



City of St. Helena
Regular City Council Meeting
Tuesday, April 9, 2024 @ 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. The Mayor may reduce the four minute time limit for all speakers in circumstances where a large number of citizens intend to make public comment.

Public comment for meetings will be accepted via email to publiccomment@cityofstheleena.org. All public comments must be received three hours prior to the meeting. All other public comments received after the deadline will be attached to the item the next business day or soon thereafter. Public comments will not be read out loud but will be publicly available and attached to the on-line agenda.

The schedule of upcoming meetings and published meeting agendas can be found on the City of St. Helena website at <https://stheleena.civicweb.net/portal/>.

Page

1. CALL TO ORDER
2. ROLL CALL
Mayor: Paul Dohring, Vice Mayor Eric Hall:, City Council Members: Anna Chouteau, Patrick Kenealy, Billy Summers
3. PLEDGE OF ALLEGIANCE
4. ADOPTION OF THE AGENDA
5. APPROVAL OF THE MINUTES

Estimated start time: 6:05 p.m.

- 5.1. Consideration and proposed approval of Regular Meeting Minutes of March 26, 2024.

7 - 15

[03-26-2024 Regular City Council - Minutes](#)

6. PUBLIC FORUM:
Members of the public are entitled to speak on matters of municipal concern not on the agenda during Public Forum. Each person's comments shall be limited to 4 minutes. Each person is entitled to speak on any non-agendized item only once at any meeting. Brief questions by Council Members for clarifications may be posed and answered, and Council Members 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.

Estimated start time: 6:10 p.m.

7. REPORTS BY STAFF AND CITY COUNCIL, FUTURE AGENDA ITEMS, AND

AB 1234 REPORTS:

Reports by staff and/or Council Members on items of general interest. Brief questions for clarification may be posed and answered, and Council Members 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.

Estimated start time: 6:20 p.m.

8. PRESENTATIONS AND PUBLIC RECOGNITIONS

- 8.1. Proclamation recognizing "National Donate Life Month Proclamation" presented to Donene Vukovich, Donor Network West Community Engagement Specialist and former Mayor of St. Helena Ann Nevero 17 - 18

Estimated start time: 6:25 p.m.

[Proclamation](#)

9. STAFF BRIEFING

None

10. CONSENT ITEMS

Members of the Council or the public (present at the meeting) 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)

Estimated start time: 6:30 p.m.

- 10.1. Consideration of a resolution approving a permit allowing the possession of open alcoholic beverages on the closed portion of Adams Street during the Rianda House Car Show Event scheduled for May 4, 2024. 19 - 21

CEQA Determination: Not a CEQA project

Prepared By: Rebecca White, Administrative Assistant

Recommendation:

Staff recommends approval of the attached resolution.

[Staff Report - Pdf](#)

- 10.2. Approval of second reading of Ordinance adding Chapter 18.01 to the St. Helena Municipal Code adopting the Vehicle Miles Traveled (VMT) metrics for new development. 23 - 36

CEQA Determination: Not a CEQA project

Prepared By: Eric Janzen, Assistant Public Works Director

Recommendation:

Approval of a second reading by title only and waive further reading of the proposed ordinance.

[Staff Report - Pdf](#)

- 10.3. Consideration of a Resolution to set a Public Hearing for 6:00 p.m. Tuesday, May 14, 2024, to consider objections to the proposed 37 - 45

annexation of the property known as 2126 Madrona Avenue, St. Helena, CA (APN 009-470-010), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 149.

CEQA Determination: Not a CEQA project

Prepared By: Rebecca White, Administrative Assistant

Recommendation:

It is recommended City Council approve the Resolution and set a Public Hearing for May 14, 2024 to consider objections to the proposed annexation of the property known as 2126 Madrona Ave (APN 009-470-010), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 149.

[Staff Report - Pdf](#)

- 10.4. Consideration and proposed approval of a resolution: (1) Duly approving and adopting a publicly available pay schedule in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes a revised salary schedules for the Mid-Managers and the Executive Staff, and (2) Approving reclassifications for three positions and updating the Mid-Manager and Executive Unrepresented Compensation Program (14th Amendment) to reflect this change per Council direction to create a new Community Services Department.

47 - 78

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Assistant City Manager, Mandy Kellogg, Administrative Services Director

Recommendation:

Approve the attached resolution.

[Staff Report - Pdf](#)

[Public Comment.Stephanie Iacobacci-Smithers](#)

11. PUBLIC HEARINGS

Estimated start time: 6:35 p.m.

- 11.1. First Public Hearing of the Proposed Adoption of a City Charter.

79 - 106

CEQA Determination: Not a CEQA project

Prepared By: April Mitts, Assistant City Manager

Recommendation:

Approve the proposed city charter language for the November 5, 2024 ballot.

[Staff Report - Pdf](#)

[Presentation](#)

[Public Comment.Laura Keir](#)

[Public Comment.Lana Ivanoff](#)

12. OLD BUSINESS

None

13. NEW BUSINESS

Estimated start time: 6:50 p.m.

- 13.1. Consideration of a Resolution to Appoint an Applicant to Fill the Planning Commission Vacancy 107 - 115

CEQA Determination: Not a CEQA project
Prepared By: Cindy Tzafopoulos, City Clerk
Recommendation:
Appoint an applicant to the Planning Commission.

[Staff Report - Pdf](#)

- 13.2. Direct staff to prepare a report to the City Council pursuant to California Elections Code Section 9212 analyzing the impacts and effects of the Noble House proposal titled, "St. Helena Agritourism Initiative." 117 - 162

Estimated start time: 7:00 p.m.

CEQA Determination: Not a CEQA project
Prepared By: April Mitts, Assistant City Manager
Recommendation:
Authorize the preparation of a 9212 Report.

[Staff Report - Pdf](#)

[Public Comment.M.R. Wolfe and Associates on behalf of Citizens for the General Plan](#)

[Public Comment.Alan Galbraith](#)

[Public Comment.Susan Kenward.](#)

- 13.3. Discussion and Direction Regarding Downtown Sidewalk Rehabilitation strategies between Adams Street and Mitchell Drive 163 - 188

CEQA Determination: Not a CEQA project
Prepared By: Joseph Leach, Public Works Director and City Engineer, Lesley Milton, Asst. to the City Manager
Recommendation:
Provide direction to staff regarding preferences of the proposed options for sidewalk improvements.

[Staff Report - Pdf](#)

[Presentation](#)

[Public Comment.Anthony Micheli](#)

[Public Comment.Anthony Micheli 2](#)

- 13.4. Proposed Approval of a Resolution Authorizing Hiring of Professionals for a Water Bond Financing Transaction Related to Funding for Water Capital Improvement Projects. 189 - 207

CEQA Determination: Not a CEQA project
Prepared By: Joseph Leach, Public Works Director and City Engineer, Mandy Kellogg, Administrative Services Director
Recommendation:
Approve the attached resolution.

[Staff Report - Pdf](#)

[Presentation](#)
[Public Comment.Water Audit California](#)

14. CITY COUNCIL REPORTS:

- 14.1. A. Association of Bay Area Governments (ABAG) - Executive Board
- B. Association of Bay Area Governments (ABAG) - General Assembly
- C. Napa Valley Tourism Corporation (Umbrella for Napa County)
- D. League of California Cities – North Bay Division
- E. Napa County City Selection Committee
- F. Napa County Flood Control and Water Conservation District
- G. Youth Opportunities Commission
- H. Napa County Local Agency Formation Commission (LAFCO)
- I. Napa Valley Transportation Authority (NVTa)
- J. Napa County Watershed Information Center & Conservancy (WICC)
- K. Upper Valley Waste Management Agency
- L. Napa County Groundwater Sustainability Plan Advisory Committee
- M. Napa County Regional Climate Action Committee
- N. Council Ad Hoc and Standing Committee Reports

15. ADJOURNMENT

The next Regular City Council meeting is scheduled for April 23, 2024, at 6:00 p.m.

This agenda was posted at City Hall, 1088 College Avenue, and at Vintage Hall, 465 Main Street, St. Helena, California on April 4, 2024.



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 1088 College Avenue, St. Helena, California, during normal business hours and by appointment. 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.

MINUTES
City of St. Helena
Regular City Council Meeting
Tuesday, March 26, 2024 @ 6:00 PM
Vintage Hall Board Room - Second Floor
465 Main Street, St. Helena

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

Present: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

Absent: Council Member Patrick Kenealy

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
4. **ADOPTION OF THE AGENDA**

4.1

Council Member Anna Chouteau moved to adopt the agenda as presented. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

RECUSE: None

5. **ADOPTION OF THE MINUTES**

- 5.1 Consideration and proposed approval of Regular Meeting Minutes of March 12, 2024.

Vice Mayor Eric Hall moved to approve the Regular Meeting Minutes of March 12, 2024. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

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NOES: None
ABSENT: Council Member Patrick Kenealy
ABSTAIN: None
RECUSE: None

6. PUBLIC FORUM:

No public comment was received.

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

City Attorney Ethan Walsh reported that there was no reportable action from the March 26, 2024 special City Council closed session meeting.

Staff provided reports.

Mayor Dohring commended the winners of the St. Helena Chamber of Commerce Awards as well as St. Helena Unified School District Employees of the Year and Diane Dillon for her award as Napa County Woman of the Year.

8. PRESENTATIONS AND PUBLIC RECOGNITIONS

- 8.1 Proclamation for Sexual Assault Awareness Month April 2024 presented to Domestic Violence & Sexual Abuse Services representative Elizabeth Alfaro

9. STAFF BRIEFING

- 9.1 Presentation on Public Works Encroachment Permitting Process by Lesley Milton, Asst. to the City Manager

10. 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)

- 10.1 February 2024 Review and Forecasting of City Water Supply Availability.

CEQA Determination: Not a CEQA project
Prepared By: Ian Dale, Environmental Services Tech
Recommendation:
Receive and file.

- 10.2 Approve a resolution authorizing execution of a Professional Services Agreement with Suhr Consulting Group for the completion of an emergency operations plan for an amount not-to-exceed \$40,000.

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CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager
Recommendation:
Approve the attached resolution.

- 10.3 This items was removed from consent.

~~Adopt resolution in support of the Napa Valley Transportation Authority's Vision Zero Plan in partial fulfillment of funding requirements for One Bay Area Grant (OBAG), a significant funding source for the Downtown Sidewalk Rehabilitation Project.~~

CEQA Determination: Exempt
Prepared By: Joseph Leach, Public Works Director and City Engineer
Recommendation:
Adopt a Resolution in support of the Napa Valley Transportation Authority's (NVTa's) Vision Zero Plan.

- 10.4 Approve resolution declaring equipment surplus and authorizing the disposal as requested by the Fire and Public Works Departments.

CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager
Recommendation:
Declare surplus and authorize the disposal of the above items as requested.

- 10.5 Approval of a resolution authorizing execution of a Professional Services Agreement with Coastland for engineering services associated with CIP Project W24-04 Water Distribution Fire Flow Improvements for a cost of \$56,000 with a 10% contingency for a total not-to-exceed cost of \$64,600.

CEQA Determination: Not a CEQA project
Prepared By: Lesley Milton, Asst. to the City Manager
Recommendation:
Approval of the resolution authorizing execution of the contract with Coastland Engineering.

- 10.6 Consideration and proposed adoption of a Resolution approving the plans and specifications for the R24-79 Pavement Restoration Project and authorizing the advertisement for bids.

CEQA Determination: Class I Categorical Exemption under Section 15301 of CEQA
Prepared By: Mario Traverso, Project Manager
Recommendation:
Approve the Resolution

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10.7 This item was removed from consent.

~~Consideration and Adoption of the Resolution of the City of St. Helena City Council Approving the Napa Valley Transportation Authority-Tax Agency's Measure U – Napa Valley Transportation Improvement Act Continuing a Transaction and Use Tax Expenditure Plan~~

CEQA Determination: Not a CEQA project

Prepared By: Eric Janzen, Assistant Public Works Director

Recommendation:

Approve the Resolution of The City of St. Helena City Council Approving The Napa Valley Transportation Authority-Tax Agency's Measure U Napa Valley Transportation Improvement Act Continuing A Transaction And Use Tax Expenditure Plan

10.8 This item was removed from consent.

~~Consideration and proposed approval of a resolution authorizing the City Manager to Execute Amendment No. 3 to Funding Agreement No. 19-19 with the Napa Valley Transportation Authority (NVTa) for additional construction contingency funding for the St Helena to Calistoga Vine Trail Project in an Amount Not to Exceed \$140,000.~~

CEQA Determination: Mitigated Negative Declaration

Prepared By: Eric Janzen, Assistant Public Works Director

Recommendation:

Staff recommends the approval of the attached resolution.

