiming no other use will ever be approved. So there is no mistake,

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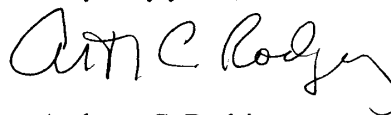
the parkowner is willing to take that risk. The parkowner has no doubt there are many developers who would be willing to do the same, for a property with as much upside potential as this one.

Finally, it must be stressed that the Limited Liability Company that owns the park contains more than 40 investors, so the average profit of those investors is far less than the \$70,000 average income of new residents. If the proposed ordinance is adopted, it will not only significantly reduce the value of the park, it will create a significant incentive for those 40 investors to find an alternative use for the property, that is less adversarial, and therefore less risky.

J. Conclusion.

The parkowner and most of the tenants have had a strong working relationship over the years, with many of the long term tenants paying rents that are significantly below market. Because the proposed ordinance is virtually certain to destroy that relationship, along with the parkowner's business plan, the City Council is urged to reject the proposed ordinance. If there truly are people at Vineyard Valley who cannot afford to pay future rent increases for their space, the City should adopt a means-tested program, whereby qualifying residents can obtain financial assistance with their rent, either on a short term or a long term basis. If the City is not willing to adopt such a program, the parkowner is willing to establish a rent credit program, to assist qualifying low income tenants.

Very truly yours,



Anthony C. Rodriguez

cc: Greg Reynolds, Managing Partner
Jesse Duarte, St. Helena Star

Enclosures:

Sales Reports for Select Napa Valley Mobilehome Parks
"Mathematical Proof" regarding diminishing profits

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NAPA VALLEY

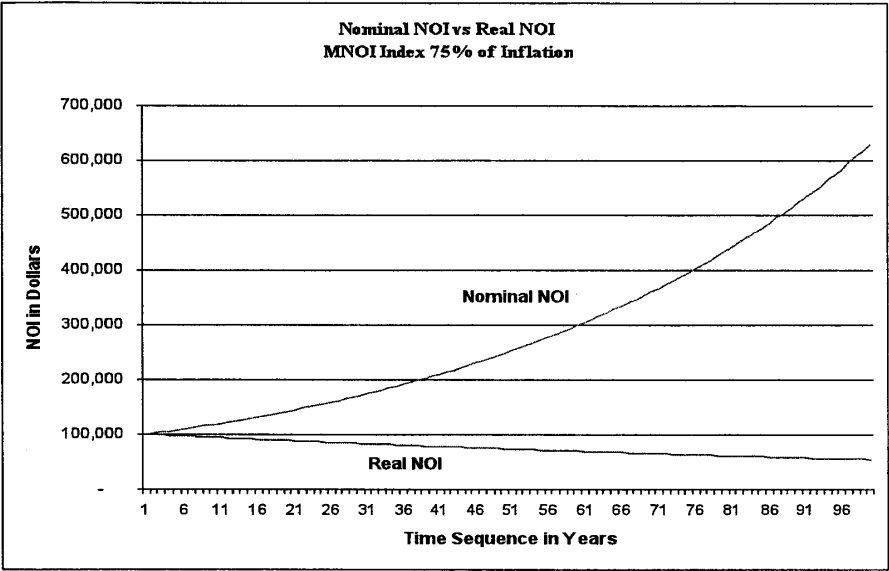
SALE OF MOBILEHOMES AT SELECTED LARGE PARKS

(October 19, 2016 through October 19, 2018)

Name of Park	No. of Spaces	No. of Sales	Average Price	Location
Vineyard Valley	216	25	\$278,817.48	St. Helena
Chateau Calistoga	196	31	\$131,349.94	Calistoga
Rancho de Calistoga	184	27	\$122,373.78	Calistoga
Calistoga Springs MHP	143	11	\$150,968.27	Calistoga
La Siesta Village MHP	134	11	\$152,127.27	Napa
Napa Valley MHP	254	28	\$174,461.68	Napa
Oaktree Vineyard	188	23	\$227,930.48	Napa
Salvador Estates	136	9	\$89,908.11	Napa
American Canyon MHP	191	18	\$102,038.89	American Canyon
Las Casitas MHP	96	18	\$92,444.44	American Canyon
World Marine Estates	125	14	\$164,290.36	American Canyon
TOTAL/AVERAGE	1,863	215	\$160,082.29	

The \$278,817.48 average sales price of the mobilehomes sold at Vineyard Valley was not only the highest in the Napa Valley, it was more than \$118,000 above the average price of mobilehomes sold in the larger parks in the Napa Valley. Those high sales prices indicate that the rents at Vineyard Valley are too low, not too high. Moreover, because mobilehomes and mobilehome spaces are complimentary goods, any restriction on rent increases at Vineyard Valley will only make those mobilehomes more expensive. *Yee v. City of Escondido* (1990) 224 Cal. App. 3d 1349, 1352-1353.

Richard Fabrikant, MBA PhD



Richard Fabrikant, MBA PhD

A Mathematical Proof of the Proposition that if Nominal Net Operating Income is Increased Over Time at Less Than the Inflationary Rate, *Real* Net Operating Income Will Approach Zero

Let:

NOI = Net Operating Income
 N_0 = Nominal NOI at time zero
 N_t = Nominal NOI at some future time 't'
 r = inflation rate
 t = time period

- A. If N_0 is allowed to increase at a compound rate less than the inflationary rate ' r ', then the Nominal NOI at some future time 't' may be expressed as:

$$1. N_t = N_0 e^{prt}$$

Where:

e = the irrational number 2.71828...

'p' is some number equal to or less than one and equal to or greater than zero

- B. Real NOI is defined as Nominal NOI adjusted for inflation and is equal to:

$$2. R_t = N_t / e^{rt} = N_0 e^{prt} / e^{rt}$$

Where:

R_t = Real NOI at time t

- C. Rearranging expression 2 above results in:

$$R_t = N_0 e^{-rt} e^{prt}$$

$$R_t = N_0 e^{rt(-1+p)}$$

$$3. R_t = N_0 e^{-rt(1-p)}$$

- D. Expression 3 is an exponential growth function with a negative rate of growth of $-r(1-p)$, which is sometimes referred to as the rate of decay.

Richard Fabrikant, MBA PhD

Now by rearranging Expression 3 as:

$$4. R_t = N_0 / e^{r(1-p)t}$$

We find that as 't' approaches infinity the expression $e^{r(1-p)t}$ approaches infinity and R_t approaches zero.

From the A-D above we draw the following conclusions:

1. With the increase of time the real value of NOI declines such that as time 't' approaches infinity the real value of NOI approaches zero.
2. If NOI at time period zero is increased at the inflationary rate 'r', that is when 'p' equals one, then the expression $e^{r(1-p)t}$ equals one and R_t , Real NOI, will always equal N_0 , the Nominal NOI at time period zero.
3. The lower the allowed inflationary increase, that is when 'p' approaches zero, the faster the rate of decay of R_t , Real NOI.
4. The higher the inflation rate the faster R_t , Real NOI, will approach zero in the absence of inflationary increases for N_0 , Nominal NOI at time period zero.

Comps Data

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name : VINEYARD VALLEY MHP Park : 290 POPE ST Address : SAINT HELENA, CA 94574 Spaces : 209 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
58 LAGUNA SECA SAINT HELENA	04/17/1986 FUQUA DELUXE	\$68,494.00 \$150,000.00 06/15/2018	<u>LAJ7257</u>	11 6667 60 11 6667 60	1400 \$107.14	
8 LA CUESTA CT SAINT HELENA	01/01/1976 SILVERCREST SILVERCREST	\$27,300.00 \$285,000.00 06/11/2018	<u>ABH6985</u>	12 66 12 66	1584 \$179.92	
28 REDONDO CT SAINT HELENA	04/18/1986 ROBERTS HOMES ROBERTS HOMES	\$80,000.00 \$280,000.00 04/18/2018	<u>LAK1810</u>	12 63 12 63	1512 \$185.19	
6 SAN LUCAS COURT SAINT HELENA	01/01/1978 LANCER	\$29,100.00 \$319,000.00 04/10/2018	<u>ABA5458</u> CREDIT HUMAN FEDERAL CREDIT UN	12 60 12 60	1440 \$221.53	
20 SAN JUAN CT SAINT HELENA	09/25/1986 GOLDEN WEST CALIPSO III	\$75,000.00 \$269,000.00 03/23/2018	<u>LBC2849</u>	10 24 12 64 12 64	1776 \$151.46	
18 SAN JUAN CT SAINT HELENA	03/12/1987 FLEETWOOD HOMES SANDALWOOD	\$70,500.00 \$225,000.00 03/23/2018	<u>LBE6345</u> CREDIT HUMAN FEDERAL CREDIT UN	12 60 12 60	1440 \$156.25	
17 SAN LUCAS CT SAINT HELENA	01/01/1978 BUDGER	\$16,700.00 \$210,000.00 03/16/2018	<u>ABH4778</u> CREDIT HUMAN FEDERAL CREDIT UN	12 62 12 62	1488 \$141.13	
11 DEL MONTE CT SAINT HELENA	01/01/1973 GUERDON	\$18,500.00 \$240,000.00 02/23/2018	<u>AAM9645</u>	12 56 12 56	1344 \$178.57	
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
4 DEL CAMPO SAINT HELENA	05/16/1986 SKYLINE HOMES INC RAMADA	\$51,996.00 \$210,000.00 02/08/2018	<u>LBD1003</u>	12 60 12 60	1440 \$145.83	
12 DEL MONTE CT SAINT HELENA	01/01/1979 SILVERCREST SILVERCREST	\$34,700.00 \$144,500.00 01/30/2018	<u>ABC6077</u>	12 57 12 57	1368 \$105.63	
9 REDONDO CT SAINT HELENA	05/15/2017 SKYLINE HOMES INC BROOKSTONE	\$454,437.00 \$454,437.00 09/20/2017	<u>LBN3936</u> VALLEY SALES	13 5 60 13 5 60	1620 \$280.52	
3 SAN ARDO CT SAINT HELENA	07/23/1986 ROBERTS HM ROBERTS HM	\$55,955.00 \$230,000.00 08/25/2017	<u>LBD9789</u>	12 60 12 60	1440 \$159.72	
19 SAN LUCAS CT SAINT HELENA	01/01/1978 FLEETWOOD FESTIVAL	\$23,300.00 \$275,000.00 07/26/2017	<u>ABJ8842</u>	12 52 12 52	1248 \$220.35	
6 SAN ARDO CT SAINT HELENA	05/30/1986 SILVERCREST IND SILVERCREST	\$53,814.00 \$245,000.00 07/24/2017	<u>LAJ6076</u>	12 60 12 60	1440 \$170.14	
5 LA CANADA CT SAINT HELENA	06/20/1986 GOLDEN WEST KINGSTON	\$42,000.00 \$293,000.00 07/21/2017	<u>LAJ5336</u>	12 63 12 63	1512 \$193.78	

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1 SAN ARDO CT

SAINT HELENA

05/27/1986

SILVERCREST IND

SILVERCREST

\$62,979.00

\$359,000.00

06/30/2017

LAJ5236

12 60

12 60

1440

\$249.31

f

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info@santiagofinancial.com

800-232-3908

YouTube

14 SAN LUCAS

SAINT HELENA

01/01/1977

GOLDEN WEST

GOLDEN WEST

\$30,300.00

\$271,500.00

05/09/2017

AAM7945

CREDIT HUMAN FEDERAL CREDIT UN

12 60

12 60

1440

\$188.54

21 LOS ROBLES CT

SAINT HELENA

01/01/1978

KEY BISCAYNE

\$32,100.00

\$415,000.00

05/09/2017

ABI3901

CREDIT HUMAN FEDERAL CREDIT UN

12 64

12 64

1536

\$270.18

4 LOS ROBLES CT

SAINT HELENA

07/10/1986

GOLDEN WEST

HERITAGE

\$47,000.00

\$359,000.00

03/31/2017

LAJ5355

12 60

12 60

1440

\$249.31

5 LAGUNA SECA CT

SAINT HELENA

05/28/1986

KAUFMAN/BROAD HM SYS INC

BAINBRIDGE

\$48,480.00

\$310,000.00

03/17/2017

LBG1521

GAIL M FROST TRUST 062410

12 61.3333

12 61.3333

1472

\$210.60

59 LAGUNA SECA CT

SAINT HELENA

06/09/1986

SKYLINE HM INC

RAMADA

\$57,034.00

\$300,000.00

03/14/2017

LAH6186

12 60

12 60

10 16

1600

\$187.50

36 LAGUNA SECA

SAINT HELENA

03/24/1987

GOLDEN WEST HOMES

KINGSTON

\$66,900.00

\$239,000.00

12/22/2016

LAK8533

12 60

12 60

1440

\$165.97

1 REDONDO CT

SAINT HELENA

06/20/1986

SILVERCREST IND INC

SILVERCREST

\$59,062.00

\$274,000.00

12/16/2016

LAJ4555

12 62.6667

12 62.6667

1504

\$182.18

20 LOS ROBLES CT

SAINT HELENA

01/01/1977

LANCER

ROYAL CHATEAU

\$23,700.00

\$248,000.00

10/31/2016

AAK7768

12 52

12 52

1248

\$198.72

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27 REDONDO CT

SAINT HELENA

11/24/2015

SKYLINE HOMES INC

BROOKSTONE

\$365,000.00

\$365,000.00

10/28/2016

LBM9226

VALLEY SALES

12 57.3333

12 57.3333

1376

\$265.26

Original

Resale

Total

\$1,894,351.00

\$6,970,437.00

Average

\$75,774.04

\$278,817.48

Max

\$454,437.00

\$454,437.00

Min

\$16,700.00

\$144,500.00

Avg \$SqFt

\$51.08

\$190.59

Avg SqFt

1462

1462

Number of records

25

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name : CHATEAU CALISTOGA Park Address : 223 CHAMPAGNE WEST Address : CALISTOGA, CA 94515 Spaces : 196 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
135 WISTERIA DR CALISTOGA	01/01/1973 CHAMPION MANATEE	\$8,700.00 \$89,668.00 09/04/2018	<u>AAM3644</u>	12 60	720	\$96.76
721 CLARET SOUTH CALISTOGA	01/01/1972 VIKING	\$19,300.00 \$135,000.00 08/14/2018	<u>AAV6249</u>	12 62 12 62	1486	\$90.73
934 CHAMPAGNE CIR NORTH CALISTOGA	HILLCREST	\$17,700.00 \$115,000.00 05/25/2018	<u>AAH4411</u>	12 56 12 56	1344	\$85.57
409 BURGUNDY S ST CALISTOGA	01/01/1979 SKYLINE HILLCREST	\$22,700.00 \$159,000.00 04/25/2018	<u>AAI9336</u>	12 60 12 60	1440	\$110.42
1510 VANDALAY COURT CERES	08/13/1979 FLEETWOOD SANDPOINTE	\$10,005.00 \$1.00 04/18/2018	<u>LAA4394</u> NORSTROM	12 60	720	\$0.00
134 WISTERIA DR CALISTOGA	11/16/2017 CHAMPION HOME BUILDERS INC CREEKSIDE MANOR	\$135,350.00 \$135,350.00 04/03/2018	<u>LBN4968</u> BAY AREA MANUFACTURED HOMES BAY AREA MANUFACTURED HOMES	13 3333 60 13 3333 60	1600	\$84.59
700 CLARET NORTH CALISTOGA	01/01/1978 SILVERCREST SILVERCREST	\$30,900.00 \$135,000.00 03/15/2018	<u>AAK3885</u>	12 56 12 56	1344	\$100.45
817 CHAMPAGNE CIR E SAINT HELENA	01/01/1977 WESTWAY	\$46,500.00 \$158,500.00 02/27/2018	<u>ABI1471</u> MURPHY BANK	12 60 12 48 12 60	2016	\$78.62
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
617 PORT SOUTH CALISTOGA	09/12/1980 GOLDEN WEST GOLDEN WEST	\$40,384.00 \$188,500.00 02/20/2018	<u>LAA8515</u>	12 60 12 60	1440	\$130.90
505 SHERRY SOUTH CALISTOGA	08/16/1979 HILLCREST SKYLINE HILLCREST	\$19,244.00 \$75,000.00 01/29/2018	<u>LAB3291</u>	10 48 10 48	960	\$78.12
710 CLARET NORTH CALISTOGA	08/07/2017 SKYLINE HOMES INC VILLAGER	\$107,538.00 \$107,538.00 12/26/2017	<u>LBN4025</u> ALLIANCE MANUFACTURED HOMES INC	11 8333 52 11 8333 52	1230 67	\$87.38
716 CLARET N CALISTOGA	07/26/2017 SKYLINE HOMES INC BROOKSTONE	\$232,652.00 \$232,652.00 12/26/2017	<u>LBN4024</u> ALLIANCE MANUFACTURED HOMES INC	14 8333 60 14 8333 60	1780	\$130.70
925 CHAMPAGNE CIRCLE S CALISTOGA	12/05/1997 CHAMPION HOME BUILDERS COMPANY SUNVIEW	\$72,340.00 \$150,000.00 12/12/2017	<u>LAY6722</u>	13 56 13 56	1456	\$103.02
809 CHAMPAGNE EAST CALISTOGA	06/28/2017 SKYLINE HOMES INC BROOKSTONE	\$229,400.00 \$229,400.00 11/17/2017	<u>LBN4101</u> ALLIANCE MANUFACTURED HOMES INC	12 8333 62 12 8333 62	1591.33	\$144.16

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218 CHAMPAGNE WEST CALISTOGA	01/01/1976 GUERDON DUALWIDE	\$29,300.00 \$125,000.00 11/08/2017	AAV9835	12 62 12 62	1488 \$84.01
224 CHAMPAGNE W CALISTOGA	01/01/1979 HILLCREST	\$13,900.00 \$114,500.00 11/03/2017	ABF4800 CREDIT HUMAN FEDERAL CREDIT UN	12 56 12 56	1344 \$85.19
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908					
906 CHAMPAGNE CIR NORTH CALISTOGA	01/01/1977 GOLDEN WEST MOBILE HOMES CALYPSO	\$16,500.00 \$179,950.00 11/03/2017	AAB8882	12 60 12 60	1440 \$124.97
908 CHAMPAGNE WEST CALISTOGA	01/01/1978 PROWL	\$16,900.00 \$37,000.00 09/22/2017	ABD8129	12 72	864 \$42.62
209 CHAMPAGNE CIR WEST CALISTOGA	01/01/1978 SILVERCREST HOWARD MANOR	\$34,500.00 \$169,000.00 09/19/2017	ABC3501 CUFBL A DIVISION OF SAN ANTONI	12 56 12 56	1344 \$125.74
320 CHABLIS NORTH CALISTOGA	01/01/1975 HERITAGE	\$25,300.00 \$125,000.00 09/08/2017	ABB4911	12 60 12 60	1440 \$86.81
205 CHAMPAGNE CIR WEST CALISTOGA	02/27/2001 SKYLINE HOMES INC SUMMERHILL	\$114,900.00 \$178,000.00 08/16/2017	LBF9716	12 50.6667 12 56	1280 \$139.06
942 CHAMPAGNE NORTH #192 CALISTOGA	08/22/1994 DELAWARE WESTERN HM CORP SILVERCREST	\$65,000.00 \$167,000.00 07/07/2017	LAW4640	11.8333 64 11.8333 64	1514.67 \$110.26
821 CHAMPAGNE EAST CALISTOGA	09/11/1978 FAR WEST HM INC FAR WEST	\$14,300.00 \$110,000.00 06/12/2017	ABE3935	12 60 12 60	1440 \$76.39
927 CHAMPAGNE CIR SOUTH CALISTOGA	01/01/1969 BLAIR	\$8,599.00 \$135,000.00 06/12/2017	ABG5701	12 40 12 40	960 \$140.62
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908					
717 CLARET SOUTH CALISTOGA	05/16/2017 CMH MANUFACTURING WEST INC GOLDEN WEST	\$134,789.00 \$134,789.00 05/23/2017	LBN2221 CLAYTON HOMES	13.5 60 13.5 60	1620 \$83.20
711 CLARET SOUTH CALISTOGA	01/01/1978 FLEETWOOD SUNCREST	\$22,900.00 \$120,000.00 04/19/2017	AA12590	12 60 12 60	1440 \$83.33
412 BURGUNDY N CALISTOGA	01/01/1978 FAQUA WOODLAND	\$20,900.00 \$37,000.00 04/01/2017	AAZ5515	24 56 24 56	2688 \$13.76
317 CHABLIS SOUTH CALISTOGA	01/01/1977 EDGEMONT	\$34,100.00 \$129,000.00 12/19/2016	ABE6417 ALLIANCE MANUFACTURED HOMES INC	12 60 12 60	1440 \$89.58
210 CHAMPAGNE W CALISTOGA	04/30/2004 PALM HARBOR HOMES INC PALM HARBOR HOMES	\$175,000.00 \$220,000.00 12/07/2016	LBG9988	13.5 55 13.5 60	1552.5 \$141.71
717 CLARET S CALISTOGA	01/01/1978 ROYAL LANCER	\$40,300.00 \$100,000.00 12/05/2016	AB13936	12 64 12 64	1536 \$65.10
519 SHERRY SOUTH CALISTOGA	01/01/1974 SILVERCREST SILVERCREST	\$22,500.00 \$100,000.00 11/07/2016	ABG5143	12 60 12 60	1440 \$69.44

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	Original	Resale
Total	\$1,782,401.00	\$4,071,848.00
Average	\$57,496.81	\$131,349.94
Max	\$232,652.00	\$232,652.00
Min	\$8,599.00	\$1.00
Avg \$SqFt	\$38.69	\$93.01
Avg SqFt	1418	1418
Number of records	31	

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name : RANCHO DE CALISTOGA Park : 2412 FOOTHILL BLVD Address : CALISTOGA, CA 94515 Spaces : 184 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
2412 FOOTHILL BLVD SP 67 CALISTOGA	01/01/1973 FESTI FESTIVAL	\$15,700.00 \$141,000.00 07/25/2018	<u>AAV6567</u>	12 44 12 44	1056 \$133.52	
2412 FOOTHILL BLVD #50 CALISTOGA	01/01/1973 BARRINGTON BARRINGTON	\$8,500.00 \$74,500.00 06/08/2018	<u>ABA5218</u> 21ST MORTGAGE CORPORATION	12 50	600 \$124.17	
2412 FOOTHILL BL 141 CALISTOGA	01/01/1974 VIKING EDGEWOOD BRETTWOOD	\$23,300.00 \$169,500.00 05/18/2018	<u>AAZ5593</u>	12 60 12 60	1440 \$117.71	
2412 FOOTHILL BLVD #88 CALISTOGA	01/01/1973 FESTIVAL	\$12,900.00 \$120,000.00 05/02/2018	<u>ABH8209</u>	12 58 12 58	1392 \$86.21	
2412 FOOTHILL BLVD #26 CALISTOGA	01/31/2018 SKYLINE HOMES INC VILLAGER	\$110,000.00 \$110,000.00 04/06/2018	<u>LBN4842</u> ALLIANCE MANUFACTURED HOMES INC	13 6667 48	656 \$167.68	
2412 FOOTHILL BLVD #174 CALISTOGA	02/24/2015 SKYLINE HOMES INC BROOKSTONE	\$120,600.00 \$215,000.00 04/04/2018	<u>LBM4954</u>	13 5 59 13 5 59	1593 \$134.97	
2412 FOOTHILL BLVD #29 CALISTOGA	02/26/2003 DELAWARE WESTERN HOMES CORP SILVERCREST	\$125,000.00 \$147,000.00 03/29/2018	<u>LBF5132</u>	12 52.6667 10 52.6667	1158.67 \$126.87	
2412 FOOTHILL BLVD #108 CALISTOGA	01/01/1977 BENDIX PARK MANOR	\$18,700.00 \$130,000.00 12/29/2017	<u>AAK7281</u>	12 48 12 48	1152 \$112.85	
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
2412 FOOTHILL BLVD #142 CALISTOGA	01/01/1974 GOLDEN WEST GOLDEN WEST	\$18,100.00 \$105,000.00 10/04/2017	<u>AAV6703</u>	12 60 12 60	1440 \$72.92	
2412 FOOTHILL BLVD #87 CALISTOGA	05/18/2017 SKYLINE HOMES INC BROOKSTONE	\$189,000.00 \$189,000.00 09/26/2017	<u>LBN3948</u> ALLIANCE MANUFACTURED HOMES INC	12 58 12 53.6667	1340 \$141.04	
2412 FOOTHILL BLVD #128 CALISTOGA	01/01/1973 WESTWAY WESTLAKE	\$12,900.00 \$83,000.00 09/26/2017	<u>ABC2366</u> CREDIT HUMAN FEDERAL CREDIT UN	12 52 12 52	1248 \$66.51	
2412 FOOTHILL BLVD #25 CALISTOGA	01/01/1974 WESTWAY HOMES WESTLAKE	\$10,500.00 \$55,000.00 09/11/2017	<u>AAR2234</u>	10 44 10 44	880 \$62.50	
2412 FOOTHILL BLVD #75 CALISTOGA	01/01/1973 WESTLAKE	\$9,300.00 \$165,000.00 09/11/2017	<u>AAE7849</u> PENSCO TRUST COMPANY CUSTODIAN	12 52 12 52	1248 \$132.21	
2412 FOOTHILL BLVD #1 CALISTOGA	01/01/1972 BUDDY	\$10,900.00 \$99,995.00 08/31/2017	<u>ABB2579</u>	10 60 10 60	1200 \$83.33	

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 www.santiagofinancial.com 800-232-3908			Park Name : CALISTOGA SPRINGS MHP Park : 45 MAGNOLIA DR Address : CALISTOGA, CA 94515 Spaces : 143 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
88 PRIMROSE LANE CALISTOGA	05/17/2018 DVELE OMEGA CORP THE HALLMARK	\$316,906.00 \$316,906.00 06/14/2018	LBN6002	14.6667 58.6667 14.6667 60	1740.44 \$182.08	
30 MAGNOLIA DR CALISTOGA	01/01/1973 SKYLINE/HILLCREST HILLCREST	\$15,300.00 \$148,000.00 03/30/2018	LBJ6433	12.48 12.48	1152 \$125.87	
73 IRIS DR CALISTOGA	05/11/2000 SKYLINE HOMES INC FAIRVIEW	\$86,252.00 \$148,000.00 02/21/2018	LBB7542	12.60 12.60	1440 \$102.78	
118 HEATHER LN CALISTOGA	01/01/1973 MOBILE IND ISLANDER	\$15,300.00 \$130,000.00 11/01/2017	ABA9299	12.64 12.64	1536 \$84.64	
88 PRIMROSE LN CALISTOGA	01/01/1973 SILVERCREST	\$14,900.00 \$110,000.00 08/31/2017	ABA9404	12.57 12.57	1368 \$80.41	
11 CAMELLIA DR CALISTOGA	06/16/2016 CMH MANUFACTURING WEST INC CLAYTON	\$186,323.00 \$186,323.00 08/15/2017	LBN3333 NORTH BAY CREDIT UNION CLAYTON HOMES	13.5 58.6667 13.5 56.6667	1557 \$119.67	
109 IVY LN CALISTOGA	FLEETWOOD SUNCREST	\$12,500.00 \$120,000.00 06/29/2017	AAL3574	12.60 12.60	1440 \$83.33	
34 MAGNOLIA DR CALISTOGA	01/01/1973 GOLDEN HERITAGE HERITAGE VILLA	\$15,700.00 \$155,000.00 05/31/2017	AAM3502 CREDIT HUMAN FEDERAL CREDIT UN	10.57 10.57	1140 \$135.96	
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
60 MAGNOLIA DR CALISTOGA	01/01/1976 PARK MANOR BENDIX	\$17,300.00 \$155,000.00 03/17/2017	AAI1974	12.60 12.60	1440 \$107.64	
10 CAMELLIA DR CALISTOGA	11/01/2016 SKYLINE HOMES INC BROOKSTONE	\$129,422.00 \$129,422.00 02/15/2017	LBN1132 ALLIANCE MANUFACTURED HOMES INC	14.8333 54 14.8333 54	1602 \$80.79	
78 HOLLY DR CALISTOGA	01/01/1973 CHAMPION MANATEE	\$9,100.00 \$65,000.00 01/30/2017	ABJ8683	12.60	720 \$90.28	
	Original	Resale				
Total	\$819,003.00	\$1,660,651.00				
Average	\$74,454.82	\$150,988.27				
Max	\$316,906.00	\$316,906.00				
Min	\$9,100.00	\$65,000.00				
Avg \$SqFt	\$47.61	\$108.50				
Avg SqFt	1376	1376				
Number of records	11					

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800-232-3908

Park Name : **LA SIESTA VILLAGE**
MHP
 Park : 4433 SOLANO AVE
 Address : NAPA, CA 94558
 Spaces : 134
 From : 10/19/2016 to 10/19/2018
 Report date : 10/19/2018

Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft
9 HACIENDA DRIVE NAPA	02/10/2005 HALLMARK-SOUTHWEST CORP WINCHESTER IV	\$249,000.00 \$280,000.00 05/31/2018	<u>LBH3658</u>	11.8333 61.3333 11.8333 57.3333 9.8333 37.3333	1771.33 \$158.07
78 HACIENDA DR NAPA	01/01/1972 KAUFMAN/BROAD BILTMORE	\$16,500.00 \$162,000.00 02/27/2018	<u>AAV2376</u>	12.60 12.60	1440 \$112.50
10 HACIENDA DR NAPA	10/30/2000 CHAMPION HOME BUILDERS COMPANY SOUTHWOOD	\$38,331.00 \$155,500.00 02/08/2018	<u>LBC3971</u>	9.8333 52 9.8333 52	1022.67 \$152.05
102 HACIENDA DR NAPA	01/01/1972 GOLDEN WEST GOLDENWEST	\$18,500.00 \$140,000.00 12/08/2017	<u>AAK1032</u>	12.64 12.64	1536 \$91.15
107 CABANA DRIVE NAPA	03/30/2017 FLEETWOOD HOMES INC FESTIVAL II	\$230,000.00 \$230,000.00 09/12/2017	<u>LBN3231</u> MARTELE D. SPATARO MANUFACTURED AND MOBILE HOME SALES	11.6667 62 11.6667 62	1446.67 \$158.99
99 HACIENDA DR NAPA	01/01/1972 FESTIVAL	\$12,900.00 \$150,000.00 08/28/2017	<u>AAK7301</u> CREDIT HUMAN FEDERAL CREDIT UN	12.44 12.44	1056 \$142.05
121 CABANA DR NAPA	01/01/1972 SKYLINE HILLCREST	\$6,300.00 \$7,000.00 06/08/2017	<u>AAM8931</u>	12.60	720 \$9.72
127 CABANA DR NAPA	01/01/1972 FLEETWOOD FESTIVAL	\$13,300.00 \$115,000.00 03/07/2017	<u>AAM9131</u>	12.62 12.62	1488 \$77.28

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117 CABANA DR NAPA	11/28/1994 SKYLINE HM INC WOODMANOR	\$63,900.00 \$198,000.00 12/02/2016	<u>LAW3459</u> HERITAGE PROPERTIES	12.58.6667 12.58.6667	1408 \$140.62
21 HACIENDA DR NAPA	01/01/1974 GOLDEN WEST	\$17,300.00 \$145,000.00 11/18/2016	<u>AAA6185</u>	12.60 12.60	1440 \$100.69
76 HACIENDA DR NAPA	01/01/1971 BLAIR	\$10,500.00 \$90,900.00 11/15/2016	<u>AAL1486</u> 21ST MORTGAGE	12.56 12.56	1344 \$67.63

	Original	Resale
Total	\$676,531.00	\$1,673,400.00
Average	\$61,502.82	\$152,127.27
Max	\$249,000.00	\$280,000.00
Min	\$6,300.00	\$7,000.00
Avg \$SqFt	\$41.42	\$110.07
Avg SqFt	1334	1334
Number of records	11	

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Santiago Financial, Inc. - COMPARABLE SALES REPORT

Park Name : **NAPA VALLEY MHP LTD**
 Park : 1040 ORCHARD AVE
 Address : NAPA, CA 94558
 Spaces : 254
 From : 10/19/2016 to 10/19/2018
 Report date : 10/19/2018

Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft
522 CHERRY LN NAPA	02/21/2002 THE ANDREW KARSTEN CO INC KARSTEN VILLA	\$123,400.00 \$205,600.00 06/22/2018	LBD7271 CREDIT HUMAN FEDERAL CREDIT UN	9.83333 58 9.83333 58	1140.67 \$180.16
218 DAISY DR NAPA	10/25/1991 DELAWARE WESTERN HM INC SILVERCREST	\$50,125.00 \$273,500.00 04/03/2018	LAS8307	11.8333 60 11.8333 60	1420 \$192.61
215 DAISY DR NAPA	04/22/1991 GOLDEN WEST HM GOLDEN WEST	\$84,270.00 \$285,000.00 03/23/2018	LAS9147	14 66 14 66	1848 \$154.22
306 PATTIE WAY NAPA	09/29/2006 THE ANDREW KARSTEN CO INC VILLA	\$219,400.00 \$200,000.00 03/23/2018	LBI8870	13.5 57 13.5 57	1538 \$129.95
315 TAMMY WAY NAPA	01/01/1963 TROJAN HOMES TROJAN	\$700.00 \$48,000.00 03/13/2018	ABI6783	10 52	520 \$92.31
524 CHERRY LN NAPA	10/16/2004 FLEETWOOD HOMES OF CALIF. INC SUNCREST	\$147,684.00 \$199,000.00 03/09/2018	LBC8923	11.6667 52 11.6667 52	1213.33 \$164.01
313 TAMMY WAY NAPA	11/09/2000 FLEETWOOD HOMES OF CALIF. INC SUNCREST	\$83,489.00 \$145,000.00 02/09/2018	LBC4957 DEPARTMENT OF VETERANS AFFAIRS	11.75 52 11.75 52	1222 \$118.66
302 GINGER WAY NAPA	01/04/2007 FLEETWOOD HOMES OF CALIF. INC GARDEN HOMES	\$140,000.00 \$196,239.00 01/23/2018	LBJ1154 CUFBL DIV OF SAN ANTONIO FEDER	11.6667 44 11.6667 44	1026.67 \$191.14

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423 OAK DR NAPA	12/13/2017 KARSTEN HOMES KARSTEN	\$199,808.00 \$199,808.00 01/18/2018	LBN5859 GARDEN HOMES	13.5 58.6667 13.5 54.6667	1530 \$130.59
318 STACEY WAY NAPA	06/19/2015 CMH MANUFACTURING WEST INC KARSTEN	\$135,115.00 \$200,000.00 11/09/2017	LBM4505 AUDREY B STORY SEPARATE PROPER GARDEN HOMES	11.8333 50 11.8333 50	1183.33 \$169.01
321 STACEY DR NAPA	07/20/2000 FLEETWOOD HOMES OF CALIF. INC SUNCREST	\$79,587.00 \$150,000.00 10/10/2017	LBD5883	11.75 52 11.75 52	1222 \$122.75
314 ROBERT WAY NAPA	01/01/1967 CHAMPION CHAMPION	\$5,100.00 \$60,000.00 09/29/2017	AAX1714 GARDEN HOMES	12 48	576 \$104.17
206 DAISY DR NAPA	06/18/1991 FLEETWOOD HIGHLAND PARK	\$59,391.00 \$210,000.00 09/19/2017	LAS9059	12.9167 60 12.9167 60	1550 \$135.48
29 CAMELIA DR NAPA	01/01/1967 KIT FAIRVIEW	\$10,500.00 \$167,000.00 09/11/2017	AAB2754 21ST MORTGAGE CORPORATION GARDEN HOMES	12 55 12 55	1320 \$126.52
316 TAMMY WAY NAPA	01/01/1966 FLEETWOOD SAHARA	\$2,700.00 \$105,000.00 09/05/2017	AAM3527 GARDEN HOMES	10 48 10 48	960 \$109.38

