



**City of St. Helena
Special City Council Closed Session
Meeting
Tuesday, January 25, 2022 @ 4:30 PM**

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.

This meeting will be conducted pursuant to the provisions of Government Code Section 54953 (as amended by AB 361) which authorizes teleconferenced meetings under the Brown Act during certain proclaimed States of Emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. This teleconferenced meeting is necessary so that the City can conduct essential business and is permitted under Government Code 54953 in order to protect public health and safety of attendees.

Consistent with Government Code Section 54953, this City Council Meeting will be held via teleconference only, and will not be physically open to the public. City Council members and staff will teleconference into the meeting by audio and/or video. The meeting will be conducted via Zoom Webinar.

Please click the link below to join the meeting **for public comment only:**

<https://us02web.zoom.us/j/84989118402>

Or One tap mobile :

US: +16699006833,,84989118402# or +12532158782,,84989118402#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 301 715 8592 or +1 312
626 6799 or +1 929 205 6099

Webinar ID: 849 8911 8402

International numbers available: <https://us02web.zoom.us/j/84989118402>

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1. CALL TO ORDER
2. ROLL CALL
Mayor: Geoff Ellsworth, Vice Mayor: Paul Dohring, City Council Members: Anna Chouteau, Eric Hall and Lester Hardy.
3. ADOPTION OF THE AGENDA
4. PUBLIC COMMENT PERTAINING TO CLOSED SESSION
Each person's comments shall be limited to 4 minutes.
5. CLOSED SESSION:
 - 5.1. Closed Session pursuant to Government Code § 54956.9(d)(1): A. Conference with Legal Counsel—Existing Litigation

3 - 10

Name of Case: Pacaso Inc. et al. v. City of St. Helena, et al. (United States District Court, Northern District of California, Case No. 4:21-cv-02493-KAW)

[Public Comment.Linda Rose](#)

[Public Comment.Judy Weil](#)

[Public Comment.Susan McWilliams](#)

[Public Comment.Clare Barr](#)

- 5.2. Conference with Labor Negotiators, pursuant to Government Code Section 54957.6

Agency Designated Representatives: City Manager and Administrative Services Director

Employee Organization: Police Officers Association (POF), St. Helena Employees Association (SHEA) and Unrepresented Employees (Mid Managers and Executive Staff)

6. ADJOURNMENT

The next Regular City Council meeting is scheduled for January 25, 2022, at 6:00 p.m.

I do hereby certify that a copy of the foregoing agenda was posted on the City website on January 21, 2022.

A handwritten signature in blue ink that reads "Cindy Tzaopoulos".

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.

Cindy Tzaopoulos

From: Linda Rose <linda@mgrose.com>
Sent: Saturday, January 22, 2022 4:48 PM
To: Public Comment
Subject: [External] Pacaso

Dear Mayor Ellsworth and City Council members,

Please do what Sonoma did and ban Pacaso from our City. They, and their business model, are ruining our neighborhoods and our community in so many ways.

Also, please do not approve a pot dispensary in town. We need to support families and community and both of these things are counter to that.

Thank you,
Linda Rose
St. Helena

Cindy Tzaopoulos

From: Judy Weil <weil_judy@yahoo.com>
Sent: Monday, January 24, 2022 9:28 PM
To: Cindy Tzaopoulos
Subject: Fw: [External] Closed session re Pacaso

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[Sent from Yahoo Mail on Android](#)

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On Jan 23, 2022, at 5:07 PM, Judy Weil <weil_judy@yahoo.com> wrote:

My name is Judy Weil and my address is 1392A Magnolia Ave St Helena.

I noticed the City of Sonoma has recently passed legislation that would not allow Pacaso type entities. Is there a way for St Helena to copy such legislation?

We have a housing shortage of entry level homes and rental homes (not short term rentals).

Last year we discovered a neighbor has been renting their house less than 30 days for years and was not on the approved list. This house on Dahila Street is now renting for 30 or more days and has been vacant for most of the winter. The city is aware of the situation.

Sincerely

Judy Weil

[Sent from Yahoo Mail on Android](#)

Cindy Tzaopoulos

From: Susan McWilliams <susanmcwilliams@comcast.net>
Sent: Tuesday, January 25, 2022 7:50 AM
To: Cindy Tzaopoulos
Cc: 'Susan McWilliams'
Subject: [External] Public comment on Pacaso for City Council meeting tonight

Last week, while the Napa Chamber of Commerce named Pacaso its business of the week, Sonoma city council passed an urgency ordinance, prompted by Pacaso, to include fractional home ownerships in its timeshare ban. Pacaso expansion continues, seemingly unabated, as does the opposition to vacation timeshares in residential neighborhoods. StopPacasoNow.com has heard from allied communities across the west and as far away as Long Island. Residents want Pacaso out of their neighborhoods. St. Helenans want Pacaso out of our neighborhoods.