Council Member Anna Chouteau moved to approve 10.1, 10.2, 10.4 through 10.6. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

RECUSE: None

10.3 Adopt resolution in support of the Napa Valley Transportation Authority's Vision Zero Plan in partial fulfillment of funding requirements for One Bay Area Grant (OBAG), a significant funding source for the Downtown Sidewalk Rehabilitation Project.

No public comment was received.

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Council Member Anna Chouteau moved to approve 10.3. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

RECUSE: None

- 10.7 Consideration and Adoption of the Resolution of the City of St. Helena City Council Approving the Napa Valley Transportation Authority-Tax Agency's Measure U - Napa Valley Transportation Improvement Act Continuing a Transaction and Use Tax Expenditure Plan

Kate Miller and Grant Bailey addressed the City Council.

Council Member Anna Chouteau moved to approve 10.7. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

RECUSE: None

- 10.8 Consideration and proposed approval of a resolution authorizing the City Manager to Execute Amendment No. 3 to Funding Agreement No. 19-19 with the Napa Valley Transportation Authority (NVTa) for additional construction contingency funding for the St Helena to Calistoga Vine Trail Project in an Amount Not to Exceed \$140,000.

No public comment was received.

Council Member Anna Chouteau moved to approve 10.8. The motion was seconded by Council Member Billy Summers and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

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RECUSE: None

11. PUBLIC HEARINGS

None

12. OLD BUSINESS

None

13. NEW BUSINESS

- 13.1 Consideration and proposed approval of a resolution allowing for waiver of building permit fees for EV Chargers and Gray Water Systems during a limited and specified time-period of June 1, 2024 to March 31, 2025 and establish two rebate funds for a total not to exceed \$79,160

CEQA Determination: Not a CEQA project
Prepared By: Philip Henry, Chief Building Official
Recommendation:
Staff recommends approval of the attached resolution.

Chief Building Official, Philip Henry reported on item.

No public comment was received.

Council Member Anna Chouteau moved to approve the resolution. The motion was seconded by Vice Mayor Eric Hall and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

RECUSE: None

- 13.2 Estimated start time: 7:10 p.m.

Approval of introduction and first reading of Ordinance adding Chapter 18.01 to the St. Helena Municipal Code adopting the Vehicle Miles Traveled (VMT) metrics for new development.

CEQA Determination: Not a CEQA project
Prepared By: Eric Janzen, Assistant Public Works Director
Recommendation:

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Introduce by title only and waive the first reading of the proposed ordinance; schedule second reading on April 9, 2024.

No public comment was received.

Vice Mayor Eric Hall moved to approve introduction and first reading by title only and waive further reading of proposed ordinance; schedule second reading on April 9, 2024. The motion was seconded by Council Member Anna Chouteau and on roll call carried by the following vote:

AYES: Mayor Paul Dohring, Vice Mayor Eric Hall, Council Member Anna Chouteau, and Council Member Billy Summers

NOES: None

ABSENT: Council Member Patrick Kenealy

ABSTAIN: None

RECUSE: None

13.3 Estimated start time: 7:20 p.m.

Council Discussion and Direction on the Formation of a Committee to Prepare for the City's Sesquicentennial in 2026

CEQA Determination: Not a CEQA project

Prepared By: Dave Jahns, Parks & Recreation Director

Recommendation:

Authorize staff to initiate a planning committee to prepare for the City's sesquicentennial.

Parks and Recreation Director Jahns reported on item.

No public comment was received.

It was the consensus of the City Council to authorize staff to initiate a planning committee to prepare for the City's sesquicentennial.

13.4 Estimated start time: 7:30 p.m.

Formation of a new department with oversight of Arts, Culture, Library, Parks & Recreation, Grants, and Community Engagement.

CEQA Determination: Not a CEQA project

Prepared By: Anil Comelo, City Manager

Recommendation:

Provide direction to staff on the formation of a new department.

Assistant City Manager April Mitts, Parks and Recreation Director Dave Jahns

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and Executive Associate Melinda Cervantes reported on item.

Public Comment was received by Wendy Watson, Leslie Stanton and Ingrid Laidley.

It was the consensus of the City Council for the following next steps:

Consult with Chairs and Vice Chairs of the Library Board of Trustees and the Parks & Recreation Commission on the name of the new department and return to the City Council with a recommendation.

Present a report to City Council at a future meeting, establishing the department, positions, job descriptions, and salary schedules.

14. CITY COUNCIL REPORTS:

- 14.1 A. Association of Bay Area Governments (ABAG) - Executive Board
- B. Association of Bay Area Governments (ABAG) - General Assembly
- C. Napa Valley Tourism Corporation (Umbrella for Napa County)
- D. League of California Cities – North Bay Division
- E. Napa County City Selection Committee
- F. Napa County Flood Control and Water Conservation District
- G. Youth Opportunities Commission
- H. Napa County Local Agency Formation Commission (LAFCO)
- I. Napa Valley Transportation Authority (NVTa)
- J. Napa County Watershed Information Center & Conservancy (WICC)
- K. Upper Valley Waste Management Agency
- L. Napa County Groundwater Sustainability Plan Advisory Committee
- M. Napa County Regional Climate Action Committee
- N. Council Ad Hoc and Standing Committee Reports

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15. ADJOURNMENT

Mayor Dohring adjourned the meeting at 8:40 p.m.

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor

Cindy Tzaopoulos, City Clerk

**City of St. Helena
PROCLAMATION**

National Donate Life Month Proclamation

WHEREAS, 87 individuals in Napa County are currently on the national organ transplant waiting list, and 22 patients die each day due to the shortage of donated organs;

WHEREAS, Donor Network West serves as the federally designated Organ Procurement Organization in Northern/Central California and Northern Nevada and works in close partnership with families, doctors, nurses, and coroners in hospitals to connect donors to recipients.

WHEREAS, organ and tissue are life-giving acts recognized worldwide as expressions of compassion to those in need that save thousands of lives each year;

WHEREAS, the need for donated organs is especially urgent in Asian, Hispanic and African American communities;

WHEREAS, a single individual's donation of the heart, lungs, liver, kidneys, pancreas and small intestine can save up to eight lives; donation of tissue can save and heal the lives of up to 75 others;

WHEREAS the spirit of giving and decision to donate are not restricted by age or medical condition;

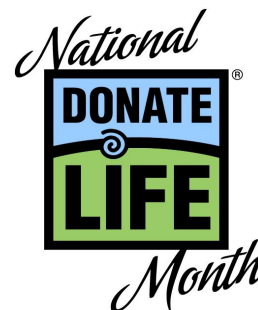
WHEREAS, over fourteen million Californians have signed up with the state-authorized Donate Life California Registry to ensure their wishes to be organ and tissue donors are honored;

WHEREAS, California residents can sign up with the Donate Life California Donor Registry when applying for or renewing their driver's licenses or ID cards at the California Department of Motor Vehicles;

NOW, THEREFORE, BE IT RESOLVED, that I Paul Jamison Dohring, Mayor of the City of St. Helena, on behalf of the St. Helena City Council, in recognition of National Donate Life Month, the month of April 2024 is hereby proclaimed **"National Donate Life Month"** in the City of St. Helena, and in doing so we encourage all Californians to check "YES!" when applying for or renewing their driver's license or I.D. card, or by signing up at donornetworkwest.org.

Dated: April 9, 2024

Paul Jamison Dohring, Mayor





Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	April 9, 2024
FROM:	Rebecca White, Administrative Assistant
SUBJECT:	Consideration of a resolution approving a permit allowing the possession of open alcoholic beverages on the closed portion of Adams Street during the Rianda House Car Show Event scheduled for May 4, 2024.
RECOMMENDED ACTION:	Staff recommends approval of the attached resolution.
PREVIOUS COUNCIL ACTION:	City Council authorized the partial closure of Adams Street and the operation of mobile food vendors for this event at the March 12, 2024 meeting.
STATEMENT OF THE PURPOSE:	Authorizing the possession of open alcoholic beverages on the closed portion of Adams Street during the Rianda House Car Show Event.
FINANCIAL IMPACT:	None.

BACKGROUND:

Rianda House is presenting the Rianda House Car Show on May 4, 2024. The purpose of the event is to raise awareness of the needs of older adults in the community and raising funds to support Rianda House's programs and services. The operation of mobile food vendors and a closure of a portion of Adams Street have previously been approved for this event. St. Helena Municipal Code Section 9.04.010 authorizes the Council to approve a permit allowing possession of alcoholic beverages on public streets or any private or public off-street parking lot.

DISCUSSION:

Rianda House is responsible for coordinating with their vendors to secure the necessary ABC licensing for the sale of alcohol at this event. The event organizers will continue to coordinate and update City staff members and follow through with any additional requirements that staff may have for the actual event.

GOAL:

Goal 5: Enhance Quality of Life

DOCUMENTS ATTACHMENTS:

[Resolution](#)

CITY OF ST. HELENA

RESOLUTION NO. 2024-

**APPROVING A PERMIT AUTHORIZING THE
POSSESSION OF OPEN ALCOHOLIC BEVERAGES
ON THE CLOSED PORTION OF ADAMS STREET FOR
THE RIANDA HOUSE CAR SHOW EVENT ON MAY 4,
2024.**

RECITALS

- A. Rianda House Senior Activity Center is planning the Rianda House Car Show to bring the community together for the purpose of raising awareness of the needs of older adults in the community and raising funds to support Rianda House's programs and services;
- B. City Council has previously approved the closure of Adams Street east of Library Lane to the dead end for this event;
- C. City Council has approved the operation of mobile food vendors on a portion of Library Lane for this event;
- D. 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;

RESOLUTION

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

- 1. The possession of open containers of alcohol is permitted on public streets and parking lots encompassed by this event.

Approved at a Regular Meeting of the St. Helena
City Council on April 09, 2024, by the following
vote:

Mayor Paul Dohring:	_____
Vice Mayor Eric Hall:	_____
Council Member Anna Chouteau:	_____
Council Member Patrick Kenealy	_____
Council Member Billy Summers:	_____

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor	Cindy
Tzafopoulos, City Clerk	



Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	April 9, 2024
FROM:	Eric Janzen, Assistant Public Works Director
SUBJECT:	Approval of second reading of Ordinance adding Chapter 18.01 to the St. Helena Municipal Code adopting the Vehicle Miles Traveled (VMT) metrics for new development.
RECOMMENDED ACTION:	Approval of a second reading by title only and waive further reading of the proposed ordinance.
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE PURPOSE:	To approve a new Chapter to Title 18 of the St. Helena Municipal Code adopting the Vehicle Miles Traveled (VMT) metrics for evaluating traffic impacts of new development and in compliance with California Senate Bill 743 (SB 743).
FINANCIAL IMPACT:	None.

BACKGROUND:

In 2013, Governor Jerry Brown signed SB 743, which both streamlined review for transit-oriented infill projects and directed the State Office of Planning and Research (OPR) to establish new practices and metrics to evaluate transportation impacts under the California Environmental Quality Act (CEQA). SB 743 requires that local agencies replace Level of Service (LOS) metrics—a measure of traffic flow—with Vehicle Miles Traveled (VMT) metrics for purposes of CEQA analysis. While SB 743 did not eliminate the ability of local agencies to continue using LOS as a planning metric in General Plans, it does shift perspective to a more sustainable transportation planning metric like VMT. The purpose of this change is to encourage infill development and help make non-automotive transportation faster, safer, and more reliable. In December 2018, OPR issued a Technical Advisory on Evaluating Transportation Impacts in CEQA, which includes recommendations for VMT assessment, thresholds of significance, and mitigation measures. St. Helena's TDM guideline supports the implementation of SB 743 and will help projects comply with State, regional and local VMT/GHG reduction efforts.