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5 CAMELIA DR

01/01/1967

GOLDEN WEST

GOLDEN WEST

NAPA

\$11,700.00

\$165,000.00

08/23/2017

AAZ5584

CREDIT HUMAN FEDERAL CREDIT

UN

GARDEN HOMES

10 60

10 60

1200

\$137.50

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504 CHERRY LN	02/27/2017	\$202,880.00	LBN2648	10 56	1120
NAPA	SKYLINE HOMES INC	\$202,880.00		10 56	\$181.14
	AMBER COVE	07/18/2017			
322 PATTY WAY	09/22/2001	\$118,469.00	LBD3073	9 83333 48	983.33
NAPA	FLEETWOOD HOMES OF CALIF. INC	\$179,000.00	GLOBAL CREDIT UNION	9 83333 52	\$182.03
	SUNCREST	06/07/2017			
222 DAISY DR	12/07/1989	\$79,820.00	LAT9779	12 35 5	1722
NAPA	GOLDEN WEST HM	\$229,000.00	J P & S MONTELLI FAMILY TRUST	12 56	\$132.98
	GOLDEN WEST	04/28/2017		12 52	
241 CLOVER WAY	05/28/1991	\$71,572.00	LAT1828	13 3333 64	1635.56
NAPA	DELAWARE WESTERN HM INC	\$210,000.00		13 3333 58 6667	\$126.40
	SILVERCREST	04/20/2017			
321 TAMMY WAY	05/23/2003	\$144,000.00	LBF2672	12 54 8333	1316
NAPA	HBOS MANUFACTURING LP	\$180,000.00		12 54 8333	\$136.78
	OAKWOOD	04/10/2017			
318 MARK WAY	12/31/1997	\$34,440.00	LAY7364	15 5 60	930
NAPA	FLEETWOOD HOMES OF CALIF. INC	\$75,000.00	21ST MORTGAGE		\$80.65
	WESTFIELD	04/05/2017			
307 TAMMY WY	04/27/2001	\$95,000.00	LBC7755	9 83333 58	1140.67
NAPA	THE ANDREW KARSTEN CO INC	\$145,000.00		9 83333 58	\$127.12
	KARSTEN VILLA	02/28/2017			
230 DAISY DR	01/09/1992	\$69,971.00	LAU4605	13 64	1664
NAPA	FLEETWOOD HM INC	\$255,000.00	COMMUNITY WEST BANK	13 64	\$153.25
	SANDALWOOD	02/17/2017			

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303 STACEY WAY	01/01/1969	\$12,100.00	AAW6554	10 54	1080
NAPA	GOLDEN WEST	\$75,000.00		10 54	\$69.44
	GOLDEN WEST	01/25/2017			
305 STACEY WAY	12/16/1994	\$53,269.00	LAW1623	10 52	1040
NAPA	FLEETWOOD HM INC	\$140,000.00	CUFBL DIV OF SAN ANTONIO	10 52	\$134.62
	SPRINGHILL	12/05/2016	CREDI		
			GARDEN HOMES		
518 CHERRY LN	01/01/1974	\$13,300.00	AAV5118	10 52	1040
NAPA	SKYLINE	\$140,000.00	21ST MORTGAGE CORP	10 52	\$134.62
	HILLCREST	11/21/2016			
227 DAISY DR	06/18/1992	\$73,299.00	LAT9888	12 52	1722
NAPA	GOLDEN WEST HM	\$245,000.00	ORION FEDERAL CREDIT ONION	12 56	\$142.28
	GOLDEN WEST	10/24/2016		12 35 5	

	Original	Resale
Total	\$2,321,069.00	\$4,884,927.00
Average	\$82,895.32	\$174,461.68
Max	\$219,400.00	\$285,000.00
Min	\$700.00	\$48,000.00
Avg \$SqFt	\$64.94	\$137.92
Avg SqFt	1245	1245
Number of records	28	

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name : OAKTREE VINEYARD RETIREMENT COMMUNITY Park : 2001 SALVADOR AVE Address : NAPA, CA 94558 Spaces : 188 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Deed Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
49 FALCON CREST CIR NAPA	03/25/1985 ROBERTS HOMES CASTLEWOOD	\$59,250.00 \$185,000.00 07/06/2018	LAI1612	12 48 12 48	1152 \$160.59	
112 FALCON CREST CIR NAPA	05/18/1984 ROBERTS HOMES CASTLEWOOD	\$57,630.00 \$200,000.00 07/03/2018	LAG1923 21ST MORTGAGE CORPORATION	12 48 12 48	1152 \$173.61	
213 BERNADINE PL NAPA	11/06/1987 FAR WEST HOMES INC FAR WEST	\$46,395.00 \$207,900.00 06/20/2018	LAL3390 CREDIT HUMAN FEDERAL CREDIT UN	12 56 12 56	1344 \$154.69	
202 SHIRLEY CT NAPA	08/13/1987 FAR WEST HOMES INC FAR WEST	\$37,507.00 \$200,000.00 05/15/2018	LAI1482	10 57 10 57	1140 \$175.44	
212 DAPHNE DR NAPA	08/20/1985 ROBERTS HOMES ROBERTS HOMES	\$50,550.00 \$175,000.00 05/01/2018	LAI7037	12 44 12 44	1056 \$165.72	
201 DAPHNE DR NAPA	01/13/1988 FAR WEST HOMES INC FAR WEST	\$46,599.00 \$254,000.00 04/27/2018	LAL3377 CREDIT HUMAN FEDERAL CREDIT UN	12 56 12 56	1344 \$188.99	
201 JANE WY NAPA	04/18/1984 ROBERTS HOMES COUNTRY HOUSE	\$49,170.00 \$180,000.00 04/10/2018	LAE9339	12 44 12 44	1056 \$170.45	
206 BETSY PL NAPA	07/30/1984 ROBERTS HOMES STONEWOOD	\$69,152.00 \$240,000.00 03/09/2018	LAG4382	12 56 12 56	1344 \$178.57	
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
200 NICOLE WY NAPA	12/24/1985 FAR WEST HOMES INC FAR WEST	\$62,109.00 \$240,000.00 02/28/2018	LAI4408	12 56 12 56,0833 10 40	1745 \$137.54	
200 SHIRLEY CT NAPA	04/11/1986 FAR WEST HM INC FAR WEST	\$49,966.00 \$218,500.00 02/13/2018	LAI3110	12 60 12 60	1440 \$151.74	
66 FALCON CREST CIR NAPA	10/09/1985 ROBERTS HM ROBERTS HM	\$40,000.00 \$255,000.00 01/05/2018	LAI8568 O'REILLY	12 44 12 44	1056 \$241.48	
209 NICOLE WY NAPA	05/20/1986 ROBERTS HM CASTLEWOOD	\$72,675.00 \$220,000.00 12/06/2017	LAI4663	12 48 12 48 10 38	1532 \$143.60	
206 BERNADINE PLACE NAPA	02/03/1987 ROBERTS HOMES ROBERTS HOMES	\$40,450.00 \$270,000.00 12/01/2017	LAK5129	12 44 12 44	1056 \$255.68	
212 JANE WAY NAPA	11/14/1984 ROBERTS HOMES STONEWOOD	\$81,200.00 \$293,000.00 10/13/2017	LAI4575	12 56 12 56 10 32	1664 \$176.08	
205 JULIE PLACE NAPA	10/25/1983 ROBERTS HOMES STONEWOOD	\$76,035.00 \$289,000.00 09/13/2017	LAG9870 21ST MORTGAGE	10 16 12 62 12 62	1648 \$175.36	

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204 JULIE PL
NAPA

11/12/1985
ROBERTS HOMES
ROBERTS HOMES

\$63,100.00
\$280,000.00
07/19/2017

[LAK9972](#)
CREDIT HUMAN FEDERAL CREDIT UN

12 56
12 56
10 16

1504
\$186.17



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210 DAPHNE DR
NAPA

02/03/1987
ROBERTS HOMES
ROBERTS HOMES

\$45,100.00
\$300,000.00
06/22/2017

[LAL1091](#)

12 52
12 52

1248
\$240.38

204 JANE WY
NAPA

11/28/1984
ROBERTS HOMES
STONEWOOD

\$75,770.00
\$305,000.00
06/20/2017

[LAG8365](#)
GREAT WESTERN SAVINGS/LOAN ASS

12 56
12 56
10 16

1504
\$202.79

201 JULIE PL
NAPA

10/24/1983
ROBERTS HOMES
COUNTRY HOUSE

\$30,381.00
\$1.00
04/05/2017

[LAE7745](#)
ASG INVESTMENT INC

12 44
12 44

1056
\$0.00

204 NICOLE WY
NAPA

11/21/1986
FAR WEST HOMES INC
FAR WEST

\$56,710.00
\$220,000.00
03/14/2017

[LAK1807](#)
GROSS

12 60
12 60

1440
\$152.78

202 BERNADINE PLACE
NAPA

09/12/1985
FAR WEST HM INC
FAR WEST

\$34,695.00
\$180,000.00
12/16/2016

[LAI7096](#)

12 45
12 45

1080
\$166.67

214 SHIRLEY CT
NAPA

03/06/1985
ROBERTS HOMES
STONEWOOD

\$73,775.00
\$245,000.00
11/21/2016

[LAJ1437](#)

12 62
10 16
12 62

1648
\$148.67

212 JULIE PL
NAPA

06/04/1984
ROBERTS HMS
CASTLEWOOD

\$55,000.00
\$285,000.00
11/03/2016

[LAI2717](#)

12 48
12 48

1152
\$247.40

	Original	Resale
Total	\$1,273,219.00	\$5,242,401.00
Average	\$55,357.35	\$227,930.48
Max	\$81,200.00	\$305,000.00
Min	\$30,381.00	\$1.00
Avg \$SqFt	\$41.72	\$173.67
Avg SqFt	1320	1320
Number of records	23	

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SANTIAGO FINANCIAL, INC.
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Park Name : SALVADOR MOBILE ESTATES
Park : 4421 SOLANO AVE
Address : NAPA, CA 94558
Spaces : 136
From : 10/19/2016 to 10/19/2018
Report date : 10/19/2018

Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft
107 CHALET WAY NAPA	01/01/1970 NEWPORT NEWPORT	\$10,100.00 \$140,000.00 02/08/2018	AAA4892 21ST MORTGAGE CORPORATION	10 57 10 57	1140 \$122.81
135 GARTH ST NAPA	01/01/1974 FAR WEST FAR WEST	\$13,300.00 \$110,000.00 08/08/2017	ABF6357	10 57 10 57	1140 \$96.49
129 GARTH ST NAPA	01/01/1969 PARAMOUNT	\$10,900.00 \$110,000.00 07/06/2017	LAU3275 21ST MORTGAGE CORPORATION GARDEN HOMES	10 55 10 55	1100 \$100.00
4417 SOLANO AVE NAPA	01/01/1977 LANCER	\$11,700.00 \$170,000.00 07/05/2017	ABI4899	12 60 12 60	1440 \$118.06
120 ROBIN ST NAPA	01/01/1968 MARLETTE HOMES MARLETTE	\$4,500.00 \$85,000.00 07/01/2017	AAU5768	12 47	564 \$97.52
108 ROBIN ST NAPA	01/01/1969 CHAMPION CHAMPION	\$4,900.00 \$42,000.00 06/29/2017	AAI5133	12 60	720 \$58.33
149 ROBIN ST NAPA	01/01/1971 FUQUA GULFSTREAM	\$8,500.00 \$80,000.00 06/27/2017	ABF6293	10 48 10 48	960 \$83.33
119 ROBIN ST NAPA	06/24/2016 SKYLINE HOMES INC BROOKSTONE	\$52,173.00 \$52,173.00 03/30/2017	LRM9657 ALTIER CREDIT UNION ISAOA NEWELL PROPERTIES	11.8333 48 11.8333 50	1159.67 \$44.99



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102 ROBIN ST NAPA	01/01/1971 DEL REY	\$7,900.00 \$50,000.00 12/30/2016	ABJ1679	12 50	600 \$83.33
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	Original	Resale
Total	\$123,973.00	\$809,173.00
Average	\$13,774.78	\$89,908.11
Max	\$52,173.00	\$170,000.00
Min	\$4,500.00	\$42,000.00
Avg \$SqFt	\$13.37	\$89.43
Avg SqFt	980	980
Number of records	9	

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name: AMERICAN CANYON MHP Park: 260 AMERICAN CANYON Address: RD AMERICAN CANYON, CA 94589 Spaces: 191 From: 10/19/2016 to 10/19/2018 Report date: 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Declar Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
260 AMERICAN CANYON RD #167 AMERICAN CANYON	01/01/1974 FLEETWOOD BARRINGTON	\$8,500.00 \$92,000.00 04/26/2018	AAV9518	11.6667 60	700	\$131.43
260 AMERICAN CANYON RD #46 AMERICAN CANYON	01/01/1973 FLEETWOOD FLEETWOOD	\$13,700.00 \$105,000.00 02/28/2018	AAZ9645	12 60 12 60	1440	\$72.92
260 AMERICAN CANYON RD #61 AMERICAN CANYON	01/01/1975 FLEETWOOD	\$16,500.00 \$111,000.00 02/21/2018	AAM3356	12 64 12 64	1536	\$72.27
260 AMERICAN CANYON RD #99 AMERICAN CANYON	07/28/1987 FLEETWOOD HOMES INC SANDALWOOD	\$0.00 \$183,250.00 02/14/2018	LB11248 MAPS CREDIT UNION	14 60 14 60	1680	\$109.08
260 AMERICAN CANYON RD #33 AMERICAN CANYON	01/01/1978 FAR WEST FAR WEST	\$20,900.00 \$100,000.00 02/01/2018	AA11639	10 60 10 60	1200	\$83.33
260 AMERICAN CANYON RD #169 AMERICAN CANYON	08/11/2000 FLEETWOOD HOMES CA INC SPRING HILL	\$72,950.00 \$110,000.00 01/31/2018	LBC5895 21ST MORTGAGE CORPORATION	11.75 52 11.75 52	1222	\$90.02
260 AMERICAN CANYON RD #50 AMERICAN CANYON	01/01/1971 MANUFACTURED HOUSING CORP BLAIR	\$12,900.00 \$11,500.00 01/26/2018	LBN4311 SANTIAGO SALES	12 57 12 57	1368	\$8.41
260 AMERICAN CANYON RD #149 AMERICAN CANYON	01/01/1973 HOWARD MANOR	\$14,500.00 \$110,000.00 10/19/2017	AAV3087	12 60 12 60	1440	\$76.39
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
260 AMERICAN CANYON RD SP 158 AMERICAN CANYON	01/01/1973 FLEETWOOD FLEETWOOD	\$7,900.00 \$43,500.00 09/22/2017	ABF6344	12 60	720	\$60.42
260 AMERICAN CANYON RD #150 AMERICAN CANYON	10/29/2000 FLEETWOOD HOMES CA INC FESTIVAL II	\$177,500.00 \$177,500.00 09/14/2017	LBN3766 21ST MORTGAGE CORP SANTIAGO SALES	15 54 15 60	1710	\$103.80
260 AMERICAN CANYON RD #39 AMERICAN CANYON	01/01/1975 SKYLINE HOMETTE	\$16,500.00 \$110,000.00 09/07/2017	LBN2178 SANTIAGO SALES	12 63 12 63	1512	\$72.75
260 AMERICAN CANYON RD #80 AMERICAN CANYON	01/01/1972 FLEETWOOD FLEETWOOD	\$7,500.00 \$4,500.00 08/20/2017	AAJ6095	12 60	720	\$6.25
260 AMERICAN CANYON RD #181 AMERICAN CANYON	01/01/1973 VKBRT	\$24,100.00 \$90,000.00 08/16/2017	ABD9545 21ST MORTGAGE CORPORATION	12 64 12 64	1536	\$58.59
260 AMERICAN CANYON RD #74 AMERICAN CANYON	07/01/1999 CHAMPION OAK CREST	\$0.00 \$87,000.00 05/16/2017	LB14728 21ST MORTGAGE CORPORATION	14 48	672	\$129.46
260 AMERICAN CANYON #29				13.3333 64 13.3333 60	1653.33 \$105.51	

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AMERICAN CANYON	04/18/2008 FLEETWOOD HOMES CA INC VOGUE II	\$174,450.00 \$174,450.00 05/12/2017	LBN1606 ALTIER CREDIT UNION ISAOA SANTIAGO SALES		
260 AMERICAN CANYON RD #138	08/23/1985 SKYLINE HOMES INC	\$34,460.00 \$128,000.00 03/24/2017	LAI4977 21ST MORTGAGE CORP	12 52 12 52	1248 \$102.56
AMERICAN CANYON	PALM SPRINGS				
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260 AMERICAN CANYON RD SP 100	01/01/1978 BENDIX BENDIX MANOR	\$20,700.00 \$105,000.00 12/08/2016	ABJ6787	12 56 12 56	1344 \$78.12
AMERICAN CANYON					
260 AMERICAN CANYON RD #124	01/01/1973 FUQUA HM	\$15,400.00 \$94,000.00 12/05/2016	ABD3873 21ST MORTGAGE	12 60 12 60	1440 \$65.28
AMERICAN CANYON	GULF STREAM				
	Original	Resale			
Total	\$638,460.00	\$1,836,700.00			
Average	\$35,470.00	\$102,038.89			
Max	\$177,500.00	\$183,250.00			
Min	\$0.00	\$4,500.00			
Avg \$SqFt	\$24.44	\$79.26			
Avg SqFt	1286	1286			
Number of records	18				

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 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name : LAS CASITAS MHP Park : 3000 BROADWAY Address : AMERICAN CANYON, CA 94580 Spaces : 96 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Decal Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
3000 BROADWAY ST #37 AMERICAN CANYON	09/21/1970 LANCER LANCER	\$5,700.00 \$51,000.00 08/22/2018	AA12030 21ST MORTGAGE CORPORATION	12 54	648	\$78.70
3000 BROADWAY #76 AMERICAN CANYON	01/01/1971 GOLDEN WEST GOLDEN WEST	\$17,300.00 \$115,000.00 07/18/2018	AA13989 21ST MORTGAGE CORPORATION	11 64 11 64	1408	\$81.68
3000 BROADWAY #59 AMERICAN CANYON	01/01/1971 LANCER LANCER	\$5,500.00 \$50,000.00 04/27/2018	AAH6603	12 54	648	\$77.16
3000 BROADWAY ST #54 AMERICAN CANYON	GOLDENWEST GOLDENWEST	\$17,799.00 \$39,000.00 03/12/2018	ABJ5752 21ST MORTGAGE CORPORATION	12 60 12 60	1440	\$26.39
3000 BROADWAY SP 16 AMERICAN CANYON	07/27/1995 SKYLINE HM INC OAKMANOR	\$49,879.00 \$105,000.00 12/26/2017	LAW4675	12 52 12 52	1248	\$84.13
3000 BROADWAY #40 AMERICAN CANYON	01/01/1972 SHERATON HMS SHERATON MANOR	\$14,700.00 \$115,000.00 10/27/2017	AAM9235	12 57 12 57	1368	\$84.06
3000 BROADWAY ST #56 AMERICAN CANYON	01/01/1973 FLEETWOOD FLEETWOOD	\$10,999.00 \$110,000.00 10/20/2017	ABJ3468 JOHN B GIACOMA JR AND PHYLLIS	12 60 12 60	1440	\$76.39
3000 BROADWAY #83 AMERICAN CANYON	01/01/1971 GREAT WESTERN	\$18,599.00 \$120,000.00 10/20/2017	ABJ2425 CREDIT HUMAN FEDERAL CREDIT UN	12 64 12 64	1536	\$78.12
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
3000 BROADWAY ST #26 AMERICAN CANYON	01/01/1970 COMMODORE COMMODORE	\$6,300.00 \$47,500.00 08/28/2017	LAB4091	12 56	672	\$70.68
3000 BROADWAY ST #22 AMERICAN CANYON	01/01/1971 KAUFMAN/BROAD BAINBRIDGE	\$9,700.00 \$110,000.00 08/08/2017	ABC3710	12 52 12 52	1248	\$88.14
3000 BROADWAY #31 AMERICAN CANYON	01/01/1970 GOLDEN WEST GOLDEN WEST	\$18,100.00 \$121,000.00 07/21/2017	AAZ6310	12 60 12 60	1440	\$84.03
3000 BROADWAY ST #90 AMERICAN CANYON	CHAMPION CHAMPION	\$4,900.00 \$50,000.00 07/14/2017	AAZ7957	12 60	720	\$69.44
3000 BROADWAY #62 AMERICAN CANYON	01/01/1971 REDMAN SHERATON MANOR	\$14,500.00 \$96,000.00 06/21/2017	AAJ6049	12 60 12 60	1440	\$66.67
3000 BROADWAY ST #51 AMERICAN CANYON	01/01/1972 CHAMPION CHAMPION	\$11,300.00 \$79,000.00 03/17/2017	AAH8440	12 60 12 60	1440	\$54.86
3000 BROADWAY ST #69 AMERICAN CANYON	09/20/2005 FLEETWOOD HOMES OF CALIF. INC EXPRESSION	\$136,334.00 \$114,000.00 01/23/2017	LBIZ560	11.6667 52 11.6667 52	1213.33	\$93.96

<http://www.mhousing.com/reports/qhome4.asp?parkid=28-0043&report=&diff=two> 10/19/2018

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3000 BROADWAY SP 81 VALLEJO	01/01/1971 CASTLE	\$12,500.00 \$72,500.00 12/14/2016	ABH3890	12 64 12 64	1536 \$47.20
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908					
3000 BROADWAY ST #52 AMERICAN CANYON	01/01/1972 FLEETWOOD FESTIVAL	\$13,700.00 \$120,000.00 11/30/2016	AAU2715	12 60 12 60	1440 \$83.33
3000 BROADWAY ST SP 41 AMERICAN CANYON	01/31/2012 CMH MANUFACTURING WEST INC CLAYTON	\$140,528.00 \$150,000.00 10/31/2016	LBI_1855	13.5 56 13.5 56	1512 \$99.21
	Original	Resale			
Total	\$506,338.00	\$1,664,000.00			
Average	\$28,129.89	\$92,444.44			
Max	\$140,528.00	\$150,000.00			
Min	\$4,900.00	\$38,000.00			
Avg \$SqFt	\$21.58	\$74.68			
Avg SqFt	1244	1244			
Number of records	18				

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Santiago Financial, Inc. - COMPARABLE SALES REPORT						
 SANTIAGO FINANCIAL, INC. www.santiagofinancial.com 800-232-3908			Park Name : WORLD MARINE ESTATES Park : 2555 FLOSDEN RD Address : AMERICAN CANYON, CA 94589 Spaces : 125 From : 10/19/2016 to 10/19/2018 Report date : 10/19/2018			
Address City	Mfd Date MFG Trade	Original Current Sales Date	Declar Legal Dealer	Wd Lt	Total sq Ft Per Sq Ft	
2555 FLOSDEN RD #79 AMERICAN CANYON	11/22/1988 HALLMARK/SOUTHWEST EST	\$69,035.00 \$200,000.00 08/06/2018	LAM9584 21ST MORTGAGE CORPORATION	12 50 12 50	1200 \$166.67	
2555 FLOSDEN RD #51 AMERICAN CANYON	05/11/1978 HALLMARK SOUTHWEST ESTATES	\$76,850.00 \$185,000.00 04/16/2018	LAM6680	12 52 12 52	1248 \$148.24	
2555 FLOSDEN RD #111 AMERICAN CANYON	11/07/1991 HALLMARK SOUTHWEST CORP THE ESTATES	\$79,000.00 \$170,000.00 04/05/2018	LAT7691 21ST MORTGAGE	12 60 12 60	1440 \$118.06	
2555 FLOSDEN RD #45 AMERICAN CANYON	01/13/1988 HALLMARK SOUTHWEST ESTATES	\$84,165.00 \$185,000.00 03/01/2018	LAM3402 MURPHY BANK	12 50 12 50 10 30	1500 \$123.33	
2555 FAIRGROUNDS DR #7 AMERICAN CANYON	06/12/1987 HALLMARK SOUTHWEST THE ESTATES	\$64,665.00 \$180,000.00 02/28/2018	LAL1713	12 50 12 50	1200 \$150.00	
2555 FLOSDEN RD #5 AMERICAN CANYON	12/27/1987 HALLMARK SOUTHWEST THE EST	\$82,665.00 \$185,000.00 12/29/2017	LAM3343	10 30 12 50 12 50	1500 \$123.33	
2555 FLOSDEN RD SP 92 AMERICAN CANYON	07/16/1991 HALLMARK SOUTHWEST CORP ESTATES	\$87,016.00 \$180,000.00 12/04/2017	LAT1791 MURPHY BANK	12 60 12 60	1440 \$125.00	
2555 FLOSDEN RD #95 AMERICAN CANYON	06/27/1989 HALLMARK ESTATES	\$80,911.00 \$98,000.00 11/13/2017	LAP5067	12 64 12 64	1536 \$63.80	
 Santiago Financial Inc. - Buying? Selling? Refinancing?  info@santiagofinancial.com 800-232-3908						
2555 FLOSDEN RD #66 AMERICAN CANYON	09/23/1990 HALLMARK SOUTH WEST CORP ESTATES	\$89,485.00 \$220,000.00 10/30/2017	LAS3055 21ST MORTGAGE CORPORATION GARDEN HOMES	12 46.6667 10 28.6667 12 46.6667	1406.67 \$156.40	
2555 FLOSDEN RD #91 AMERICAN CANYON	11/13/1991 HALLMARK SOUTHWEST CORP ESTATES	\$52,500.00 \$175,000.00 10/28/2017	LAT2393 MURPHY BANK	12 60 12 60	1440 \$121.53	
2555 FLOSDEN RD #12 AMERICAN CANYON	09/01/1987 HALLMARK SOUTHWEST THE ESTATES	\$81,985.00 \$27,065.00 07/05/2017	LAM1037 21ST MORTGAGE CORPORATION	12 64 12 64	1536 \$17.62	
2555 FLOSDEN RD #74 AMERICAN CANYON	12/12/1990 HALLMARK SOUTHWEST CORP THE ESTATES	\$89,335.00 \$190,000.00 06/02/2017	LAS7046 WASHINGTON MUTUAL BANK	10 30 12 50 12 50	1500 \$126.67	
2555 FLOSDEN RD #84 AMERICAN CANYON	07/16/1990 HALLMARK SOUTHWEST CORP ESTATES	\$83,545.00 \$175,000.00 11/30/2016	LAS1678 21ST MORTGAGE	12 52 12 52	1248 \$140.22	
2555 FLOSDEN RD #101 AMERICAN CANYON	10/02/1988 HALLMARK SOUTHWEST CORP ESTATES	\$82,248.00 \$130,000.00 10/19/2016	LAN3479 FRIDOLFSSON	12 64 12 64	1536 \$84.64	
		Original	Resale			
Total		\$1,103,405.00	\$2,300,065.00			

<http://www.mhousing.com/reports/qhome4.asp?parkid=28-0053&report=&diff=two> 10/19/2018

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Average	\$78,814.64	\$164,290.36
Max	\$89,485.00	\$220,000.00
Min	\$52,500.00	\$27,065.00
Avg \$SqFt	\$56.12	\$118.96
Avg SqFt	1409	1409
Number of records	14	

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November 6, 2018

Dear Mayor and Members of the St. Helena City Council,

We are contacting you because we are residents of Vineyard Valley and wish to express our concerns about the proposed rent stabilization ordinance that is currently before you.

When this ordinance was first proposed, we were interested but wanted to know more. The arguments against it, we felt, were based more on emotion than on substance and we were unwilling to take a position until we felt we had all sides of the story.

In particular, we wanted to know how specifically this ordinance would negatively affect the park owners, beyond being another bothersome regulation from a government entity, something that few business owners relish. Absent that, we were inclined to support the idea of rent stabilization not because we are unhappy with our current lease — we are quite happy with its terms — or because we have any quarrel with the manner in which the park is operated and managed, which we most certainly do not. Nor do we doubt Greg Reynolds when he states, as he has on multiple occasions both publicly and in writing, that he and the LLC have harbored no plans to sell the park.

We saw the prospect of rent stabilization as a possible insurance policy for residents, just in case something unforeseen developed that would trigger a sale of the park despite the LLC's stated intentions. Again, without knowing how the proposed ordinance might injure the owners' material interests, we hoped the City Council would continue to study the proposal from all angles.

Now, with the letter from Mr. Anthony Rodriguez, Esq. dated November 2, 2018, we have a clearer picture of the park owners' objections. We are persuaded by their representatives' explanation that the ordinance could in effect reduce their profit to zero over time, were it widely used by the tenants. We are also persuaded by the argument that the owners' inability to realize a profit on capital expenditures is an unreasonable burden and would prove to be a disincentive to continue the level of improvement and upkeep the owners

have demonstrated over the past several years. As the letter points out, the park itself is reaching senior status and its infrastructure will continue to need refurbishing and replacement. To expect the park owners to do so while only covering the absolute costs of labor and materials is unrealistic from a business sense.

We certainly understand Mr. Reynolds' feelings about this process and we take seriously the assertion that the park owners could close the park and seek another use for the property were this ordinance to go forward. It appears it would be within the park owners' power to do so, and as Mr. Rodriguez points out, they would not have the means to recompense the residents for the fair market value of their units, even if the residents or the City were to try to compel them.

Given these facts, we are very concerned that the proposed ordinance will have unintended consequences that would put the Vineyard Valley residents' interests and security in serious jeopardy. Moreover, until this matter is resolved, all of us who own units there could find it difficult to sell our homes should we need to, which is certainly not the intent of the City.

We appreciate that the City has had the interests of the current and potential future residents of Vineyard Valley in mind and has a concern for preserving the affordability of its housing stock. However, it has become clear to us that the proposed rent stabilization ordinance might create the very problem it is intending to solve, and we urge the Mayor and council members to vote against this ordinance.

Best regards,

The image shows two handwritten signatures in black ink. The signature on the left is 'Jan Mandroian' and the signature on the right is 'Michael Flynn'. Both are written in a cursive, flowing style.

Jan Mandroian & Michael Flynn
30 Redondo Ct.
St. Helena CA 4574

July 31, 2018

City of St Helena
Geoff Ellsworth
1480 Main St.
St. Helena, Ca. 94574

Mr. Ellsworth,

I am writing to you to let you know that as residents of Vineyard Valley we do not support the rent control ordinance that is under consideration by the city council. The park is run beautifully and is the most affordable housing option in St. Helena. We do not need another costly layer of government bureaucracy when there is an existing option of a long term lease that insures affordability. It is my understanding that the vast majority of VV residents are not in favor of rent control.

Tom Corkill

Leanne Corkill

Tom & Leanne Corkill
20 Del Rio Court
St Helena, Ca. 94574

Cindy Tzaopoulos

From: Anita Peters <anitamons@gmail.com>
Sent: Monday, July 23, 2018 9:09 AM
To: Cindy Tzaopoulos
Subject: NEW BUSINESS: Rent Control for Vineyard Valley Mobile Home Park.

>>>> Dear St.Helena City Council Members,

>>>>

>>>> Vineyard Valley has been my residence for over two years. The grounds, amenities, security, improvements and maintenance are excellent.

>>>>

>>>> A resident of one of the Calistoga mobile home parks and an employee of one in Windsor told me that rent control has caused a decline in their services. Enforcement of rules and regulations in these two mobile home parks has also become lax as a result of not having the money to hire managers.

>>>>

>>>> A long term lease is favorable to me. I am worried that rent control may create a myriad of state regulations that will result in the deterioration of all the services I appreciate at Vineyard Valley Mobile Home Park.

>>>

>>> Vineyard Valley is a community and all residents must have a voice before the city government decides to impose an ordinance of any type.

>>>>

>>>> Sincerely,

>>>>

>>>> Anita M. Peters

>>>> 8 Los Robles Court

>>>> St. Helena, Ca. 94574

>>>>

>>>>

>>>>

>>>>

>>>>

August 1, 2018

To the Mayor & City Council of St. Helena,

We absolutely oppose the proposed Rent Stabilization Ordinance for Vineyard Valley Mobile Home Park. The owners & staff of Vineyard Valley are doing their job in maintaining a beautiful Park. This proposed ordinance will only bring discord & distrust.

NO, NO, NO, DO NOT ALLOW THIS ORDINANCE TO PASS!!!

Sincerely,

The image shows two handwritten signatures in blue ink. The first signature, on the left, is 'Ron Burns' and the second, on the right, is 'Stephanie Burns'. Both are written in a cursive, flowing style.

Stephanie & Ron Burns
4 Del Campo Court
St. Helena, Ca 94574

Nora O'Neill

37 Laguna Seca Court
St. Helena, CA 94574

July 31, 2018

The City Council
City of St. Helena
1480 Main Street
St. Helena, CA 94547

Members of the City Council:

I am writing to you in connection with your consideration of rent control for Vineyard Valley.

World-renowned economist Thomas Sowell, PhD, Economics, Senior Fellow at the Hoover Institute at Stanford University, has said, *"The biggest economic fallacy of housing is that 'affordable housing' requires government intervention."* Below is a synopsis of Dr. Sowell's comments on rent control, taken from an interview he did on February 10, 2014, in connection with his book, ECONOMIC FACTS AND FALLACIES:

Before rent control was enacted, there were more people living in housing and government housing projects in San Francisco and New York City than there are now. San Francisco and New York City have had rent control for many, many years. Today, these 2 cities have the highest rent prices in the United States.

With rent control, people either reduce the number of houses they build, or they stop building houses altogether because, with rent control, there is no longer an incentive to invest in housing; and, they put their money elsewhere, such as in stocks and bonds.

Rent control leaves political authorities with the predicament of having no new houses being built while, at the same time, the old houses are wearing out, usually wearing out faster under rent control because the landlords don't have the incentive to keep up the properties as much.

So, the politicians say, we are trying to protect the poor, so we won't regulate luxury housing. Of course, affordable housing and luxury housing both use the same labor and materials. Consequently, in this situation, all the labor and materials that would have gone to ordinary housing goes to luxury housing because that is where the money can be made, hence, no new ordinary housing is being built.

Before government intervention became pervasive in the housing markets, we find people were paying a smaller percentage of housing at the beginning of the 20th Century than at the end of the 20th Century.

1901 -- housing was 23% of the average American family's spending

2003 -- housing was 33% of a far larger amount of the average American family's spending

The City Council of St. Helena, CA
 July 31, 2018
 Page 2 of 3

What happens is that the politicians end up restricting the amount of housing that can be built; and, the basic law of supply and demand dictates that if you restrict the supply while the demand is growing, the prices will go through the roof.