Below is the City of Sonoma Agenda item for January 19. The urgency ordinance was passed unanimously.

Currently, the Municipal Code does not contain any regulation governing the use of properties as time-shares, meaning that, as a non-enumerated use, time-shares currently are prohibited throughout the City. However, due to the rise in fractional home ownership, there may be ambiguity regarding whether fractional home ownership uses constitutes a prohibited timeshare or an allowed residential use. The urgency ordinance is intended to define time-shares broad enough to encompass fractional home ownership and ensure that their essentially commercial use is confined to those parts of the City that are planned for commercial uses.

This will avoid losing valuable land zoned for residential purposes from being usurped by fractional home ownership and time-share uses. The proposed urgency ordinance thus continues the prohibition on time-shares in all residential zones and as the residential component of a Commercial or Mixed Use development. The following findings can be made by the City Council to support the adoption of the Urgency Ordinance:

- 1. A severe housing crisis exists in the state with the demand for housing outpacing the supply;**
- 2. The City of Sonoma is particularly experiencing a housing emergency due to its relative isolation, limited housing supply, and desirable location;**
- 3. Time-share uses threaten to reduce the housing supply in the City by turning longterm housing in the City into vacation rentals and reducing the affordable housing stock in the City;**
- 4. Time-shares increase traffic and noise impacts and have the same character as commercial hotels, motels, and other transient occupancy uses due to their transient nature making them inappropriate for residential zones;**
- 5. California Government Code Sections 36934 and 36937 authorizes the City of Sonoma to adopt an urgency ordinance by a four-fifths vote (4/5ths) necessary to protect the public peace, health, or safety;**
- 6. An urgency ordinance adopted pursuant to Government Code Sections 36934 and 36937 is warranted on an urgency basis to allow regulations to govern how time-share are regulated. Without such ordinance, the issues raised above pose a significant threat to the public peace, health and safety. The attached Urgency Ordinance will add Section 19.50.140 – Timeshares into Title 19 and will be effective upon adoption. The attached Urgency Ordinance was presented to the Planning Commission on January 13th, 2022, for comment and direction to staff, which will be reported to the City Council at the meeting. It is anticipated that the Planning Commission will review a regular ordinance at its meeting on February 10th, 2022, that will be later introduced to the City Council on February 23rd, 2022, and adopted by the City Council on March 2, 2022 to supersede the Urgency Ordinance; however the Urgency Ordinance would be in effect until a regular ordinance becomes effective.**

Thank you.
 Susan McWilliams
 St. Helena

Cindy Tzaopoulos

From: Clare Barr <clarekb@comcast.net>
Sent: Tuesday, January 25, 2022 11:03 AM
To: Cindy Tzaopoulos
Subject: [External] Public Comment-Closed Session City Council-1/25/22

In July of 2020, The St Helena Star published an article titled “St. Helena Mulls Timeshare Policies”. The first Pacaso timeshare was being discussed at a CC meeting, and council member David Knudsen was quoted as saying “This is a bomb. If we don’t take drastic action, it’s going to happen across the city because it’s clearly more advantageous for aggressive property owners to fractionalize their home to allow more intensive use. And that’s not what our town signed up for as a residential community.”

Indeed, David’s prescience was impressive, as what he warned us about, has come to pass. We are being sued by the deep-pocketed startup, Pacaso, because we said no to their timeshare scheme. And while the lawsuit pends, they brazenly move ahead, recently listing their fourth timeshare, which like all the others, exists in the middle of our residential neighborhoods, circumvents all regulations, pays no TOT, and makes life miserable for the families that live next door to them.

Regardless of the outcome of the lawsuit, it seems clear that we should be fortifying our ordinances in such a way that Pacaso, and other models of transient occupancy, cannot continue to destroy the sanctity of our neighborhoods. Last August, a group of concerned citizens put together a detailed list of suggestions for an ordinance of this kind, and just last week, Sonoma City Council unanimously passed an urgency ordinance addressing timeshares and fractional ownerships. Their goal was to put in place an ordinance that was impervious to a model like Pacaso. And in doing so, they exhibited the actions of a city governance that knows the importance of neighborhood, and who considers the quality of life for their citizens, a priority. Isn’t it time that St Helena city governance do the same?

Thank you,

Clare Barr

St. Helena, Ca..