An approval of an introduction and first reading was held at the regular City Council meeting on March 26, 2024.

DISCUSSION:

Vehicle miles traveled (VMT) is a key metric for determining whether mobility and transportation related greenhouse gas (GHG) reduction goals are being achieved. It is defined as the total number of miles driven by a particular vehicle, or a particular group of vehicles, in relation to a particular activity, development project, geography, and/or timeframe. For example, if a person drives their car 10 miles every day for a year, their VMT for that year would be 10 times 365 or 3,650. The goal of these TDM measures is to help St. Helena achieve the VMT reduction goals set by the State and regional government, as well as those within St. Helena's General Plan.

What would the proposed new Chapter 18.01 accomplish if adopted?

The City would formally adopt Vehicle Miles Traveled (VMT) metrics for evaluating traffic impacts of new development in compliance with SB 743.

- Preserve the use of Level of Service (LOS) metrics for reviewing conformance with the General Plan on projects where VMT is not applicable.
- Establish new screening criteria by which projects with less than significant impact may be exempted from VMT evaluation.
- Establish and adopt a Traffic Demand Management Guideline which will provide developers with a list of mitigation measures that reduce VMT, are compatible with the General Plan and available as prescriptive means to reduce VMT impact(s) of their projects.
- Delegate authority to manage and enforce VMT requirements to the Director of Public Works.
Reserve Council authority to adopt, revise and rescind mitigation measures acceptable to the City.

ENVIRONMENTAL REVIEW: Exempt from CEQA pursuant to Section 15060(c)(3).

DOCUMENTS ATTACHMENTS:

[00 - St. Helena Ordinance creating Chapter 18.01](#)
[01 - EX A - DRAFT.VMT Ordinance clean 031524](#)
[02 - VMT White Paper - clean 031524](#)

ORDINANCE NO. _____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ST. HELENA ADDING A NEW CHAPTER 18.01 INTO THE ST. HELENA MUNICIPAL CODE ADOPTING VEHICLE MILES TRAVELED (VMT) METRICS IN THE CITY OF ST. HELENA

WHEREAS, in 2013, Governor Jerry Brown signed SB 743, to establish new practices and metrics to evaluate transportation impacts under the California Environmental Quality Act (CEQA).

WHEREAS, the City of St. Helena's (City) does not include these new practices and metrics in the St. Helena Municipal Code; and

WHEREAS, Title 18 of the City's Municipal Code regulates environmental regulations within the City; and

WHEREAS, the City Council desires to adopt Vehicle Miles Travelled metrics within the City as Chapter 18.01 of Title 18; and

WHEREAS, the City Council further desires to conform with the Governor's order to implement SB 743.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ST. HELENA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. This Ordinance incorporates, and by this reference makes a part hereof, the aforementioned recitals;

SECTION 2. Adoption of new Chapter 18.01. Chapter 18.01 of the City's Municipal Code is hereby created and stated in its entirety to read as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional. If for any reason

any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

SECTION 5. 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 _____, 2024, and was adopted at a regular meeting of the St. Helena City Council on the _____ day of _____, 2024, by the following vote:

Mayor Dohring:	_____
Vice Mayor Hall:	_____
Councilmember Chouteau:	_____
Councilmember Hardy:	_____
Councilmember Summers:	_____

APPROVED:

Paul Jamison Dohring, Mayor

ATTEST:

CITY OF ST. HELENA

Cindy Tzafoopoulos, 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 _____, 2024. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the _____ day of _____, 2024, by the following vote:

Mayor Dohring:	_____
Vice Mayor Hall:	_____
Councilmember Chouteau:	_____
Councilmember Hardy:	_____
Councilmember Summers:	_____

Exhibit A

St. Helena Municipal Code Chapter 12.08

[Attached behind this cover page]

- **18.01.010 - Purpose.**

The specific purposes of this Article are to promote maximum efficiency in the existing transportation system, and to further the transportation goals of the [St. Helena General Plan](#), [St. Helena Bicycle and Pedestrian Plan](#), the San Francisco Bay Area Clean Air Plan and reduce the production of Greenhouse gases by reducing total vehicle miles traveled (VMT), while enhancing access and expanding mobility by:

- A. Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours and telecommuting as alternatives to solo driving;
- B. Incorporating these objectives into the development review process;
- C. Developing proactive programs and/or projects either alone or in conjunction with other jurisdictions, the Napa County Transportation Authority (NVTa), and/or the Metropolitan Transportation Commission (MTC), to support countywide planning efforts;
- D. Considering the incorporation of appropriate technology designed to facilitate traffic flow, provide transit and highway information, provide trip generation alternatives, and incorporate related technology into the transportation system;
- E. Cooperating with other jurisdictions, the private sector, and transit operators in planning and implementing transportation programs;
- F. Promoting the more efficient utilization of existing transportation facilities and ensuring that new developments are designed in ways to maximize the potential for people and goods to arrive/depart by walking, cycling, riding public transportation, or traveling in a high occupancy vehicle; and
- G. Establishing an ongoing monitoring and enforcement program to ensure that the City's desired alternative mode use percentages are achieved.

- **18.01.020 - Applicability.**

The requirements of this Article apply to private development as described in this section:

- A. Residential projects where the projected home-based VMT per resident generated by the project is greater than 15 percent below the nine-county Bay Area regional average or citywide average home-based VMT per resident.
- B. Office/Employment projects where the home-based-work VMT per worker generated by the project is greater than 15 percent below the nine-county Bay Area regional average home-based-work VMT per worker.
- C. Retail and Other Land Use projects that result in a net increase in VMT.
- D. Any development projects that provides more parking than the minimum required by this code.
- E. Any development projects that are less than 0.75 FAR.
- F. Any development projects that are inconsistent with Plan Bay Area.
- G. Any development projects that replace affordable residential units with a smaller number of units and/or market rate units.

- H. Any development projects that are less dense than the existing use on the site to be developed.

18.01.030 - Performance Requirements.

- A. In order for projects subject to the requirements of this Article to have a less than significant impact on transportation under the California Environmental Quality Act (Public Resources Code §§21000 *et seq.*) ("CEQA") those projects will need to incorporate measures to reduce single-occupant vehicle trip generation rates 15 percent below the 9-county bay area regional average.
- B. Projects for which the standard VMT calculation methods are not representative of the proposed Use, may, with the approval of Director of Public Works, use Total Regional VMT, per Capita Metric or other method of determining VMT recommended by the Governor's Office of Planning and Research (OPR).

- **18.01.040 - Vehicle Miles Traveled calculation.**

All projects subject to the requirements of this Article shall calculate the project VMT using the Solano Napa Activity-Based Model. Retail projects greater than 10,000 square feet of floor area, and other commercial and industrial projects may use either the Solano Napa Activity-Based Model or the MTC Travel Model. Proponents of projects for which the standard VMT calculation methods are not representative of the proposed Use or projects within Industrial Zoned area can petition the Director of Public Works to use an alternate method of determining VMT recommended by the Governor's Office of Planning and Research. The Director of Public Works shall have discretion to permit the use of any alternate method(s).

- **18.01.050 – Exempted Projects.**

Projects meeting one or more of the following criteria are considered to have a less than significant impact on VMT and are exempted from the provisions of this chapter.

- A. Projects that are not subject to CEQA, as described in Cal. Code Regs. tit. 14 § 15060, or projects that are otherwise exempt from CEQA.
- B. Projects which consist exclusively of deed restricted affordable housing for low or moderate income households as defined by state law or local ordinance.
- C. Projects which consist exclusively of local-serving retail (grocery store, drug store, gym, etc.) or professional service providers licensed by the State of California (legal, medical, architectural, etc.) and not exceeding 10,000 square feet in floor area.
- D. Projects which consist exclusively of open space, publicly owned park and/or trailheads.

18.01.060 – Mitigation Measures.

- A. Projects subject to the requirements of this Article which are unable to meet the Performance Requirements defined in Section **18.01.030** and are not exempted under Section **18.01.050** may mitigate VMT by providing facilities that reduce VMT as part of their project.
- B. The City has identified certain mitigation measures which reduce VMT, are consistent with the goals of the General Plan and can be implemented with a wide variety of projects. These mitigation measures are provided in the St. Helena Transportation Demand Management (TDM) Guideline which shall be developed by the Director of Public Works and approved by City Council, and may be updated from time to time. Project proponents are not limited to the mitigation measures identified in the TDM Guideline. Alternate mitigation measures can be implemented by project proponents with the approval of the City Council. The City Council may, by resolution, revise the TDM Guideline and list of identified VMT mitigation measures.
- C. Projects proposing mitigation measures described herein may be required to include a LOS analysis in addition to CEQA VMT. The City retains a requirement to evaluate LOS within the local development review process to inform site access and traffic operation decisions as it relates to General Plan goals and policies.

18.01.070 – Alternative Mitigation Measures Procedure

Proponents of projects are not limited to only the mitigation measures listed in the St. Helena Transportation Demand Management (TDM) Guideline and may propose other VMT reducing methods. When proposing other VMT reducing methods, it shall be the responsibility of the project proponent to prepare a report demonstrating the credited effectiveness of the VMT reducing method and quantify the reduction of VMT as a percentage of the nine-county Bay Area regional average. The report shall be prepared, signed and stamped by a Civil Engineer licensed in the State of California and experienced in Traffic Engineering. Calculation methods shall rely on the models described in Section **18.01.040** and be subject to the provisions therein.

Credited effectiveness of alternate VMT mitigation measures shall be quantified using the California Air Pollution Control Officers Association (CAPCOA) guidelines or other VMT references recommended by the California Governor's Office of Planning and Research (OPR).

18.01.080 - Submittal Requirements.

All projects subject to the requirements of this Article shall submit a transportation demand management plan in conjunction with the development application. These plans must demonstrate whether, upon implementation, they will achieve the performance requirement and shall include the following.

- A. **Mitigation Measures List.** A completed list of the trip reduction measure(s) chosen by the applicant pursuant to the St. Helena TDM Guideline or alternate mitigation measure(s) approved by the City Council.
- B. **Trip Generation.** Estimated daily trip generation for the proposed use based on the Solano Napa Activity-Based Model or the MTC Travel Model.

- C. **Implementation Plan.** A description of how the performance requirements will be achieved and maintained over the life of the project.
- D. **Project-Designated TDM Contact.** When utilizing VMT mitigation measures that require the use of public facilities, public transportation, are located on public land or require ongoing commitment(s) in order meet the requirements of this chapter, the applicant shall designate an employee or resident as the official contact for the transportation demand management (TDM) program.
- E. **Site Plan.** A site plan that designates transportation demand management design elements including, as applicable, the location and layout/design of:
 - 1. *External:* preferential parking areas, paid parking areas, bicycle connections, bicycle parking, location of on-site amenities, passenger loading areas, land dedicated for transit facilities and bus shelters, direct route to transit, and pedestrian connections.
 - 2. *Internal:* showers/lockers, information boards/kiosks, ATM, dry cleaners, day care, convenience retail, post office, cafeteria, limited food service establishment, exercise facilities, and on-site transit pass sales.

18.01.090 - Monitoring and Reporting.

The City may require proponents of projects to provide an annual report when utilizing VMT mitigation measures that require the use of public facilities, public transportation, are located on public land, or require ongoing commitment(s) in order meet the requirements of this chapter. The report shall document the TDM activities undertaken, their results and an affidavit confirming that the requirements of this Section have been met. This report shall be submitted to the Director of Public Works no later than June 30 of each year following the issuance of the Certificate to Occupy. If the annual report shows compliance for three consecutive years, no further annual reports are required. If the VMT mitigation measures consist of solely measures that would be performed once, this report must be submitted at the completion of the implementation of those measures and no additional reporting is required.

The City may require a project proponent to perform a five-year review to evaluate the overall effectiveness of all VMT mitigation measures implemented on the project. The City may suggest new or modified activities or substitute activities to meet the program's objectives. The City may impose reasonable changes or extend the reporting period to assure the program's objectives will be met.