WHO BENEFITS FROM THE RENT CONTROL ARRANGEMENT?

The politicians gain most of all – they get the reputation of being for the poor and downtrodden, they are setting aside “affordable housing” units, they are preventing some evil landlord from raising the rent through rent control, and they are able to keep the public paranoid that, if they take away the rent control, there will be sky-high pricing. So, the politicians gain from this.

Both the landlords and the tenants lose. They lose in different ways and to different extents. Tenants lose because they cannot find a place to live; landlords lose because they do not make the profit they would have made otherwise. In addition, the builders lose because there is no demand for building condos and apartments if no one can make a profit from it.

Where builders are allowed to construct homes and apartments without severe government restrictions, even growing populations and rising incomes do not cause housing prices to shoot up because the supply of newly constructed housing keeps up with the growing demand. Example: Contrast Houston vs. San Francisco:

In 2014 it was estimated by a real estate company that the average house in Houston cost \$155,000, while the average house price in San Francisco was \$1.5 million. Houston does not have zoning laws; however, in California, there are many, many laws and regulations, planning commission reviews, hearings, expensive fees every step of the way, etc., etc.

Let’s review why this housing shortage exists in St. Helena. A lot of the problem stems from the Ag Preserve back in the 1980’s, where one of the “selling points” of the Ag Preserve to the voters at the time was to “keep Napa Valley from being filled with condos and apartments, which would make Hwy 29 a parking lot!” Consequently, with the Ag Preserve in place, the development of Napa Valley was practically all focused on vineyards and wineries, with hardly any thought given to the future need for housing.

We have ended up with tons of vineyards and wineries, yet all of their employees (plus the teachers, restaurant workers, general business employees, and city employees) need housing; but, there is no housing because of the Ag Preserve’s resultant limit on condos and apartments. Instead, everyone put in vineyards and wineries, and the builders were left with only building wineries and luxury homes for the rich. Worst of all, not only is Hwy 29 now a parking lot for traffic, but also, the Silverado Trail is now a parking lot because of the employees who have to commute to their jobs due to the lack of housing.

Adding rent control to this mix only makes the housing problem worse – it does not fix the cause of the problem, but only adds a Band-Aid. Thus, no end is in sight for the lack of housing, which will go on, and on, and on.

The City Council of St. Helena, CA
 July 31, 2018
 Page 3 of 3

As I advised you at the July 24, 2018, City Council Meeting, Vineyard Valley is an idyllic setting in this beautiful little town, and the owners are exceptionally good landlords, who work hard to keep the idyllic nature of The Park intact, making residents feel at home and keeping the cost of living there affordable. We enjoy a beautiful swimming pool, hot tub, club house, putting green, walking trails, game rooms, exercise gym, workshop, library, and Park social events, not to mention the beautiful overall garden environment. I have lived in Vineyard Valley for 7 years and have never had a problem. Whenever I have had a question about something, the staff has responded promptly and efficiently to answer it.

At the emergency meeting held at Vineyard Valley to inform us on this subject, it appeared that 90-95% of the homeowners had been blindsided by this whole matter. It seems the rent-control concept came about in response to a small few and not the vast majority of the residents. The residents of Vineyard Valley are in no need of Government intervention and oversight.

The added costs brought on by increased staff time required to handle the regulatory oversight of this rent-control concept would be an unnecessary burden to the City of St. Helena and to the owners of Vineyard Valley and would have a negative effect on our home values and our living environment. None of this is needed, and none of it should be pursued.

Does the City of St. Helena want to lead the whole Napa Valley down the cumbersome, highly regulated, and costly road that rent control would lead to? Rent control is not a good option for St. Helena nor for the Napa Valley.

The housing problem needs to be met head on. I think it would be a good thing for you to investigate encouraging landowners, through tax incentives, etc., to build some apartment buildings on some of their property. Also, I think the wineries should work together to build housing – they have the land, and they are the major cause of this housing shortage. Perhaps they could take half of their proceeds from their wine auction every year and build housing to alleviate the problem they are responsible for creating. If the wineries can afford to pay \$90,000 every year to completely rebuild the 9th hole at Meadowood, after it is damaged from the Wine Auction, they can certainly afford to build housing throughout this Valley. They have a big responsibility for this housing shortage in Napa Valley, and they should be willing to help solve the problem.

Thank you,

Nora O'Neill

St. Helena City Council Meeting, July 24, 2018

I am Nora O'Neill, and I live in the Vineyard Valley Home Park. I am here tonight to support Mr. Greg Reynolds and the owners of Vineyard Valley and to urge the members of this City Council to cease their "Review and Discussion" of unneeded rent control in this privately owned home park.

Vineyard Valley is an idyllic setting in this beautiful little town, and the owners are exceptionally good landlords, who work hard to keep the idyllic nature of The Park intact, making residents feel at home and keeping the cost of living there affordable. We enjoy a beautiful swimming pool, hot tub, club house, putting green, walking trails, game rooms, exercise gym, workshop, library, and Park social events, not to mention the beautiful overall garden environment. I have lived in Vineyard Valley for 7 years and have never had a problem. Whenever I have had a question about something, the staff has responded promptly and efficiently to answer it.

At the emergency meeting in the Park last Wednesday to inform us on this subject, it appeared that 90-95% of the homeowners had been blindsided by this whole matter. It seems the rent-control concept came about in response to a small few and not the vast majority of the residents. The residents of Vineyard Valley are in no need of Government intervention and oversight.

The added costs brought on by increased staff time required to handle the regulatory oversight of this rent-control concept would be an unnecessary burden to the City of St. Helena and to the owners of Vineyard Valley and would have a negative effect on our home values and our living environment.

None of this is needed, and none of it should be pursued. Again, the overwhelming majority of residents in the Park were not aware of and do not support this potential regulation. Thank you.

Cindy Tzaopoulos

From: lupejazz <lupejazz@sbcglobal.net>
Sent: Tuesday, July 24, 2018 4:46 PM
To: Cindy Tzaopoulos
Subject: Rent Stabilization aka Rent Control

Dear Miss. Tzaopoulos,

RE: RENT STABILIZATION AKA RENT CONTROL

Allow me to introduce myself, my name is Lupe Bengel. I, along with my husband David Bengel, are residents of beautiful, Vineyard Valley (VV) here in lovely Saint Helena, since approximately, January 2006. And, I would like to share with you and City Council of St. Helena the following.

Before we purchased our home we read, and then had an in person meeting with Vineyard Valley (VV) mgmt., making sure we understood our lease/rent agreement. We were owners of our house BUT, not the land it sits on.

Our yearly basic base Space rent (MINUS: water, sewer surcharge and garbage) is calculated at 3% per a formula devised to be fair by Owners. And, we agreed, signed and understood what this land lease for our house with VV entailed. So far, the land rent formula is working. And, so far, we are able to financially afford this formula. Also, one can see by the beautification projects of the past, present and current maintenance of VV grounds and amenities, that our current owners and management are fair and diligently work at making and keeping VV a desirable and unique mobile home park. The best in the West!

If you haven't yet had the opportunity to visit our beautiful, peaceful and welcoming Vineyard Valley Mobile Home Park, please do so.

Therefore, in regards to the subject of "Rent Stabilization aka Rent Control" being proposed before the City Council of Saint Helena at tonight's Council meeting, my husband and I, are expressing this proposal is NOT FAVORABLE in our humble opinion.

Respectfully,
Lupe and David Bengel
11 Laguna Seca Court
Saint Helena, CA
707-312-9062

Sent via my Samsung Galaxy, an AT&T 4G LTE smartphone

Cindy Tzaopoulos

From: Mariam Hansen <wartuhi@comcast.net>
Sent: Monday, July 23, 2018 12:57 PM
To: Cindy Tzaopoulos
Subject: July 24 10.1

Dear City Council,

It came as a great shock to most Vineyard Valley residents to learn that a rent control ordinance was to be considered on July 24. Friday 13th July lived up to its name. I'm told that a small group of VV residents have been working on it with the city and that it came about because Erika Sklar from Our Town St. Helena said it should.

According to some, residents of Vineyard Valley are clamoring for rent control. This is probably not the impression Councilwoman Koberstein got when she attended a community meeting at Vineyard Valley on July 18. Almost everyone is very happy with the way Vineyard Valley LLC has treated them. When admonished for not informing the public that a rent control ordinance was being written, Councilwoman Koberstein stated it was the fault of Vineyard Valley residents for not knowing what the city's goals are!! Let the residents have a voice—put it to vote!!

Everyone who moves into Vineyard Valley (VV) signs a lease of at least 7 years. State law says rent control does not apply to mobile home park lots covered by an agreement longer than 12 months.

At the end of each lease term the VV office automatically sends out a new lease to be signed. Tenants have a choice to sign or not. Out of about 250 lots, only 19 do not have a lease.

Leaseholders know with certainty their rent will go up 3% a year.

Just look at the new bureaucracy the city must pay for:

- New rent review officer must be appointed.
- City must register each lot and collect a regulatory fee -set anniversary date for all rent increases
- set regulatory fee
- choose Consumer Price Index date
- verify CPA documentation submitted by landlord
- Accept petitions from tenants objecting to rent increase
- Organize a hearing for petitioners -Collect petitioners and landlord processing fees
- Assign a hearing officer to a petition
- Receive notice from landlord as to which lots are subject to rent increase
- Review petitions and verify requirements are met -Assign mediator and set meeting with tenant and landlord

And more

Keeping St. Helena affordable is certainly a lofty goal, but economic forces beyond the control of the city government are jacking up the cost of living in St. Helena. Every time the Chamber of Commerce sends out an email they advertise St. Helena lifestyle. Visitors become buyers and bid up the cost of even the most modest house. The city itself is responsible for the panic that ensued in VV over the astronomical water and sewer rate increase last year and more increases are yet to come. City is responsible for requirements that jack up the cost of building anything in town. City rules allow multiple middle class

houses to be demolished every week, to be replaced by luxury homes. Example: 1814 Spring, 1504 Stockton, etc. Just walk from Spring down Allyn.

May long time residents are fed up with the growth in tourism, tech millionaires, traffic, living costs. They are tired of the deserted neighborhoods on week days and influx of partiers on the weekend. Yet they are happy to sell their property for an astronomical sum and move out of state. Congressman Mike Thompson's cousin is the latest one to announce his departure.

Rent control in Vineyard Valley will not put a dent in any of this.

Best wishes,
Mariam Hansen

September 18, 2018

To Mayor Alan Galbraith, All Council Members, and Mark Prestwick, City Manager.

We the undersigned, as residents of Vineyard Valley, are against the proposed "Rent Stabilization Ordinance" for the following reasons:

"If it ain't broke don't fix it"

We trust the intentions of park management and feel the improvements that have been made recently were done so out of love for the Park and its residents and NOT because management had any intentions of selling the park. The management has given us no reason to believe they will sell the park. This is a family owned park, with family members living here and encouraging their friends to buy homes here.

The rent stabilization process was flawed from the beginning. Everyone MUST HAVE the same knowledge and input in the beginning for the process to have satisfactory results and for ALL and NOT just a few people with their own views. This did not happen.

Vineyard Valley is not like any other manufactured home park and should be treated as such.

We are unique in that Vineyard Valley is more like a magically landscaped park with amazing amenities that include:

- beautiful landscaping including a total of 815 trees (191 Redwood trees, 139 Maple trees and 485 misc. trees)
- a wonderful pool and pool setting along with water aerobics and a hot tub and spa & newly remodeled bathrooms.
- a sauna
- a bocce court
- a very large landscaped koi pond with water lilies and water fountains
- a well-supplied work-out room (recently upgraded and remodeled) and weekly yoga classes
- a beauty salon
- a wood work shop
- a clubhouse for our social activities
- 4 fulltime gardeners.
- walking paths lined with trees and flowers
- night security
- a library
- a pool room
- kitchen facilities

All of this is paid for and maintained by management. Recent capital improvements include a new emergency pump system, refurbished pool and spa including new bathrooms and showers, newly renovated gym with new equipment, replacement of trees along the main street, and last but not least, management has hired an arborist. All these improvements have been provided by management with no cost to residents

In 2017 the park did a capital improvement by paving our streets and residents were asked to pay a \$8.40 monthly pass through over a period of 15 years.

We believe we are already on rent control. We know every year we pay 3% more annually and can budget accordingly. We also have long term leases ranging from 7 to 15 years. This provides a sense of

security and minimizes anxiety that would come with monthly or annual leases. As seniors, anything that can mitigate fear and anxiety is important to our well-being.

Point of fact: the rate of increases in Vineyard Valley has been 3% for over forty years under the same owners!!!!!! Now that is data that should matter!

We are not convinced that if the park were sold that rent stabilization would work. Should this happen there would be a property appraisal and the new owners would have the right to make a profit, passing the increase to residents.

And who needs the bureaucracy and hassle of this ordinance? For example:

- New rent review officer must be appointed
- City must register each lot and collect a regulatory fee-set anniversary date for all rent increases
- Set a regulatory fee
- Choose CPI data
- Verify CPA documentation submitted by landlord
- Accept petitions from tenants objecting to rent increase
- Organize a hearing for petitioners and collect petitioners and landlord processing fees
- Assign a hearing office to a petition
- Receive notice from landlord as to which lots are subject to rent increase
- Review petitions and verify requirements are met and assign a mediator.

Sounds like a lot of bureaucracy to us not to mention the expense to the city of Saint Helena, paid for by it's taxpayers.

Because of the constant efforts by the owners and management to care for, beautify, and improve the park, we have been very fortunate to see our homes go up in value. We do not want to do anything that would impact our future.

Also, we do not want to do anything that would impact the quality of care and improvements the management provides currently which has resulted in increasing the value of our homes. If the park owners and management feel that the administration of rent stabilization becomes too burdensome and costly to manage, will this incite them to consider selling Vineyard Valley.

For those long-term residents who are having financial hardships, the management has and would be willing to work with those individuals.

And last, residents in Vineyard Valley represent a significant bloc of voters in Saint Helena. We should have a voice!

Please hear us, we are more than satisfied with what we have in ownership, management and our rent. WE HAVE NO EVIDENCE THAT THIS WILL CHANGE!

First Name	Last Name	Address	Signature
1 Rosalie	Blumberg	2 San Ardo Ct.	Rosalie Blumberg
2. LYDIA	PLOTKIN	27 REDONDO CT.	Lydia Plotkin
3 Carla	Holm	8 San Juan Ct.	Carla C. Holm
4. MYRNA	CARATI	3 SAN JUAN	Myrna Caratti
5. Elizabeth	Green	2 Laguna Seca	Elizabeth Green
6. Lois	Bloom.	21 Redondo Court	Lois Bloom
7. Danny	Bloom.	21 Redondo Court	Danny Bloom
8. JAN	CRADEN	46 LAGUNA SECA	Jan Craden
9. Robert J.	FITZGERALD	6 Del Monte Ct	Robert J. Fitzgerald

First Name	Last Name	Address	Signature
10.	Julie Fitzgerald	6 Del Monte Ct	JULIE FITZGERALD
11.	Linda Messenger	5 Del Monte Ct	LINDA MESSENGER
12.	Paul Giuliani	22 REDONDO CT.	LAUREZ GIULIANI
13.	Sheretana Doron	14 DEL RIO CT, ST HELENA	
14.	Joyce Bobb	15 Redonda Ct.	St. Helena
15.	Ann & Vera Testana	5 DEL RIO CT.	St. Helena
16.	Victor & Pierette Simpson	2 Del Campo Ct	St. Helena
17.	Ronda Urman	1 San Ardo Ct	St. Helena
18.	John Polley	Here Laguna Seca Ct	
19.	George Baba	- 18 San Lucas	
20.	Ermy Bala	18 San Lucas Ct.	
21.	PAUL BLUMBERG	2 San Ardo	Paul Blumberg
22.	Catherine Carmody	20 San Juan	
23.	Bill Snyder	20 San Juan Ct	
24.	Robney B. Green	2 LAGUNA SECA COURT.	

First Name	Last Name	Address	Signature
25.	Diana	Mauli 16 Redondo Ct.	Diana Mauli
26.	Diana	Mahoney 10 Del Rio Ct	Diana Mahoney
27.	Janeen	di Rienzo 10 Redondo Ct.	Janeen di Rienzo
28.	Cheryl	Olson 19 Laguna	Cheryl Olson
30.	Ferene	Brunner 19 Laguna Seca	Ferene Brunner
31.	Suzanne	Day James 32 Redondo Ct	Suzanne Day James
32.	Denise	Leone 7 Redondo Ct	Denise Leone
33.	Cameen	Fran 6 Redondo Ct.	Cameen Fran
34.	Marie	Wong 25 Redondo	Marie Wong
35.	Herb	Brook 15 Redondo	Herb Brook
36.	Gary	Giello 7 Del Monte Ct	Gary Giello
37.	Janette	Giello 7 Del Monte Ct.	Janette Giello
38.	Emy	Daniel 11 SAN LUCAS	Emy Daniel

	First Name	Last Name	Address	Signature
39.	Linda Titus	Titus	38 Laguna Seca Ct.	Linda Titus
40.	TOM	VENCE	22 SAN LUCAS CT	Tom Vence
41.	STEVE	McNabb	4 Del Rio CT	Steve McNabb
42.	CHUCK	STEELE	18 LOS ROBLES	Chuck Steele
43.	Edgar	Adams		
44.	MICHAEL	BURNS	11 SAN JUAN CT.	Mike Burns
45.	Jeannie	BURNS	11 SAN JUAN CT	Jeannie Burns
46.	Susan	Ernst	14 San Juan Ct	Susan A. Ernst
47.	NORA	O'Neill	37 Laguna Seca Ct.	Nora O'Neill
48.	Monty	Dehnert	6 San Lucas Ct.	Monty Dehnert
49.	Barbara	Dehnert	6 San Lucas Ct.	Barbara Dehnert
50.	Diana M.	Lagunero	7 LOS ROBLES	DIANA LAVAGNINO
51.	Jeane	Hilson	36 Laguna Seca Ct.	

First Name	Last Name	Address	Signature
52. <u>Lucy</u>	<u>DePuy</u>	<u>4 Laguna Seca</u>	<u>Lucy DePuy</u>
53. <u>MIRIAM</u>	<u>HESS</u>	<u>8 LAGUNA SECA</u>	<u>Miriam Hess</u>
54. <u>Ann Camacho</u>		<u>18 Del Rio Ct.</u>	
55. <u>FRED O CAMACHO</u>		<u>18 Del Rio Ct</u>	<u>Fred Camacho</u>
56. <u>Carol McWilder</u>	<u># 55</u>	<u>Laguna Seca</u>	
57. <u>TOM WILSON</u>	<u># 55</u>	<u>Laguna Seca</u>	<u>Tom Wilson</u>
58. <u>John Morrison</u>			
59. <u>Margaret O'Fallon</u>	<u>57</u>	<u>Laguna Seca</u>	
60. <u>Katherine McDonald</u>		<u>14 Redado Ct.</u>	
61. <u>Oleta McGrath</u>		<u>4 San Lucas</u>	
62. <u>Lois O. Trask</u>		<u>17 Del Rio Ct.</u>	
63. <u>Lois O. Trask</u>		<u>17 DEL RIO Ct.</u>	
64. <u>Julia Pappas</u>		<u>12 San Lucas Ct</u>	
65. <u>Big Cho</u>		<u>1 San Juan Ct</u>	

	First Name	Last Name	Address	Signature
66.	Debra	Auster	1 San Juan Ct	
67.	Andree	Bryan	39 Laguna Seca Court.	Andree U. Bryan.
68.	Gail	Cresick	15 San Juan Ct. St. H.	
69.	Janet W.	Bengel	11 Laguna Seca Ct	
70.	Luz M.	Bengel	11 Laguna Seca Ct	
71	Ken	Young	12 Del Rio Ct.	
72	Diane	BAM	12 Del Rio Ct. St. H.	
73	SHERYL	FOEHN	7 SAN JUAN CT.	Sheryl Foehn
74	Silvia	Segura	1 Laguna Seca Ct.	
75	Michael	Shaw	1 Laguna Seca Ct.	
76.	Doug	Bontje	2 Los Robles Ct.	
77.	Katherine	Bontje	2 Los Robles Ct.	
78	Erna	Muller	16 San Juan.	

	First Name	Last Name	Address	Signature
79.	Paul	Sculatti	1 La Cuesta Ct.	Paul Sculatti
80.	Kay	Fectter	12 La Cuesta	Kay Fectter
81.	Hilda	Bettinelli	" " "	Hilda Bettinelli
82.	Frances	Craw	1 Los Robles Ct	Frances Craw
83.	Anita M.	Peters	8 Los Robles Ct.	Anita M. Peters
84.	Don	CLARK	19 Los Robles Ct.	Don Clark
85.	Victoria A.	Buckle	19 Los Robles Ct. St. Helena	Victoria A. Buckle
86.	Judith	Pohlers	24 San Juan Cr.	Judith Pohler
87.	Janet	Weitz	12 Los Robles Ct.	Janet Weitz
88.	Ingrid	Draun	51 Laguna Seca Ct.	Ingrid Draun
89.	Wendy		51 Laguna Seca Ct	Wendy

	First Name	Last Name	Address	Signature
90.	Mary A.	Maurer	#19 Redondo Ct. 94574	Mary A. Maurer 9/17/18
91.	Mary Ann	Maurer	#19 Redondo Ct. 94574	Mary Ann Maurer

First Name	Last Name	Address	Signature
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92. TREVOR BARLOW 14 LOS ROBLES

[Signature]

93. Dennis Mailly 7 SAN LUCAS CT

[Signature]

94. Ann Mailly 7 SAN LUCAS CT

[Signature]

95. Judy Calish 40 Laguna Seca

Judith Calish

100. Thelma Stratton 3223 SAN LUCAS Thelma Stratton

101. Tom CORKILL 20 Del Rio Tom Corkill

102. Leanne CORKILL 20 Del Rio Leanne Corkill

103. Mariam ~~M. Hansen~~ Hansen 5 San Lucas Ct.

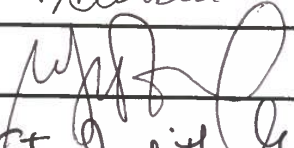
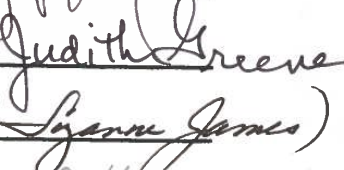
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104. DOLANIS Mosler 1 San Lucas Ct

[Signature]

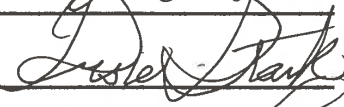
105. Dennis Hansen 5 San Lucas Ct.

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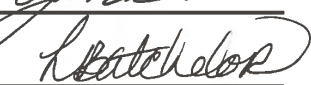
	First Name	Last Name	Address	Signature
106.	TIM	BROWNFIELD	2 SAN LUCAS	
107.	CARROLL	COTTEN	1 DEL RIO	Carroll Cotten
108.	CAROL	HAVENS	21 LAGUNA SECA	Carol Havens
109.	Thomas	Ringenberg	9 Los Robles	Thomas Ringenberg
110.	Barbara	Ringenberg	9 Los Robles	Barbara Ringenberg
111.	Belinda	June	20 Laguna Seca Ct.	Belinda June
112.	Guy	ARONSON	20 Laguna Seca Ct.	Guy Aronson
113.	Robyn	Orsini	3 Los Robles Ct.	Robyn Orsini
114.	JOSEPH	ORSINI	3 LOS ROBLES CT.	Joseph Orsini
115.	MARIL	SIORAL	20 Los Robles	
116.	Judith	Greene	20 Redondo Ct.	Judith Greene
117.	Gerry	Gallagher	23 San Juan (by Lianne James)	
118.	ELLEN	COTTEN	1 Del Rio	Ellen Cotten

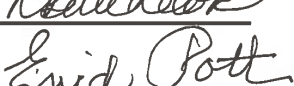
First Name	Last Name	Address	Signature
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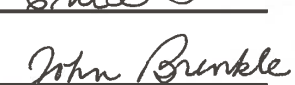
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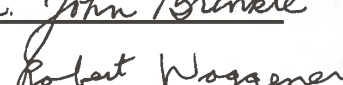
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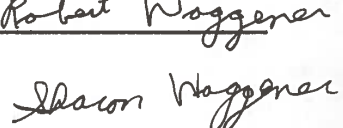
121.	Jenny	Mosher	12 Redondo	
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122.	Leona	Batchelor	11 Redondo	
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123.	Enid	Pott	5 San Luis Ct	
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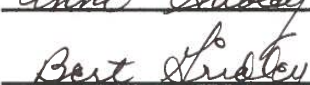
124.	JOHN	BRENKLE	8 Redondo Ct.	
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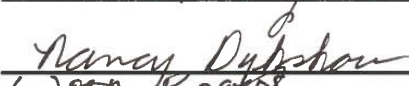
125.	ROBERT	WAGGENER	3 REDONDO CT.	
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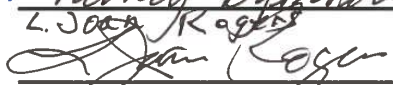
126.	ROBERT SHARON	WAGGENER	3 REDONDO CT.	
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127.	Margaret	O'Farrell	57 Laguna Seca Ct	
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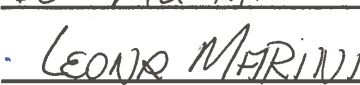
128.	Anne	Shirley	6 Laguna Seca Ct	
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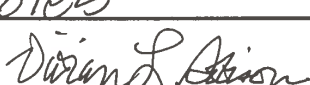
129.	Bert	Shirley	6 Laguna Seca Ct.	
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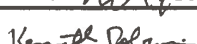
130.	Nancy	Dupshaw	2 La Canada Ct	
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131.	John L. John	Rogers	3 La Canada Ct	
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132.	Lou	Marini	10 Los Robles	
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133.	LEONARD	MARINI	10 Los Robles	
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134.	Vivian	Robison	35 Redondo Ct	
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(17)	Kenneth	Robison	35 Redondo Ct	
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(17) 135.

	First Name	Last Name	Address	Signature
136.	NANCY	BEATON	34 REDONDO CT	Nancy Beaton
137.	Jean	Bianchini	1 Redondo Ct.	Jean H Bianchini
138.	DAUNA	CURRIE	25 REDONDO C.	Dauna R. Currie
139.	Pat + Carl	Myers	3 SanArdo	Patricia Myers Carl K Myers
140.				
141.	Joy A.	Peters	17 Redondo	Joy A. PETERS
142.	Berta	Berger	26 Redondo	Berta Berger
143.	mick	Berger	26 Redondo	mick Berger
144.	Marsha	Maxcy	31 Redondo	MARSHA MAXCY
145.	Norman L.	James		NORMAN L. JAMES

November 5, 2018

City Council
St. Helena, California

Dear Council Members,

As a resident of Vineyard Valley MHP, I would like to comment on the letter dated November 2, 2018 sent to you by Anthony Rodriguez, Esq. on behalf of the LLC which owns this park.

Someone should take a closer look at the figures that Anthony Rodriguez, Esq. uses in the third paragraph of page 5, and at how the calculations were done.

We bought our house through the Vineyard Valley Mobile Home Park sales office in June of 2004. As reflected on our original lease, the monthly rent was \$600. We now pay \$1050. per month. Of course, that includes various surcharges on services, but it also includes payments on a "pass through" of a loan made by VVMHP which was amortized over a fifteen year period. The standard Vineyard Valley lease, on page 3 of 8, item d) states that the amortization rate for a loan of over \$75,000. is 10 years. This makes the renters in the park liable for 60 more months of payments that go towards the interest on the loan which was obtained without any approval by the lease holders.

The loan for capital replacement/improvement goes beyond offsetting the cost of actual replacement/improvement. When a loan is amortized over 15 years, as opposed to a 10 year amortization, the balance between the interest on that loan and the loan principal shifts dramatically, meaning that the residents who are paying for this loan are paying many thousands of dollars more than necessary, and for 5 years longer than stated in their leases.

I doubt that there is more than a couple of residents that are paying \$600. to \$800. per month rent. I also find it hard to believe the range of rents paid by recent home purchasers is as low as stated. These figures are used in subsequent pages to come up with a calculation that, in my opinion, is used to justify what appears to be the main argument of Mr. Rodriguez's position: that the problem with the rent control ordinance is that it doesn't allow the LLC investors to make as much money on their investment as they feel they should. Was the percentage of return on their investment guaranteed by someone? On page 13 Mr. Rodriguez seems to say that the 40+ investors in the LLC are at a disadvantage because they don't make as much money on their investment as the average resident of VV makes in income. This is after stating earlier in his letter about how the average resident in VV is a millionaire! (page 10, third paragraph), and "Although the overwhelming majority of the tenants at Vineyard Valley have significant income and/or assets" (Page 12, Item H). Was a high percentage of return on their investments guaranteed by someone? Is that the "business model" that is referred to?

It seems to me that the ultimate "business model" for this LLC is to rid themselves of the older residents, either through attrition or other means, who aren't paying what they consider enough rent, in order to attract a better quality of residents who are able and willing to pay significantly higher rents in order to make their business more profitable and satisfy their investors expectations of a high return on their speculation. Is that how "free enterprise" works?

Many, many years ago I majored in business, but I have never heard of a "business model" like this that was not considered to be discriminatory and predatory.

James Wayson
8 Del Rio Ct.
St. Helena, California

Cindy Tzaopoulos

Subject: FW: Rent Control

From: Christine Talley <talleysaint@aol.com>

Date: July 31, 2018 at 12:40:47 PM PDT

To: mkoberstein@cityofstheleena.org

Subject: Rent Control

Hi Mary,
I live in Vineyard Valley. I was at the meeting in Vineyard Valley where you and Mr. Reynolds attended.

I would like to see the rent control go into affect here in VV. I am a widowed senior living only on my SS and pension.

There are quite a few of us here who are similar.

Lately, the tenants moving in here are couples with 2 incomes coming from expensive homes which they sold and do not care if the rents continue to

go up.

Those of us who have lived here for more years do not have that kind of income, that's why we moved into manufactured homes.

St. Helena needs to have more low income housing and VV should be that way.

Mr. Reynolds the owner just wants to make money. He says he put a lot of money into beautification of the property. However, it is just for his ability to sell

the homes at a higher price.

Thank you for trying to help us.

Christine Talley

Cindy Tzaopoulos

From: Patricia Rardin <patriciarardin@gmail.com>
Sent: Sunday, August 05, 2018 1:40 PM
To: Cindy Tzaopoulos
Subject: Rent Stabilization Ordinaance

Attn: Mayor Galbraith, Vice Mayor White, Councilpersons
Dohring, Ellsworth and Koberstein

My name is Patricia Rardin, age 97, tenant of Vineyard Valley
for over 6 years.

I am writing to indicate that I am in favor of the Rent
Stabilization Ordinance. I like the fact that I would have the
choice of signing a long term lease or paying my rent on a month
to month basis.

I like the fact that there is some control in the lot rent that
the owners can charge prospective buyers if I sell my home.
I also like the fact that there is protection of the amount of
my rent if the park were to be sold.

I intend to live the rest of my life here and like the financial
security this ordinance would provide for me.

Thank you for your consideration

--

Carpe Diem

Patricia on Cloud Ten

Robert R. Distad
5 Del Monte Court
St. Helena, Ca.
94574

September 9, 2018

St. Helena City Council
City Hall
1480 Main Street
St. Helena, Ca. 94574

Re: Housing Goals & the proposed Rent Stabilization Ordinance

Dear Mayor Galbraith, Vice Mayor White and Council Members Dohring, Koberstein and Ellsworth:

I write in support of your efforts to accomplish your 2017 Council goal to "Stabilize, Maintain and Improve Access to Housing" in St. Helena.

I have read the White Paper prepared by Ms. Ericka Sklar and am impressed with the breadth of her analysis, and am consequently concerned by the complexity and interrelatedness of the many factors you must deal with in your efforts to address the challenges and recommendations identified in her report.

At the outset of her report one of her phrases that caught my eye and continues to resonate with me is the following:

"It is clear from a review of population, housing and employment data that there is a mismatch between housing affordability and income for both St. Helena residents and employees."

I think we all know what this means, and are also quite aware of what its implications are for St. Helena if no effort is made to address the status quo. While funding mechanisms necessary to undertake the initiatives Ms. Sklar identifies are complex and likely time consuming and costly, some of the regulatory proposals she identifies are less so, and are far more likely to produce a reduction in the cost of permanent resident housing in St. Helena.

Most particularly I call your attention to bullet point #3 on page 5 of the Reports Executive Summary:

- Establish rent stabilization ordinance for senior housing

I am aware of the controversy and concern that the introduction of this topic has made in the lives of Vineyard Valley residents and management. I live in Vineyard Valley and have listened to its residents, both proponents and opponents. It is of little value now to consider how or why the public engagement strategies recommended by Ms. Sklar in her report, and by City Manager Prestwich in his transmittal of that report to you for your June 26th Council Meeting, were not timely implemented. City residents' feelings have been hurt, tempers have flared, council members have been chastised for their efforts, and many minds have been firmly made up one way or the other as to the value and efficacy of the proposed rent stabilization ordinance.

Amidst all this heated discourse I am hopeful you will remain focused on your goal to maintain affordable housing for seniors.....mindful that it is a goal not just for today's challenging circumstances, but for the future as well.

If the past is any indicator of what is to come, what can St. Helena's senior residents expect in terms of future living costs:

-The cost of city provided services will continue to increase (water, sewer, garbage pickup and recycling, etc.)

-Any Social Security increases will be minimal. (2% in 2018, 0.3% in 2017, no increase in 2016, 1.7% in 2015, 1.5% in 2014)

-Medical Care costs will continue to rise. Medical Care inflation has outpaced the inflation calculated by the CPI-W in 33 of the past 35 years.

This is the same index that is used to determine whether and to what extent there will be an increase in Social Security payments.

-The cost of Medicare will rise. Medicare Part B premiums since their introduction 52 years ago in 1966 have risen at an annual compounded rate of roughly 7.7%. While future annual increases may continue to be mitigated by the current "hold harmless" clause (which restricts most enrollees rate increases to whatever the Social Securities COLA is for that year), the practical effect is that any social security increase is taken away by the Part B premium increase.

Here are the factors I believe should be of significance to you in your deliberative processes.

-Any St. Helena Senior on a fixed income will increasingly face agonizing decisions on how to spend their limited resources. Stories abound about seniors going hungry or, as bad, foregoing necessary medications because of their prohibitive costs. While this council is not responsible for addressing these significant public health issues, it certainly must be cognizant of them when considering what impact a rent stabilization ordinance might have on ameliorating these concerns.

-Your ordinance does not affect all Vineyard Valley residents. The Ordinance only applies to leases of 12 months or less. Most of us have long term leases and have every intention of renewing those leases upon their expiration. Since your Ordinance only affects those who choose to be covered by it, there is no meaningful unfairness or tangible harm visited on those of us who choose not to accept its coverage.

-I believe there are residents in Vineyard Valley, current and future, who could and will benefit from the Ordinance.

Do I know who? No—and I do not wish to know. I respect all persons rights to privacy.

Do I know how many? No, but in listening to conversations at gatherings and events, I hear & learn that they are here.

What do I know? I know that for some an acknowledgement of poverty is painful and shaming, and that consequently their support is silent. We should seek to speak for those we know are afraid or ashamed or unable to speak for themselves.

-Finally, and in keeping with both the U. S. and California Constitutions, the park owner is guaranteed a "fair return" on her/his investment.

Rent Stabilization Ordinances have been in existence in California long enough so that this "term of art" is neither amorphous nor ambiguous. This is a very important factor, one the has caused concern for a number of Vineyard Valley residents who fear that this proposed ordinance will somehow cause the park owner to "cut back" or do less by way of maintenance and park beautification. I do not subscribe to that fear. Two of the current owners are children of the Park's founder. They maintain residences here. They have made a commitment to continue to maintain the Park's premiere status. I take them at their word.

Thank you for your time and consideration.

Yours truly



Robert R. Distad

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Monday, August 06, 2018 8:18 AM
To: Cindy Tzaopoulos
Subject: FW: Rent Stabilization

FYI

From: Thomas Pickering <bigpickill@me.com>
Sent: Sunday, August 5, 2018 11:48 AM
To: Alan Galbraith <AGalbraith@cityofsthelena.org>; Mark Prestwich <MPrestwich@cityofsthelena.org>
Cc: Peter White <PWhite@cityofsthelena.org>; Mary Koberstein <MKoberstein@cityofsthelena.org>; Geoff Ellsworth <GEllsworth@cityofsthelena.org>; pdoring@cityofsthelena.org
Subject: Rent Stabilization

August 5, 2018

Saint Helena City Council

Re: Rent Stabilization for Vineyard Valley

I am writing this letter to suggest that rent stabilization for the park seems like a good idea, one that should be discussed in greater detail at the upcoming meetings at Vineyard Valley with Mary Koberstein and Mark Prestwich.

I have read through the note from the City Council titled "Some Questions About Rent Stabilization" dated July 24, 2018. While it answered many of my questions, there are still some I have. Believe me when I say that most people in the park have not read this document and it will be informative for many.

Thomas Pickering

11 La Cuesta Court

Saint Helena, CA 94574

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Wednesday, August 08, 2018 10:48 AM
To: Cindy Tzaopoulos
Subject: FW: RSO

FYI

-----Original Message-----

From: pinutbutter2@gmail.com <pinutbutter2@gmail.com>
Sent: Tuesday, August 7, 2018 4:46 PM
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Subject: RSO

Hi Mark,

I am a Vineyard Valley resident and I am in favor of this ordinance.

Cathy Small

Cindy Tzaopoulos

From: James Wayson <jwandms@pacbell.net>
Sent: Sunday, August 05, 2018 12:44 PM
To: Cindy Tzaopoulos
Subject: Rent stabilization

As residents of St. Helena and Vineyard Valley, we would like to go on record as supporting the proposal for rent stabilization.

Marianne Sylvia, 8 Del Rio Ct., Saint Helena, Ca.
James Wayson, 8 Del Rio Ct., Saint Helena, Ca.

Cindy Tzaopoulos

From: Mark Prestwich
Sent: Tuesday, August 07, 2018 11:23 AM
To: Cindy Tzaopoulos
Subject: FW: Stabilization of Rent

FYI

-----Original Message-----

From: Keith Eaton <william1946@comcast.net>
Sent: Monday, August 6, 2018 1:00 PM
To: Mark Prestwich <MPrestwich@cityofsthelena.org>
Subject: Stabilization of Rent

My wife and I have been residents of Vineyard Valley for more than 14 years.

We believe that the Rent Stabilization ordinance will protect our future financial security and keep the homes in Vineyard Valley as an affordable option for Saint Helena seniors.

We are in favor of the Rent Stabilization Ordinance.

Thank you for your work in keeping affordable housing possible in Saint Helena.

Jane and Keith Eaton

Sent from my iPhone

7/23/18

Dear St. Helena City Council Members and City Manager,

I am writing this letter to strongly recommend that you adopt a Rent Stabilization Ordinance (RSO) similar to the one we have in Calistoga to protect the mobile home owners in your community from excessive space rent increases and use of leverage by park owners to increase rents when homes are sold.

I am probably the person most familiar with the RSO in Calistoga, and I could write volumes about its background and history, so I will try to be brief.

For background and updated knowledge concerning mobile home rent control, however, I would recommend the attorney Will Constantine. I have spoken to him on the phone, and paying for an hour of his phone or skype time would, I think you would find, be extremely worthwhile.

William J Constantine Attorney At Law
303 Potrero Street
Santa Cruz, CA 95060-2741
Phone: (831) 420-1238
WConst1238@aol.com

Our ordinance provides protection for homeowners while assuring park owner a fair return on investment.

The idea behind our ordinance is to give park owners a basic market rate at the ordinances inception and then allow annual increases to allow for inflation of their ordinary expenses while considering larger increases for extraordinary expenses when justifiably called for.

The alternative usually amounts to what park owners call “market” increases which amount to competition among parks to raise rents (and an ever changing market rate) to reflect what the market will bear, or as much as they can get to reflect the state of the market - a dizzying process where only the homeowners suffer.

When Chateau Calistoga Mobile Home Park was sold several years ago, the new owner met in mediation with a group representing most of the homeowners in the park. He proposed a \$200/month rent increase over a period of three years. For whatever reason (although RSO arbitrations had succeeded in the past) the homeowners (represented by the GSMOL attorney) agreed.

A dozen homeowners held out, acquired pro bono legal assistance from a large firm, went to arbitration - and won. Rather than a \$200 rent increase over three years, they paid about \$8.00/year annual CPI increases.

In Calistoga, to my understanding, the ordinance has only suffered as a result of the city not keeping tabs on its own attorneys. The city won't look at possible revisions to the ordinance at present for fear of pressure from the park owners. The mayor claims that the city spent over a million dollars fighting appeals made by a park owner - all of which were won by the city.

Although there is a fund supported by park owners and homeowners to pay for the original arbitration, appeals must be paid for by the city.

With this knowledge, homeowners at Rancho acquired pro bono help for the city from a large S.F. Law Firm when the owner appealed an arbitrator's decision. I was informed by a member of that firm that their resources

were not being properly utilized, so the city itself has only itself to blame for the inflated expense.

I am going to propose two changes to our ordinance that you might incorporate into yours if you adopt it. I would consult with Donald P Davis who I believe is still a member of your city attorney's firm concerning these changes. In a manual for Arbitrators written in 1994 Davis indicated that nearly half of an annual CPI increase went beyond inflation to "profit" for the park owner. I would suggest that you change the 100% CPI increase to 50 to 75% in the interest of fairness to the homeowner.

Also, our Social Security increases are based on the national CPI, while the park owner's annual rent increases are based upon the S.F.- Oakland Bay Area CPI which has been on average 20% higher over the past 25 years.

I would be glad to try to answer any other questions you may have.

Marvin Braun
21 Rockrose Lane
Calistoga, CA 94515

Phone 707 942-5317

marvinbraun@sbcglobal.net

Attention Mayor Galbraith, Vice Mayor White, Councilpersons Dohring, Ellsworth and Koberstein

My name is Maureen O'Neill. My husband Tom and I moved to Vineyard Valley in the Year 2000.

We intend to live out our days here and believe the rent stabilization ordinance would give us some financial security we currently do not have.

We like the fact that the ordinance provides some control over the increase in lot rent if we would have to sell our home.

We like the fact that the rent increase is tied to the CPI. Even though our present lease provides only a 3% yearly increase there is no guarantee that at the end of our current lease the owners will not choose to raise it to a much higher level. This would cause a lot of us on fixed incomes to move.

There is no way to guarantee that the current owners will not sell the park. If the property were to be sold it is highly likely that the new owners will raise the rent as much as they want to as soon as our current lease runs out.

For these reasons and the fact that with the ordinance we have a choice of signing a long term lease or renting on a month basis I would ask that you approve this Rent Stabilization ordinance.

Sincerely,

Maureen O'Neill
Maureen O'Neill

6 Del Campo Court
Sain Helena, CA.

Michael Merriman
4 La Cuesta Court
Saint Helena, CA 94574

August 4, 2018

Mark Prestwich
City Manager
City Of St Helena
1480 Main Street
St. Helena, CA 94574

Dear Mark,

As the discussion of the merits of a Rent Stabilization Ordinance (RSO) continues, it is important to point out the often-questionable steps that the owners of Vineyard Valley are taking to combat the passage of such an ordinance.

1. Upon learning of the city's desire to move this ordinance in a meeting with you on Tuesday, July 10, 2018, they embarked on an organized campaign that included the hiring of a paid lobbyist from their powerful park-owners' organization (WMA). [see attached]
2. On Friday, July 13, 2018, at the close of the business day/week, they distributed an inflammatory and divisive letter to all tenants, suggesting that this effort was somehow done in secret and it would behoove the tenants to search out the perpetrator(s). [see attached]
3. Ownership arranged for a meeting of all tenants, so they could present their position on Wednesday, July 18, 2018, a meeting that was chaired by the President of our Homeowners' Association (thereby intimating that the tenants' association was supportive of the owners' position). This meeting was highly contentious and, although Council Member Koberstein represented the city's position in a very logical and clear presentation, ownership played on the emotions of the tenants rather than presenting factual material. [see attached]
4. On Sunday, July 29, 2018, a letter was sent to tenants from ownership characterizing the RSO as "quite the stealth operation..." and asking tenants to begin a letter-writing-campaign to The City in *protest of the proposed RSO*. They even attached three example letters from which to crib. [see attached]
5. Another letter, July 30, 2018, was sent to the 19 lapsed residents that asked them to renew their leases (and waive their right to the RSO) because they might be saddled with a crippling assessment of fees should they operate under the protection of the RSO. [See attached scare tactic letter. I have been approached by two of these confused and panicked residents seeking clarification.]
6. On Friday, August 3, 2018, again at the close of the business day/week (a strategy in-and-of-itself) they sent, to all residents, another, second letter painting themselves as a "family owned and operated business" when, in fact, they are a corporation of faceless investors (LLC). In this letter, they point out that many family-owned wineries are being "scooped up by large corporate entities..." and they try to make the connection that fighting the RSO will prevent that fact here. ***In reality, this is exactly the reason that we NEED the RSO!*** [see attached]

Mark, I expect more action from ownership as they battle against the RSO. I would hope that The City and the Council maintain their firm resolve and move this important ordinance to the finish line. We need it for the protection of our futures and protection of Vineyard Valley as an affordable solution for senior housing.

Sincerely,
Michael Merriman
Vineyard Valley Tenant

July 21, 2018

To: Mayor Galbraith, Vice Mayor White, City Councilmembers Dohring, Koberstein and Ellsworth

CC: City Manager Mark Prestwich, Planning and Community Development Director Noah Housh

We want to thank you for your efforts to establish a Rent Stabilization Ordinance for Mobile Home Parks in St. Helena. We have read and discussed the proposed ordinance and have some questions and some suggestions.

1. Staff Report: The use of the term affordable housing was unfortunate. Some people here in Vineyard Valley thought you were meeting your affordable housing requirements "on the back of Vineyard Valley residents." The term Senior Housing or Senior Housing that is sustainable would be more acceptable and provide less opportunity for criticism.
2. Page 212 of 328 refers to Homeowners Representative and seems to indicate that this person would be part of a HOA. Our Homeowners Association is strictly social as designated in our Articles of Incorporation. We could find a suitable resident from our residents but he/she would not be part of the HOA.
3. Page 212 of 328 refers to Housing Service and that is a new category to us and likely to the owners. We had streets repaved last year and it was passed through to us as a Capital Improvement. This seems to indicate that it should be Housing Service. Actually, you talk about three classifications. Housing Service, Capital Improvements and Substantial Rehabilitation. This needs to be defined clearly and the definitions need to be located close together in the definitions so they can be compared.
4. Page 216 of 328 item 2 refers to a space being exempted from the provisions of this Chapter because it is the subject of a rental agreement pursuant to California Civil Code Section 798.17. We have read that Civil Code as well and still don't know what you are saying here. Please give us an example of what this means. Does this refer to Homeowners who choose to sign a lease?
5. Page 217 of 328 talks about the permissible annual increase in rent being the lesser of One hundred percent of the Percentage change in the CPI or Six percent of Base Rent. This is contradictory to pages 222 and 223. Please explain
6. Pages 222 and 223 of 328 discusses Net Operating Income adjusted to 75% of the CPI. The formula for Fair NOI is Base year NOI x (1 + .75) % change in CPI.
7. The CPI for June of 2018 for the Bay Area was at 3.9%. If we were to pay 100% of this we would be paying more rent than we do now. We would likely not accept this unless the 75% of the CPI were the metric.
8. Page 229 of 328 talks about fees for administration including the costs of mediation. First it says the City will assume the charges. Then it says the costs will be divided between the owners and the residents who have chosen the RSO program. This could become a stumbling block for people who are unsure whether to enroll in the RSO. In Calistoga they pay .87 monthly and the City uses this money to establish a fund for mediation. If a dispute rises to a higher level and goes to court the City has absorbed the costs. We don't know how you can modify what you have written but this needs to be modified.

9. We need some explanation of 9.24.080 on page 218 of 328. First of all, does this only apply to renters with a lease because it says it applies “except a notice of Rent Increase pursuant to Section 9.24.070?” The second question is whether the owner is required to show things like water and garbage that are passed through to all tenant with absolutely no opportunity to view the original bill? Since we don’t have individual water meters like they have in the Calistoga Mobile Home Parks we have always wanted more information. Again, if you sign up for the RSO you are not privy to this information, right?

We really appreciate your efforts to establish this ordinance and understand that it requires a great deal of research, and expertise to write the same. We would however, be ever so grateful if you could write things like this that consumers should read in some kind of language not requiring a Law degree to understand. This last comment is really directed at the City Attorney but we know he works at the pleasure of the City Council so you would have the power to change this. We remember when insurance companies started to write insurance policies in understandable language. We have encouraged VV residents to read this and after having read it three times without clear understanding it seems like maybe we made a mistake by encouraging people to read the document. It is always good to have a choice and this allows that to happen. It appears that our rent would go up more than it does now but we would have the protection necessary if the Park were sold and the owners would not be able to increase the lot rent if and when we sold this house. So, for people on fixed income they have to consider whether having an annual rent increase greater than it is now could be offset by the other two advantages of the RSO. Even the fees for arbitration as set forth in this ordinance could be a large burden. Once again thank you very much for your efforts.

Pat Dell and Grace Kistner

25 San Juan Court, St. Helena, CA. 94574

Cindy Tzaopoulos

From: Polly Keegan <pkeegan01@gmail.com>
Sent: Thursday, August 16, 2018 11:25 AM
To: Cindy Tzaopoulos
Subject: Mobile Home Rent Stabilization Ordinance

My name is Polly Keegan, I live in the Vineyard Valley Mobile Home Park.

I am FOR the ordinance named above, primarily to keep VV an affordable housing opportunity for many people. It has many options for opting in or out, and I feel it is fair and needed. Every time a new house sells, the owners raise the monthly rent fee significantly.

Some people in the Park are afraid that the owners do not wish to share their financials, and might sell the park rather than deal with government interference. Personally, I would like to view the "books" and understand where the +/- \$2M a year money goes, and wonder why they do not provide this information.

Thanks very much,

Polly

7 San Ardo Court

707-927-6666

Cindy Tzaopoulos

From: Kinney / VanNett <Steveandmae@comcast.net>
Sent: Wednesday, August 15, 2018 8:10 AM
To: Mark Prestwich
Cc: Cindy Tzaopoulos
Subject: Rent Stabilization

August 15, 2018

The City of St. Helena
1480 Main St
St Helena, California

Rent stabilization Ordinance

I am writing in support of the Rent Stabilization Ordinance. I feel this is a very important issue to the longevity of The Park and I would like to share my feelings on the matter.

First, let me state unequivocally that I love Vineyard Valley. Its beauty and sense of community are what attracted me. I am looking forward to spending the rest of my life here.

There has been a lot of talk concerning the Rent Stabilization Ordinance. A lot of it seems to ignore some basic financial issues facing us. In the last two years my fee has increased over 20%! To me this is an unsustainable growth pattern. I am fearful that I may not be able to afford to stay here if this continues

Much of the "maintenance", touted by Ownership, has been long overdue. Much of what's been done, pool, spa, etc., was due to their falling apart. Also, we are bearing a significant part of the tab for these "improvements". Again, look at the added fees for road and water. We have not had much, if any input, on these changes and decisions. Maybe it is the cynic in me, but I also feel that all these projects happening at once, points to a sale or re-organization of ownership.

I am happy that these issues have come to the attention of the city of St. Helena, and that they are working to keep this Park affordable for all of us

Steven Kinney
6 La Canada
St Helena, California

Cindy Tzaopoulos

From: Gary Crosman <gcrosman@hpsarch.com>
Sent: Monday, November 12, 2018 2:40 PM
To: Cindy Tzaopoulos
Subject: Concerning rental control at Vineyard Valley.

The worst thing that could happen to we who live in Vineyard Valley is if the park was to be sold to a developer who would bulldoze our houses and build a new residential subdivision or resort on the property. We would receive little if any compensation and our "nest eggs" would disappear. This is obviously a worse scenario than if rents were raised. In that case, if the rent became unbearable, we could at least sell our houses and use our nest egg to move elsewhere. It is for these reasons that I oppose rent control for Vineyard Valley. Rent control increases the likelihood that the park would be sold to developers because the park owners would be restricted in their ability to make a satisfactory profit on their property.

Sincerely,
Gary Crosman
5 Del Campo Court
St. Helena, CA

Cindy Tzaopoulos

From: Madeline DeMarco <madelinedemarco@yahoo.com>
Sent: Monday, November 12, 2018 3:01 PM
To: Cindy Tzaopoulos
Subject: Against Rent control in Vineyard Valley

As a resident of Vineyard Valley I am against any rent control ordinance issued by the City of St. Helena. Vineyard Valley is a very unique park that offers many amenities to its residents and allows us to live and retire here. Please do not allow the city to interfere with this park's policies as I believe the park owners have been more than fair and continue to upgrade our living situation through investing and beautifying our lovely park.

Sincerely,
Madeline DeMarco
5 Del Campo
St Helena

[Sent from Yahoo Mail for iPad](#)

Cindy Tzaopoulos

From: Michael Shinn <mls9000@gmail.com>
Sent: Monday, November 12, 2018 1:17 PM
To: Mark Prestwich; Cindy Tzaopoulos; Noah Housh
Subject: Fwd: Proposed Rent Control Ordinance for Vineyard Valley

Urgent:

We would request that our attached email be read publicly during the hearing on Tuesday evening. We live in Southern California and will be unable to attend the City Council meeting.

The reason that our letter should be specifically read to all those in attendance is because we as a single tenant, stand to lose in excess of \$300,000 as a result of the actions of the City and the angry threatening written public responses from the Park owner to the proposed rent control ordinance.

I suspect very few people have considered how extremely damaging and costly their decisions might be to the folks who need to SELL their homes in Vineyard Valley at this time. These losses will FAR exceed the value of any rent concessions resulting from rent control and clearly will lead to a lot of expensive litigation in the near future.

Thank you for bringing these issues to everyone's attention on Tuesday.

Michael & Jennifer Shinn
 53 Laguna Seca Court
 Saint Helena, CA 94574
 303-997-9000

Sent from my iPad

Begin forwarded message:

From: Michael Shinn <mls9000@gmail.com>
Date: November 11, 2018 at 10:42:30 PM PST
To: agalbraith94574@gmail.com, pwhite@cityofsthelena.org, pdohring@cityofsthelena.org, mkoberstein@cityofsthelena.org, gellsworth@cityofsthelena.org, citycouncil@cityofsthelena.org
Cc: vineyardvalleymhp@gmail.com
Subject: Proposed Rent Control Ordinance for Vineyard Valley

Dear Mayor and City Council Members:

My wife and I have owned a home in Vineyard Valley for seven years and are currently trying to sell it. We moved out several months ago and currently live in Southern California.

We have been watching nervously the ongoing battle between City Council and the owners of the Park regarding a very controversial rent control proposal.

On August 2, 2018 we accepted a purchase contract on our property for \$389,000 that was scheduled to close in 3 weeks. Much to our dismay, on August 3rd we received a letter from the owner of the park along with a letter from his attorney that threatened that if the rent control

ordinance passed they would likely close the park and/or sell it to another user who would likely change the use of the park. Not surprisingly three days later, the buyer walked from his purchase contract with us.

Now we find ourselves caught in the middle of this dispute with a vacant home that no one is going to want to risk buying when the owner has threatened to close down Vineyard Valley and render all homes in the park worthless.

Unfortunately our \$1,000 per month lease and utilities expense plus another \$500+ cost for insurance and taxes will continue even though we have an unmarketable house that is vacant and could stay that way for years of litigation while this drags out. To make matters worse, the park will not allow anyone to rent out their vacant properties to offset the costs of owning it.

I am copying this email to the park owner as well and sincerely hope that all parties concerned will rapidly attempt to resolve the financial nightmare they are putting us in along with any other owners in the park who need to sell.

Please include our letter with the others that will be presented in the November 13 City Council meeting.

Michael & Jennifer Shinn
53 Laguna Seca Court
Saint Helena, CA 94574
Telephone: 303-997-9000

Sent from my iPad

November 10, 2018

St. Helena City Council Members: Mayor Galbraith, Vice Mayor White and Council Members Dohring, Koberstein and Ellsworth

I have a few comments to make regarding the communication that you received from Mr. Greg Reynolds, Managing Partner of Vineyard Valley Mobile Home Park and the Attorney for his group of investors, Mr. Rodriguez.

Mr. Reynolds initial tactic when he was informed of the intent of the City to consider a Rent Stabilization Ordinance for Mobile Home Parks in St. Helena was to divide and conquer. He has been quite successful in that endeavor. Now, with the help of his attorney Mr. Rodriguez, he has switched to threat and fear mongering. I am not surprised at all. He has always delivered his letters that might have an emotional impact on residents by placing them in their mail boxes (cubby mailboxes) in the Vineyard Valley post office building on Friday at close of business leaving people to worry for the weekend without an opportunity to speak to anyone in a position of authority.

He refers to wanting to increase the rent to market when homes are sold. I asked this question at your last City Council meeting and now I ask it again. How does one establish market rate for mobile homes? I have lived here 18 years and had a 3% increase every year which has approximately doubled my rent. There is no mention when discussions of rent ensue that we also pay a water/sewer charge, a garbage charge and an assessment for the capital improvement of paving the streets. We have no idea if we actually used that much water as we do not have meters and are never shown any of the billing to the Park from the City. Excuse my digression. The point is market rate base rent and until someone establishes a way to determine what that is then this discussion cannot be objective.

I am amazed when there is so much emphasis on the infrastructure being 50 years old and likely to fail at any time. When Mr. Reynolds started the paving project a few years ago I approached him and said that it seemed wise to replace the pipes underneath the street before paving since the pipes were very old. He retorted that the pipes were just fine. So, in a couple of years they have deteriorated?

It seemed to me in the last City Council meeting that you were willing to discuss the vacancy control issue but you needed certain information in order to have that discussion. When Councilmember Koberstein indicated that certain information would be needed Mr. Reynolds shook his head no. That is really too bad because I think there is room for negotiation of this factor.

Mr. Rodriguez says the ordinance does not guarantee the pass through of capital improvement costs. I think 9.24110 would refute that statement but I won't attempt to debate with an attorney.

The land on which Vineyard Valley Mobile Home Park sits is zoned medium density residential with a mobile home park overlay. In order to change the use, there would have to be an appeal from the owners to do so. This would destroy a large portion of the City of St. Helena's middle income housing which would be tragic. We are an option for people of middle income who are still working as well as retirees. I did a casual count of the people living here and came up with 35 who are working full time. We have realtors, teachers, pharmacist, race horse trainer, wine industry employees, painters, small appliance repairman etc. I repeat that to lose this housing option in St. Helena would be tragic.

Priscilla Dell – 25 San Juan Court, St. Helena, CA 94574

CITY OF
ST. HELENA
NOV 13 2018

OFFICE OF
CITY CLERK

Saint Helena City Council

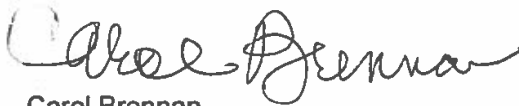
November 12, 2018

Alan Galbraith, agalbraith@cityofsthelena.org
Peter White, pwhite@cityofsthelena.org
Paul Dohring, pdohring@cityofsthelena.org
Mary Koberstein, mkoberstein@cityofsthelena.org
Geoff Ellsworth, gellsworth@cityofsthelena.org

Ladies and Gentlemen,

I am a single woman on a fixed income living in Vineyard Valley. I am very much in favor of Rent Stabilization and genuinely hope you pass it, as I will not appreciate a substantial increase in rent when – not if – the park is sold by the LLC that owns it.

Thank you,



Carol Brennan
6 La Cuesta Court

Cindy Tzaopoulos

From: Anthony Rodriguez <arodesq@pacbell.net>
Sent: Monday, November 12, 2018 5:07 PM
To: jwandms@pacbell.net
Cc: Alan Galbraith; Peter White; Paul Dohring; Mary Koberstein; Geoff Ellsworth; CityCouncil; Cindy Tzaopoulos; 'Greg Reynolds'; jduarte@sthelenastar.com; dstoneberg@sthelenastar.com; 'Anthony Rodriguez'
Subject: Vineyard Valley Mobilehome Park - Objection to Proposed Rent Control Ordinance - November 13, 2018 Agenda Item 10.3
Attachments: Vineyard Valley MHP - Letter to James Wayson Re Proposed Rent Control Ordinance - November 12 2018.pdf

Mr. Wayson:

Please see the attached response to your November 5, 2018 letter to Mayor Galbraith, regarding the proposed mobilehome rent control ordinance. As you can see from the attached letter, some of the points you have raised are inaccurate, or are based on false assumptions. As it would appear the tenants would be better served by a government run subsidy program and/or the parkowner's proposed rent credit program, my client would like to meet with you to discuss those alternatives with you. If you would like to arrange such a meeting, please do not hesitate to contact me, or you may contact Greg Reynolds directly.

I am also sending a copy of this letter to the Mayor and the City Council, so it may be included in the record of the proceedings regarding the proposed ordinance.

Anthony C. Rodriguez

Law Office of Anthony C. Rodriguez
1425 Leimert Boulevard, Suite 101
Oakland, California 94602
Telephone: (510) 336-1536
Facsimile: (510) 336-1537
Email: arodesq@pacbell.net

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ANTHONY C. RODRIGUEZ
ATTORNEY AT LAW
1425 LEIMERT BOULEVARD
SUITE 101
OAKLAND, CALIFORNIA 94602 -1808
— —
TELEPHONE (510) 336-1536
FACSIMILE (510) 336-1537

November 12, 2018

James Wayson
Vineyard Valley Mobilehome Park
8 Del Rio Court
St. Helena, California 94574

Re: Objections to Proposed Mobilehome Park Rent Stabilization Ordinance /
November 13, 2018 City Council Meeting / Agenda Item 10.3

Dear Mr. Wayson:

As you know, this office represents the owner of Vineyard Valley Mobilehome Park. I have reviewed your November 5, 2018 letter to Mayor Galbraith. As it would appear some of the points you have made are either inaccurate, or based on false assumptions, a brief response is in order.

1. Eighty Eight (88) Tenants are Currently Paying Less Than \$800 Per Month: You state that you doubt there are “more than a couple of residents paying \$600 to \$800.” Enclosed for your review is a list showing all spaces at the park with a base rent of less than \$800 per month. Although the parkowner does not believe it would be appropriate to provide the names or addresses of those tenants at this time, there are 88 spaces on that list. Again, although the parkowner does not believe the identity of those tenants should be disclosed at this time, the parkowner is willing to testify under oath that the attached list is accurate.

2. The Loan for the Road Improvement Project Was Interest Free: You claim that the park amortized the road improvement project over 15 years, instead of 10, so it could make a greater profit. Nothing could be further from the truth. The true fact is that the road improvement project cost approximately \$327,000, *without interest*. Although the parkowner could have included interest in the pass through, it did not do so.

If the parkowner had passed through the road improvement project without interest over ten years, the per space cost would have been \$12.62 per space per month. ($\$327,000 \div 216 \text{ spaces} \div 120 \text{ months} = \$12.62 \text{ per space per month}$). By extending that period to fifteen years, the parkowner was able to reduce the per space cost to \$8.40. ($\$327,000 \div 216$

James Wayson
November 12, 2018
Page 2

spaces ÷ 180 months = \$8.40 per space per month). As the parkowner did not include interest in either calculation, it should be obvious that the sole reason for extending the pass through period from 10 to 15 years was to benefit the tenants. (See enclosed invoice).

3. Your Current Base Rent is \$902 Per Month: In your letter you state that you now pay \$1,050 per month to reside at your space. Although you admit that the \$1,050 includes “various surcharges on services” and the \$8.40 road pass through, you did not mention the fact that your current base rent is only \$902 per month.

Assuming your base rent was \$600 when you moved into the park in June of 2004, a 3% increase for the next fourteen years would have resulted in a current base rent of \$907.55. However, your current base rent is only \$902. In other words, your base rent has actually been increased by slightly less than 3% per year, or an average of \$21.57 per year. ($\$902 - \$600 = \$302 \div 14 \text{ years} = \21.57 per year).

4. Qualifying Tenants Would Be Better Off Under a City Subsidy Program and/or the Parkowner’s Rent Credit Program than Under Rent Control: As stated in my November 2, 2018 letter to the Mayor and City Council, qualifying tenants would be better off under either a City sponsored subsidy program or the parkowner’s proposed rent credit program than under the proposed ordinance, because qualifying tenants might not have to pay any rent increases at all.

Although I have no knowledge regarding your current income or assets, if you believe you will not be able to afford future rent increases, the parkowner is willing to meet with you, to determine whether you would qualify for the park’s proposed rent credit program. If you would like to arrange such a meeting, please contact Greg Reynolds at your earliest convenience. As is the case at other parks with similar rent credit programs, any information you provide regarding your eligibility will be kept in strict confidence.

If you have any questions or comments regarding any of the above, please do not hesitate to contact me. Thank you.

Very truly yours,



Anthony C. Rodriguez

cc: The Mayor and City Council
Greg Reynolds
(w/enclosures)

Rents Under 800

[illegible]

	\$ 748.50
	\$ 752.50
	\$ 757.00
	\$ 757.00
	\$ 757.00
	\$ 757.00
	\$ 757.00
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To: Vineyard Valley Mobile Home Park
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 St. Helena, CA 94574 US

Invoice #: **16329-DT**

Date: **05/05/17**

Attn: *Shelly D. Fede*
~~John Morlock~~

P.O. #: **Contract**

Project: Vineyard Valley Mobile Home Park
 290 Pope Street, St. Helena

Terms: **Due Upon Receipt**

Description of Work	Price	Total
100% Complete:		
Item I: Asphalt Overlay	\$327,348.00	
Amount Due This Invoice		\$327,348.00

Federal I.D. #77-0420591 Incorporated



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Accounting Contact: Antinette Ornelas, aornelas@blackdiamondpaving.com, 510-770-1150 x34



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

Agenda Section: New Business

Subject: Discussion and Direction regarding California Public Utilities Commission (CPUC) Request for Input on Utility Fire Mitigation Plans

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On November 2, 2018, the City was notified by the California Public Utilities Commission (CPUC) that it had opened a proceeding (R. 18-10-007) to guide and review investor owned electric utilities' wildfire mitigation plans. The City and other interested parties are invited to provide stakeholder input to help the CPUC determine the scope of the proceeding and to provide guidance to the electric utilities on what plans should contain. Please click [here](#) for more information.

Senate Bill 901 requires electric utilities, including PG&E, to prepare and submit wildfire mitigation plans that describe the utilities' plans to prevent, combat, and respond to wildfires affecting their service territories. The CPUC will review the initial plans, and develop and refine the content of and process for review and implementation of wildfire mitigation plans to be filed in future years. This is the first of many steps the CPUC will take to implement the legislation. The required elements of the plans can be found in PUC 8386(c).

Over the past month, the City of St. Helena has been notified twice by PG&E of the potential for a Public Safety Power Shutdown (PSPS) to mitigate fire risk. In October, PG&E initiated a power shutdown of neighboring Calistoga based on forecasted winds

and wildfire conditions. Concerns have been expressed by Calistoga related to communication challenges, PG&E presence during/after planned shutdowns, economic losses on businesses, hardships for those with medical conditions, St. Helena Hospital impacts, long duration shutdowns in excess of 36 hours, electrical grid configurations, ability of cities to weigh in on decision making, individual and community anxiety, and difficulty planning for potential power shutdowns due to changing conditions.

DISCUSSION

Participation in the proceeding provides an opportunity to provide guidance and review of wildfire plan components including:

- Wildfire prevention strategies for electric utilities
- Protocols for mitigating impacts of public safety power shutoffs
- Utility procedures for maintenance and inspection of lines
- Outreach to first responders and customers, including low-income, elderly, disabled, and those with limited English
- Restoration of service after a wildfire

There are several options for the City or stakeholders on how to become a party to a CPUC proceeding (the attached flyer "How to Become a Party to a Proceeding" describes the rules and process).

Key dates moving forward with the review of electric utilities' wildfire mitigation plans include:

- **November 14, 2018:** Deadline to provide comments on the scope of the proceeding and discuss schedule and process at the prehearing conference at 10:30 am in Commission hearing room A, 505 Van Ness Avenue, San Francisco. The prehearing conference will be webcast at: <http://www.adminmonitor.com/ca/cpuc>=
- **December 15, 2018 (date subject to change):** Formal comments to instruct the electric utilities on their initial plans are due within 10 days of the Scoping Memo being issued. The Scoping Memo is scheduled to be issued in early December.
- **December 31, 2018:** Submit informal comments between now and December 31, 2018 to public.advisor@cpuc.ca.gov
- **February 2019:** Wildfire mitigation plans are scheduled to be submitted in early February. Formal comments due within 20 days of their submittal.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Discuss and provide direction to the City Manager.

ATTACHMENTS

[25 Oct 2018 CPUC Press Release](#)

[Order Instituting Rulemaking](#)

[How to Become a Party in a CPUC Proceeding \(2\)](#)



California Public Utilities Commission
505 Van Ness Ave., San Francisco

FOR IMMEDIATE RELEASE

PRESS RELEASE

Media Contact: Terrie Prosper, 415.703.1366, news@cpuc.ca.gov

**CPUC ACTS TO FURTHER PROTECT STATE FROM WILDFIRES
 RELATED TO UTILITY ELECTRIC FACILITIES**

SAN FRANCISCO, October 25, 2018 - The California Public Utilities Commission (CPUC) today acted to further protect the state from wildfires related to electric facilities by setting the framework to provide guidance on initial utility wildfire mitigation plans, and inviting the input of all stakeholders in guiding its approach.

Senate Bill 901 requires electric utilities to prepare and submit wildfire mitigation plans that describe the utilities' plans to prevent, combat, and respond to wildfires affecting their service territories. Through the proceeding it opened today, the CPUC will review the initial plans, and develop and refine the content of and process for review and implementation of wildfire mitigation plans to be filed in future years.

"This is the first of many steps the CPUC will take to implement Senate Bill 901, which addresses a number of issues in our jurisdiction related to wildfires," said CPUC President Michael Picker. "Our immediate task is to develop the first round of the annual utility wildfire mitigation plans and to consider requirements for subsequent plans in the future. This issue is vital for the safety of California and we will work quickly and diligently to get it done."