St. Helena Transportation Demand Management (TDM) Guideline

In 2013, Governor Jerry Brown signed SB 743, which both streamlined review for transit-oriented infill projects and directed the State Office of Planning and Research (OPR) to establish new practices and metrics to evaluate transportation impacts under the California Environmental Quality Act (CEQA). SB 743 requires that local agencies replace Level of Service (LOS) metrics—a measure of traffic flow—with Vehicle Miles Traveled (VMT) metrics for purposes of CEQA analysis. While SB 743 did not eliminate the ability of local agencies to continue using LOS as a planning metric in General Plans, it does shift perspective to a more sustainable transportation planning metric like VMT. The purpose of this shift is to encourage infill development and to help make non-automotive transportation faster, safer, and more reliable. In December 2018, OPR issued a Technical Advisory on Evaluating Transportation Impacts in CEQA, which includes recommendations for VMT assessment, thresholds of significance, and mitigation measures. St. Helena's Transportation Demand Management (TDM) guideline supports the implementation of SB 743 and will help projects comply with State, regional and local VMT/GHG reduction efforts.

Vehicle Miles Traveled

Vehicle miles traveled (VMT) is a key metric for determining whether mobility and transportation related greenhouse gas (GHG) reduction goals are being achieved. It is defined as the total number of miles driven by a particular vehicle, or a particular group of vehicles, in relation to a particular activity, development project, geography, and/or timeframe. For example, if a person drives their car 10 miles every day for a year, their VMT for that year would be 10 times 365 or 3,650. The goal of these TDM measures is to help St. Helena achieve the VMT reduction goals set by the State and regional government, as well as those within St. Helena's General Plan.

VMT can also be calculated for a particular project or geographic area; however, in those cases the calculations become more complicated. If someone from St. Helena drives to visit their friend in City of Napa, their round-trip will begin and end in those two cities, but they will also cross through other places to get there. Although more complex approaches could be used, current methods assign half of the resulting VMT to each city (the origin and the destination). Building on these concepts, State and regional government have developed methods for assessing the VMT of specific cities and projects. Since higher VMT directly corresponds with increased congestion, air pollution, and GHG emissions, these agencies have also established goals and policies to reduce VMT. Among these policies is the recent switch from evaluating environmental impacts based on measures of traffic flow or delay to using VMT to evaluate those impacts.



VMT Goals in St. Helena

The City of St. Helena's Transportation Demand Management (TDM) Program is intended to help address the transportation-related impacts of new development by requiring projects to provide features and amenities that will foster a better pedestrian/bicycle environment, support public transit, and make it easier and more appealing for residents, employees, and visitors to use alternatives to driving or driving alone.

Unless exempt, projects are required to calculate the anticipated VMT for the development with the intent of implementing measures that reduce the VMT generated by the project to less than 15 percent below the nine-county Bay Area regional average for similar projects (the "baseline VMT"). Information on how to calculate the baseline VMT for St. Helena, Napa County and the "nine-county Bay Area average" is available in the SOLANO NAPA ACTIVITY BASED MODEL (SNABM).

Applicable to most projects: [SOLANO NAPA ACTIVITY BASED MODEL \(SNABM\)](#)

Applicable to most large projects: [MTC VMT Screening Map](#)

Projects which do not achieve the baseline VMT may implement VMT mitigation measures. The City has identified several VMT mitigation measures that owners/developers may use to achieve the VMT reduction goals. The efficacy of these mitigation measures must be evaluated as part of the CEQA analysis conducted for each individual project.

All proposed development projects must demonstrate compliance with the City's TDM program by submitting a VMT report as part of their application for development entitlements. The report shall be prepared by a Civil Engineer with experience in traffic engineering and licensed in the State of California. VMT submissions will be subject to initial review by the Department of Public Works (DPW) and will be incorporated into the CEQA analysis conducted for the project. See links above regarding the TDM Report/Guidebook, Program Informational Summary, and Project TDM Measures Form.

VMT Mitigation Measures List

The following prescriptive list of VMT mitigation measures are acceptable methods of reducing VMT for a development within the City of St. Helena.

Project proponents are not limited to the mitigation measures identified in this TDM Guideline. Alternate mitigation measures may be implemented by project proponents with the approval of the City Council.

- A. Passenger Loading Zones. Passenger loading zones for carpool and vanpool drop-off located near the main building entrance.
- B. Pedestrian Connections and Network Improvements. Safe, convenient pedestrian connections provided from the project to surrounding public streets and, if applicable, trails.
- C. Bicycle Connections and Low-Stress Bicycle Facilities. If a site is abutting a bicycle path, lane or route, provision of a bicycle connection close to an entrance to the building on the site. Traffic calming that reduces vehicle speeds and volumes to reduce stress on bicyclists.





D. Land Dedication for Transit/Bus Shelter. Where appropriate and with approval by Napa Valley Transportation Authority (NVTa), land dedicated for transit or a bus shelter provided based on the proximity to a transit route

E. Long-Term Bicycle Parking. Covered and secure long-term bicycle parking located within 75 feet of a main entrance. Long-term bicycle parking must be in at least one of the following facilities:

1. An enclosed bicycle locker;
2. A fenced, covered, locked or guarded bicycle storage area; or
3. A rack or stand inside a building that is within view of an attendant or security guard or visible from employee work areas.



F. Short-Term Bicycle Parking. Secure short-term bicycle parking located within 50 feet of a main entrance to the building.

G. Showers/Clothes Lockers. Shower and clothes locker facilities free of charge.

H. On-Site Amenities. One or more of the following amenities provided on site: day care, cafeteria, limited food service establishment, self-serve laundry, dry cleaners, exercise facilities, convenience retail, post office, or on-site transit pass sales.

I. Telecommuting. Pre-wire high-speed internet connectivity to all tenant spaces to provide opportunities and the ability for employees to work off site. High-speed internet infrastructure shall be of sufficient bandwidth to support video conferencing/streaming for all tenant spaces proposed by the project.





Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Public Works

DATE:	April 9, 2024
FROM:	Rebecca White, Administrative Assistant
SUBJECT:	Consideration of a Resolution to set a Public Hearing for 6:00 p.m. Tuesday, May 14, 2024, to consider objections to the proposed annexation of the property known as 2126 Madrona Avenue, St. Helena, CA (APN 009-470-010), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 149.
RECOMMENDED ACTION:	It is recommended City Council approve the Resolution and set a Public Hearing for May 14, 2024 to consider objections to the proposed annexation of the property known as 2126 Madrona Ave (APN 009-470-010), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 149.
PREVIOUS COUNCIL ACTION:	None.
STATEMENT OF THE PURPOSE:	Consideration of a resolution to set a public hearing to consider objections to the proposed annexation into the St. Helena Municipal Sewer District No. 1.
FINANCIAL IMPACT:	None.

BACKGROUND:

Any property that wishes to connect and utilize the sanitary sewer system in the City of St. Helena must be annexed into the Municipal Sewer District No. 1. All applications for annexations shall be approved by the City Council pursuant to the requirements of state law (SHMC § 13.20.040). State law details the requirements for special district annexations in Health and Safety Code Section 4600. City Council Approval of the annexation is the formal administrative process to change the property's tax rate area code from septic to sanitary sewer.

The process for a property to be annexed requires that a resolution be adopted ordering a public hearing by an affirmative vote of at least two-thirds of all the members of the City Council (HSC § 4643). The resolution is required to contain the following information and finding:

- (a) Describe the boundaries of the territory proposed to be annexed.
- (b) Designate the proposed annexation by an appropriate number.
- (c) Declare that the area to be annexed to the district will be benefited by such annexation.

(d) Name the time and place for the hearing of objections by any person interested in the proposed annexation, to the inclusion in the district of any land described in the resolution.

Once adopted, the resolution, together with the names of the members of the City Council voting for and against it, must be published for two successive weeks in a newspaper of general circulation and published in the City. The first publication shall not be more than 60 days nor less than 30 days prior to the date fixed for the hearing. Additionally, copies of the resolution shall also be posted in three public places within the area to be annexed not earlier than the 60th day or later than the 30th day prior to the hearing. Similarly, a copy of the resolution shall also be mailed, postage prepaid, to each person to whom land in the area to be annexed is assessed as such owner is shown on the last equalized county assessment roll, at the address as shown upon the roll, and to each person who has any interest in any land within the area to be annexed whose name and address and a designation of the land in which they are interested is on file in the office of the City Clerk.

At the time established for the public hearing, the City Council will hear and consider any objections to the annexation and exclude any territory which in the Council's opinion will not be benefited by the annexation. After making changes to the boundaries of the area to be annexed, if any, the City Council may then adopt a resolution approving the annexation of the property into the District, which will also require at least four affirmative votes. Upon a determination by the Council that the property will be benefited by the annexation; certified copies of the resolution will then be recorded and filed in the manner and with the same force and effect as provided in Section 4613. Upon recordation of the resolution, the property annexed becomes a part of the District and is subject to all the liabilities and entitled to all the benefits of the District. If the City Council approves the resolution following the public hearing on May 14, 2024, City staff will then process the annexation with Napa County and the State Board of Equalization to change the tax rate area code for the property. Staff will work with the applicant to collect outstanding fees and obtain required encroachment and building permits.

DISCUSSION:

The City of St. Helena Public Works has received annexation applications from the following parties:

2021 JKB Generation Skipping TR, owner of 2126 Madrona Ave, St. Helena, CA (APN 009-047-010), has applied to be annexed into the St. Helena Municipal Sewer District No. 1 ("District"), MSD Annexation No. 149.

The application fees have been collected. The location map for the property is attached. Staff request City Council to consider the applicant's annexation request and order a public hearing to be scheduled for May 14, 2024.

ENVIRONMENTAL REVIEW:

Annexations to the District provide access to the City's sanitary sewer and wastewater treatment facilities. The City is agreeable to the abandonment of the onsite wastewater treatment system (septic system).

GOAL:

Goal 2: Improve Infrastructure & Further Environmental Sustainability

Goal 3: Pursue Water Security & Sustainable Management of Water Resources

Goal 5: Enhance Quality of Life

DOCUMENTS ATTACHMENTS:

[Resolution](#)

[Exhibit A - 2126 Madrona Parcel Map](#)

[2126 Madrona Application](#)

CITY OF ST. HELENA

RESOLUTION No. 2024-

Consideration of a Resolution to set a Public Hearing for 6:00 p.m., Tuesday, May 14, 2024, to consider objections to the proposed annexation of the property known as 2126 Madrona Avenue, St. Helena, CA (APN 009-470-010), into the St. Helena Municipal Sewer District No. 1, MSD Annexation No. 149.

RECITALS

- A. The owner of 2126 Madrona Avenue, St Helena, CA (APN 009-470-010) has requested annexation into the St. Helena Municipal Sewer District No. 1 ("District"), MSD Annexation No. 149; and
- B. The legal boundary for the property to be annexed is provided in Exhibit A.

RESOLUTION

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

- 1. The City Council declares that the areas to be annexed to the district will be benefited by such annexation; and
- 2. A hearing to consider any objection to the proposed annexation of the properties into the City of St. Helena Municipal Sewer District No. 1 is hereby set for Tuesday, May 14, 2024, commencing at 6:00 PM or soon thereafter as the matter can be heard, at the Vintage Hall Board Room, 465 Main Street, St. Helena, California; and
- 3. The City Clerk shall cause a certified copy of this resolution, together with the names of the members of the City Council voting for and against it, to be published once a week for two successive weeks in a newspaper of general circulation in accordance with Health and Safety Code Section 4610; and
- 4. The City Clerk shall cause a certified copy of this resolution to be posted in three public places within the area to be annexed in accordance with Health and Safety Code Section 4610; and
- 5. The City Clerk shall cause a certified copy of this resolution to be mailed to each person to whom land in the area to be annexed as shown on the last county assessment roll in accordance with Health and Safety Code Section 4610.