Investor-owned utilities have been required to develop wildfire mitigation plans since 2017. Senate Bill 901 modified those existing requirements in a number of ways, including requiring a more nuanced and detailed list of information that the utilities must provide in their plans. In addition, the CPUC will review the plans, modify the plans when necessary, and eventually adopt plans. The bill also directs the CPUC to pursue enforcement actions for non-compliance with the plans.



The utilities that are required to participate in this proceeding are Pacific Gas and Electric Company, Southern California Edison, San Diego Gas & Electric, Liberty Utilities/CalPeco Electric, Bear Valley Electric Service, and Pacific Power.

The CPUC invites the input of all stakeholders in guiding its approach. The CPUC has a Memorandum of Understanding with the California Department of Forestry and Fire Protection (CAL FIRE), and has long worked with CAL FIRE on improving wildfire mitigation. Based on that work and input from the parties, the proceeding opened today will include development of proposed guidance for what the electric utilities' wildfire mitigation plans should contain.

The proceeding opened today is the first step in implementing one central aspect of the sweeping requirements of Senate Bill 901. Because of California's recent experience that the wildfire season is beginning sooner and ending later, it is important to have the initial set of electric utility wildfire mitigation plans approved as close to the beginning of summer 2019 as possible, as directed in the legislation. As such, at times the proceeding may move very quickly, with either shortened deadlines or fewer rounds of input. All parties should be prepared to act on short deadlines so the CPUC can meet the legislative mandate, consistent with due process.

"Wildfires represent a serious and pervasive threat to the State, which will only intensify as our climate further changes," said Commissioner Clifford Rechtschaffen. "The proceeding we opened today is the first step in ensuring that the wildfire mitigation plans of our electric utilities meet the very high standards set forth in Senate Bill 901."

The proposal voted on is available at:

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M233/K780/233780452.PDF>.

The CPUC regulates services and utilities, safeguards the environment, and assures Californians' access to safe and reliable utility infrastructure and services. For more information on the CPUC, please visit www.cpuc.ca.gov.

###

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Agenda ID #16943
Ratesetting

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Implement
Electric Utility Wildfire Mitigation Plans
Pursuant to Senate Bill 901 (2018).

R. _____

ORDER INSTITUTING RULEMAKING

Summary

The Commission opens this Order Instituting Rulemaking (OIR) to implement the provisions of Senate Bill 901¹ related to electric utility wildfire mitigation plans. This OIR will provide guidance on the form and content of the initial wildfire mitigation plans, provide a venue for review of the initial plans, and develop and refine the content of and process for review and implementation of wildfire mitigation plans to be filed in future years.

1. Background

Devastating wildfires have become a regular occurrence in California. Senate Bill (SB) 901 starkly recites a litany of statistics showing that wildfires have grown larger and more intense over the last several decades, resulting in loss of life and property, ecological devastation, increases in future fire risk, and

¹ Stats. 2018, Ch. 626.

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significant greenhouse gas emissions. In response, SB 901 attempts to address these changes by directing a variety of actions in multiple contexts.²

New provisions of Public Utilities Code Section 8386, enacted as part of SB 901, require all California electric utilities to prepare and submit wildfire mitigation plans that describe the utilities' plans to prevent, combat and respond to wildfires affecting their service territories.³ This proceeding focuses on this requirement, and is the vehicle for the review and implementation of the electric utilities' wildfire mitigation plans.⁴

The Commission-jurisdictional electric corporations that are required to participate in this proceeding are Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), San Diego Gas & Electric Company (SDG&E), Liberty Utilities/CalPeco Electric (Liberty), Bear Valley Electric Service, a division of Golden State Water Company (Bear Valley), and Pacific Power, a division of PacifiCorp (PacifiCorp). The Commission also invites the input of all stakeholders in guiding our approach. The Commission has long worked with the California Department of Forestry and Fire Protection (CAL FIRE) on improving wildfire mitigation, and based on that work and input from the parties, this rulemaking will include development of proposed guidance for what the electric utilities' wildfire mitigation plans should contain.

² Many of the actions directed to be taken by SB 901 are outside the purview of this Commission, such as changes to timber harvest plans, and are not addressed in this Order Instituting Rulemaking (OIR).

³ The required elements of the wildfire mitigation plans under Section 8386 are set forth in Appendix A.

⁴ SB 901 included other Commission-related provisions in addition to the wildfire mitigation plans. Those provisions will be addressed in other proceedings.

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The provisions of SB 901 relating to the Commission's review and implementation of wildfire mitigation plans include short turnaround times for much of the necessary action by the Commission. Accordingly, at times this proceeding may move very quickly, with either shortened deadlines or fewer rounds of input. All parties should be prepared to act on short deadlines and be as cooperative and forthcoming as possible so we can meet the legislative mandate, consistent with due process.

This rulemaking is the first step in implementing one central aspect of the sweeping requirements of SB 901. Because of California's recent experience that the wildfire season is beginning sooner and ending later, the Commission determines that it is important to have the initial set of electric utility wildfire mitigation plans approved as close to the beginning of summer 2019 as possible. The Commission does not expect to achieve perfection in the short time that will be available for the initial review and implementation of the first wildfire mitigation plans, but will work with the parties to make the best use of that time to develop useful wildfire mitigation plans. The Commission will also use this proceeding to further refine its approach to the review and implementation of subsequent electric utility wildfire mitigation plans.

2. Preliminary Scoping Memo

The Commission will conduct this rulemaking in accordance with Article 6 of the Commission's Rules of Practice and Procedure, "Rulemaking."⁵ As required by Rule 7.1(d), this OIR includes a preliminary scoping memo as set

⁵ All references to "Rules" are to the Commission's Rules of Practice and Procedure unless otherwise indicated.

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forth below, and preliminarily determines the category of this proceeding and the need for hearing.

2.1. Issues

The scope of this proceeding is limited to only the wildfire mitigation plans of California's electric utilities required by Section 8386 as modified by SB 901. The scope of this proceeding does not encompass the topic of wildfire mitigation measures generally, which is an issue much broader than the utilities' wildfire mitigation plans, and involves non-utility actors and other federal, state, and local decision makers. The scope of this proceeding also does not include utility recovery of costs related to wildfire mitigation plans, which Section 8386 requires be addressed in general rate case applications. The Commission's approval of wildfire mitigation plans in this proceeding is not a substitute – implicit or explicit – for the Commission's review in a general rate case whether the associated costs are just and reasonable.⁶ The Commission will not consider or approve explicit expenditures in wildfire mitigation plans in this proceeding; however, in evaluating the proposed plans the Commission may weigh the potential cost implications of measures proposed in the plans. This proceeding is accordingly categorized as ratesetting.

The focus of this proceeding will be on the language in Public Utilities Code Section 8386, as modified by SB 901. The full text of amended Section 8386 is set forth in Appendix A. Section 8386 contains a detailed list of the required contents of the plans, and the items to be included in the plans are all within the

⁶ "The commission shall consider whether the cost of implementing each electrical corporation's plan is just and reasonable in its general rate case application." (Section 8386(g).)

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scope of the proceeding. In this proceeding the Commission will consider, among other things, how to interpret and apply the statute's list of required plan elements, as well as whether additional elements beyond those required in statute should be included in the wildfire mitigation plans. Parties will be asked for specific and detailed input on their interpretation of Section 8386, including their views on the meaning of the provisions listed for inclusion in wildfire mitigation plans. Other provisions of SB 901 that affect our consideration, interpretation, or approval of the wildfire mitigation plans may also be within the scope of this proceeding.⁷

Section 8386 contains a three-month window for Commission approval of the wildfire mitigation plans for all respondents. This timeframe is extremely ambitious for a matter of this magnitude and far shorter than typical deadlines applicable to Commission proceedings. The scope and schedule for this proceeding will reflect this short statutory deadline for approval of the plans. The initial wildfire mitigation plans will be filed in this proceeding, pursuant to a schedule and direction to be set forth in more detail in the Scoping Memo. An opportunity to comment on the directions for the wildfire mitigation plans will be provided after the Scoping Memo is issued. The respondent utilities are directed to work cooperatively with Commission staff to ensure that the filed plans are complete and clearly organized.

⁷ While SB 901 also addresses utilities' compliance with their approved wildfire mitigation plans and penalties for non-compliance, those issues will not be addressed in this proceeding at this time, but are likely to be part of a separate proceeding. An issue that may be considered later in this proceeding is whether, and if so, how, the Commission may decide to stagger the compliance periods for each electric utility. (Section 8386(b).)

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This proceeding is also the vehicle for development and refinement of guidance for the content of future wildfire mitigation plans. After the Commission approves the initial wildfire mitigation plans, the Commission will determine how it will address subsequent rounds of annual plans. We expect to learn from our experience addressing the initial set of plans filed in this proceeding, and use that experience to inform our approach to future plans.⁸ The categorization of future phases of this proceeding, including establishing rules for wildfire mitigation plans, may be revisited at a later date. Any statutory changes related to wildfire mitigation plans may also be considered in this proceeding.

3. Categorization; *Ex Parte* Communications; Need for Hearing

Rule 7.1(d) of the Commission's Rules of Practice and Procedure requires that an order instituting rulemaking preliminarily determine the category of the proceeding and the need for hearing. As a preliminary matter, we determine that this proceeding is categorized as ratesetting. Accordingly, *ex parte* communications are subject to the restrictions and reporting requirements set forth in Article 8 of the Rules.

We are also required to preliminarily determine if hearings are necessary. We preliminarily determine that hearings are not necessary.

3.1. Preliminary Schedule

The preliminary schedule for initial activities in this proceeding is as follows:

⁸ For example, the Commission could adopt a standardized template for wildfire mitigation plans.

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EVENT	DATE
Comments on OIR filed and served	10 days from issuance of OIR
Prehearing conference	November 14, 2018, 10:30 a.m., Commission hearing room A, 505 Van Ness Avenue, San Francisco.
Scoping memo	December 2018
Comments on instructions for initial Plans	10 days after Scoping Memo issued
Wildfire mitigation plans filed	February 2019
Opening comments on initial wildfire mitigation plans	20 days after Plan filing
Reply comments on initial wildfire mitigation plans	10 days after opening comments
Decision on initial wildfire mitigation plans	Three months from Plan filing/service, unless extended pursuant to SB 901, Pub. Utils. Code § 8386(e) ⁹

The prehearing conference (PHC) will be held for the purposes of (1) taking appearances, (2) discussing schedule and process, and (3) informing the scoping memo. The PHC shall be held beginning at 10:30 a.m. on November 14, 2018 in the Commission Courtroom, 505 Van Ness Avenue, San Francisco, California.

⁹ Section 8386(e) provides that “The commission shall approve each plan within three months of its submission, unless the commission makes a written determination, including reasons supporting the determination that the three-month deadline cannot be met and issues an order extending the deadline.”

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The assigned Commissioner or the assigned Administrative Law Judge(s) (ALJ) may change the schedule to promote efficient and fair administration of this proceeding.

If there are any workshops or other public meetings in this proceeding, notice of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

4. Respondents

PG&E, SCE, SDG&E, Liberty, Bear Valley and PacifiCorp are named as respondents to this proceeding.

5. Service of OIR

This OIR shall be served on all respondents.

In addition, in the interest of broad notice, this OIR will be served on the official service lists for the following proceedings:

- Rulemaking 15-05-006, Order Instituting Rulemaking to Develop and Adopt Fire-Threat Maps and Fire-Safety Regulations;
- Rulemaking 15-06-009, Order Instituting Rulemaking Regarding Policies, Procedures and Rules for Regulation of Physical Security for the Electric Supply Facilities of Electrical Corporations Consistent with Public Utilities Code Section 364 and to Establish Standards for Disaster and Emergency Preparedness Plans for Electrical Corporations and Regulated Water Companies Pursuant to Public Utilities Code Section 768.6;
- Application 15-09-010, Application of San Diego Gas & Electric Company for Authorization to Recover Costs Related to the 2007 Southern California Wildfires Recorded in the Wildfire Expense Memorandum Account (WEMA);

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- Application 17-07-011, Application of Pacific Gas and Electric Company for Authority to Establish the Wildfire Expense Memorandum Account;
- Application 18-04-001, Application of Southern California Edison Company to Establish the Wildfire Expense Memorandum Account;
- Application 18-09-002, Application of Southern California Edison Company for Approval of Its Grid Safety and Resiliency Program; and
- Application 08-12-021, Application of San Diego Gas & Electric Company for Review of its Proactive De-Energization Measures and Approval of Proposed Tariff Revisions.

In addition, in the interest of broad notice, this OIR will be served on the following agencies named in SB 901, and organizations representing local governments:

- State Board of Forestry and Fire Protection (CAL FIRE)
- California Energy Commission
- State Air Resources Control Board
- California Office of Emergency Services
- California Department of Fish and Wildlife
- California Infrastructure and Economic Development Bank
- California Office of Planning and Research
- California Department of Parks and Recreation
- California State Association of Counties
- League of California Cities
- California Native American Heritage Commission
- California Municipal Utilities Association

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Service of the OIR does not confer party status or place any person who has received such service on the Official Service List for this proceeding, other than respondents. Instructions for obtaining party status or being placed on the official service list are given below.

6. Filing and Service of Comments and Other Documents

Filing and service of comments and other documents in the proceeding are governed by the Commission's Rules of Practice and Procedure.

7. Addition to Official Service List

Addition to the official service list is governed by Rule 1.9(f) of the Commission's Rules of Practice and Procedure.

Respondents are parties to the proceeding (see Rule 1.4(d)) and will be immediately placed on the official service list.

Any person will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents in the proceeding, and should do so promptly in order to ensure timely service of comments and other documents and correspondence in the proceeding. (See Rule 1.9(f).) The request must be sent to the Process Office by e-mail (process_office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102). Please include the Docket Number of this rulemaking in the request.

Persons who file comments on this OIR become parties to the proceeding (see Rule 1.4(a)(2)) and will be added to the "Parties" category of the official service list upon such filing. *In order to assure service of comments and other documents and correspondence in advance of obtaining party status, persons should*

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promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.

8. Subscription Service

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission’s website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at <http://subscribecpuc.cpuc.ca.gov/>.

9. Intervenor Compensation

Intervenor Compensation is permitted in this proceeding. Any party that expects to claim intervenor compensation for its participation in this Rulemaking must file a timely notice of intent to claim intervenor compensation. (*See* Rule 17.1(a)(2).) Intervenor compensation rules are governed by §§ 1801 et seq. of the Public Utilities Code. Parties new to participating in Commission proceedings may contact the Commission’s Public Advisor.

10. Public Advisor

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission’s procedures should contact the Commission’s Public Advisor in San Francisco at (415) 703-2074 or (866) 849-8390 or e-mail public.advisor@cpuc.ca.gov. The TTY number is (866) 836-7825.

Therefore, **IT IS ORDERED** that:

1. This Order Instituting Rulemaking is adopted pursuant to Senate Bill 901, Stats. 2018, Ch. 626 and Rule 6.1 of the Commission’s Rules of Practice and Procedure.
2. The preliminary categorization is ratesetting.

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3. The preliminary determination is that a hearing is not needed.
4. The preliminary scope of issues is as stated above.
5. A prehearing conference is set for 10:30 a.m. on November 14, 2018 at San Francisco, California.
6. The preliminary schedule for the proceeding is set forth in Section 3.1 above.
7. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric), Bear Valley Electric Service, a division of Golden State Water Company, and Pacific Power, a division of PacifiCorp, are respondents to this Order Instituting Rulemaking.
8. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Liberty Utilities (CalPeco Electric), Bear Valley Electric Service, a division of Golden State Water Company, and Pacific Power, a division of PacifiCorp shall, and any other person may, file and serve comments of not more than 20 pages responding to this Order Instituting Rulemaking (OIR) not later than 10 days from the issuance of this OIR.
9. Comments on this Order Instituting Rulemaking should address the scope and schedule of this proceeding, and its interaction with other related proceedings.
10. The Executive Director will cause this Order Instituting Rulemaking to be served on all respondents and on the service lists for the following Commission proceedings: Rulemaking (R.) 15-05-006, R.15-06-009, Application (A.) 15-09-010, A.17-07-011, A.18-04-001, and A.18-09-002, A.08-12-021. In addition, the Executive Director will cause this Order Instituting Rulemaking to be served on

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the following agencies and organizations: State Board of Forestry and Fire Protection (CAL FIRE), California Energy Commission, State Air Resources Control Board, California Office of Emergency Services, California Department of Fish and Wildlife, California Infrastructure and Economic Development Bank, California Office of Planning and Research, California Department of Parks and Recreation, California State Association of Counties, League of California Cities, California Municipal Utilities Association and California Native American Heritage Commission.

11. Any party that expects to claim intervenor compensation for its participation in this Rulemaking must timely file its notice of intent to claim intervenor compensation. (*See* Rule 17.1(a)(2).)

This order is effective today.

Dated _____, at San Francisco, California.

Appendix A

Amended Section 8386

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8386.

- (a) Each electrical corporation shall construct, maintain, and operate its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment.
- (b) Each electrical corporation shall annually prepare and submit a wildfire mitigation plan to the commission for review and approval, according to a schedule established by the commission, which may allow for the staggering of compliance periods for each electrical corporation. The Department of Forestry and Fire Protection shall consult with the commission on the review of each wildfire mitigation plan. Prior to approval, the commission may require modifications of the plans. Following approval, the commission shall oversee compliance with the plans pursuant to subdivision (h).
- (c) The wildfire mitigation plan shall include:
 - (1) An accounting of the responsibilities of persons responsible for executing the plan.
 - (2) The objectives of the plan.
 - (3) A description of the preventive strategies and programs to be adopted by the electrical corporation to minimize the risk of its electrical lines and equipment causing catastrophic wildfires, including consideration of dynamic climate change risks.
 - (4) A description of the metrics the electrical corporation plans to use to evaluate the plan's performance and the assumptions that underlie the use of those metrics.
 - (5) A discussion of how the application of previously identified metrics to previous plan performances has informed the plan.
 - (6) Protocols for disabling reclosers and deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communication infrastructure.
 - (7) Appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines. The procedures shall consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure.
 - (8) Plans for vegetation management.
 - (9) Plans for inspections of the electrical corporation's electrical infrastructure.
 - (10) A list that identifies, describes, and prioritizes all wildfire risks, and drivers for those risks, throughout the electrical corporation's service territory, including all relevant wildfire risk and risk mitigation information that is part of Safety Model Assessment Proceeding and Risk Assessment Mitigation Phase filings. The list shall include, but not be limited to, both of the following:

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- (A) Risks and risk drivers associated with design, construction, operations, and maintenance of the electrical corporation's equipment and facilities.
- (B) Particular risks and risk drivers associated with topographic and climatological risk factors throughout the different parts of the electrical corporation's service territory.
- (11) A description of how the plan accounts for the wildfire risk identified in the electrical corporation's Risk Assessment Mitigation Phase filing.
- (12) A description of the actions the electrical corporation will take to ensure its system will achieve the highest level of safety, reliability, and resiliency, and to ensure that its system is prepared for a major event, including hardening and modernizing its infrastructure with improved engineering, system design, standards, equipment, and facilities, such as undergrounding, insulation of distribution wires, and pole replacement.
- (13) A showing that the utility has an adequate sized and trained workforce to promptly restore service after a major event, taking into account employees of other utilities pursuant to mutual aid agreements and employees of entities that have entered into contracts with the utility.
- (14) Identification of any geographic area in the electrical corporation's service territory that is a higher wildfire threat than is currently identified in a commission fire threat map, and where the commission should consider expanding the high fire threat district based on new information or changes in the environment.
- (15) A methodology for identifying and presenting enterprise-wide safety risk and wildfire-related risk that is consistent with the methodology used by other electrical corporations unless the commission determines otherwise.
- (16) A description of how the plan is consistent with the electrical corporation's disaster and emergency preparedness plan prepared pursuant to Section 768.6, including both of the following:
 - (A) Plans to prepare for, and to restore service after, a wildfire, including workforce mobilization and prepositioning equipment and employees.
 - (B) Plans for community outreach and public awareness before, during, and after a wildfire, including language notification in English, Spanish, and the top three primary languages used in the state other than English or Spanish, as determined by the commission based on the United States Census data.
- (17) A statement of how the electrical corporation will restore service after a wildfire.
- (18) Protocols for compliance with requirements adopted by the commission regarding activities to support customers during and after a wildfire, outage reporting, support for low-income customers, billing adjustments, deposit waivers, extended payment plans, suspension of disconnection and nonpayment fees, repair processing and timing, access to utility representatives, and emergency communications.

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(19) A description of the processes and procedures the electrical corporation will use to do all of the following:

(A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's implementation and correct those deficiencies.

(C) Monitor and audit the effectiveness of electrical line and equipment inspections, including inspections performed by contractors, carried out under the plan and other applicable statutes and commission rules.

(20) Any other information that the commission may require.

(d) The commission shall accept comments on each plan from the public, other local and state agencies, and interested parties, and verify that the plan complies with all applicable rules, regulations, and standards, as appropriate.

(e) The commission shall approve each plan within three months of its submission, unless the commission makes a written determination, including reasons supporting the determination, that the three-month deadline cannot be met and issues an order extending the deadline. Each electrical corporation's approved plan shall remain in effect until the commission approves the electrical corporation's subsequent plan. At the time it approves each plan, the commission shall authorize the utility to establish a memorandum account to track costs incurred to implement the plan.

(f) The commission's approval of a plan does not establish a defense to any enforcement action for a violation of a commission decision, order, or rule.

(g) The commission shall consider whether the cost of implementing each electrical corporation's plan is just and reasonable in its general rate case application. Nothing in this section shall be interpreted as a restriction or limitation on Article 1 (commencing with Section 451) of Chapter 3 of Part 1 of Division 1.

(h) The commission shall conduct an annual review of each electrical corporation's compliance with its plan as follows:

(1) Three months after the end of an electrical corporation's initial compliance period as established by the commission pursuant to subdivision (b), and annually thereafter, each electrical corporation shall file with the commission a report addressing its compliance with the plan during the prior calendar year.

(2) (A) Before March 1, 2021, and before each March 1 thereafter, the commission, in consultation with the Department of Forestry and Fire Protection, shall make available a list of qualified independent evaluators with experience in assessing the safe operation of electrical infrastructure.

(B) (i) Each electrical corporation shall engage an independent evaluator listed pursuant to subparagraph (A) to review and assess the electrical corporation's compliance with its plan. The engaged independent evaluator shall consult with, and operate under the direction of, the Safety and Enforcement Division of the commission. The independent evaluator shall issue a report on July 1 of each year

R. _____ ALJ/PVA/SRT/jt2

DRAFT

in which a report required by paragraph (1) is filed. As a part of the independent evaluator's report, the independent evaluator shall determine whether the electrical corporation failed to fund any activities included in its plan.

(ii) The commission shall consider the independent evaluator's findings, but the independent evaluator's findings are not binding on the commission, except as otherwise specified.

(iii) The independent evaluator's findings shall be used by the commission to carry out its obligations under Article 1 (commencing with Section 451) of Chapter 3 of Part 1 of Division 1.

(iv) The independent evaluator's findings shall not apply to events that occurred before the initial plan is approved for the electrical corporation.

(3) The commission shall authorize the electrical corporation to recover in rates the costs of the independent evaluator.

(4) The commission shall complete its compliance review within 18 months after the submission of the electrical corporation's compliance report.

(i) An electrical corporation shall not divert revenues authorized to implement the plan to any activities or investments outside of the plan.

(j) Each electrical corporation shall establish a memorandum account to track costs incurred for fire risk mitigation that are not otherwise covered in the electrical corporation's revenue requirements. The commission shall review the costs in the memorandum accounts and disallow recovery of those costs the commission deems unreasonable.

(End of Appendix A)

Formal Public Participation

If you are interested in making a difference (such as with changing utility rates or instituting new policies or programs), you may make your concerns known through two very distinct ways of participating in CPUC proceedings. The two ways are generally referred to as **informal** participation and **formal** participation. Both types allow written and oral comments. Informal comments are not considered evidence nor are they included in the formal record on which a decision is based.

Participating as a formal "party" provides the most potential to impact the outcome of CPUC proceedings. However, formal participation follows a specific structure, and parties have roles and responsibilities that they must be aware of and adhere to.

*This brochure provides an overview of CPUC practices. Anyone who would like to participate in a CPUC proceeding must follow the CPUC's **Rules of Practice and Procedure**, available at: <http://www.cpuc.ca.gov/rpp/>.*



This brochure is part of the CPUC Public Advisor's Office Public Participation Information Series. The brochures in the series are:

- # 1 Understanding a CPUC Proceeding
- # 2 Participating at a CPUC Voting Meeting
- # 3 Participating at CPUC Public Participation Hearings and Workshops
- # 4 How to Become a Party in a CPUC Proceeding
- # 5 CPUC Intervenor Compensation Program
- # 6 Ex Parte Communications at the CPUC

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Service Lists

Every proceeding at the CPUC has its own contact lists, called service lists, that are used to distribute all proceeding documents. If you become a "party" to a proceeding, you will be automatically added to the proceeding's party service list. Others are added to the "Information Only" or the "State Service" lists upon written request to the CPUC Process Office.

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Subscribe to this free service and select and follow the items of interest to you, such as a particular proceeding, industry, or type of document. You will receive e-mails when documents are published on the website that are associated with formal proceedings, resolutions, materials related to CPUC voting meetings, and press releases. The notification provides a link to the identified document, rather than sending you a large attachment.

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Contact Information for the Public Advisor's Office

E-mail: public.advisor@cpuc.ca.gov
Toll-free: 866-849-8390 or 415-703-2074
TTY: 866-836-7825

Address:
CPUC Public Advisor's Office
505 Van Ness Avenue
San Francisco, CA 94102

04/27/16



Public Participation Information Series # 4

How to Become a Party in a CPUC Proceeding



www.cpuc.ca.gov



Party's Rights and Responsibilities

You do not have to be an attorney to be a formal participant in a proceeding. Those granted "party" status in a proceeding have the same rights, responsibilities, and obligations as all other parties, including the applicant, if there is one.

Among the rights are:

- Ability to present evidence and witnesses to strengthen your position.
- Obtain information from other parties.
- Ability to file relevant motions, petitions, objections, and briefs.

Among the responsibilities are:

- Must make witnesses available for cross-examination when witnesses have presented testimony.
- Must serve documents on all parties.
- Must respond to data and information requests from other parties.

Becoming a Party

Participating as a Party

There are specific rules about the California Public Utilities Commission (CPUC) proceedings that are important to know, such as the issues a proceeding will cover, the length of time a proceeding will take, and the manner in which a record will be developed. For example, there may be hearings where testimony will be heard and cross-examined or the judge may base the decision solely upon submission of written documents.

When becoming a party to a proceeding, you must adhere to the proceeding schedule and follow the rules regarding document formats and submission deadlines. There is formal courtroom etiquette that everyone must follow throughout the proceeding. There are also specific rules related to conversations between parties and decision-makers. These "ex parte" rules are discussed in more detail in the CPUC's **Rules of Practice and Procedure**.

Guidelines and assistance regarding formal participation are provided by reading the CPUC's **Rules of Practice and Procedure** and by the Public Advisor's Office. Please check out http://cpuc.ca.gov/Party_to_a_Proceeding/.

Become a Party to a Proceeding by:

- Filing an application, petition, or complaint.
- Being a defendant to a complaint or a respondent to an investigation or rulemaking.
- Filing a protest or response to an application or petition, or filing comments in a rulemaking.
- Entering an appearance at a Prehearing Conference or hearing.
- Filing a motion to become a party.

A Person Seeking Party Status Must:

- Fully disclose the persons or entities in whose behalf the filing, appearance, or motion is made, and fully disclose the interest of such persons or entities in the proceeding.
- Show that the contentions will be pertinent to the proceeding issues. The judge may grant party status, or where circumstances warrant, deny party status or may limit the degree to which a party may participate.



California
Public Utilities
Commission

Public Advisor's Office
www.cpuc.ca.gov/pao



Formal File

The Formal File contains all communications in a proceeding, which includes rulings, decisions, transcripts, testimony, informal consumer comments, evidence, etc. The Formal File can be viewed in the Central Files at the CPUC San Francisco headquarters. Also, an electronic "Docket Card" is available on the CPUC website. The Docket Card includes rulings, decisions, and formally filed documents, but does not include testimony, transcripts, or informal correspondence.

Filing Formal Documents online with E-File

Anyone interested in becoming a party should become familiar with the Electronic Filing (E-Filing) System. E-filing allows you to file documents in formal proceedings at the CPUC from your office using a web-based application. The CPUC has a guide that explains the e-filing process. This guide is available online at <http://www.cpuc.ca.gov/puc/efiling>.

Answers to frequently asked questions (FAQs) about filing formal documents are available online: http://docs.cpuc.ca.gov/word_pdf/REPORT/117474.pdf.



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

Agenda Section: New Business

Subject: Elmhurst Raw Water Pump Station and City Council Discussion

**CEQA Not a CEQA project
Determination:**

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

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

The City of St. Helena owns and operates a water storage facility known as Lower Reservoir located on Spring Mountain Road at the westerly City limits. It remains an operational piece of St. Helena's history dating back to 1877 when a group of local wine growers with lands along York Creek organized and filed Articles of Incorporation as the St. Helena Water Company with the purpose of supplying the Town of St. Helena with water. Various improvements have been made to meet demand through its service life. In 1922, the St. Helena Water Company conveyed the water system, its properties, and all water rights of the water company to the Town of St. Helena. The Town, which became a City, continued to operate Lower Reservoir as part of its potable water supply until 1980 when Louis Stralla Water Treatment Plant fed by Bell Canyon Reservoir became operational. Lower Reservoir raw water currently serves: (1) Robert Louis Stevenson Middle School; (2) as a permit issued raw water station; (3) Spring Mountain Vineyard; and (4) for fire-fighting emergencies by aircraft.

There are three primary users of the raw water at Lower Reservoir.

1. St. Helena Unified School District. The City has an agreement to supply raw water to the District for use on the athletic fields at Robert Louis Stevenson Middle School. That agreement was executed on September 15, 1995, and the current rate paid is \$696.48 per acre-foot with an automatic 5% annual increase. The term of the school agreement is open ended with automatic annual renewal and has an annual limit of 10 acre-feet.

2. Spring Mountain Vineyard. The City has an agreement to supply raw water to Spring Mountain Vineyard. The agreement was executed on June 26, 2018 and the current rate paid matches the rate schedule set by City Council Resolution. The term of the vineyard agreement is an initial five-year contract period and after year five will automatically renew year to year unless terminated by either party.
3. Elmhurst Pump Station. The raw water station is primarily used by independent contractors for construction purposes as well as residents for landscape irrigation. A quarterly user fee is currently required to use the raw water station and users pay per gallon used. Both the user fee and raw water rate are set by City Council Resolution.

DISCUSSION

There have been concerns by residents and various councilmembers on how the City has been charging for raw water permits and potential loss of revenue due to the honor system at the Elmhurst Pump Station. In response to City Council direction, City staff researched both items and have addressed them as follows:

Raw Water Permits

Raw Water applications are submitted to the Public Works Department for review and approval then forwarded to Finance for billing purposes. Currently, the City charges \$50 per quarter for a raw water permit to utilize the pump station on Elmhurst. Quarters follow the calendar year of January-March, April-June, July-September, and October-December. If a permit holder does not use water in a specific quarter they are not charged, but if they use water at any time during a quarter, they will be charged for the entire quarter. The quarterly system worked well when contractors were the sole users of the raw water pump station since the months of April-September follow the typical construction season. However, the quarterly system billing does not work as well for those who primarily use the raw water for landscape irrigation during the dry months of the year.

City staff from both Public Works and Finance collaborated to find a solution of billing users a monthly fee. Billings would still be processed on a quarterly basis. However, users will only be billed for the months they actually use water based on the logs. Staff is recommending that the user fee be updated with the fee study that is currently underway by the City's consultant, Willdan.

Elmhurst Pump Station

Raw Water users have direct access to the Elmhurst Pump Station near Robert Louis Stevenson Middle School. Permittee's currently pull-up to the outlet, pump water into their mobile tank, and complete their water usage by gallon on the raw water log that is located inside the door of the pump house. City operations staff periodically check the log, check the meter readings, and submit the logs to Finance staff to process billings on a quarterly basis. However, there is evidence that not all water use is being reported.

City staff reviewed reports for the past six fiscal years. The cumulative loss of revenue and unreported gallons used over the six year period equates to approximately \$2,500.00 and 1,020,300 gallons of water. While the amount of revenue loss is not that high, the percentage of those not logging their water use is shown in the table below.

Fiscal Year	% Not Logged	Total Lost Revenue
2013	20%	\$432.72
2014	15%	\$175.48
2015	45%	\$971.05
2016	13%	\$353.75
2017	41%	\$234.24
2018	40%	\$378.02
TOTAL	Avg. 29%	\$2,545.26

City staff researched technology to make improvements, and a dispenser is available very similar to a gas pump that could be utilized in lieu of the honor system. The equipment along with cellular or wifi connection would cost approximately \$35,000 and require users to "pay as you go." The City of Napa is currently implementing this system with the installation being completed by their operations staff.

Per the 2017 adopted water rate study, an upgraded pump station system is not scheduled for implementation until 2025 and is estimated to cost \$100,000. In light of the cost of the dispenser equipment and the ability for City staff to install it directly, it is possible that the system could be programmed much earlier for less. The direct pay system would provide for better control and security of the City's raw water supply and greatly reduce the amount of staff time in the field and office processing everything manually. In addition, the user fee that is intended to cover the cost of the manual system currently in place could potentially be eliminated when the pump station is upgraded.

It is City staff recommendation to continue following Napa's progress with this system and once their system is online re-evaluate whether the City of St. Helena should program the project sooner than currently forecast in the budget.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

City Council discussion and feedback to staff.

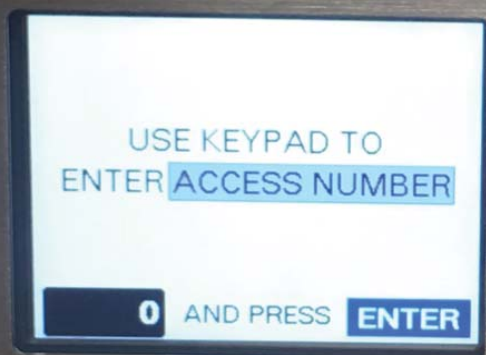
ATTACHMENTS

[Attachment 1: Raw Water Log](#)

[Attachment 2: Flowpoint Keypad](#)

[Attachment 3: Flowpoint Truck Fill Station Quote](#)

TOTAL LOSS GALLONS OF WATER AND REVENUE						
Fiscal Year	Total Unreported Gallons of Water	Total Unbilled Units of Water	Total Lost Revenue			
2013	162066	217	\$ 432.72	20%		
2014	65723	88	\$ 175.48	15%		
2015	471077	630	\$ 971.05	45%		
2016	132492	177	\$ 353.75	13%		
2017	79153	106	\$ 234.24	41%		
2018	132502	177	\$ 378.02	40%		
TOTAL	1043013	1394	\$ 2,545.27	29%	Average	



FLOWPOINT KEYPAD / HMI model: FP-KTECK-FUAB16

* specifications of models available locally may vary from the model shown.