Approved at a Regular Meeting of the St. Helena City Council on April 9, 2024 by the following vote:

Mayor Dohring:	_____
Vice Mayor Hall:	_____
Councilmember Chouteau:	_____
Councilmember Kenealy:	_____
Councilmember Summers:	_____

APPROVED:

ATTEST:

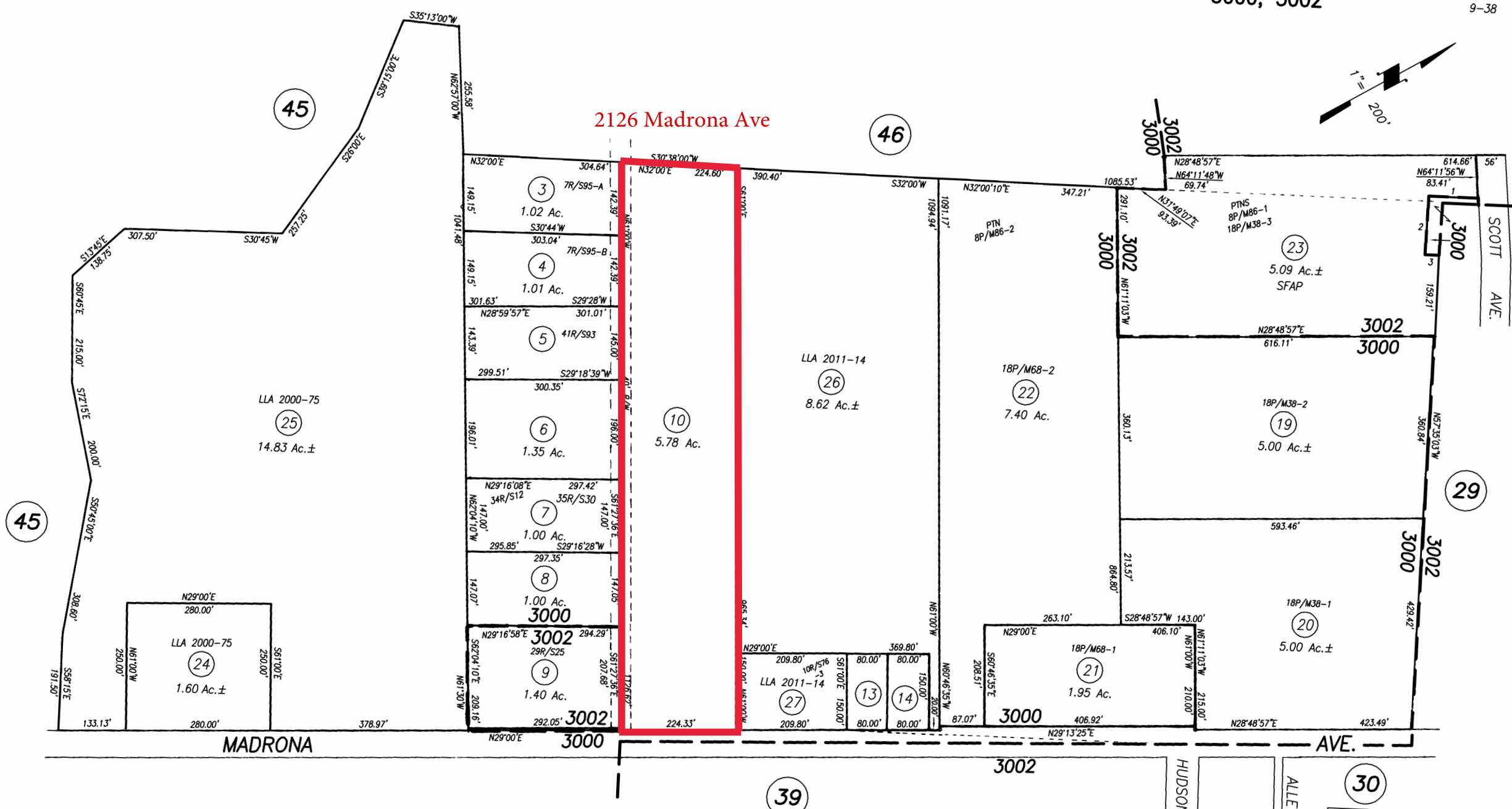
Paul Jamison Dohring, Mayor

Cindy Tzaopoulos, City Clerk

COUNTY ASSESSOR'S PARCEL MAP
PTN. RANCHO CARNE HUMANA

Tax Area Code
3000, 3002

9-47
9-38



NOTE: This Map Was Prepared For
Assessment Purposes Only , No
Liability Is Assumed For The
Accuracy Of The Data Delineated
Hereon.

1.	S31°52'00"W	95.22'
2.	S57°35'03"E	119.22'
3.	N28°22'40"E	20.05'

6-3-94	
470-24 & 25 LLA	6-14-01
470-07 RS	8-1-01
470-07 RS	2-25-03
470-26 & 27 LLA	7-8-11
470-05 RS	11-28-12
REVISION	DATE



CITY OF ST. HELENA

DEPARTMENT OF PUBLIC WORKS

1088 COLLEGE AVENUE
ST. HELENA, CA.
94574
707-968-2658

Sewer Annexation and/or Connection Application Packet and Instructions

The City of St. Helena Municipal Sewer District No. 1 is considered a “community sanitary sewer” which is a sanitary sewer system owned and operated by the City of St. Helena. The municipal sewer district is not defined by a geographical boundary or city limit line it is simply those properties that are connected to the public system and are considered users of the system. A property located within the city limits does not necessarily imply that the property has been annexed to the sewer district. A Tax Rate Area (TRA) on the Assessor’s Tax Roll will indicate if the property is in or out of the district. A TRA 3002 indicates the property is located within the sewer district, a TRA 3000 indicates it is not part of the sewer district.

Any project, property or person wishing to connect the municipal sewer district and become a user of the system is required to be annexed into the district if the property generating the wastewater is not already a part of the district as indicated by TRA 3000.

Procedures for Annexation into the Municipal Sewer District No. 1 are as follows:

1. To process the application process **ALL** of the following items must be completed and submitted to the St. Helena Public Works Director:
 - Application
 - St. Helena Application Fee, Process Fee and Connection Fee
 - Board of Equalization (BOE): Statement of Boundary Change Form
 - Board of Equalization Fee

For more information of the BOE requirements please visit:
<https://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf> and
<https://www.boe.ca.gov/proptaxes/pdf/400ta.pdf>

 - Napa County Mapping Flat Fee
2. Upon receipt of the application forms and appropriate fees, staff will review packet and determine if the proposed application meets the annexation requirements, and notify the applicant of determination.
3. Complete application meeting all annexation requirements will then be submitted for City Council review.
 - If the annexation is **denied** by City Council, applicant shall be refunded the State Board of Equalization Fee and the Napa County Mapping Fee.
 - If the annexation is **approved** by City Council, the applicant shall submit a written geographic description of the project area and map (both hard copy and digital format) depicting the projected area prepared by a Licensed Land Surveyor per BOE guidelines.
4. Upon receipt of the required geographic description of the project area and map, staff will prepare and submit the required information and fees to the State Board of Equalization and Napa County.

Updated 11/2023



5. Prior to user physically connecting to the City’s sewer system:
- Staff shall confirm with the applicant that the annexation proceedings are complete and all fees have been paid
 - Prior to backfill of the trench at the connection point both Building and Public Works Staff will inspect applicable work and connections before final approval is given to applicant

FY 2023/2024	
City Sewer Annexation Fees (Resolution 2012-21)	
Sewer Connection Application Fee	\$800
Annexation Process	\$2,300
Connection Fee Inspection	\$450
City Sewer Impact Fees (per habitable square foot) Municipal Code § 3.32.080	
Single Family Residential	\$.45
Multi-family Residential	\$.66
Office	\$.44
Industrial	\$.59
Commercial/Retail	\$.88
Lodging	\$.87
$\$(\text{type of building}) \times (\text{Habitable SF}) = \text{Sewer Impact Fee}$	
State Board of Equalization (BOE) Fee (Acreage Per Single Annexation)	
Less than 1 acre	\$300
1.00 – 5.99 (most St. Helena properties)	\$350
6.00 – 10.99	\$500
11.00 – 20.99	\$800
21.00 – 50.99	\$1,200
51.00 – 100.99	\$1,500
Greater than 101 acres	Refer to BOE
Napa County Mapping Flat Fee	\$162
TOTAL TO BE PAID WITH APPLICATION SUBMITTAL	\$ _____

Additional Costs	
Construction cost of sewer line from curb to home	Home owner pays independently
Cost to abandon the existing septic system	Home owner pays independently
Geographic description/map by licensed surveyor	Home owner pays independently
Monthly Sewer Service	Home owner pays independently

If you have additional questions please contact the Public Works Department at 707-968-2658.



CITY OF ST. HELENA
DEPARTMENT OF PUBLIC WORKS
1088 COLLEGE AVENUE, ST. HELENA, CA. 94574
707- 968-2658

Application for Sewer Annexation and/or Connection

APPLICANT INFORMATION			
Applicant(s) Name Mike Hubbard		Phone 707-266-2992	
Applicant(s) Street Address 8463 Mercer Way		City Mercer Island	State WA
Property Owner Name 2021 JKB Generation Skipping TR, c/o Mike Hubbard, Trustee		Zip 98040	
Phone			
PROPERTY INFORMATION			
Property Address seeking sewer annexation 2126 Madrona Ave		City Saint Helena	State CA
Zip 94574		Assessor's Parcel No (APN) 009-470-010	
Dwelling Square Footage		Existing Land Use	
Subsequent Development Plans, if any, and Timing New residential construction starting spring of 2024.			
REQUIRED SIGNATURE			
I hereby certify that this application and all other documents submitted are true and correct to the best of my knowledge and belief. I also certify that I am the owner of the above property and have full legal rights to the property.			
Property Owner Signature 		Date 3.11.24	
**** FOR OFFICE USE ONLY ****			
Application Received By		Date Application Received	
Present Zoning		General Plan Designation	
Application Checklist		Date Completed	
St. Helena Application for Sewer Annexation		Sewer Connection Application Fee (St. Helena)	
Statement of Boundary Change Application: BOE		Annexation Process (St. Helena)	
Fees submitted		Connection Fee Inspection (St. Helena)	
Staff Report/Resolution Drafted		Sewer Impact Fee (St. Helena)	
City Council Approved		State Board of Equalization (BOE) Fee	
Legal Description and Map		Napa County Mapping Flat Fee	
Confirm Tax Area Rate		Total Due at Application	
Submission to BOE		Sewer Impact Fee: \$ _____ * X _____ (Habitable SF)	
Submission to Napa County Auditor		(18/19) *PER SF \$.51 SFR \$.77 MFR \$.51 Office \$.69 Industrial \$1.02 Com/Retail \$1.01 Lodging	
Submission to Napa County Assessor's office		Total Collected with Application	
Napa County Tax Rate Area Change Received		Pending Amount Due	
Grading Permits Approved		Fees to other agencies:	
Encroachment Permits Approved		State Board of Equalization Fee (Check # _____)	
Finance Notified		Napa County Mapping Flat Fee (Check # _____)	
Date Service Began		\$162.00	

Please note there may be additional Building Department fees due for final hookup.
Contact the City of St Helena Building Department at 707.967.2779 with questions.

Updated 11/2023



Agenda Report to the City Council

Agenda Section: CONSENT ITEMS

Department: Human Resources

DATE:	April 9, 2024
FROM:	April Mitts, Assistant City Manager, Mandy Kellogg, Administrative Services Director
SUBJECT:	Consideration and proposed approval of a resolution: (1) Duly approving and adopting a publicly available pay schedule in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes a revised salary schedules for the Mid-Managers and the Executive Staff, and (2) Approving reclassifications for three positions and updating the Mid-Manager and Executive Unrepresented Compensation Program (14th Amendment) to reflect this change per Council direction to create a new Community Services Department.
RECOMMENDED ACTION:	Approve the attached resolution.
PREVIOUS COUNCIL ACTION:	March 26, 2024 - City Council directed staff to move forward with the formation of a new department with oversight of Library, Parks & Recreation, Grants, Arts & Culture, and Community Engagement.
STATEMENT OF THE PURPOSE:	To establish the pay schedule and reclassification of positions necessary for the formation of the new department.
FINANCIAL IMPACT:	The total fiscal impact is estimated at \$25,146 annually, however no budget adjustment is required for FY24 as the additional expense can be absorbed in the existing budget as a result of salary savings from a vacant position and the required timing to fill the position.

BACKGROUND:

In accordance with City Council *Goal 5: Enhance Quality of Life: Goal 6: Improve Employee Recruitment, Retention, and Morale*, and *Goal 7: Enhance Organizational Effectiveness & Service Delivery* staff has actively been working on a number of objectives to meet these goals.

On March 26, 2024, City staff made a presentation to City Council on the recommended formation of a new umbrella department with oversight of Arts, Culture, Library, Parks & Recreation, Grants, and Community Engagement. This recommendation was based on Council direction with the overarching goal to enhance the quality and scope of services to the St. Helena community.

At this meeting the City Council unanimously supported moving forward with the development of this new department.

Because this concept is new to our community and is a change from how things have been done in the past, the following is a brief recap of the information presented on March 26, 2024, regarding the recommended structure, the function of each division, the desired outcomes, implementation plan, and evaluation process.

Structure

The creation of a new department does not increase the total number of positions, but will reclassify current positions (as noted below) and will have the following structure:

1. Will be managed by the incumbent Parks & Recreation Director with an updated title based on new functions.
2. Will temporarily be called Community Services (which is common term in most cities and how the two departments have been represented in the City's budget since at least 1995).
3. Library Director position will be reclassified as a properly credentialed Deputy Director of Community Services - Library.
4. The Deputy Director of Community Services - Library and Recreation Manager* will report directly to the Director of the newly formed department.

**The Recreation Manager was a previous and separate reorganization decision unrelated to the creation of the new department.*

Functions of Each Division will Remain in Tact

As stated at the March 26, 2024 meeting, and cannot be reiterated enough, both the Library and Parks & Recreation function very well and are both beloved in the community under the current model. Even with the formation of the new department, each division (Library and Parks & Recreation) will continue to function independently with its own budget and own staff, but will report to one single department director. Any donations received through the charitable giving of the community directly to the Library Friends & Foundation, or through the Parks, Recreation, and Culture Foundation, will continue to be placed in separate fund accounts, as directed by the donor, and used only for the charitable purposes designated by the donor.

Desired Outcomes

While each division will continue to function independently, there are many desired outcomes including, but not limited to:

- Broaden the scope and quality of our services.
- Become a broad and inclusive department to generate better programming across functions.
- Generate robust and creative programming.
- Offer enhanced, refreshed, and expanded programming.
- Be places where community service projects can be organized collaboratively.

- Increase coordination and communication between functional areas and the community.
- Reduce isolation of outward facing service functions.
- Achieve cross promotion of programs and activities.
- Be innovative in programs offered and demographics served.
- Be a place where arts and culture can be highlighted.
- Create more community engagement.
- Provide an opportunity for employee growth, succession, and retention.
- Partner together in areas such as:
 - Physical Space (Library, Head Start Building, Carnegie Building, Parks, Opens Space and Trails, etc.)
 - Joint programming collaborations
 - Information and resource collaborations in areas such as:
 - Arts & Culture
 - Communications
- Modernize operating model.
- Enhance civic services.

Implementation

Implementation will not occur overnight and will take time. The bullet points below provide a summary of the initial implementation, which will continue to be expanded upon with additional feedback from stakeholders.

- Initial Steps
 - Day-to-day operations remain the same.
 - Explore opportunities for creativity and collaboration.
 - Keep current service delivery model intact.
- Discovery Phase
 - Meet with staff.
 - Meet with Boards, Commissions, and Foundations.
 - Meet with users.
- Personnel and Development
 - Launch recruitment for a highly skilled Deputy Director - Library.
 - Professional development and department visioning.
 - Review, requests, and implementation process of budgeting for each division.
- Collaboration on all Levels
 - Joint meetings with Parks & Recreation Commission and Library Board.
 - Cross-training amongst staff to gain understanding of different divisions.

Evaluation

During the implementation phase, staff will also work on a process to evaluate the success of this new department. It is anticipated the evaluation process will be expanded once additional feedback is received from the various stakeholders.

- Data
 - Number of visitors, registrations, programs, etc.

- Community Response
 - Needs/satisfaction surveys
 - Stakeholder discussions
 - Customer testimonials
 - Board & Commission feedback
- Creative Metrics
 - Collaborations
 - New endeavors
 - Outreach impacts
 - Community support
- Fundraising Tracking
 - Friends & Foundation
 - Parks, Recreation, and Culture Foundation
- Joint Workplan and Evaluation Methodology
 - Include both staff workgroups
 - Joint meeting with Parks and Recreation Commission and Library Board

DISCUSSION:

On March 26, 2024, City Council directed staff to move forward with the creation of a new department that will oversee Library, Parks & Recreation, Grants, Arts & Culture, and Community Engagement.

In addition to the functions of the Library and Parks & Recreation divisions, as noted in the Background section, the new department will oversee grant research, grant application development, communications, and community engagement. The functions of Arts, Culture, Grants and Community Engagement are being called out and identified as responsibility areas under the new department to underscore the importance of each of them. No additional staff are needed for these functions; however, resources will be shifted from the City Manager's office to this new department as detailed below.

Grants

City Council *Goal 1: Strengthen Financial Resilience* includes actively seeking grant opportunities. Researching and writing of grants is shared between departments, depending on the nature of the grant. Over the past 5 years, the City has secured over \$9.8 million in grant funding. The City's executive team suggested the hire of a Grants Coordinator, but instead we hope to use an internal employee for this purpose. The process of researching and applying for grants is labor intensive. Once a grant is identified, staff must research the grant requirements, determine if the City qualifies for the grant, and compile the necessary data to complete the grant application. It is common this alone can take 40+ hours of staff time per application and the City does not currently have a dedicated staff member to complete this function. With other priorities in each of the departments and working to achieve Council Goals, it is becoming increasingly more difficult to devote the time to do this critically important work.

In an effort to continue and aggressively seek grant funding, the function of researching and writing grants will be assigned to this new department. Technical expertise will still be required from individual departments and from the Finance Division of the Administrative Services Department, but this change is meant to dedicate specific resources to the process for the research and writing necessary for each grant application. The tracking and administration of the grants will continue to be maintained by the Finance Division.

Communications/Community Engagement

Over the past year, the City has been increasing its communications both internally and externally to meet City Council *Goal 4: Provide Effective Community Information & Opportunities for Engagement*. While individual departments have been working towards this goal the increased communication efforts have largely been led by Dave Jahns, Parks & Recreation Director and Andrew Bradley, Assistant to the City Manager. Examples of recent efforts include, but are not limited to:

- Development of a Communications Plan
- Launch of the City's New Website
- Regular Community Newsletters
- Increased Press Releases
- Community Presentations
- Informational Videos
- Community Academy

To ensure that the necessary resources are allocated for both grant research/writing and communications/community engagement, one Assistant to the City Manager position is being moved to the new department and being reclassified to a Program Manager classification.

Staff Recommendation

To move forward with the establishment of the new department and its subsequent functions, it is necessary to establish and adopt pay schedules for the Director position, the Deputy Director position, and the Program Manager position, approve the reallocation of positions, update the Mid-Manager and Executive Unrepresented Compensation Program to reflect this change, and approve the anticipated budget increase. These changes are further noted below.

Table 1

Position Classification		Annual Costs	
Current Title	New Title	Current	New
Parks & Recreation Director	Director of Community Services	247,232	257,478
Library Director	Deputy Director - Library*, **	227,354	234,506
Assistant to the City Manager	Program Manager*, ***	160,487	168,235

Cost Difference	25,146
------------------------	---------------

*Annual costs assume top step

**Annual costs assume Anthem, full family benefits - actual amounts will be dependent on new hire

***Effective date of 5/1/24

ENVIRONMENTAL REVIEW: None.

GOAL:

Goal 5: Enhance Quality of Life

Goal 6: Improve Employee Recruitment, Retention, & Morale

Goal 7: Enhance Organizational Effectiveness

DOCUMENTS ATTACHMENTS:

[Resolution Community Services Reclassification of Positions](#)

[Exhibit A FY23-24 Mid Management Salary Schedule Effective 2023.04.09](#)

[Exhibit B FY23-24 Executive Salary Schedule Effective 2023.04.09](#)

[Exhibit C Fourteenth Amendment Unrepresented Comp Program 2024-04-09 Redline Version](#)

**CITY OF ST. HELENA
RESOLUTION NO. 2024-**

Approval of a Resolution (1) Duly adopting and approving publicly available pay schedule in accordance with the requirement of California Code of Regulations, Title 2, Section 570.5, which includes a revised salary schedules for the Mid-Managers and the Executive Staff and (2) Approving reclassifications for three positions and updating the Mid-Manager and Executive Unrepresented Compensation Program (14th Amendment) to reflect this change.

RECITALS

- A. On March 26, 2024, City staff made a presentation to City Council on the recommended formation of a new umbrella department with oversight of Arts, Culture, Library, Parks & Recreation, Grants, and Community Engagement; and
- B. This recommendation was based on Council direction with the overarching goal to enhance the quality and scope of services to the St. Helena community; and
- C. On March 26, 2024, City Council directed staff to move forward with the creation of a new department that will oversee Library, Parks & Recreation, Grants, Arts & Culture, and Community Engagement; and
- D. This action will include reclassifying the existing Parks & Recreation Director classification to a Community Services Director and the existing Library Director to a Deputy Community Services Director – Library classification; and
- E. To ensure that the necessary resources are allocated for both grant research/writing and communications/community engagement, one Assistant to the City Manager position is being moved to the new department and being reclassified to a Program Manager
- F. In addition to the functions of the Library and Parks & Recreation divisions, as noted in the Background section, the new department will oversee grant research, grant application development, communications, and community engagement; and
- G. The City of St. Helena contracts with the California Public Employee Retirement System (“CalPERS”) to provide retirement benefits for its employees; and
- H. Pursuant to California Code of Regulations, Title 2, Section 570.5, CalPERS requires governing bodies of local agencies contracting with CalPERS to approve

and adopt a publicly available pay schedule in accordance with public meeting laws; and

- I. On April 9, 2024, via this resolution City Council is ratifying an amendment to the three-year agreement to the Unrepresented Compensation Program to include the addition of the Director of Community Services, Deputy Director of Community Services – Library, and Program Manager; and
- J. Staff updated the pay scale with an effective date of April 9, 2024.

RESOLUTION

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

1. The Council hereby approves the addition of a Director of Community Services classification and establish a salary range of \$160,113 – \$194,619; and
2. The addition of a Deputy Director of Community Services – Library classification and establish a salary range of \$136,260 – \$165,625; and
3. The addition of a Program Manager classification and establish a salary range of \$123,299 – \$149,786; and
4. That the City of St. Helena Publicly Available Salary Schedule which includes a revised salary schedule to include the Director of Community Services, Deputy Director of Community Services – Library, and Program Manager classifications included in the Unrepresented Compensation Program and contained in Exhibit C, is hereby approved and adopted in accordance with the requirements of California Code of Regulations, Title 2, Section 570.5; and
5. That the revised City of St. Helena Publicly Available Salary Schedule makes no changes to the salary schedules for other classifications; and
6. That the City of St. Helena Publicly Available Salary Schedule will be posted on the City's website and will be made available for public inspection for not less than five years; and
7. Approves Amendment #14 to the Unrepresented Compensation Program to include the Director of Community Services, Deputy Director of Community Services – Library, and Program Manager classifications.