Technical Data

Front Plate
304 Stainless Steel (brushed)

Power Supply
+24VDC (20.4 to 28.8) 6.5 W

Reliability
RoHS Compliant, CE and FCC,
ESD

Key Lifespan >10 Million
actuations

Keypad Switching Material
Carbon-on-Gold

Overall Dimensions
223mm x 118mm

Enclosure Rating, front panel
NEMA 4X and IP65

3.5" COLOR LCD SCREEN

Color, backlit 3.5" LCD Screen (320x240 pixels) c/w integral laser cut LEXAN screen protector. Includes Ethernet TCP/IP port to connect to PLC and USB to connect to keypad

BACKLIT STAINLESS STEEL KEYPAD

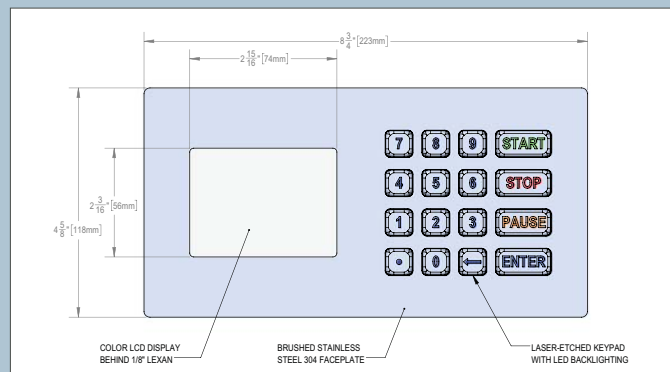
Rugged, backlit, stainless steel keypad designed exclusively for Flowpoint bulk water dispensing and septage receiving station controls. USB Connection to LCD Screen. Keys are protected against twisting and levering and cannot be dislodged from the front. Key tops are laser etched for easy readability and long life. Lettering cannot be rubbed off. Keys are LED backlit for easy readability and colors are intuitive (Green=Start, Red=Stop).

ADVANCED VANDAL RESISTANT DESIGN

The new integrated Flowpoint Keypad/HMI interface is designed to guard from accidental and willful damage. The LEXAN Screen protector is vandal resistant and the stainless steel keys and face plate is corrosion resistant. Seals are dirt, dust, and water resistant under extreme climatic conditions and hostile environments. The keys have excellent tactile feel with full, long travel switches which allow users to achieve fast and accurate data input.

BACKWARDS COMPATIBILITY

The new Flowpoint stainless steel keypad/HMI user interface will seamlessly replace the previous Allen-Bradley PanelView HMI/Keypad systems installed with Flowpoint systems between 2012-2016. Call us today at 877-655-5585 to replace your keypad or to upgrade to the full featured Allen-Bradley PLC system (Omron based systems 1996-2012)





QUOTATION

940 Riverside Parkway, Ste #30
West Sacramento, CA 95605
Phone: 707.575.0700
Fax: 707.575.3786

DATE: August 8, 2018
QUOTED BY: Kathy Richards
REQUESTED BY: Michael Fontana
PHONE: 707-967-2794 office
EMAIL: mfontana@cityofsthelelena.org

BILL TO: City of St. Helena
1480 Main St.
St. Helena, CA 94574

SHIP TO: City of St. Helena
1405 Charter Oak
St. Helena, CA 94574

SALESPERSON	PAYMENT TERMS	SHIPPING METHOD	SHIPPING TERMS	SUBJECT TO REVIEW
Kathy Richards	Net 30 Days	Best Way	FOB West Sacramento	12/31/2018

QTY	Product Description	UNIT PRICE	AMOUNT
1	Flowpoint TFS-100 Truck Fill Station to include:	\$ 25,250.00	\$ 25,250.00
	NEMA 3R Wall Mount Access Terminal		
	Allen Bradley PLC		
	16 Key industrial Stainless Steel Keypad		
	LCD Color Screen,		
	Water+ Software,		
	4" Solenoid Control Valve		
	Cellular Communication - US		
	Billing Software package (up to 100 users)		
	12 months free on-line billing & software tech support		
	1 year free online tech support		
	Date & Time stamped truck fill records		
	1 year parts & labor warranty		
	Freight, and startup support		
1	Badger 4" T1000 Turbo Series meter w/test plug	\$ 1,387.00	\$ 1,387.00
1	ER420 industrial register w/totalizer & Rate of flow indicator, pulse output, meter mounted	\$ 990.00	\$ 990.00
	Freight included on orders of \$25,000 or more.		
		SUBTOTAL	\$ 27,627.00
		SALES TAX	\$ 2,279.23
		FREIGHT	incl.
		TOTAL	\$ 29,906.23

Sales Tax: 8.25% Napa County
Est. Lead Time: Prox 8 weeks ARO

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

Agenda Section: New Business

Subject: Fiscal Year 2018/19 1st Quarter Finance Report and consideration of a resolution authorizing a budget increase of \$30,000 to the Wastewater Fund, Attorney budget.

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Finance Director

Reviewed By: Mark T. Prestwich, City Manager

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

Municipal Code Title 2, §2.24.030 states the Director of Finance shall deliver to the City Manager and to the Council at a regularly scheduled Council meeting a budget report showing the budget status at the end of the preceding quarter.

Staff has prepared the following for Council:

1. First quarter (Q1) staff report for Fiscal Year (FY) 2018/19. This report is a summary of transactions from July 1, 2018 to September 30, 2018.
2. A summary of St. Helena CARES Low Income Subsidy and Water Leak adjustments for Q1 FY 2018/19
3. FY 2018/19 Q1 List of Warrants over \$100,000

DISCUSSION

Information presented below reflects transactions posted through September 30, 2018. Additional details for the General Fund, Water Fund, and Wastewater Fund are provided in Attachment 1.

General Fund

General Fund revenue received to date for Fiscal Year (FY) 2018/19 is \$1,849,549 - 13% of General Fund revenue has been collected. General Fund revenue is divided into the following categories: (1) Property Tax, (2) Sales Tax, (3) Transient Occupancy Tax (TOT), (4) Other Taxes, (5) Charges for Service, (6) Fines and Forfeits, (7) Licenses and Permits, (8) Development Fees, (9) Intergovernmental, (10) Interest and Rents, and (11) Miscellaneous. The primary contributors to General Fund revenues are Property Tax, Sales Tax, and TOT. While the 13% collected for FY 2018/19 may seem low, this figure is normal due to: (1) timing of property tax payments and (2) lower than normal sales tax reporting for Q1 due to issues with a new online filing system implemented in May 2018 by the California Department of Tax and Fee Administration (CDTFA).

General Fund expenditures are \$5,455,192 for Q1 which is 42% of the adopted budget. Spending for Q1 is typically around 35%; the increase in spending in FY 2018/19 is due to the following: (1) Attorney cost calculation includes all invoices received for July, August, and September where FY 2017/18 Q1 only included costs for July, (2) Fire Department use of Strike Teams in July and August increased salary costs in the department, (3) benefit payout to the Police Chief upon his resignation, and (4) an increase in City Council approved operational transfers in the Public Works budget. The overall General Fund budget available for the remainder of FY 2018/19 is 58%.

Water Enterprise Funds

Water Enterprise revenue received is \$1,499,525 or 25% of the estimated total revenues for Q1. Revenues are on track.

Water expenses are \$2,164,929 for Q1 and overall Water Fund spending is at 38% for the Fiscal Year. Expenses are on track.

Wastewater Enterprise Funds

Wastewater Enterprise revenue received is \$700,715 or 22% of the estimated total revenues for Q1. This number is lower than the estimated 25% which should have been received to-date, staff will continue to monitor these revenues.

Wastewater expenses are \$1,01,375 for Q1. Overall Wastewater Fund spending is at 47% when compared to the current budget. With the exception of the Attorney budget, expenses for the Wastewater Fund are on track. An increase to the Attorney's budget will be necessary due the ongoing discussions for mediation regarding the revenue shortfalls over the term of current rate structure. Staff is recommending a budget increase to 571-4400-2130 in the amount of \$30,000 for FY 2018/19.

St. Helena CARES Low Income Subsidy

The St. Helena CARES subsidy program currently has 114 participants. The subsidy for FY Q1 is \$12,743.93. Funds for the St. Helena CARES Low Income Subsidy program are included in the adopted FY 2018/19 budget.

Leak Adjustment Subsidy

Leak subsidy for Q1 totals \$2,563.68 for a combined excess of 392 units of water. There were 8 leak adjustments approved for Q1; five were due to irrigation leaks, two due to broken pipes, and one was due to a leaking toilet. Funds for the Leak Adjustment Subsidy program are included in the adopted FY 2018/19 budget.

FY 2018/19 Q1 Checks over \$100,000

Per staff recommendations on April 10, 2015, the Chart 3 is a list of Checks over \$100,000 for Q1.

Chart 5 - Checks over \$100,000 Q1

Check #	Vendor	Check Dates	Check Amount	Notes
102124	CalPERS	7/11/2018	761,248.00	FY 19 Unfunded Liability Payment
102169	Burke, Williams, & Sorensen	7/18/2018	125,650.64	Payment for FY 18 Attorney Bills (June)
102184	City of Napa	7/18/2018	164,276.55	Purchase water
102464	City of Napa	8/8/2018	122,306.22	Purchase water
102502	REMIF	8/8/2018	287,953.00	Workers Comp Premiums FY 19
102753	City of Napa	9/6/2018	182,231.40	Purchase water
102853	MUFG Bank Union	9/12/2018	114,726.66	2005B Bond Payment Interest
102854	MUFG Bank Union	9/12/2018	458,848.26	2005B Bond Payment Principal
103005	City of Napa	9/27/2018	140,346.36	Purchase Water

FISCAL IMPACT

The fiscal impact is as follows:

CARES Program- \$12,743.93 from the General Fund

Leak Adjustments - \$2,563.68 from the General Fund

Funding for the CARES and Leak Adjustment Programs is included in the FY 2018/19 Adopted Budget.

Water Fund - A budget increase of \$30,000 to 571-4400-2130 and use of the Wastewater Fund Balance.

RECOMMENDED ACTION

Staff recommends City Council approve a resolution authorizing a budget increase of \$30,000 to 571-4400-2130 and receive and file the Q1 FY 2018/19 financial report.

ATTACHMENTS

[Attachment 1 - Revenue and Expenditure Summary](#)

[Attachment 2 - Resolution](#)

GENERAL FUND REVENUES AND EXPENDITURES
Period 01 - 03
Fiscal Year 2019

Quarterly Budget Report General Fund Revenues

Description	Adopted Budget	Adjusted Budget	YTD Received	Uncollected	% of Budget Collected
Property Taxes	4,566,939	4,566,939	306,295	4,260,644	7%
Sales Tax	4,778,820	4,778,820	426,163	4,352,657	9%
Transient Occupancy Tax	3,350,823	3,350,823	594,134	2,756,689	18%
Other Taxes	208,755	208,755	-	208,755	0%
Charges for Service	96,107	96,107	51,724	44,383	54%
Fines and Forfeits	65,203	65,203	12,772	52,431	20%
Licenses and Permits	949,796	949,796	243,371	706,425	26%
Development Fees	13,519	13,519	10,400	3,119	77%
Intergovernmental	64,636	64,636	57,594	7,042	89%
Interest and Rents	96,040	96,040	136,417	(40,377)	142%
Miscellaneous	73,553	73,553	10,680	62,873	15%
Grand Total	14,264,191	14,264,191	1,849,549	12,414,642	13%

Quarterly Budget Report General Fund Expenditures

Description	Adopted Budget	Encumbered	Adjusted Budget	YTD Spent	Available Budget	% of Budget Available
Non Departmental	1,458,327	3,032	1,462,252	795,595	663,624	45%
Council	286,769	16,173	303,471	24,293	263,005	87%
Administration	1,004,140	95,618	1,008,773	209,827	703,329	70%
Finance	401,832	29,828	499,377	114,127	355,423	71%
Attorney	425,000	-	425,000	141,052	283,948	67%
Planning/Building	1,157,552	140,614	1,346,295	318,266	887,415	66%
Library	1,055,590	23,409	1,073,903	261,847	788,647	73%
Parks & Recreation	216,295	1,750	218,295	52,417	164,128	75%
Fire	1,219,151	59,954	1,280,667	414,817	805,896	63%
Police	3,204,405	31,753	3,211,786	928,740	2,251,293	70%
Public Works	3,835,130	195,826	4,049,714	2,335,263	1,518,626	38%
Grand Total	14,264,191	597,956	14,879,534	5,596,244	8,685,335	58%

WATER FUND REVENUES AND EXPENSES

Period 01 - 03

Fiscal Year 2019

General Ledger

Quarterly Budget Report Water Revenues

Description	Adopted Budget	Adjusted Budget	YTD Received	Uncollected	% of Budget Collected
Water Revenues	6,093,314	6,093,314	1,499,525	4,593,789	25%

Quarterly Budget Report Water Expenses

Description	Adopted Budget	Encumbered	Adjusted Budget	YTD Spent	Available Budget	% of Budget Available
Non Departmental	1,212,579	240	1,212,818	864,830	347,748	29%
Council	16,771	-	16,771	3,147	13,624	81%
Administration	253,933	30,682	257,101	88,807	137,613	54%
Finance	313,677	25,611	326,730	89,792	211,327	65%
Attorney	130,000	-	130,000	38,764	91,236	70%
Public Works	4,166,354	171,111	4,312,609	1,079,589	3,061,910	71%
Grand Total	6,093,314	227,642	6,256,029	2,164,929	3,863,458	62%

WASTEWATER FUND REVENUES AND EXPENSES

Period 01 - 03

Fiscal Year 2019

General Ledger

Quarterly Budget Report Wastewater Revenues

Description	Adopted Budget	Adjusted Budget	YTD Received	Uncollected	% Collected to
Wastewater Revenues	3,155,179	3,155,179	700,715	2,454,465	22%

Quarterly Budget Report Wastewater Expenses

Description	Adopted Budget	Encumbered	Adjusted	YTD Spent	Available Budget	% of Budget
Non Departmental	459,036	240	459,275	292,928	166,107	36%
Council	16,771	-	16,771	3,147	13,624	81%
Administration	171,926	24,877	175,094	44,325	105,892	60%
Finance	231,598	24,860	243,900	69,173	149,867	61%
Attorney	30,000	-	30,000	28,351	1,649	5%
Public Works	2,005,849	272,871	2,095,049	663,451	1,158,727	55%
Grand Total	2,915,180	322,848	3,020,090	1,101,375	1,595,867	53%

CITY OF ST. HELENA

RESOLUTION NO. 2018-_____

**Resolution approving a budget increase
of \$30,000 to 571-4400-2130**

RECITALS

WHEREAS, City staff has presented to City Council the FY 2018/19 Q1 Finance report;
and

WHEREAS, due to ongoing discussions for mediation with regards to Wastewater Fund
revenues, staff recommends a budget increase to the Wastewater Fund Attorney
budget.

RESOLUTION

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

1. A budget increase of \$30,000 to \$571-4400-2130.

Approved at a Regular Meeting of the St. Helena City Council on November 13, 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 November 13, 2018

Agenda Section: New Business

Subject: Discussion and Direction Regarding Potential Amendment(s) to City of St. Helena Rules of Procedure for the Conduct of City Meetings and Standards of Conduct

CEQA Determination: Not a CEQA project

Prepared By: Mark T. Prestwich, City Manager

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

On June 12, 2018, the City Council adopted updates to its Rules of Procedure for the Conduct of City Meetings and Standards of Conduct (attached). The purpose of these protocols is to provide an effective environment for the City Council to provide leadership. It is expected the document will be reviewed on a regular basis and amended from time to time. At the meeting of October 23, 2018, direction was provided to consider language additions related to private conversations. The Council designated Council Member Dohring and Mayor Galbraith to serve as Council liaisons to work on conceptual language.

DISCUSSION

Conceptual language has been prepared for Council review and discussion that proposes an addition to Section 3.3. (Code of Ethics and Conduct) as noted below.

3.3 Code of Ethics and Conduct

(e) Elected and Appointed Officials' Conduct With Each Other and the Public in Private Encounters

1. Continue Respectful Behavior in Private

The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions, and set forth above in subsections (a) through (d), should be maintained in private conversations, including telephone calls, texts, e-mails or other forms of communication. Council Members and appointed officials shall refrain from abusive conduct, intimidation, bullying tactics, personal charges, or verbal attacks upon the character or motives of other members or the public.

2. Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Texts, Voicemail and E-mail

Technology allows words written or said without much forethought to be distributed wide and far. Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this E-mail or text message were forwarded to others? Written notes, voicemail messages, texts and E-mail should be treated as potentially "public" communication.

3. Understand that Even Private Conversations can have Public Presence

Elected and appointed officials are always on display — their actions, demeanor, fitness, mannerisms, language and timing and form of communication are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, late-night e-mails will be questioned and casual comments between individuals before and after public meetings noticed.

FISCAL IMPACT

Not applicable.

RECOMMENDED ACTION

Review, discuss and provide direction to City staff.

ATTACHMENTS

[Council Rules of Procedure and Code of Conduct](#)

CITY OF ST. HELENA

RESOLUTION NO. 2018-75

**RESCINDING RESOLUTION NO. 2013-26
ADOPTING RULES OF PROCEDURE FOR
THE CONDUCT OF COUNCIL MEETINGS,
RESCINDING RESOLUTION 2011-18
APPROVING CITY COUNCIL STANDARDS
OF CONDUCT, AND RE-ESTABLISHING
RULES OF PROCEDURE FOR THE
CONDUCT OF COUNCIL MEETINGS AND
RE-ESTABLISHING CITY COUNCIL
STANDARDS OF CONDUCT**

RECITALS

- A. WHEREAS, City Council Rules of Procedure for the Conduct of Council Meetings are established to provide an effective environment for the City Council to provide leadership; and
- B. WHEREAS, City Council Standards of Conduct are established to provide guidance to Council Members to assist in fully understanding the role and scope of the responsibilities of office; and
- C. WHEREAS, City Council reviews City Council Rules of Procedure for the Conduct of Council Meetings and reviews City Council Standards of Conduct and revise as deemed necessary.

RESOLUTION

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

- 1. Resolution No. 2013-26 Adopting Rules of Procedure for the Conduct of Council Meetings is hereby rescinded; and
- 2. Resolution No. 2011-18 Adopting City Council Standards of Conduct is hereby rescinded; and
- 3. City Council Rules of Procedure and Standards of Conduct are adopted and hereby made part of this resolution. Attached hereby as Exhibit A.

Approved at a Regular Meeting of the St. Helena City Council on June 12, 2018, by the following vote:

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

APPROVED:

Pt. G. the
Peter White, Vice Mayor for
Alan Galbraith, Mayor

ATTEST:

Cindy Tzafopoulos
Cindy Tzafopoulos, City Clerk

Exhibit A - City Council Rules of Procedure and Standards of Conduct



Exhibit A



CITY COUNCIL

**RULES OF PROCEDURE FOR THE
CONDUCT OF COUNCIL
MEETINGS**

&

STANDARDS OF CONDUCT

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APPENDIX

Exhibit–*Rosenberg’s Rules of Order*: Simple Parliamentary Procedures for the 21st Century

1. PURPOSE

The purpose for establishing City Council Protocols is to provide an effective environment for the City Council to provide leadership. The protocols may be amended by resolution adopted by a majority vote of the Council Members and should be reviewed on a regular basis to ensure that the document remains helpful to the Council by providing a framework for effective leadership.

The protocols set forth herein are not intended to limit the inherent power and general legal authority of the City Council. Any of the protocols herein may be waived by a majority vote of the Council Members when it is deemed that there is good cause to do so based upon the particular facts and circumstances.

1.1 Council-Manager Form of Government

The City of St. Helena operates according to the Council-Manager form of government which vests authority in an elected City Council which, in turn, hires an appointed executive, the City Manager. The City Council is composed of five members elected from the City on a nonpartisan basis to serve overlapping four-year terms. The Mayor is elected at-large to serve a two-year term as presiding officer at City Council meetings and as the official head of the City for legislative and ceremonial purposes. The City Manager is appointed by the City Council and serves at the pleasure of that body.

The City Council is the City's legislative and policy-making body. Acting as a whole, the City Council is responsible for setting the direction of City policy and for adopting ordinances, resolutions and other orders as necessary for governing the City. The City Manager is responsible for the overall administration of the City, which includes implementation of the general policies set by the City Council in addition to the day-to-day operation of all City functions. The City Manager, with the help of the Staff, provides the City Council with the information needed to fulfill its policy-making role.

The Council-Manager form of government separates legislative and executive responsibilities in a manner similar to state and federal governments. This system provides "checks and balances" of both policy and administrative branches of government by limiting the power of each.

1.2 City Council Vision and Mission Statement

Vision Statement

The City of St. Helena will strive to be economically sustainable, and continue to be a family-friendly, diverse and safe community which prudently manages its financial and human resources, continues to upkeep and improve its infrastructure, ensures its water security, provides a full range of housing, business, cultural and recreational opportunities and embraces and retains

its historic, small-town character, beautiful natural environment and high quality of life.

Mission Statement

The City of St. Helena is dedicated to serving the needs and desires of our citizens by:

- Maintaining and improving our short and long-term economic sustainability
- Offering excellent professional services to all customers
- Establishing, improving and maintaining City infrastructure
- Maintaining and encouraging an environmentally sustainable community
- Preserving and embracing the historic, small-town, rural character of St Helena
- Expanding and improving recreational services and facilities and cultural opportunities
- Encouraging a wide range of innovative, well-designed housing available for residents of all ages and income levels
- Facilitating full civic participation and ongoing communication
- Strengthening partnerships with the private, non-profit and public sectors

(See Resolution Number 2016-47, dated April 12, 2016.)

2. RULES OF PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

2.1 Regular Meeting

The Council shall hold a Regular Meeting on the second and fourth Tuesday of each month, except that the Council may by motion at a Regular Meeting and with adequate public notice, either cancel that meeting or reschedule it to some other date.

Regular Meetings shall be held at the Vintage Hall Board Room, 465 Main Street, St. Helena, and shall begin at 6:00 p.m. If it is necessary to hold a closed session prior to the start of a Regular Meeting, the closed session may begin earlier than the normal starting time to allow the Regular Meeting to begin at 6:00 p.m. The closed session shall begin in an open meeting and the Council shall adjourn to closed session.

2.2 Special, Emergency, and Adjourned Meetings

(a) **Special Meetings.** The Mayor or the Vice Mayor in the Mayor's absence or a majority of the members of the Council may at any time call a Special Meeting. At least twenty-four hours before a Special Meeting, written notice

of the meeting stating its time and place and the subjects to be considered shall be (a) delivered to the Mayor and each Councilmember personally or by any other means; (b) posted on the Council's principal bulletin board and place of meeting; and (c) emailed to the agenda subscribers. Only those items of business specified in the notice may be considered at a Special Meeting called in this manner.

(b) **Emergency Meeting.** The Council may hold an Emergency Meeting in emergency situations as set forth in the City's Municipal Code and State Law.

(c) **Adjourned Meeting.** A properly called Regular, Special, or Emergency Meeting may be adjourned to a time and place specified. A copy of the notice of adjournment shall be posted as specified on the door of the place where the meeting was held within twenty-four hours after the time of the adjournment. Further notice need not be given of an adjourned session of a properly called Regular, Special, or Emergency Meeting.

2.3 Regular Meeting Agenda

(a) **Setting and Posting of Agenda.** The agenda of business to come before the Council at a Regular Meeting shall normally be closed at the end of eighteen business days preceding the meeting. Under State Law the agenda for a Regular Meeting must be posted at least seventy-two (72) hours prior to the scheduled convening of the Regular Meeting, and no items may be added to the agenda fewer than seventy-two (72) hours prior to the meeting except as may be allowed by State Law. The City Council endeavors to publish the meeting agenda at least ten days prior to the meeting.

(b) **Placing Items on the Council Agenda.** Each City Council agenda shall specifically provide for a discussion of Future Agenda Items. Any Council Member may request that an item be considered on a future agenda during that portion of the City Council meeting and, upon agreement by a second Council Member concurring that Staff time and City resources should be expended on the item, the item shall be placed on the soonest practical regularly scheduled Council meeting as determined by the City Manager. A member of the public may request that an item be placed on a future agenda during Public Forum or through other communication with a Council Member. Staff reports may not be prepared on Council Member requested items until Council discussion has occurred and direction provided by the Council unless Staff otherwise determines. If Council action is contemplated, proposed action shall be included in the Staff report. The City Manager may also add any item of business to a future agenda in his or her sole discretion.

(c) **Agenda Packet Distribution.** Each Councilmember shall be furnished a copy of the agenda and the package of agenda material by 5:00 p.m., on the Friday eleven days preceding a Regular Meeting, and the agenda and

agenda materials shall be available for public inspection and distribution or copying at that time. Each Councilmember may opt out from receiving a paper agenda and instead receive and review the agenda electronically on a City issued iPad. Any agenda materials not included in the agenda package by 5:00 p.m., that Friday shall be separately identified, and the Council may by majority vote continue such agenda item until the following meeting to allow for proper study of the materials.

(d) **Order of Agenda.** The business of the Council shall be taken up for consideration in substantially the following order except as may be otherwise ordered:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Public Forum
5. Reports by Staff and City Council, Future Agenda Items and AB 1234 Reports
6. Presentations and Public Recognitions
7. Staff Briefing
8. Consent Items and Items Removed from Consent
9. Public Hearings
10. New Business
11. Items likely to be placed on the next or future meeting agenda.
12. Adjournment

(e) A copy of the agenda and the package of agenda materials shall be made available for public inspection at City Hall and at the St. Helena Public Library at or near the time they are circulated to the City Council.

2.4 Public Testimony and Comments Before the Council

(a) **Addressing the Council Generally.** Each person addressing the Council may give his or her name and address (optional) in an audible tone of voice for the record. Each person's comments are limited to four minutes except as provided in section (b) regarding land use Public Hearings. In the further interest of time, speakers may be asked to limit their comments to new materials and not repeat what a prior speaker said. Organized groups may choose a single spokesperson who may speak for the group. Speakers may not concede their allotted time to another speaker. The Mayor may extend time for the speaker.

(b) **Addressing Council at Land Use Public Hearings.** An applicant appellant at a land use Public Hearing shall be permitted to address the

Council for 15 minutes following the Staff report. If there is a spokesperson for the opposition, the spokesperson shall be permitted to speak for 15 minutes. All other speakers are limited to four minutes each. Applicant shall first be permitted five minutes at close of public comments for rebuttal. If the applicant is the appellee the appellant shall have 15 minutes, the applicant appellee shall have 15 minutes, the appellant five minutes, and the applicant appellee five minutes.

(c) **Presentation by Spokesperson.** Whenever any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen by the group to address the Council, and, in case additional matters are to be presented at the time by any other member of the group, to limit the number of persons so addressing the Council so as to avoid unnecessary repetition before the Council.

(d) **Irrelevant Testimony.** The Mayor shall rule out of order any testimony not relevant to the agenda item then under discussion.

(e) **Protocol.** The purpose of public testimony is for Councilmembers to benefit from the views of the public. Comments from the public should be directed towards the Council. Councilmembers and Staff should avoid entering into a dialogue with members of the public who may address the Council. Questions raised by members of the public may be referred to Staff.

(f) **Public Comment on Agendized Items.** Members of the public are entitled to speak on any item on the agenda during a Public Hearing on the subject matter opened by the Mayor. Each person is entitled to speak on any agenda item only once at any meeting, and the right to speak at the appropriate time waives any further right to address the Council on that item at that meeting. Participation in debate on any item before the Council shall be limited to members of the Council, although Councilmembers may ask members of the public for additional information.

(g) **Public Comment on Non-Agendized Items.** Members of the public are entitled to speak on matters of municipal concern not on the agenda, during consideration of that portion of the meeting agenda entitled "Public Forum" when that item is called by the Mayor. Each person is entitled to speak on non-agendized items 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 may take place unless and until the matter properly appears on the agenda.

2.5 Roll Call and Voice Votes

A roll call vote shall be taken on the approval of the Consent Calendar, the introduction of ordinances, and the adoption of ordinances, resolutions, and orders

for the payment of money. Roll call votes shall be entered in the minutes of the Council showing those members voting yes, those voting no, and those abstaining or absent.

Any other motion may be passed by voice vote provided, however, that any Councilmember may request a roll call vote on any items to be voted on.

2.6 Consent Items

Those items on the agenda considered routine by the City Manager shall be grouped together under "Consent Items" and the recommended actions approved by a single vote of the Council. At the request of any Councilmember or any other person, a Consent Item shall be considered separately following approval of the remaining "Consent Items." Items approved under the heading "Consent Items" will appear in the Council minutes in their proper form, as if approved item by item.

2.7 Reports

Under the agenda heading "Reports" the City Manager, other City Staff, and Councilmembers may make reports on matters not on the agenda. Also at this time, Councilmembers or Staff may identify issues or agenda items that need to be addressed by the City Attorney during the meeting, and may propose future agenda items.

2.8 Closing Time of Council Meetings

Council meetings shall adjourn by 10:00 p.m. However, the Council may by majority vote extend the meeting up to an additional thirty minutes (10:30 p.m.) if the Council deems such extension necessary. A unanimous Council vote shall be required to extend the meeting past 10:30 p.m. and adjourn by 11:00 p.m. Otherwise, the meeting shall be adjourned to another day acceptable to the Council, or unfinished business may be continued to the next regular meeting.

2.9 New Business

The Council shall not consider any resolution, motion, or matter which does not affect the conduct of the business of the City of St. Helena or its corporate powers or duties as a municipal corporation nor shall the Council consider any resolution or motion supporting or disapproving any legislation or action pending in the Legislature of the State of California, the Congress of the United States or before any officer or agency of the State or Nation unless such proposed legislation or action, if adopted, will affect the conduct of the municipal business or the powers and duties of the City of St. Helena or its officers or employees as such.

2.10 Office of the Mayor

The Mayor shall preside at meetings of the Council, shall be entitled to vote on all matters, and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. The Mayor will recognize members that wish to speak.

The Mayor shall have the following powers:

- a) To rule motions in or out of order, including any motion patently offered for obstructive or dilatory purposes;
- b) To enforce the Council's rules regarding public testimony and to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- c) To ensure that the public has reasonable opportunity to be heard;
- d) To entertain and answer questions of parliamentary law or procedure;
- e) To call a brief recess at any time;
- f) To adjourn in an emergency;
- g) To appoint a Vice Mayor subject to Council approval who shall serve during the term of the Mayor, and becomes the Mayor Pro Tempore in the Mayor's absence.

2.11 Office of Mayor Pro Tempore

A Councilmember who serves as Mayor pro tempore shall be entitled to vote on all matters and shall be considered a Councilmember for all purposes, including the determination of whether a quorum is present. In the Mayor's absence, the Mayor pro tempore shall have the Mayor's powers and duties. If the Mayor should become physically or mentally unable to perform the duties of his or her office, the other Councilmembers may by unanimous vote declare the Mayor is incapacitated and confer the Mayor's powers and duties on the Mayor pro tempore.

When the Mayor declares that he or she is no longer incapacitated, and a majority of the Council concurs, the Mayor shall resume the exercise of his or her powers and duties. If both the Mayor and the Mayor pro tempore are absent from a meeting, the Council may elect from among its members a temporary chair to preside at the meeting.

2.12 Action by the Council

Action by the Council shall be by motions made and voted upon. A motion shall require a second. The Mayor and any other Councilmember may make or second a motion. A substantive motion is out of order while another substantive motion is pending.

2.13 Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of California. Resolutions, orders for the payment of money, and all ordinances require at least three votes for passage.

2.14 Discussion

The City Council shall address an agenda item as follow:

- (a) Staff shall introduce the agenda item and present the Staff report.
- (b) City Council shall ask questions of Staff.
- (c) The Mayor will invite public comment on the item.
- (d) Having received all public testimony, the Council will deliberate on the matter.
- (e) If appropriate, the Mayor will entertain a motion, including any motion proposed by the Mayor.
- (f) If a motion has received a second, the Mayor shall state the motion and if any Council Member wishes for the discussion, open for additional Council discussion.
- (g) The Mayor shall preside over the discussion according to the following general principles:
 - 1. The maker of the motion is entitled to speak first;
 - 2. A person who has not spoken on the issue shall be recognized before someone who has already spoken;
 - 3. To the extent possible, the discussion shall alternate between opponents and proponents of the measure.

2.15 Ratification of Actions

To the extent permitted by law, the Council may ratify actions taken on its behalf but without its prior approval. A motion to ratify is a substantive motion.

2.16 Procedural Motions

- (a) In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption.

- (b) To Adjourn. The motion may be made only at the conclusion of action of a pending substantive matter; it cannot interrupt deliberation of a pending matter.
- (c) To Take a Brief Recess.
- (d) Call to Follow the Agenda. The motion must be made at the first reasonable opportunity, or the right to make it is waived for the out-of-order item in question.
- (e) To Suspend the Rules. The motion requires for adoption a vote of a majority of the quorum of the Council. The Council may not suspend provisions of the rules that are state requirements imposed by law on the Council.
- (f) To Divide a Complex Motion and Consider It by Paragraph.
- (g) To Call the Previous Question. The motion is not in order until every member has had an opportunity to speak once.
- (h) To Continue an Item to a Future Meeting Certain.
- (i) To Refer to Staff for Action.
- (j) To Amend. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if the amended motion has the same effect as rejection of the original motion. A motion may be amended, and that amendment may be amended, but no further amendments may be made until the last amendment is disposed of by a vote.
- (k) To Reconsider. The motion must be made by a member who voted with the prevailing side, and only at the meeting during which the original vote was taken, including any continuation of that meeting through adjournment to a time and place certain, or at the next Regular Meeting unless intervening actions taken based on the original action make such reconsideration impracticable. The motion cannot interrupt deliberation on a pending matter, but is in order at any time before final adjournment of the meeting.
- (l) To Rescind or Repeal a Previous Action. A motion to rescind or repeal a previous action is not in order if the rescission or repeal is forbidden by law or made inappropriate by virtue of actions taken in accordance with the previous action.
- (m) To call for a Straw Vote. The Mayor, at the Mayor's discretion, may call for a Straw Vote among members on any item prior to inviting public testimony or Council comment.

2.17 Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote, with or without the consent of any "seconder" of the motion. However, any other

Councilmember may ask to be considered the introducer of the motion and, if again seconded, debate may continue without further interruption.

2.18 Duty to Vote

Every member must vote on every item unless prevented from doing so by virtue of an actual or potential conflict of interest under applicable State Law. Any member who believes he or she has a conflict or potential conflict of interest must announce such at the initiation of discussion or when such conflict or potential conflict becomes apparent, and shall refrain from any part in the debate, deliberations, or voting on that issue, except as allowed by State Law.

2.19 Introduction and Passage of Ordinance

A proposed ordinance shall be deemed to be introduced on the date the subject matter is first voted on by the Council. The Mayor shall read the title of the ordinance, after which a roll call vote shall be taken to introduce the ordinance. The City Clerk shall then read the ordinance in its entirety unless such reading is waived by a separate motion adopted by unanimous vote of the Councilmembers present. An ordinance, other than an urgency, may not be passed within five days of its introduction or alteration. Corrections of typographical or clerical errors are not alterations.