Approved at a regular meeting of the St. Helena City Council on April 9, 2024 by the following vote:

Mayor Dohring: _____

Vice Mayor Hall: _____

Councilmember Chouteau: _____

Councilmember Kenealy: _____

Councilmember Summers: _____

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor

Cindy Tzaopoulos, City Clerk

EXHIBIT A



CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE
Mid-Management Exempt

Effective April 9, 2024

FY 2023-2024

Classification	Timebase*	Steps				
		A	B	C	D	E
Management Analyst	Annual	91,739	96,326	101,142	106,199	111,509
	Monthly	7,645	8,027	8,429	8,850	9,292
	Hourly	44.11	46.31	48.63	51.06	53.61
Senior Management Analyst	Annual	100,315	105,330	110,597	116,127	121,933
	Monthly	8,360	8,778	9,216	9,677	10,161
	Hourly	48.23	50.64	53.17	55.83	58.62
Public Works Assistant Operations Manager	Annual	107,041	112,393	118,013	123,913	130,109
	Monthly	8,920	9,366	9,834	10,326	10,842
	Hourly	51.46	54.04	56.74	59.57	62.55
Recreation Manager	Annual	107,810	113,201	118,861	124,804	131,044
	Monthly	8,984	9,433	9,905	10,400	10,920
	Hourly	51.83	54.42	57.14	60.00	63.00
Senior Planner	Annual	118,634	124,566	130,794	137,334	144,200
	Monthly	9,886	10,380	10,899	11,444	12,017
	Hourly	57.04	59.89	62.88	66.03	69.33
Project Manager	Annual	118,634	124,566	130,794	137,334	144,200
	Monthly	9,886	10,380	10,899	11,444	12,017
	Hourly	57.04	59.89	62.88	66.03	69.33
Public Works Operations Manager	Annual	118,634	124,566	130,794	137,334	144,200
	Monthly	9,886	10,380	10,899	11,444	12,017
	Hourly	57.04	59.89	62.88	66.03	69.33
Treatment Plant Manager	Annual	118,634	124,566	130,794	137,334	144,200
	Monthly	9,886	10,380	10,899	11,444	12,017
	Hourly	57.04	59.89	62.88	66.03	69.33
Lieutenant	Annual	129,060	135,513	142,288	149,403	156,873
	Monthly	10,755	11,293	11,857	12,450	13,073
	Hourly	62.05	65.15	68.41	71.83	75.42
Chief Building Official	Annual	131,683	138,267	145,180	152,439	160,061
	Monthly	10,974	11,522	12,098	12,703	13,338
	Hourly	63.31	66.47	69.80	73.29	76.95
Senior Civil Engineer	Annual	132,854	139,497	146,471	153,795	161,485
	Monthly	11,071	11,625	12,206	12,816	13,457
	Hourly	63.87	67.07	70.42	73.94	77.64
Deputy Director of Community Services - Library	Annual	136,260	143,073	150,227	157,738	165,625
	Monthly	11,355	11,923	12,519	13,145	13,802
	Hourly	65.51	68.79	72.22	75.84	79.63
Assistant Public Works Director	Annual	140,249	147,261	154,624	162,356	170,473
	Monthly	11,687	12,272	12,885	13,530	14,206
	Hourly	67.43	70.80	74.34	78.06	81.96

CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE
Mid-Management Exempt

Effective April 9, 2024

FY 2023-2024

Classification	Timebase*	Steps				
		A	B	C	D	E
<u>Confidential Positions</u>						
Management Analyst ⁽¹⁾	Annual	91,739	96,326	101,142	106,199	111,509
	Monthly	7,645	8,027	8,429	8,850	9,292
	Hourly	44.11	46.31	48.63	51.06	53.61
Senior Management Analyst ⁽¹⁾	Annual	100,315	105,330	110,597	116,127	121,933
	Monthly	8,360	8,778	9,216	9,677	10,161
	Hourly	48.23	50.64	53.17	55.83	58.62
Assistant to City Manager ⁽¹⁾	Annual	116,975	122,824	128,965	135,413	142,184
	Monthly	9,748	10,235	10,747	11,284	11,849
	Hourly	56.24	59.05	62.00	65.10	68.36
Human Resources Manager ⁽¹⁾	Annual	116,975	122,824	128,965	135,413	142,184
	Monthly	9,748	10,235	10,747	11,284	11,849
	Hourly	56.24	59.05	62.00	65.10	68.36
Program Manager ⁽¹⁾	Annual	123,229	129,390	135,860	142,653	149,786
	Monthly	10,269	10,783	11,322	11,888	12,482
	Hourly	59.24	62.21	65.32	68.58	72.01
Finance Manager ⁽¹⁾	Annual	128,673	135,106	141,861	148,955	156,402
	Monthly	10,723	11,259	11,822	12,413	13,034
	Hourly	61.86	64.95	68.20	71.61	75.19
Assistant Administrative Services Director ⁽¹⁾	Annual	138,204	145,114	152,370	159,988	167,988
	Monthly	11,517	12,093	12,697	13,332	13,999
	Hourly	66.44	69.77	73.25	76.92	80.76

⁽¹⁾ Confidential Positions receive a 3% pay differential that is added to the employee's base salary. Confidential as defined is an employee having access in the course of his/her duties to confidential information on the employer's labor relations.

*Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent

EXHIBIT B



CITY OF ST. HELENA PUBLICLY AVAILABLE SALARY SCHEDULE
Executive Management - Department Heads

Effective April 9, 2024

FY 2023-2024

Classification	Timebase*	Steps				
		A	B	C	D	E
City Clerk	Annual	119,971	125,969	132,268	138,881	145,825
	Monthly	9,998	10,497	11,022	11,573	12,152
	Hourly	57.68	60.56	63.59	66.77	70.11
Administrative Services Director	Annual	157,556	165,434	173,706	182,391	191,511
	Monthly	13,130	13,786	14,475	15,199	15,959
	Hourly	75.75	79.54	83.51	87.69	92.07
Director of Community Services	Annual	160,113	168,119	176,525	185,351	194,619
	Monthly	13,343	14,010	14,710	15,446	16,218
	Hourly	76.98	80.83	84.87	89.11	93.57
Fire Chief ⁽¹⁾	Annual					213,247
	Monthly					17,771
	Hourly					102.52
Director of Community Development	Annual	178,279	187,193	196,553	206,380	216,699
	Monthly	14,857	15,599	16,379	17,198	18,058
	Hourly	85.71	90.00	94.50	99.22	104.18
Director of Public Works	Annual	178,279	187,193	196,553	206,380	216,699
	Monthly	14,857	15,599	16,379	17,198	18,058
	Hourly	85.71	90.00	94.50	99.22	104.18
Police Chief	Annual	179,458	188,431	197,853	207,746	218,133
	Monthly	14,955	15,703	16,488	17,312	18,178
	Hourly	86.28	90.59	95.12	99.88	104.87
Assistant City Manager	Annual	190,045	199,547	209,524	220,001	231,001
	Monthly	15,837	16,629	17,460	18,333	19,250
	Hourly	91.37	95.94	100.73	105.77	111.06
City Manager ⁽¹⁾	Annual					269,006
	Monthly					22,417
	Hourly					129.33

(1) Salaries do not have a scale.

*Annual timebase payrate is rounded up to the nearest whole dollar, while all other timebase payrates are rounded to the nearest cent.

EXHIBIT C

**UNREPRESENTED COMPENSATION
PROGRAM**

~~Thirteenth~~Fourteenth Amendment: ~~February 13, 2024~~April 9, 2024

July 1, 2022 – June 30, 2025

Adopted: March 8, 2016

First Amendment: June 24, 2016

Second Amendment: September 13, 2016

Third Amendment: June 27, 2017

Fourth Amendment: May 8, 2018

Fifth Amendment: October 8, 2019

Sixth Amendment: October 22, 2019

Seventh Amendment: July 14, 2020

Eighth Amendment: October 13, 2020

Ninth Amendment (inadvertently numbered as Eighth): February 9, 2021

Tenth Amendment: February 8, 2022

Eleventh Amendment: July 26, 2022

Twelfth Amendment: September 13, 2022

Thirteenth Amendment: February 13, 2024

**CITY OF ST. HELENA
UNREPRESENTED EMPLOYEE COMPENSATION PROGRAM**

SECTION 1: INTRODUCTION

- [Section 1.1 Employee Definitions](#)
- [Section 1.2 Purpose of the Unrepresented Employee Compensation Program](#)
- [Section 1.3 Employees Covered](#)
- [Section 1.4 Exempt Status of Management Employees Covered](#)

SECTION 2: EMPLOYMENT CONTRACTS

SECTION 3: EMPLOYEE SALARY COMPENSATION

- [Section 3.1 Annual Salary Adjustments](#)
- [Section 3.2 Salary Schedule](#)
- [Section 3.3 Confidential Pay Differential](#)
- [Section 3.4 Bi-lingual Pay](#)
- [Section 3.5 Out-of-Class Pay](#)

SECTION 4: RETIREMENT BENEFITS

- [Section 4.1 Tier One: Pension Formulas](#)
- [Section 4.2 Tier Two: Pension Formulas](#)
- [Section 4.3 Tier Three: PEPRA Pension Formulas](#)
- [Section 4.4 Cost Sharing Implementation – All Tiers](#)
- [Section 4.5 Converting Sick Leave Balance](#)
- [Section 4.6 Other Options Included in CalPERS Contract](#)
- [Section 4.7 Implementation of Internal Revenue Code Section 414\(h\)\(2\)](#)
- [Section 4.8 All Provisions Subject to Requirements of Law](#)

SECTION 5: INSURANCE BENEFITS

- [Section 5.1 General Provisions](#)
- [Section 5.2 Life Insurance](#)
- [Section 5.3 Short-term Disability](#)
- [Section 5.4 Vision Care](#)

SECTION 6: HOLIDAYS

SECTION 7: VACATION LEAVE

- [Section 7.1 Vacation Entitlement](#)
- [Section 7.2 Vacation Accrual](#)
- [Section 7.3 Vacation usage](#)

SECTION 8: EXECUTIVE LEAVE

SECTION 9: OTHER LEAVES OF ABSENCE

<u>Section 9.1</u>	<u>Sick Leave</u>
<u>Section 9.2</u>	<u>Family Care</u>
<u>Section 9.3</u>	<u>Bereavement Leave</u>
<u>Section 9.4</u>	<u>Industrial Accident Leave</u>
<u>Section 9.5</u>	<u>Miscellaneous Leave With Pay</u>
<u>Section 9.6</u>	<u>FLMA and CFRA Leaves</u>
<u>Section 9.7</u>	<u>Leave for Pregnancy, Childbirth and Related Medical Conditions</u>
<u>Section 9.8</u>	<u>Leave of Absence Without Pay</u>
<u>Section 9.9</u>	<u>Military leave</u>

SECTION 10: TRAINING AND PROFESSIONAL GROWTH

<u>Section 10.1</u>	<u>Professional Seminars and Training</u>
<u>Section 10.2</u>	<u>Professional Membership Fees</u>
<u>Section 10.3</u>	<u>College Tuition Reimbursement</u>

SECTION 11: OTHER BENEFITS

<u>Section 11.1</u>	<u>Vehicle Allowance for Unrepresented Employees</u>
<u>Section 11.2</u>	<u>Deferred Compensation Plan</u>
<u>Section 11.3</u>	<u>Health Club Membership</u>
<u>Section 11.4</u>	<u>Sick Leave Payout</u>
<u>Section 11.5</u>	<u>St. Helena Charity Based Events</u>
<u>Section 11.6</u>	<u>Uniform Allowance</u>

SECTION 12: TERMINATION ALLOWANCE

<u>Section 12.1</u>	<u>Severance Pay</u>
<u>Section 12.2</u>	<u>Allowance Schedule</u>

SECTION 1: INTRODUCTION

All provisions of this resolution only apply to At-will Executive Management, Mid-Management, and Confidential employees (together “Employees”) as defined herein.

1.1 *Employee Definitions:*

At-Will Executive Management Employee – an employee who serves at the will of the City Manager and who has responsibility for formulating, administering, and/or managing City policies and programs. In the City, this would typically be department heads.

Mid-Management Employee – an employee whose position is just below the department heads or City Manager and is responsible for managing a distinct responsibility area. Mid-Managers are in regular City service and are not at-will.

Confidential Employee – a Mid-Management employee, who in the course of his or her duties, has access to confidential information relating to the City’s administration of employer-employee relations. This access may include instances of an occasional but critical nature or due to the employee whose position requires the incumbent to provide direct administrative support to a manager who has such access.

1.2 *Purpose of the Unrepresented Employee Compensation Program:*

For At-will Executive Management, Mid-Management, and Confidential employees (together “Employees”), this resolution is adopted to promote the development of a stronger, more effective Management Team, not merely for purposes of employer-employee relations but also as a means of recognizing outstanding management performance in all public service areas. These general purposes may be achieved through several means, notably: training, more effective communication among departments, and clear identification of goals and objectives. Also inherent in such a program is the means of retaining good department heads and mid-managers and strengthening the managers (if any) who’s effectiveness and performances fall short of reasonable levels of expectation. This resolution is also referred to herein as the “Unrepresented Program.” This resolution sets forth all of the compensation and benefits for the positions set forth in section 1.3.