2.20 Closed Sessions

- (a) The Council may hold closed sessions only as provided for by law and according to the provisions herein.
- (b) As part of any regular or special City Council meeting as appropriate, the City Council, the City Attorney, and relevant Staff may discuss and agree upon the need for any future closed sessions, including the legal authority for the closed session and the nature of the matter to be discussed, in adequate detail to meaningfully inform the public while maintaining required confidentiality and any applicable attorney-client privilege. Where the City Manager and City Attorney agree that the nature of a matter requires consideration in closed session, the requirement for prior open session discussion shall not apply.
- (c) The City Council agenda for any regular or special Council meeting shall include general information about closed sessions as follows:

The City Council will convene in open session at the stated time, but will then adjourn to address any closed sessions items listed on the agenda. The public is invited to address the Council with comment on any listed closed session item immediately prior to Council's adjournment into closed session or consistent with any other provisions permitting public

comment. The Council will reconvene in Public Session at 6:00 p.m. or at the first Council meeting following any closed session. At that time, if appropriate and as required under the Brown Act, any actions taken during the preceding closed session will be announced by the City Attorney or Mayor. If necessary, the Council may reconvene in closed session to continue discussion of listed items following the completion of open session business.

- (d) The City Council agenda for any regular or special Council meeting at which the Council will adjourn to closed session shall provide notice of that closed session as provided for under the Brown Act and shall include a narrative description of the legal authority for the closed session and the nature of the matter to be discussed in adequate detail to inform the public while maintaining required confidentiality or any applicable attorney-client privilege. Reporting out of closed session shall be consistent with the requirements of Brown Act, and may be of greater detail than required when the disclosure of such detail is not inconsistent with maintaining required confidentiality and any applicable attorney-client privilege.

2.21 Quorum

A majority of the actual membership of the Council, including the Mayor but excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

2.22 Telephonic Attendance Of Council Members At Council Meetings

- (a) The City Council Procedures provisions concerning Telephonic Attendance shall apply to all Boards and Commissions as well as the City Council. Requests by Council Members to attend a Council meeting via telephonic appearance are actively discouraged. Telephonic attendance shall only be permitted in the event of extraordinary events such as a medical, family or similar emergency requiring a Council Member's absence. In addition, at least a quorum of the Council must participate from a location within the City (Government Code Section 54953(b)(3)).
- (b) If these two threshold requirements are met, the Council Member who will be appearing telephonically must ensure that:
 - 1. The meeting agenda identifies the teleconference location and is posted at that location in an area that is accessible and visible 24 hours a day for at least 72 hours prior to the meeting.

2. The teleconference location is open and fully accessible to the public, and fully accessible under the Americans with Disabilities Act, throughout the entire meeting. These requirements apply to private residences, hotel rooms, and similar facilities, all of which must remain fully open and accessible throughout the meeting, without requiring identification or registration.

3. The teleconference technology used is open and fully accessible to all members of the public, including those with disabilities.

4. Members of the public who attend the meeting at the teleconference location have the same opportunity to address the Council from the remote location that they would if they were present in Council Chambers.

5. The teleconference location must not require an admission fee or any payment for attendance.

6. If the Council Member determines that any or all of these requirements cannot be met, he or she shall not participate in the meeting via teleconference.

(c) Approved Teleconference Guidelines for Council Members:

1. One-week advance written notice must be given by the Council Member to the City Clerk's office; the notice must include the address at which the teleconferenced meeting will occur, the address the Council packet should be mailed to, who is to initiate the phone call to establish the teleconference connection, and the phone number of the teleconference location. Cellular telephones shall not be used to participate in teleconferenced meetings.

2. The Council Member is responsible for posting the Council agenda in the remote location, or having the agenda posted by somebody at the location and confirming that posting has occurred. The City Clerk will assist, if necessary, by faxing or mailing the agenda to whatever address or fax number the Council Member requests; however, it is the Council Member's responsibility to ensure that the agenda arrives and is posted. If the Council Member will need the assistance of the City Clerk in delivery of the agenda, the fax number or address must be included in the one-week advance written notice above.

3. The Council Member must ensure that the location will be publicly accessible while the meeting is in progress.

4. The Council Member must state at the beginning of the Council meeting that the 72-hour posting requirement was met at the location and that the location is publicly accessible. The Council Member also must describe the location. Furthermore, the City Clerk

will provide Council with a quarterly report detailing the telephone charges associated with teleconferenced meetings.

2.23 Public Hearings

Public Hearings shall be scheduled and notice published without any action required by the City Council, excepting that the Council may, if it so desires, scheduled a Public Hearing on an item of interest for a date certain. In order to accommodate members of the public responding to a noticed Public Hearing, such Hearings will, to the extent practicable, begin at 6:00 p.m. At the time designated for the Public Hearing, or soon after as is practicable, the Mayor shall direct the attention of the Council Members to the Staff report and Staff may respond to questions from Council members, after which the Mayor shall formally open the Public Hearing and members of the public shall be allowed to speak in accordance with the rules set forth elsewhere in these Rules of Procedure. When the allotted time expires, or when no one wishes to speak who has not done so, the Mayor shall declare the hearing closed.

Following the close of the Public Hearing, the Council may discuss or take action on the matter in accordance with these rules. The Mayor may in his or her discretion allow questions and/or comments from the public after close of Public Hearing.

2.24 Appointments to Committees and Boards

The City Clerk posts a Notice of Vacancy in the City designated posting locations, the City's website and sends a Media Release to the St. Helena Star advertising vacancies to Commissions, Committees and Boards.

Applicants must submit a completed application to the City Clerk and shall be interviewed by the Council at a special meeting prior to a regular meeting. Applicants are requested to list references on their applications and individual Council Members may contact those references as part of the interview process. Council Members contacting references should disclose this information during the appointment process.

Council reviews applicants for appointments to Commissions, Committees and Boards based on interviews and qualifications. Council shall rank all applicants from highest to lowest and appoint by ballot process. Mayor shall nominate applicants and appointments are subject to approval by the majority of Council.

Depending on the qualifications of the applicants and the needs of the City, there may be times when the City Council does not appoint an applicant who has applied. If an applicant is not appointed, the City Clerk will automatically readvertise for the vacant position(s) to seek additional applicants.

2.25 Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

All procedural matters not otherwise provided for in or controlled by state law or by any ordinance, resolution, rule or regulation of the City shall be governed by Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century (attached as Exhibit). However, no ordinance, resolution, or other action of the Council shall be invalidated or the legality thereof otherwise affected by the failure or omission of the Council to observe or follow such rules. Certain procedures relating to motions, agenda item discussion, debate, and courtesies contained in *Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century* are incorporated into this document, except to the extent they are modified by this Protocol document.

3. CITY COUNCIL STANDARDS OF CONDUCT

3.1 Policy Purpose

The St. Helena City Council adopts this Code of Ethics and Conduct to assure that all elected and appointed officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of St. Helena's City government.

3.2 Ethics

The citizens and businesses of St. Helena are entitled to have fair, ethical and accountable local government. To this end, the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members of the City Council, City Treasurer, and City Clerk and of all Boards, Committees and Commissions shall conduct themselves in accordance with the following ethical standards:

- (a) **Act in the Public Interest.** Recognizing that stewardship of the public interest must be their primary concern, members will work for the common good of the people of St. Helena and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before them.

(b) **Comply with both the spirit and the letter of the Law and City Policy.** Members shall comply with the laws of the nation, the State of California and the City of St. Helena in the performance of their public duties.

(c) **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of Council, Boards, Committees and Commissions, the Staff or public.

(d) **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the City Council.

(e) **Conduct at Public Meetings.** Members shall prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand.

(f) **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decisions where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and shall base their decisions on the facts presented at the hearing and the law.

(g) **Communication.** Members shall publicly disclose substantive information that is relevant to a matter under consideration by the body which they may have received from sources outside of the public decision-making process.

(h) **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (a) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias.

A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the City Attorney and reasonably

cooperate with the City Attorney to analyze the potential conflict. If advised by the City Attorney to seek advice from the Fair Political Practices Commission (FPPC) or other appropriate state agency, a member shall not participate in a decision unless and until he or she has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Mayor and the City Attorney a copy of any written request or advice, and conform his or her participation to the advice given. In providing assistance to members, the City Attorney represents the City and not individual members.

In accordance with the law, members shall disclose investments, interests in real property, sources of income, and gifts; and if they have a conflict of interest regarding a particular decision, shall not, once the conflict is ascertained, participate in the decision and shall not discuss or comment on the matter in any way to any person including other members unless otherwise permitted by law.

(i) **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

(j) **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

(k) **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g., City Staff time, equipment, supplies or facilities) for private gain or for personal purposes not otherwise authorized by law.

(l) **Representation of Private Interests.** In keeping with their role as stewards of the public interest, members of Council shall not appear on behalf of the private interests of third parties before the Council or any Board, Committee, Commission or proceeding of the City, nor shall members of Boards, Committees and Commissions appear before their own bodies or before the Council on behalf of the private interests of third parties on matters related to the areas of service of their bodies.

(m) **Advocacy.** Members shall represent the official policies or positions of the City Council, Board, Committee or Commission to the best of their ability when designated as delegates for this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the City of St. Helena, nor will they allow the inference that they do. Councilmembers and Board, Committee and Commission members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention or display endorsements during Council meetings, or Board, Committee and Commission meetings, or other official City meetings.

(n) **Policy Role of Members.** Members shall respect and adhere to the council-manager structure of St. Helena City government as outlined in the St. Helena City Code. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by City Staff, Boards, Committees and Commissions, and the public. Except as provided by the City Code, members shall not interfere with the administrative functions of the City or the professional duties of City Staff; nor shall they impair the ability of Staff to implement Council policy decisions.

(o) **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Boards, Committees and Commissions to the public decision-making process, members of Council shall refrain from using their position to unduly influence the deliberations or outcomes of Board, Committee and Commission proceedings.

(p) **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealings with City employees to in no way create the perception of inappropriate direction to Staff.

3.3 Code of Ethics and Conduct

The Code of Ethics and Conduct are designed to describe the manner in which elected and appointed officials should treat one another, City Staff, constituents, and others they come into contact with while representing the City of St. Helena.

(a) Elected and Appointed Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve

and protect the present and the future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

1. Honor the role of the chair in maintaining order

It is the responsibility of the chair to keep the comments of members on track during public meetings. Members should honor efforts by the chair to focus discussion on current agenda items. If there is disagreement about the agenda or the chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.

2. Practice civility and decorum in discussions and debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.

3. Avoid personal comments that could offend other members

If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "point of personal privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of this discussion.

4. Demonstrate effective problem-solving approaches

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

(b) Elected and Appointed Officials' Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

1. Be welcoming to speakers and treat them with care and gentleness.

- a. While questions of clarification may be asked, the official's primary role during public testimony is to listen.

2. *Be fair and equitable in allocating public hearing time to individual speakers.*
 - a. The chair will determine and announce limits on speakers at the start of the public hearing process.
3. *Practice active listening*
 - a. It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Members shall try to be conscious of facial expressions, and avoid those that could be interpreted as "smirking," disbelief, anger or boredom.
4. *Maintain an open mind*
 - a. Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.
5. *Ask for clarification, but avoid debate and argument with the public*
 - a. Only the chair – not individual members – can interrupt a speaker during a presentation. However, a member can ask the chair for a point of order if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

(c) Elected and Appointed Officials' Conduct with City Staff

Governance of a City relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected, and City Staff who implement and administer the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. *Treat all Staff as professionals*
 - a. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards Staff is not acceptable.
2. *Do not disrupt City Staff from their jobs*
 - a. Elected and appointed officials should not disrupt City Staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend City Staff meetings unless requested by Staff – even if the elected

or appointed official does not say anything, his or her presence implies support, shows partiality, may intimidate Staff, and hampers Staff's ability to do their job objectively.

3. *Never publicly criticize an individual employee*
 - a. Elected and appointed officials should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about Staff performance should only be made to the City Manager through private correspondence or conversation. Appointed officials should make their comments regarding Staff to the City Manager or the Mayor.
4. *Do not get involved in administrative functions*
 - a. Elected and appointed officials acting in their individual capacity must not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
5. *Do not solicit political support from Staff*
 - a. Elected and appointed officials should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City Staff. City Staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.
6. *No Attorney-Client Relationship*
 - a. Members shall not seek to establish an attorney-client relationship with the City Attorney, including his or her Staff and attorneys contracted to work on behalf of the City. The City Attorney represents the City and not individual members. Members who consult with the City Attorney cannot enjoy or establish an attorney-client relationship with the attorney.

(d) Council Conduct with Boards, Committees and Commissions

The City has established several Boards, Committees and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees and Commissions become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

1. *Respect Role of Liaison to City's Boards, Committees and Commissions*

Several of the City's Boards, Committees and Commissions have a Council Member who serves as its Council liaison. The City Council will collectively review and approve liaison appointments annually. Council Members serving as liaisons should act as an advisor and resource to committee/board/commission members and the committee/board/commission's Staff liaison when issues regarding process, procedure, attendance, interpersonal or public relations arise.

2. *Respect that Boards, Committees and Commissions serve the community, not individual Councilmembers*

The City Council appoints individuals to serve on Boards, Committees and Commissions, and it is the responsibility of Boards, Committees and Commissions to follow policy established by the Council. But Board, Committee and Commission members do not report to individual Councilmembers (whether or not they are serving as liaisons), nor should Councilmembers feel they have the power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to a Board, Committee or Commission should be based on such criteria as expertise, ability to work with Staff and the public, and commitment to fulfilling official duties. A Board, Committee or Commission appointment should not be used as a political "reward."

3. *Be respectful of diverse opinions*

A primary role of Boards, Committees and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers may have a closer working relationship with some individuals serving on Boards, Committees and Commissions, but must be fair and respectful of all citizens serving on Boards, Committees and Commissions.

4. *Keep political support away from public forums*

Board, Committee and Commission members may offer political support to a Councilmember, but not in a public forum while conducting official duties. Conversely, Councilmembers may support Board, Committee and Commission members who are running for office, but not in an official forum in their capacity as a Councilmember.

3.4 Enforcement and Sanctions

(a) Acknowledgement of Code of Ethics and Conduct

Upon assuming office each Councilmember, and each Board, Committee and Commission Member ("Member"), shall sign a statement affirming that he or she has been provided with and has read the Code of Ethics and Conduct. Each Councilmember, Board, Committee and Commission Member, shall adhere to the Code of Ethics and Conduct as well as the Council's Rules of Procedure. Councilmembers who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold office.

(b) Ethics Training for Local Officials

Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members shall report annually to the City Clerk with respect to his or her compliance with State or City mandated requirements for ethics training. Councilmembers, City Treasurer, City Clerk, Board, Committee and Commission Members who are out of compliance with State or City mandated requirements for ethics training shall not represent the City on intergovernmental assignments or Council subcommittees and may be subject to sanctions.

(c) Behavior and Conduct

The St. Helena Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the St. Helena City Council, Boards, Committees and Commissions. Each Member him or herself has the primary responsibility to assure that he or she understands and satisfies the ethical standards, so that the public can continue to have full confidence in the integrity of government. The chairs of Boards, Committees and Commissions and the Mayor and Council have the additional responsibility to intervene when actions of Members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. Without violating Brown Act serial meeting requirements, individual Members should point out to the offending Member perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the process under 3.4(e) 1-10 shall govern.

(d) Council Authority

Under California law, the Council does not have the legal authority to remove Members elected or appointed to the City Council or to otherwise deprive them of their office. However, as provided in Section 3.4(e) 9., a

majority of the Councilmembers may remove a Councilmember from any or all Council honorary and/or ceremonial positions and ad-hoc and standing committees, as well as from positions with other governmental agencies or other organizations they hold by virtue of appointment by the City Council.

(e) *Process to Address Alleged Violation of Code of Ethics and Conduct*

1. *Complaint.* Where any person has substantial evidence that a Member has materially violated the Code of Ethics and Conduct, he or she may file a written statement with the City Clerk who will then provide it to the City Council, and the affected Member. The name of the complainant shall initially be redacted and kept confidential and not disclosed until it has been determined as provided in Section 3.4(e) 2 that there is substantial evidence that the Member has materially violated the Code of Ethics and Conduct.

“*Substantial evidence*” means evidence that reasonably supports a conclusion. It does not mean simply any evidence, nor does it include mere opinions. It must be reasonable in nature, credible, and of solid value.

2. *Hearing Officer.* Upon receipt of a Complaint as provided in Section 3.4(e) 1., or upon the direction of the City Council, the Mayor, in consultation with the City Manager, shall make a preliminary determination whether there is substantial evidence to support a conclusion that a Member has materially violated the Code of Ethics and Conduct, thereby warranting the further proceedings below. If the Mayor either submitted the Complaint or is the subject of the Complaint, the Vice Mayor (and who is not the subject of the complaint) shall make the preliminary determination as provided above.

If the Mayor (or, where the Mayor is disqualified as set forth above, the Vice Mayor) makes the initial determination that there is substantial evidence to support a conclusion that a Member has materially violated the Code of Ethics and Conduct, thereby warranting the further proceedings, he or she, in consultation with the City Manager, shall appoint an independent Hearing Officer to review and investigate the Complaint. If the Mayor either submitted the Complaint or is the subject of the Complaint, the Vice Mayor (and who is not the subject of the complaint) shall appoint the Hearing Officer as provided above.

In the event both the Mayor and Vice Mayor are disqualified as set forth above or otherwise unable to carry out the duties under this Section, the Council member with the longest tenure shall do so. If two or more Council members have equal tenure, the Council member (who is not the subject of the Complaint) shall be selected by a process of drawing straws supervised by the City Clerk.

3. *Investigation.* To the extent reasonably practicable, the Hearing Officer shall investigate and report, within not more than thirty (30) days, as to whether there is substantial evidence in support of an allegation that a Member has materially violated the Code of Ethics and Conduct. If the Hearing Officer concludes that there is not substantial evidence to support an alleged violation, or that the violation

was not material, he or she shall so report to the Council and the matter shall be deemed dismissed unless the Council directs that a public hearing be held pursuant to Section 3.4(e) 5. If the Hearing Officer concludes that there is substantial evidence to support an alleged material violation of the Code of Ethics and Conduct, he or she shall issue a report ("Report") to the City Council and the Member. The Hearing Officer shall allow the affected Member a reasonable opportunity to provide any written comments, evidence and/or arguments which the Hearing Officer shall consider in the investigation and Report.

4. *Enforcement.* The City Council, in its sole discretion, shall enforce the Code of Ethics and Conduct against Members depending upon the extent and severity of the violation by means of either (i) a warning (ii) a written reprimand; (iii) censure; (iv) removal from assignments; or (v) other action as deemed appropriate to the City Council, including without limitation disavowal and/or disapproval of the Member's violation and/or other action and/or statement. The following procedure shall be utilized:
5. *Receipt of Report.* As reasonably practicable, within 30 days after receipt of the Report, the Council will hold a public hearing after which it will determine, among any other determination the Council may deem appropriate, whether the Complaint should be dismissed, a warning should be issued, a written reprimand should be issued, censure issued, or the Member should be removed from his or her office (only for Members other than Council members) or assignments. The City shall provide written notice of the public hearing and opportunity to be heard to the affected Member. The City Council determination shall be set forth in written findings that the Council may direct staff to prepare for subsequent Council approval.
6. *Dismissal.* Where the Council, based on the Report and any statement from the affected Member, determines that it is clear that no violation occurred or that only a trivial or de minimus violation occurred, or that the Complaint was motivated by revenge or other improper motive, the Council may dismiss the Complaint.
7. *Warning.* Where the Council, based on the Report and any statement from the affected Member, determines that there is some evidence that only a minor violation or a questionable practice has occurred, the Council may issue a written warning to the affected Member specifying the violation(s) and requesting corrective action.
8. *Reprimand.* Where the Council, based on the Report, any statement from the affected Member, and other evidence accepted, determines that there is substantial evidence that the Member has materially violated one or more provisions of the Code of Ethics and Conduct, the Council may adopt a resolution reprimanding the affected Member for their conduct, stating that any violations shall cease, and requesting corrective action. The affected Member may file a rebuttal to the Reprimand with the City Clerk which will become a matter of public record.

9. *Censure.* Where the Council, based on the Report, any statement from the affected Member, and other evidence accepted at a public hearing of the matter, determines that there is substantial evidence that the Member has materially violated one or more provisions of the Code of Ethics and Conduct, and that such violation(s) impugn the integrity or dignity of the City or that such violations are egregious or chronic in nature, then the Council may adopt a resolution censuring the affected Member by condemning his or her actions, removing the Member from all appointive positions representing the City in front of other governments and agencies, demoting the affected Commissioner, Committee or Board member appointed by the City Council who holds a position of chairperson or vice chairperson, stating that the violations shall cease, and demanding corrective actions. The affected Member may file a rebuttal to the Censure with the City Clerk which will become a matter of public record.
10. *Removal from Office.* Notwithstanding any of the provisions in this Section 3.4, the City Council may remove any Commissioner, Committee or Board member appointed by the City Council at its pleasure, and nothing in the Code of Ethics and Conduct or these rules effects or diminishes such power nor vests such Commissioners or Board members with any additional rights.

3.5 Implementation

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the City. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for City Council, City Treasurer, City Clerk, applicants to Board, Committee and Commissions, and newly elected and appointed officials. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the City Council, Boards, Committees and Commissions, and updated it as necessary.

Example:

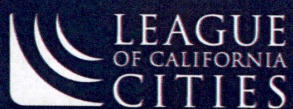
I affirm that I have read and understand the City of St. Helena Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date

Exhibit

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century



MISSION:

To restore and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION:

To be recognized and respected as the leading advocate for the common interests of California cities.



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About *Western City* Magazine

Western City is the League of California Cities' monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

"Rosenberg's Rules of Order" first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

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Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

Rosenberg's Rules of Order: Simple Parliamentary Procedure for the 21st Century

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: "The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days' notice for all future meetings of this governing body."

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member's desired approach with the words: "I move ..." A typical motion might be: "I move that we give 10 days' notice in the future for all our meetings."

The chair usually initiates the motion by:

1. Inviting the members to make a motion: "A motion at this time would be in order."

2. Suggesting a motion to the members: "A motion would be in order that we give 10-days' notice in the future for all our meetings."
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: "I move that we create a five-member committee to plan and put on our annual fundraiser."
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

3. The substitute motion. If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would "move a substitute motion." A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic "motion to have a five-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) *as amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

A motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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*This publication is printed
on recycled paper*

Nancy J Brandl <brandlfamily@sbcglobal.net>

Oct 16, 2018,
9:17 AM

to me

good morning susan, below is the email I am planning on sending out shortly. I was talking with Sharon dellamonica last night at chorus practice. she felt that I should mention you and your experience, and even to mention your name, as that provides a real person to the allegation that is provable. I did not do so below, but will if you agree. let me know what you think, nancy

Dear St Helena Friends,

Some of you may have read my letter to the editor in the SH Star, September 20 , 2018. I have attached a copy for you in the event that you missed it, or don't read the Star.

I am also sharing with you the email response that I received from Alan Galbraith on September 25, 2018, which is copied below:

Alan Galbraith <AGalbraith@cityofsthelema.org>

To

Nancy Brandl

Sep 25 at 11:10 PM

See letter. I respect you, of course. It gravely disappoints me that you did not seek me out for a conversation before writing your letter.

That is not consistent with town values, at least as taught to me. Best, Alan

I believe you can agree that my letter was within the bounds of decorum and civility. In a democratic society there was no need to contact our mayor prior to voicing my opinion. To be chastised and to have my values questioned by our mayor was both a surprise and an insult. I found it demeaning and intimidating. I did not respond to the mayor, as I saw no need for a defense.

I have heard before that our mayor has a habit of personally emailing or calling those who have challenged him. It has been hard to verify, though, as I have not known the mentioned individuals personally. It is now very personal. I also now know of another letter-to-the-editor writer/Ellsworth supporter who recently has been even further chastised, if not threatened, by our mayor in response. It seems to me that this information should be available to others, in a truthful, fact-based manner.

So I am turning to you to help make this affront to our democratic process known. If you agree, please feel free to share this with any of your friends who are voters, or who might know voters, here in St Helena. You have my permission to speak of it freely, post about it on Facebook or other social media... however you might like to help get this truth into the public eye.

Best regards to you all,
Nancy

PS: I do not know the position many of you may have with regard to the current mayor's race. If you are a Galbraith supporter, I hope you will not be offended by this email. I also hope that you

can see that this is behavior that needs to stop, and if Galbraith is re-elected, I hope you will support any effort to see that it does.

Addendum to my letter to editor on Downtown Strategy

First, I would like to note that Allan responded to me at 10:30 in the evening:

"Susan, you omitted that if the PBID had gone through, the city would have discontinued the Chamber contract (about \$200K per year, if I remember the contract amount close to correctly). Thus, while the City would have paid a \$93K assessment (accepting your number), it would have saved \$100K annually or more.

>

> The failure to mention the cessation of the Chamber contract is a material omission (at my expense) in your letter. May I suggest that you send in a short correction. You most certainly do not need to attribute it to me. Best, Alan"

Yes, the Chamber contract would have gone away. And yes, Allan is right, it would have alleviated the budget item of around \$200,000 promised to the Chamber. But only saved the City after paying the cities portion of the assessment of city properties to the Chamber perhaps, \$40,000 or \$50,000, not the \$100,000 he mentions (please, refer to the Agenda item #9.2 Report to the City Council Meeting of April 11, 2017) The increased burden on downtown business far exceeded the city saving on its budget of \$40,000-50,000.

THAT WAS HIS ONLY RESPONSE. Allan did not respond on the increased cost of doing business in St. Helena which would fall on the assessed businesses.

A large part of the tax that the City would have had to pay to the Chamber would hit properties like the Corporate Yard, Railroad and Adams which we might want to sell part of someday and sell them **NOT** encumbered by a special assessment that lasts at least five years and then can be renewed in 5-year increments.

Nor did he respond to: WHY HE WAS WILLING TO DO THIS IN THE FIRST PLACE; FOR WHAT? To pay the Chamber \$600-700,000 for Marketing and Administration (members should pay that), CHAMBER—managing economic development (what can they actually do?) And CHAMBER— repairing infrastructure (again, what can they do?)

I stand on my comment that Allan did not see that these are almost exclusively in the City's ballpark of responsibilities.

Finally, Saving the city \$40,000 is not a DOWNTOWN ECONOMIC DEVELOPMENT PLAN.

Sincerely, Susan Kenward

From: agalbraith94574@gmail.com
Date: October 12, 2018 at 11:36:33 PM PDT
To: Susan Kenward <susan@olivinanapavalley.com>
Cc: David Stoneberg <dstoneberg@sthelenastar.com>
Subject: PBID Issue

Off-the-record: Susan, you need to respond to my email point that you did not take into account in your letter that, if the PBID had gone through, the City's Chamber contract would have ended, at a substantial net savings to the City. Please respond by COB Saturday.

There is nothing wrong about acknowledging plain error. Above-all, please do not put me in the position of seeking to correct an error that otherwise so undermines your credibility as a public commentator. Again, let me know by COB tomorrow. I do not wish to spend the time composing a rebuttal, even if kind (which is me, even though hard).

Best, Alan

On Oct 13, 2018, at 10:21 AM, susan kenward <psckenward@gmail.com> wrote:

Dear Allan:

I am responding to you "on the record". As you can see I have copied others. Alan, there is no reason for you to keep bullying me late at night about this; I sent an email to the paper yesterday afternoon after your demand late Thursday evening. You might ask them why they did not let you know. There was no reason for you to press me a second time, especially at 11:49 PM. I expect Stoneberg and the paper to print what I wrote.

Please use this email, not the Olivina one.

From: **Tor Kenward** <tor@torwines.com>
Date: Sat, Oct 13, 2018 at 9:00 AM
Subject: email to mayor
To: susan kenward <susan@torwines.com>

From me my computer,
Mayor _____,

In the future do not send my wife any more emails late at night. If you read them from my perspective, they have a threatening tone. Politics seems to have lost much decorum and civility nationally, let's maintain some level locally.

As you know by now my wife is very passionate about what she believes in and those she supports. That is a good thing for any community. She is holding you accountable, which is a good thing. In my opinion, you should embrace that and build on a positive dialogue. You both should. But I'm possibly a hopeless optimist.

So in the hopes of walking on higher ground, stop the late night emails. I don't think some of them are written in your best frame of mind. They just don't make a lot of sense coming from a Mayor in any city in any State.

I am asking you to find another way (and time of day) to express your opinions and de-escalate the negative rhetoric.

Tor Kenward

Tor Kenward
Kenward Family Wines

Alcohol Issue - intervention for public official?

Numerous members of the St. Helena community and some public officials have experienced interactions or witnessed events that lead us to believe that Mayor Alan Galbraith has a problem with alcohol and/or some other medical issue that may be affecting cognitive function to a degree that an intervention or other recommended treatment is necessary to protect the community. If necessary we would be willing to swear to this in a court of law.

St. Helena is in the wine country and few begrudge moderate use of alcohol, however what has come to light with Mr. Galbraith is a pattern of apparent inebriation, both in public and while communicating with private individuals, in some cases in combination with intrusive or harassing behavior (repeated phone calls, late night emails).

A number of people in the community, including some in positions of city authority, have witnessed this behavior as well as received late evening and late night emails and phone calls, in some cases numerous phone calls on an evening, calling two or three times and often rambling incoherently.

Documentation exists of questionable emails and phone messages as well as witnessing of erratic and unsettling behavior at public events and at venues such as local restaurants like Market as occurred during the fires in October 2017.

As well as his responsibility as a public representative of the city and safety concerns with his driving to and from such events, it must be understood that the Mayor is the chairperson of the City Council, which is both the local legislative body as well as the local government financial oversight committee.

The Mayor has a tremendous responsibility to the community and this responsibility must be taken with a clear head, to not only represent the community in a respectable and appropriate manner, but also to be in a state to make sound and proper decisions.

Particularly decisions related to city finance, water, Fire Department and public safety which have a direct impact on the collective equity and safety of the community.

The recent local fire emergencies heightened these concerns as the Mayor's evening activities in public places and lack of daytime public response brought into question his fitness to manage emergency situations which can occur at anytime of the day or night.

There is much research demonstrating that long term alcohol abuse can have a negative effect on overall judgement and decision making capacity, and that excessive late night alcohol use can have lasting effects throughout the following day.

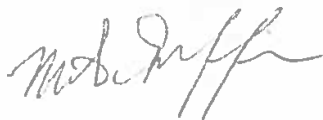
Excessive alcohol use can also create vulnerabilities through improper or inappropriate activity, making both the Mayor, and thereby the City of St. Helena, vulnerable to other pressures.

Many people are questioning the Mayor's decision-making capacity and judgement regarding several recent City Council decisions connected to financial oversight and water security issues.

There has also been indication that the Mayor is perhaps unaware the next day of this pattern of late night calling, leading to concern that he may be operating in a blackout state when the calls are made. This is concerning as the Mayor is entrusted with confidential information from the city.

These questions, as well as the fire emergency and recent pattern of intrusive phone calls brings more urgency to addressing the question of whether Mayor Galbraith's apparent personal issue with alcohol is becoming a community issue and a liability this community cannot afford.

We the undersigned demand the Mayor to recognize this issue and immediately begin counseling and treatment in this matter. Failing this we urge the City Council to consider an act of censure to direct the Mayor to address the issue.

A handwritten signature in dark ink, appearing to read "Mark Duff", is written below the text. The signature is fluid and cursive.

Phone Messages from Mayor Galbraith Left on Tom Belt's Home Phone

In December 29th, 2016, I submitted a public information request to the city of St. Helena requesting all city records relating to the expenses paid for any and all costs related to the removal of the York Creek Dam. It took the city over 5 months to provide that information which included over 5500 copies of randomly filed records, invoices and receipts that inadequately reflected all the city's costs for the project between 1992 and 2016. The records, once totaled verified water customers in St. Helena had paid, or were obligated to pay in water bonds, over 6 million dollars towards the removal of a dam that was still standing. The records also disclosed the city had been under Napa County Superior Court order to remove the dam in between 1993 through 2001.

After substantiating this information, I made a presentation in front of St. Helena's City Council requesting the city pay a portion of the current estimated cost to remove the dam out of its general fund because of city prolonged failure to remove the dam after 24 years. Mayor Galbraith did not support my request. In fact, we had several conversations and emails disagreeing about my request of city council.

On May 13th at about 9 PM, Mayor Galbraith called my home phone. After seeing who was calling and considering the time in the evening, right before Mother's Day, I chose not to answer the call. Instead, I let the message machine record his voice. The mayor's words were slurred as if he was under the influence of drugs or alcohol. Mr. Galbraith wanted to know if my interest could be altered regarding the city transferring money out of its general fund to help remove the York Creek Dam. My wife Margot heard the message and can verify the mayors slurred words. I never returned the mayor's request to call him back.

During the month of September, I received two more phone messages from Mayor Galbraith on my recorder. The first message related to the mayor stating he had learning about residents pursuing a recall to remove him from office. The mayor wanted to know if I was involved in the recall and if I was, he wanted to meet and talk about it.

On September 19th at 8:12 PM Mayor Galbraith called and left another message on my phone. On this occasion he wanted to meet and have a debate regarding the issues surrounding the recall and offered to have the St. Helena Star conduct the debate.

Unfortunately, I erased the Mayor's first recorded message described above but I have retained copies of the two messages he left on my home phone this September.

Tom Belt
12-17-17

Kathy

Kathy Coldiron

I have also have concerns regarding Mayor Galbriath's ability to clearly think and express his views .

Shortly after Mike and I served the Mayor with our Intent to Recall Petition, he called and left me a message. He seemed confused; he asked if he might come by and knock on my door so that he could give me his rebuttal note to our recall petition . He added that he didn't know who he was supposed to contact -- Since I thought it was unwise to get into a phone conversation with him, I responded to him with an email. I stated that Mike was listed on page 4 of the petition to recall as the recommended person to contact and his phone number & address were included. But to make sure he got the info I included Mike's name, address and phone number in my email.

I did get a reply back from Alan saying he had a legal right to contact any of the proponents -- After that reply, I never wrote another email back to Alan on the matter nor did I call him.

It wasn't until the next day after talking to Mike that he told me Alan had called him and many of the 26 proponents listed on the intent to recall petition asking who the appropriate person was to contact to deliver his rebuttal letter.

This prompted me to question his mental competency. Although his speaking and writing was fine, I found his inability to understand that he only needed to contact Mike to be unusual --It frightened me a bit because when my father started having signs of dementia/Alheimers he got confused much like Alan.

From: agalbraith94574@gmail.com
Subject: Re: who to contact with response
Date: September 11, 2017 at 10:12 PM
To: Kathy Coldiron fauxfinder@me.com

Yes. Thanks. Alan

Sent from my iPhone

On Sep 11, 2017, at 9:40 PM, Kathy Coldiron <fauxfinder@me.com> wrote:

Will get back to you on this ASAP. I'm assuming this is next Monday? Kathy
On Sep 11, 2017, at 9:30 PM, agalbraith94574@gmail.com wrote:

My legal right is to serve the answer on anyone who signed the petition. I am hopeful that Mike is available when I am available to make personal service on Monday but I also want a backup. Please confirm you will serve in this role, and advise as to the times you are available. Best, Alan

Sent from my iPhone

On Sep 11, 2017, at 9:19 PM, Kathy Coldiron <fauxfinder@me.com> wrote:

Alan,

I got your message. Please follow the instructions on page 3 and 4 of the Notice of Intention To Circulate Recall Petition as follows:
Correspondence to these proponents should be sent to Mike Griffin, 1824 Park St., St. Helena CA

94574 * (707) 480 - 0481

Additional information is written on page 4.

You received 2 copies of the Notice of Intention: one by US postal service via certified mail and one in person by Mike Griffin.

From

Kathy Coldiron

On the same night (Monday Sept. 11 2017) that the mayor called Mike Griffin and others whose names appeared on the recall petition he also called me. Once at 9:15 PM and again at 9:30 PM. Both times he left the same message, "that he needed to talk to me regarding the recall petition". Both times I refused to answer the phone, because after 9:00 o'clock I don't answer the phone unless it's family.

Phil Murphy



12-17-17

Bo Mo

Over the past three years, I have received approximately 5 late night telephone calls from Mayor Galbraith. These calls were unsolicited by me, and were always a surprise. During these calls, Mr. Galbraith's speech was slurred, and it was obvious to me, that he had been drinking.

Not only was his voice slurred, he repeated himself often, seemed to forget what he had already said, and sometimes asked that the contents of the conversation be kept confidential, just "between the two of us".

At first I was flattered to receive calls from the mayor, but it became clear to me, as time went on. that I was having a conversation with an inebriated person, who would, at best, forget he had spoken to me, and at worst, regret that he had spoken to me.

I became more and more uncomfortable getting these calls, and was relieved when, for reasons unknown to me, they ceased.

I am a single woman, and I live alone.

12/17/17

We have had 4 voicemails from Mayor Alan Galbraith imploring us to call him or email him in regard to his response to our signing the petition for the recall. Two calls were at 9:24 pm and 9:30 pm, two others were after 8:30 pm. All the voicemails come across a tad creepy as it seems he was impaired. We did not call him back, nor did we email him.

Tom Rinaldi

Tom Rinaldi

Beverly Kinney

Beverly Kinney

619 Pratt Ave.
St. Helena, CA
94574

2. MAYOR RECALL PHONE CALLS - MIKE GRIFFIN

On Monday Sept. 11 2017 at around 9:15 pm I received a call from Anthony Michaeli notifying me that the mayor was trying to contact me. While I was still on the phone with him my house phone rang. It was the mayor, he stated he wanted to give me his reply on the mayor recall.

He insisted that I would be home the next Monday morning so he could deliver it in person and that was the only time he could do so. I told him I should be, but to call before he came over. Then we hung up.

Then on the same night, Monday Sept 11, around 10:15 pm I received another call from the mayor. He stated to me that he was so proud of what he has done in politics and that he was proud to be a part of something to do with the investigation of the Nixon administration and the Watergate scandal.

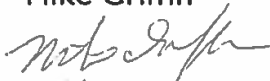
This making no sense to me I just hung up the phone. I personally think the mayor has a medical or substance problem and should be evaluated professionally.

I have observed and experienced the mayors actions on several occasions at public functions in St. Helena. He makes unasked for physical contact with people and re-introduces himself over and over to the same people in a short period of time.

At the Pestoni corn feed this year he re-introduced himself to our table 3 times in 20 minutes.

His actions are far from professional and do not look good for the city he is representing.

Mike Griffin



12/17/2017



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

Agenda Section: New Business

Subject: Consideration of proposed adoption of a Resolution rescinding Resolution 2018-145 and updating portions on Main Street to the City's list of red zones (parking prohibitions)

**CEQA Exempt
Determination:**

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

Reviewed By: April Mitts, Finance Director

Approved By: Mark T. Prestwich, City Manager

BACKGROUND

In order to implement no parking or restricted parking zones, the Director of Public Works, Police Chief, and Fire Chief are required to discuss and agree to proposed modifications and/or additions prior to recommending City Council adoption.

DISCUSSION

1480 Main Street

The Director of Public Works was contacted by the Fire Chief to investigate the possibility of extending the Vine transit bus loading zone in front of City Hall at 1480 Main Street in order to increase line of sight for pedestrians utilizing the crosswalk and all traffic exiting Britton Way. Napa Valley Transportation Authority (NVTA) was also contacted and informed staff that City Hall is the highest utilized St. Helena bus stop with 27 scheduled stops per day Monday through Friday, 14 stops on Saturdays, and 11 stops on Sundays. There are approximately 50 riders on average per day that utilize this location.

Conflicts are regularly occurring for both pedestrians in the crosswalk and motorized vehicles entering Main Street from Britton Way while the Vine bus is loading and unloading passengers in front of City Hall. The reason is that the existing loading zone

is only 40' long and the Vine bus length is 35' (40' max). During congested parts of the day, the Vine bus will pull forward and back into the loading zone and usually encroach well into the red curb area up to the crosswalk. Public safety personnel also lose response time by inching out into the intersection to avoid a traffic collision when the Vine bus is so close to the intersection. In addition, a Vine bus hit a parked vehicle last year while attempting to park within the designated loading zone.

In order to address these challenges, it is recommended the City remove two short-term limit (20 minute) parking spaces to extend the loading zone south of the crosswalk an additional 44' and provide a safer sight distance for all modes of transportation crossing at the intersection. NVTA is supportive of this proposal and has written a letter of support.

FISCAL IMPACT

The painting of curbs and installation of necessary signage will be absorbed within the existing operations budget.

RECOMMENDED ACTION

Consideration of proposed adoption of a Resolution rescinding Resolution 2018-145 and updating portions on Main Street to the City's list of red zones (parking prohibitions)

ATTACHMENTS

[Attachment 1: Resolution](#)

[Attachment 2: NVTA Letter of Support](#)

[Main Street Picture](#)

[Main Street Plan View](#)

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CITY OF ST. HELENA

RESOLUTION NO. 2018-

Resolution rescinding Resolution 2018-145 and adding a portion of Oak Avenue and South Crane Avenue to the City's List of Red Zones (parking prohibitions)

RECITALS

The Police Chief, Fire Chief and the Public Works Director have identified certain locations for which no parking is recommended in addition to those already in existence. New locations are identified with an underline in the following resolution. Locations not marked by an underline are locations already designated as no parking zones.

RESOLUTION

1. No parking zones or No stopping zones established within Resolution No. 2018-145 are hereby rescinded except to the extent that they are re-established below in this resolution.
2. For purposes of this resolution:

"Curb" means the concrete curbing installed along the side of the street or roadway or, if there is none, the edge of the traveled portion of the street or roadway.

"Intersection" means the point established by extending curb lines of the designated streets without regard for an arced curb installed to provide a turning radius between roadways.
3. Pursuant to Sections 10.10 and 10.11.1 of the City Code the following locations are designated as no parking or no stopping zones within which parking of vehicles on City streets is prohibited.
 - A) **ADAMS STREET**
 1. Commencing at the northeast intersection of Adams and Kearney Streets thence 25 feet easterly along the north side of Adams Street.

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2. Commencing at the southeast intersection of Adams and Kearney Streets thence 72 feet westerly along the south side of Adams Street.
3. Commencing at the southeast intersection of Adams Street and Money Way thence 30 feet easterly along the south side of Adams Street.
4. Commencing at the southeast intersection of Adams Street and Napa Valley Wine Train Tracks thence easterly 30 feet along the south side of Adams Street.
5. Commencing at the southeast intersection of Adams Street and Main Street 42 feet easterly to the point of beginning, thence 20 feet easterly along the south side of Adams Street.
6. Commencing on the south side of Adams Street 138 feet easterly from Main Street thence 20 feet easterly along the south side of Adams Street.
7. Commencing at the northwest intersection of Adams Street and Railroad Avenue thence westerly 28 feet along the north side of Adams Street.
8. Commencing at a point 65 feet east of Main Street thence easterly 20 feet along the north side of Adams Street.
9. Commencing at the northeast intersection of Adams Street and Oak Avenue thence easterly 20 feet on the north side of Adams Street.
10. Commencing at the southeast intersection of Adams Street and Oak Avenue thence easterly 30 feet along the south side of Adams Street.
11. Commencing at the northeast intersection of Adams Street and Oak Avenue thence easterly 25 feet along the north side of Adams Street.
12. Commencing at the southwest intersection of Adams Street and Main Street thence westerly 31 feet along the south side of Adams Street.

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13. Commencing at the westerly edge of the westerly driveway of 899 Adams Street thence westerly 30 feet along the south side of Adams Street.
14. Commencing at the easterly edge of the most easterly driveway of the 1010 Adams Street Bank Building and Pharmacy, thence easterly thirty (30) feet along the south side of Adams.

B) ALEXANDER COURT

1. Commencing at the southerly intersection of Alexander Court and Main Street thence westerly along the north side of Alexander Court 160 feet, thence northerly along a curve to the right 160 feet, thence easterly along the southerly side 160 feet to the northerly intersection of Alexander Court and Main Street.

C) CHARTER OAK

1. Commencing at the northeast intersection of Charter Oak and Wine Train Railroad Tracks thence easterly 180 feet along the north side of Charter Oak.
2. Commencing at the southeast intersection of Charter Oak and Wine Train Railroad Tracks thence easterly 197 feet along the south side of Charter Oak.
3. Commencing at the east intersection of Allison Avenue and Charter Oak thence along both sides of Charter Oak Avenue to the easterly end of the street.

D) CHILES AVENUE

1. Beginning at a point lying 84 feet westerly of the northwest bridge abutment corner at Pope Street crossing Sulphur Creek; thence northwesterly 58 feet along the east curb at Chiles Avenue and Pope Street.
2. Beginning at a point lying 154 feet westerly of the northwest bridge abutment corner at Pope Street crossing Sulphur Creek; thence

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northerly 84 feet along the west curb at Chiles Avenue and Pope Street.

E) **CHURCH STREET**

1. Commencing at the southeast intersection of Church Street and Hunt Avenue thence southerly along the east side of Church Street to the northeasterly intersection of Pope Street.
2. West side of Church Street five (5) feet north and five (5) feet south of the entrance and exit driveway of the parking lot of the business located at 1120 Pope Street.

F) **COLLEGE AVENUE**

1. Commencing at the southeast intersection of College Avenue and Pope Street thence southerly 360 feet along the east side of College Avenue.
2. Commencing at the southwest intersection of College Avenue and Pope Street thence southerly 360 feet along the west side of College Avenue.

G) **DOWDELL LANE**

1. Commencing at the east right-of-way of the Wine Train crossing at Dowdell Lane thence easterly 180 feet along the north and south side of Dowdell Lane.
2. Commencing at the driveway to 899 Dowdell Lane thence 12 feet in both the easterly and westerly direction from the edge of said driveway a distance of 12 feet along the northerly side of Dowdell Lane.

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3. DOWDELL AND MCCORMICK

- a. Commencing at the southeast intersection of McCormick Street and Dowdell Lane thence 25 feet northwesterly along the east side of McCormick Street.
- b. Commencing at the southeast intersection of McCormick Street and Dowdell Lane thence 28 feet northeasterly along the south side of Dowdell Lane.

H) **EDWARDS STREET**

1. Commencing at the southeast corner of Edwards Street and Hunt Avenue thence southerly 20 feet along the east side of Edwards Street.
2. Commencing at the southwest corner of Edwards Street and Hunt Avenue thence southerly 20 feet along the west side of Edwards Street.

I) **EL BONITA AVENUE**

1. Commencing at a point 35 feet west of Community Drive thence westerly 60 feet along the north side of El Bonita Avenue.
2. Commencing at the intersection of El Bonita Avenue and Community Drive thence easterly 80 feet along the south side of El Bonita Avenue.

J) **ELMHURST AVENUE**

1. Commencing at the northeast intersection of Elmhurst Avenue and Granger Way thence easterly 30 feet along the north side of Elmhurst Avenue.
2. Commencing at the southeast intersection of Elmhurst Avenue and Spring Mountain Road thence easterly 75 feet along the south side of Elmhurst Avenue.
3. Commencing at the intersection of Elmhurst Avenue and Main Street thence westerly 30 feet along Elmhurst Avenue and thence northerly 60 feet along Main Street.

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K) FULTON LANE

1. Commencing at the northeast and southeast intersection of Fulton and Main Streets thence easterly 90 feet along the north and south sides of Fulton Lane.
2. Commencing at the easterly intersection of Fulton Lane and Railroad Avenue thence easterly 120 feet along both the north and south sides of Fulton Lane.

L) GRAYSON AVENUE

1. South side of Grayson Avenue from the southwest intersection of Main Street and Grayson Avenue westerly for a distance of 100 feet.
2. North side of Grayson beginning at a point 665 feet westerly of the westerly line of Main Street then west along the north side of Grayson for a distance of 1,165.6 feet between the hours of 7:30 a.m. and 3:00 p.m., Mon. - Fri.
3. Commencing at the northeast intersection of Grayson Avenue and Crane Avenue thence easterly 50 feet along the north side of Grayson Avenue. This is a 24-hour "No Stopping zone."
4. Commencing at a point 50 feet north of the northeast intersection of Grayson Avenue and Crane Avenue thence 700 feet along the north side of Grayson Avenue. This is a "No Stopping" zone during the hours of 7:30 a.m. – 3:00 p.m. on school days.
5. Commencing at the intersection of the easterly driveway of the Primary School Parking Lot and Grayson Avenue thence westerly along the southerly curb line a distance of 25 feet.

M) GROVE COURT

1. Commencing at the northeast intersection of Grove Court and Hunt Avenue thence northerly 205 feet along the east side of Grove Court.
2. Commencing 100 feet northerly of the northwest intersection of Grove Court and Hunt Avenue thence northerly 100 feet along the

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west side of Grove Court adjacent to the
heritage oak tree.

N) HUNT AVENUE

1. Commencing at the northeast intersection of Hunt Avenue and Starr Avenue thence westerly 307 feet along the north side of Hunt Avenue.
2. Commencing at the southwest intersection of Hunt Avenue and Starr Avenue thence westerly 465 feet along south side of Hunt Avenue to 105 feet west of Monte Vista extended center line.
3. Commencing at the southeast corner of Hunt Avenue and Edwards Street thence easterly 40 feet along the south side of Hunt Avenue.
4. Commencing at the southwest corner of Hunt Avenue and Edwards Street thence westerly 30 feet along the south side of Hunt Avenue.
5. Commencing on the north side of Hunt Avenue fifteen (15) feet west and fifteen (15) feet east of the most eastern entrance and exit driveway of the Safeway parking lot. This is a 24-hour "No Stopping Zone".
6. Commencing at a point forty (40) feet east of the most eastern entrance and exit driveway of the Safeway parking lot, thence thirty (30) feet along the north side of Hunt Avenue.

O) JUNE LANE

1. Commencing at a point lying 184 feet north of the intersection of Chiles and June Lane; thence along the east curb to the right a distance of 30 feet to the south curb of Hunt Avenue.
2. Commencing at a point lying 184 feet north of the intersection of Chiles Avenue and June Lane; thence along the west curb to the left a distance of 30 feet to the south curb of Hunt Avenue.

P) KEARNEY STREET

1. Commencing at the northeast intersection of Kearney Street and Spring Street thence

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northerly along the east side of Kearney Street to Tainter Street.

2. Commencing 143 feet north of the northeast corner of Adams Street and Kearney Street thence northerly a distance of 51 feet along the east side of Kearney Street.
3. Commencing 399 feet north of the northeast corner of Adams Street and Kearney Street thence northerly a distance of 33 feet along the east side of Kearney Street.

Q) **LA FATA STREET**

1. Commencing 215 feet southerly from the southeast corner of La Fata Street and Dowdell Lane thence 60 feet southerly along the easterly curb of La Fata Street.
2. Commencing 398 feet southerly from the southeast corner of La Fata Street and Dowdell Lane thence 40 feet southerly along the easterly curb of La Fata Street.
3. Commencing at the driveway to 899 Dowdell Lane located on La Fata Street thence 12 feet in both the northerly and southerly direction from the edge of said driveway a distance of 12 feet along the westerly side of La Fata Street.

R) **LIBRARY LANE**

1. Commencing at the north side of the white painted load zone at the St. Helena Library at 1480 Library lane, then twenty-one (21) feet along the east side of Library Lane.

S) **MADRONA AVENUE**

1. Commencing at the intersection of Madrona and Oak Avenues thence easterly and westerly along the north and south sides of Madrona Avenue 20 feet from each intersection.
2. Commencing at the northwest and southwest intersections of Madrona Avenue and Main Street thence westerly 90 feet along the north and south side of Madrona Avenue.

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T) **MAIN STREET**

1. Commencing at the intersection of Main Street and Madrona Avenue thence southerly 155 feet along both sides of Main Street.
2. Commencing at the intersection of Main Street and Madrona Avenue thence northerly 155 feet along both sides.
3. Commencing at the southwest intersection of Main Street and Sulphur Springs Avenue thence 310 feet southerly along the west side of Main Street.
4. Commencing at Main Street and the Sulphur Creek bridge thence southerly to Sulphur Springs Avenue along both sides of Main Street and northerly 175 feet to Mitchell Avenue along the west side of Main Street.
5. Commencing at the northwest intersection of Main Street and Mitchell Drive thence northerly 20 feet.
6. Commencing at the intersection of Main Street and Spring Street thence 25 feet southerly along the west side.
7. Commencing at the southeast intersection of Main Street and Adams Street thence southerly 50 feet along the east side.
8. Commencing at the southeast intersection of Main Street and Adams Street 120 feet southerly to the point of beginning thence southerly 37 feet along the east side.
9. Commencing at the intersection of Main Street and Hunt Avenue thence northerly and southerly 30 feet along the east side.
10. Commencing at the intersection of Main Street and Spring Street 145 feet northerly to a point of beginning thence northerly 22 feet along the east side.

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11. Commencing at the Main Street crosswalk at the south line of Spring Street thence southerly 24 feet along the east side of Main Street.
12. Commencing at the northwest intersection of Main Street and Adams Street thence northerly 35 feet along the west side.
13. Commencing at the southwest intersection of Main Street and Adams Street thence southerly 40 feet along the west side.
14. Commencing at the northwest intersection of Main Street and Spring Street 540 feet northerly to a point of beginning thence northerly 30 feet along the west side.
15. Commencing at the northwest intersection of Main Street and Spring Street 230 feet northerly to a point of beginning thence northerly 90 feet along the west side.
16. Commencing at the northwest intersection of Main Street and Spring Street thence northerly 40 feet along the west side.
17. Commencing at the northwest intersection of Main Street and Elmhurst 400 feet to a point of beginning thence northerly 330 feet along the west side of Main Street.
18. Commencing at the southeast intersection of Main Street and Pope Street thence southerly 170 feet along the east side of Main Street.
19. Commencing at the southeast intersection of Main Street and Pine Street thence south a distance of 28 feet along the east side of Main Street.
20. Commencing at the southwest intersection of Main Street and Pine Street thence south a distance of 28 feet along the west side of Main Street.
21. West side of Main Street from a point one hundred (100) feet south of Grayson Avenue southerly a distance of one thousand six hundred ninety (1,690) feet.

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22. East side of Main Street from the south line of Grayson Avenue southerly a distance of one thousand five hundred eighty-five (1,585) feet.
 23. East side of Main Street beginning at a point one thousand five hundred eighty-five (1,585) feet south of the south line of Grayson Avenue, southerly for a distance of two hundred eighteen (218) feet between the hours of 7:30 a.m. and 5:30 p.m.
 24. East side of Main Street beginning at a point one thousand eight hundred three (1,803) feet south of the south line of Grayson Avenue, southerly for a distance of two hundred seventy-two (272) feet.
 25. West side of Main Street from the northwest corner of Main Street and Grayson Avenue approximately 85 feet across the frontage of A&W Restaurant located at 501 Main Street.
 26. Commencing at the southwest corner of Main Street and the York Creek Bridge thence south 360 feet along the west side of Main Street.
 27. Commencing at the northeast corner of Pratt Avenue and Main Street thence north along the west side of Main Street to the York Creek Bridge
 28. Commencing at a point 45 feet north of the northeast intersection of Main Street and Pope Street thence north 29 feet along the east side of Main Street.
 29. Commencing at Deer Park Road south along both sides of Main Street to the York Creek Bridge.*
- *The area in the Tunnel of Trees is a "No Stopping" zone on both sides of Main Street.
30. Commencing at a point 99 feet west of the northwest intersection of Main Street and Pine Street thence 22 feet west along the north side of Pine Street.
 31. Commencing at the southwest corner of Main Street and Charter Oak extending westerly 50

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feet on the south side of Charter Oak. This is a 24 Hour "No Parking" Zone.

32. Commencing at the intersection of Main Street and Elmhurst Avenue thence southerly 30 feet along the west side of Main Street.
33. Commencing at the intersection of Main Street and Elmhurst Avenue thence northerly 60 feet along the west side of Main Street.
34. Commencing at a point 25 feet south of the southeast intersection of Britton Way thence southerly 88 feet along the east side of Main Street. This is a "No Parking" zone and reserved for transit buses.

U) **McCORMICK AVENUE**

1. Commencing at the southwest intersection of McCormick Street and Dowdell Lane 170 feet southerly to a point of beginning thence southerly 15 feet along the west side of McCormick Street.
2. Commencing at the southwest intersection of McCormick Street and Dowdell Lane 310 feet southerly to a point of beginning thence southerly 30 feet along the west side of McCormick Street.
3. Commencing at the northwest intersection of McCormick and Vintage Streets 320 feet northerly to the point of beginning thence northerly 25 feet along the west side of McCormick Street.
4. Commencing at the southwest intersection of McCormick Street and Dowdell Lane 530 feet southerly to the point of beginning thence 20 feet southerly along the east side of McCormick Street.
5. Commencing at the southwest intersection of McCormick Street and Dowdell Lane 270 feet southerly to the point of beginning thence 50 feet southerly along the east side of McCormick Street.

V) **MITCHELL DRIVE**

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1. Commencing at the southwesterly intersection of Mitchell Drive and St. James Drive thence westerly along the south side of Mitchell Drive to the southeast intersection of North Crane and Mitchell Drive and easterly 300 feet.
2. Commencing at the southwest intersection of Mitchell and Main Street thence 80 feet westerly along the south side of Mitchell Drive.
3. Commencing 230 feet west of the intersection of Main Street and Mitchell Drive thence 88 feet westerly along the south side of Mitchell Drive.
4. Commencing at the northwest intersection of Mitchell Drive and Oak Avenue thence 50 feet westerly along the northerly side of Mitchell Drive.
5. Commencing at the easterly corner of the most easterly intersection of Mitchell Drive and St. James Drive, thence ninety (90) feet along the south side of Mitchell Drive.

W) **MONTE VISTA AVENUE**

1. Commencing at the cul de sac northerly of Hunt Avenue thence around the perimeter of the 25 foot diameter island.

X) **OAK AVENUE**

1. Commencing at the southwest intersection of Oak Avenue and Hillview Place thence southerly 65 feet.
2. Commencing at the northeast, northwest, and southwest intersections of Oak Avenue and Pine Street thence 20 feet northerly and southerly along the east and west sides of Oak Avenue.
3. Commencing at the southwest intersection of Oak Avenue and Pine Street thence 30 feet southerly along the west side of Oak Avenue.

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4. Commencing at the northeast intersection of Oak Avenue and Adams Street thence northerly 18 feet.
5. Commencing at the southwest intersection of Oak Avenue and Tainter Street 55 feet southerly to a point of beginning thence southerly 20 feet on the west side of Oak Avenue.
6. Commencing at a point easterly of the southwest intersection of Oak Avenue and Tainter Street thence southerly 22 feet along the east side of Oak Avenue at the crosswalk.
7. Commencing at the northwest intersection of Oak Avenue and Spring Street thence northerly 20 feet along Oak Avenue.
8. Commencing at the point of curvature of the southeasterly curve on the east side of Oak Avenue thence southeasterly 160 feet to the point of tangency with the north side of Mitchell Drive.
9. Beginning at a point 339 feet north of Spring Street extending northerly to a point 419 feet on the east side of Oak Avenue.
10. Beginning at the northwest corner of Oak Avenue and Tainter Street thence extending northerly 35 feet on Oak Avenue.
11. Twenty (20) feet southerly from the driveway at 1255 Oak Avenue.

Y) **PINE STREET**

1. Commencing at the northwest intersection of Pine Street and Main Street thence along the north side of Pine Street to Oak Avenue excepting a 25 foot yellow zone terminating 180 feet from the northeast intersection of Pine Street and Oak Avenue.
2. Commencing at the northwest and southwest intersections of Pine Street and Oak Avenue thence westerly 20 feet.

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3. Commencing at the southeast intersection of Pine Street and Oak Avenue thence easterly 20 feet.
4. Commencing at the southwest intersection of Pine Street and Main Street thence westerly 10 feet.
5. Commencing at the southeast intersection of Pine Street and Main Street thence easterly 115 feet.
6. Commencing at the northeast intersection of Pine Street and Main Street easterly 140 feet.

Z) **PINOT WAY**

1. Commencing at the centerline of the utility and pedestrian access alley that connects Pinot Way to Sylvaner Avenue thence southwesterly 10 feet and northeasterly 10 feet creating a 20 foot long segment centered on the end of the alley.

AA) **POPE STREET**

1. Commencing at the southeast and northeast intersections of Pope Street and Main Street thence east 80 feet to the Wine Train railroad right-of-way.
2. Commencing at the east terminus of Pope Street at the Napa River thence westerly along Stonebridge Park 345 feet on the north side of Pope Street.
3. Commencing at the northeast corner of Paseo Grand Drive and Pope Street then easterly 154 feet on the north side of Pope Street.
4. Commencing at the east terminus of Pope Street at the Napa River thence westerly 400 feet along the south side of Pope Street.
5. Commencing at the southeast intersection of Pope Street and College Avenue thence 340 feet easterly along the south side of Pope Street.

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6. Commencing at the southwest intersection of Pope Street and College Avenue thence 680 feet westerly along the south side of Pope Street.
7. Commencing at the intersection of Pope Street and College Avenue thence easterly 680 feet on the north side of Pope Street.
8. Commencing at the northeast intersection of Pope Street and Church Street thence easterly 35 feet along the north side of Pope Street.
9. Commencing at the southeast intersection of Pope Street and the Napa Valley Wine Train Tracks thence easterly 25 feet along the south side of Pope Street.
10. Commencing at the northeast intersection of Pope Street and the Napa Valley Wine Train Tracks thence easterly 145' to the intersection of Pope Street and Church Street.
11. Commencing at the Northeast intersection of Pope Street and Chiles Ave thence easterly 950 feet along the north and south sides of Pope Street.
12. Commencing at the northwest intersection of Pope Street and Starr Avenue thence westerly 392 feet along the north side of Pope Street.

AB) PRATT AVENUE

1. Commencing at the southeastern intersection of Pratt Avenue and the Napa Valley Wine Train and thence easterly a distance of 570 feet along the south shoulder of Pratt Avenue.
2. Commencing at the northeastern intersection of Pratt Avenue and Main Street and thence easterly a distance of 300 feet along the north shoulder of Pratt Avenue.

AC) RAILROAD AVENUE

1. Commencing at the northwest intersection of Railroad Avenue and Adams Street thence 31 feet north along the west side of Railroad Avenue.

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2. Commencing at a portion 400 feet north of the northeast corner of the intersection of Adams Street and Railroad Avenue thence north a distance of 50 feet along the east side of Railroad Avenue.
3. Commencing at the south exit of the City Parking lot on Railroad Avenue thence south a distance of 16 feet.
4. Commencing at the north side of the south exit of the City Parking lot on Railroad Avenue thence north a distance of 24 feet.
5. Commencing at the north exit of the City Parking lot on Railroad Avenue thence north a distance of 20 feet.
6. Commencing at the north exit of the City Parking lot on Railroad Avenue thence south a distance of 15 feet.
7. Commencing at the curb beginning at the Napa Valley Wine Train tracks at the northeast corner of the intersection of Adams Street and Railroad Avenue northward through the curb return and thence northerly a distance of 281 feet along the east side of Railroad Avenue.

AD) SILVERADO TRAIL

1. Commencing at the southeast intersection of Howell Mountain Road and Silverado Trail thence south 400 feet along the east side of Silverado Trail.

AE) SOUTH CRANE AVENUE

1. Commencing at the southeast intersection of South Crane Avenue and Grayson Avenue thence southerly 50 feet along the east side of South Crane Avenue. This is a 24-hour "No Stopping" zone.
2. Commencing at a point 433 feet south of the southeast intersection of South Crane Avenue and Grayson Avenue thence southerly 30 feet along the east side of South Crane Avenue. This is a "No Stopping" zone during the hours of 7:30 a.m. – 3:00 p.m. on school days.

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3. Commencing at the northeast intersection of South Crane Avenue and Grayson Avenue thence northerly 50 feet along the east side of South Crane Avenue. This is a 24-hour “No Stopping” zone.
4. Commencing at a point 50 feet north of the northeast intersection of South Crane Avenue and Grayson Avenue thence northerly 450 feet along the east side of South Crane Avenue to the bridge. This is a “No Stopping” zone during the hours of 7:30 a.m. – 3:00 p.m. on school days.

AF) **SPRING STREET**

1. Commencing at the northwest intersection of Spring Street and Main Street thence westerly 35 feet along the north side of Spring Street.
2. Commencing at the northwest intersection of Spring Street and Main Street westerly 120 feet to a point of beginning thence westerly 30 feet along the north side of Spring Street.
3. Commencing at the shopping center driveway at the intersection of Spring Street and Money Way thence 15 feet westerly and 65 feet easterly along the south side of Spring Street.
4. Commencing at the northeast and the southeast intersections of Spring Street and Oak Avenue thence 33 feet easterly along Spring Street.
5. Commencing at the northwest and southwest intersections of Spring Street and Oak Avenue thence 33 feet westerly along Spring Street.
6. Commencing at the southwest intersection of Spring Street and Oak Avenue westerly 70 feet to a point of beginning thence westerly 70 feet along the south
7. Commencing at the southwest intersection of Spring Street and Oak Avenue westerly 25 feet to a point of beginning thence westerly 50 feet along the south side.

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8. Commencing at the intersection of Spring Street and Kearney Street thence easterly 60 feet along the south side.
9. Commencing at the northwest intersection of Spring Street and Kearney Street 70 feet westerly to a point of beginning thence 60 feet westerly along Spring Street.
10. Commencing at the northwest intersection of Spring Street and East Sylvaner 135 feet westerly to a point of beginning thence 70 feet westerly along Spring Street.
11. Twenty (20) feet on both sides of driveway at 2322 Spring Street.
12. Twenty (20) feet on west side of driveway and that strip on the easterly side to adjacent driveway at 1428 Spring Street.
13. Twenty (20) feet east from the west driveway and twenty (20) feet from both sides of the east driveway at 1343 Spring Street.
14. Ten (10) feet from both sides of the driveway to the parking lot east of the building at 1313 Spring Street.

AG) **SPRING MOUNTAIN ROAD**

1. Commencing at the southeast corner of Spring Mountain Road and Elmhurst Avenue thence 75 feet southerly along the east side of Spring Mountain Road.

AH) **STARR AVENUE**

1. Commencing at the northwest intersection of Starr Avenue and Harvest Lane thence 285 feet northerly along the west side of Starr Avenue.
2. Commencing at the northwest intersection of Harvest Lane and Starr Ave.
northerly 45 feet to a point of beginning thence northerly 150 feet to the southeast corner of Meadowcreek Circle along the east side of Starr Avenue.

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3. Commencing at the extended center line of Meadowcreek Circle (north) thence 22 feet south along the west side of Starr Avenue.
4. Commencing at the northeast intersection of Meadowcreek Circle (south) and Starr Avenue 83 feet northerly to a point of beginning thence northerly 32 feet to the south side of Hunt Avenue.

AI) STOCKTON STREET

1. Commencing at the northwest intersection of Stockton Street and Spring Street thence northerly along the west side of Stockton Street to the Madrona Street and Stockton Street intersection.

AJ) SULPHUR SPRINGS AVENUE

1. Commencing at the southwest intersection of Main Street and Sulphur Springs Avenue thence 50 feet westerly along the south side of Sulphur Springs Avenue.
2. Commencing at the northwest intersection of Main Street and Sulphur Springs westerly 253 feet to a point of beginning thence westerly 23 feet along the north side of Sulphur Springs Avenue.
3. Commencing at the northwest intersection of Main Street and Sulphur Springs westerly 289 feet to a point of beginning thence westerly 15 feet along the north side of Sulphur Springs Avenue.

AK) SYLVANER AVENUE

1. Commencing at the centerline of the utility and pedestrian access alley that connects Sylvaner Avenue to Pinot Way thence southwesterly 10 feet and northeasterly 10 feet creating a 20 foot long segment centered on the end of the alley.

AL) TAINTER STREET

ATTACHMENT 1

1. Commencing at the intersection of Tainter Street and Kearney thence easterly along the south side of Tainter Street to the intersection of Oak Avenue and Tainter Street except Mon.- Fri. 7:30 a.m. - 9:00 a.m. and 2:00 p.m. - 4:00 p.m.
2. Commencing at the northwest intersection of Tainter Street and Kearney Street thence 80 feet easterly along the north side of Tainter Street.
3. South side of Tainter Street between Stockton Street and Kearney Street.

AM) **VINTAGE AVENUE**

1. Commencing at the northwest intersection of Vintage Avenue and McCormick Street westerly 228 feet to a point of beginning thence 12 feet west of said driveway 168 feet along the north side to the Napa Valley Wine Train right-of-way.
2. Commencing at the intersection of Vintage Avenue and McCormick Street westerly 250 feet to a point of beginning thence westerly 180 feet along the south side.

AN) **VOORHEES CIRCLE**

1. Commencing at the westerly intersection of Voorhees Circle and Mitchell Avenue south of Mitchell and west of Voorhees Circle thence southerly along the west side, easterly along the south side and northerly along the east side a distance of 1100 feet to the easterly intersection of Voorhees Circle and Mitchell Avenue.

ATTACHMENT 1

Approved at a regular meeting of the City Council held on
November 13, 2018 by the following vote:

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

APPROVED:

ATTEST:

Alan Galbraith, Mayor
Tzafofopoulos, City Clerk

Cindy



October 26, 2018

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

Dear Mayor Galbraith and City Council,

I am writing to you in support of removing two parking spaces in front of St. Helena City Hall. Removing these two spaces will create a safer environment for transit users, pedestrians, and motorists alike. The traffic lanes are very narrow in the area around City Hall. In an effort to keep traffic flowing, a bus must get as close to the curb as possible. The current length of the red curb is insufficient for buses to do this consistently and safely. Furthermore they must pull up to the corner of Pine Street. This blocks sight lines of the crosswalk. Northbound traffic cannot see pedestrians entering the crosswalk when a bus is loading or offloading passengers. The removal of the two parking spaces would facilitate better sight lines, as the bus would be able to stop further back from the intersection. NVRTA and its contractor, Transdev, fully support the public works department's recommendation that the two parking spaces be removed. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Wilcox", is written over a horizontal line.

Matthew Wilcox
Manager of Public Transit

1480 Main Street

Vine Stop

Legend