1.3 *Employees Covered:*

Employees covered under this program shall include the following:

A. At-Will Executive Management
 Administrative Services Director
 Assistant City Manager
 Director of Community Development
Director of Community Services
 -Fire Chief
~~Library Director~~
 Police Chief

Public Works Director

~~Parks & Recreation Director~~

City Clerk

B. Mid-Management

Assistant Public Works Director

Chief Building Official

Deputy Director of Community Services – Library

~~Library Manager~~

Police Lieutenant

Management Analyst

Program Manager

Public Works Assistant Operations Manager

Public Works Operations Manager

Recreation Manager

Senior Management Analyst (non-Confidential)

Senior Planner

Senior Engineer

Treatment Plant Manager

C. Confidential

Administrative Services Manager

Assistant Administrative Services Director

Assistant to the City Manager

Human Resources Manager_-

Senior Management Analyst

Additional job classes may be added to the Unrepresented Program from time to time, based upon the creation of additional City departments/divisions, the addition of new positions, or by the reclassification of existing positions to either At-will Management, Mid-Management, or Confidential based upon the nature of the work.

1.4 Exempt Status of Employees Covered:

The City has reviewed the salaries and duties of the Employees covered under the Unrepresented Program and has determined that these employees are exempt from the overtime provisions of the federal Fair Labor Standards Act.

SECTION 2: EMPLOYMENT CONTRACTS

The Executive Management employees as designated in Section 1.3(A) shall be “At Will” employees, and shall enter into an employment contract, confirming the “At Will” status of the employee and setting forth any special pay or benefits such as severance pay. Employment contracts with all At-will Executive Management employees will be approved by the City Manager, or, in the case of the City Manager’s employment contract, approved by the Council, pursuant to the terms of the City of St. Helena Municipal Code, authorizing the City Manager to appoint all At-will Executive Management employees except the City Attorney.

SECTION 3: EMPLOYMEE SALARY COMPENSATION

3.1 *Annual Salary Adjustment:*

3.1.1 Effective July 1, 2022, all bargaining unit members shall receive a Cost of Living (COLA) increase of five (5) percent.

Effective the first full period in July of each year of the successor agreement, all bargaining unit members shall receive an increase to base salary equal to the year over year (April/April) percentage increase in the San Francisco/Oakland/Hayward CPI-U with a ceiling of five (5) percent.

3.1.2 Equity Adjustment. The City will provide equity adjustments for Unrepresented positions until each classification is within five (5) percent of salary market median (95%) based on updated information from Ralph Anderson & Associates. Annual CPI increases (Article 3.1) for both the City of St. Helena and the market jurisdictions (refreshed annually) are to be considered for the purpose of this calculation. Ralph Anderson & Associates provided updated information to the City in May 2022 based off the cities/entities used in the previous study. Chart 1 provides a summary of the percent increase in salary to arrive at market median (95%) for each Unrepresented position as of May 2022.

Position Title	% out of 95% Market Median
Administrative Services Director	-4.8%
Administrative Services Manager	-4.4%
Assistant Administrative Services Director	-12.8%
Assistant City Manager	0.0%
Assistant Public Works Director	-0.5%
Assistant to the City Manager	3.3%
Chief Building Official	-2.2%
City Clerk	3.3%
Fire Chief	-10.4%
Human Resources Manager	-4.4%
Library Director	-6.9%
Management Analyst	-3.8%
Planning & Building Director	-8.4%
Police Chief	-9.8%
Police Lieutenant	-23.0%
Public Works Assistant Operations Manager	-5.5%
Public Works Director	-3.7%
Public Works Operations Manager	-5.5%
Parks & Recreation Director	-10.4%
Senior Engineer	-6.5%

Senior Management Analyst	-3.8%
Senior Planner	2.8%
Treatment Plant Manager	-4.1%

Equity adjustments will take place every six (6) months until each classification is within the range and will be as follows:

- 7/1/22 – Equity Adjustment of two and one-half (2 ½) percent
- 1/1/23 – Equity Adjustment of two (2) percent
- 7/1/23 – Equity Adjustment of two (2) percent
- 1/1/24 – Equity Adjustment of two (2) percent
- 7/1/24 – Equity Adjustment of two (2) percent
- 1/1/25 – Equity Adjustment of two (2) percent

July 1st equity adjustments will be combined with the COLA for salary adjustment calculations.

3.2 Salary Schedule:

The salary ranges for Employees covered by this Unrepresented Compensation Program are set forth in Exhibit 1, attached to this resolution, and made a part hereof by reference.

3.3 Confidential Pay Differential:

Each Confidential employee will receive a 3% pay differential to be added to the employee's base pay. This 3% pay differential will not be added to the salary range for that job class. If at any time that a currently designated Confidential employee who receives the confidential differential is deemed to be Non-Confidential, the 3% confidential differential will cease at that time, and the City will take appropriate steps to reclassify the position.

3.4 Bilingual Pay:

Bilingual pay for fluency in both English and Spanish will be paid to employees who are routinely and consistently assigned to communicate in Spanish or to provide translation for City business by communicating in Spanish. For employees who are certified as fluent in both written and verbal Spanish language, bilingual pay will be five percent (5%) of the designated employee's base salary. For employees who are certified as fluent only in verbal Spanish language, bilingual pay will be two and one-half percent (2.5%) of the designated employee's base salary. Only designated employees certified by the City as fluent in both English and Spanish are eligible for this additional pay.

3.5 Out-Of-Class Pay

Pay for Performing Full Duties of Higher Class: When, because of the absence of a Department Head, Executive Management, Mid-Management, or Confidential personnel, an Employee performs substantially all of the functions (full-time) of a higher Classification, the Employee will receive an increase of ten percent (10%) of his/her base wage. The increase will be effective after the third (3rd) week of the assumption of those duties and continue during the period those duties are being performed by the employee on a full-time basis. Out-Of-Class-Pay must be

pre-approved, in writing, by the City Manager, and will be reportable to CalPERS as special compensation to the extent permitted by CalPERS rules and regulations.

Pay for Performing Partial Duties of Higher Class: When an Employee is temporarily assigned to perform substantial functions of a higher classification for at least a period of one month, but does not perform those additional duties on a full-time basis and/or the Employee assigned to the position normally responsible for the duties is not absent, the City Manager has the discretion to provide an increase of up to five percent (5%) of the Employee's normal base wage effective on the first day of assumption of the substantial additional duties and continuing until the City Manager determines that the assignment of the additional duties ceases. This additional pay is provided at the City Manager's sole discretion and must be pre-approved in writing. Under current CalPERS rules and regulations, this pay for performing partial duties of the higher class is not reportable special compensation.

SECTION 4: RETIREMENT BENEFITS

Management Employees are provided retirement benefits under the California Public Employee Retirement System (CalPERS) as described in this Section 4.

4.1 Tier One: 2% at 55 Retirement Program (Miscellaneous Group) and 3% at 50 (Safety Group) – Employees Hired Before July 1, 2012 (Tier One Classic Members)

This section 4.1 (including subsections) shall apply to miscellaneous employees hired before July 1, 2012.

4.1.1 2% at 55 or 3% at 50 Pension Formulas: The “2% @ 55” (for miscellaneous employees) or “3% @ 50” (for safety employees) retirement programs will be available to members covered by this Section 4.1.

4.1.2 Final Compensation Based On 12-Month Period: For the purposes of determining a retirement benefit, final compensation for members covered by this Section 4.1 shall mean the highest twelve (12) consecutive month period as specified in Government Code Section 20042.

4.1.3 Required Member Contributions:

4.1.3.1 Members covered by this Section 4.1 shall continue to pay, through payroll deduction, the full 7.0% member contribution for Miscellaneous Group and 9.0% member contribution for the Safety Group.

4.1.3.2 Miscellaneous Member Pension Cost Sharing: Beginning on the effective date of the amendment to the CalPERS contract providing for cost sharing (estimated date, Spring 2016), miscellaneous members covered by this Section 4.1 shall pay, through payroll deduction, the full 7.0% employee contribution plus an additional 1% of compensation earnable toward the City's costs for a total contribution of 8% toward the normal cost of pension benefits as permitted by Government Code Section 20516.

4.2 Tier Two: 2% at 60 Retirement Program (Miscellaneous Group) or 3% at 55 (Safety Group) for Members Hired On or After July 1, 2012, and Before December 31, 2012, and Unit Members Qualified for Reciprocity (Tier Two Classic Members):

This Section 4.2 (including subsections) shall apply to members hired on or after July 1, 2012, and before January 1, 2013. In addition, this Section 4.2 shall apply to members hired on or after January 1, 2013, who are qualified for pension reciprocity as stated in Government Code Section 7522.02(c) and related CalPERS reciprocity (Classic Member) requirements:

4.2.1 2% at 60 or 3% at 55 Pension Formulas: The “2% @ 60” (for miscellaneous) or “3% @ 55” (for safety) retirement programs will be available to members covered by this Section 4.2.

4.2.2 Final Compensation Based On 36-Month Period: For the purposes of determining a retirement benefit, final compensation for members covered by this Section 4.2 shall mean the highest annual average pensionable compensation earned during thirty-six (36) consecutive months of service.

4.2.3 Required Member Contributions

4.2.3.1 Employees covered by this Section 4.2 shall continue to pay, through payroll deduction, the full 7.0% member contribution for Miscellaneous Group and 9.0% member contribution for the Safety Group.

4.2.3.2 Miscellaneous Member Pension Cost Sharing: Beginning on the effective date of the amendment to the CalPERS contract providing for cost sharing (estimated date, Spring 2016), miscellaneous employees covered by this Section 4.2 shall pay, through payroll deduction, the full 7.0% member contribution plus an additional 1% of compensation earnable towards the City’s costs for a total contribution of 8% toward the normal cost of pension benefits as permitted by Government Code Section 20516.

4.3 Tier Three: 2% at 62 PEPPRA Retirement Tier (Miscellaneous Group) or 3% at 57 (Safety Group) is Required For Members Hired On or After January 1, 2013 and Not Qualified For Reciprocity (Not a Classic Member):

This Section 4.3 (including subsections) shall apply to members who were hired on or after January 1, 2013, and who do not qualify for pension reciprocity (not a Classic Member) as stated in Government Code Section 7522.02(c).

4.3.1 2% at 62 or 3% at 57 Pension Formulas: The “2% @ 62” (for miscellaneous) or “3% @ 57” (for safety) retirement programs will be available to members covered by this Section 4.3.

4.3.2 Final Compensation Based On 36-Months: Effective January 1, 2013, for the purposes of determining a retirement benefit, final compensation for members covered by this Section 4.3 shall mean the highest annual average pensionable compensation earned during thirty-six (36) consecutive months of service as required by Government Code Section 7522.32.

4.3.3 Required Member Contributions

4.3.3.1 Required 50% of Normal Costs: As required by Government

Code Section 7522.04(g), effective January 1, 2013, members covered by this Section 4.3 shall pay, through payroll deduction, fifty percent (50%) of normal costs.

4.3.3.2 Miscellaneous Member Pension Cost Sharing: Beginning on the effective date of the amendment to the CalPERS contract providing for cost sharing (expected Spring of 2016), in addition to paying 50% of normal costs as described above, employees covered by this Section 4.3 shall pay, through payroll deduction, an additional 1.0% of pensionable compensation toward the City's cost of pension benefits as permitted by Government Code Section 20516.

4.4 Cost Sharing Implementation – All Tiers:

CalPERS mandates an election of employees, separate from adoption of this resolution, to provide for this cost sharing pursuant to Government Code Section 20516. As soon as practicable, the City will initiate the contract amendment process for miscellaneous employee cost sharing. Upon completion of the City's amendment to the CalPERS contract, miscellaneous member contributions will be made pursuant to Government Code Section 20516, Member Cost Sharing of Additional Benefits. The City will consider cost sharing for the Fire Chief at a future date.

4.5 Converting Sick Leave Balance:

An employee who retires may convert his/her unused sick leave balance to service credit as provided by Government Code Section 20965. Any accrued unused sick leave credit that is paid out at termination will not be available for conversion to service credit.

4.6 Other Options Included In CalPERS Contract: Employees shall be eligible for other options included in the City's contract with CalPERS as stated in that contract, and allowed by law.

4.7 Implementation of Internal Revenue Code Section 414(h)(2):

As permitted by Internal Revenue Code Section 414(h)(2) and Government Code Section 20516, each employee shall pay, through payroll deductions, the PERS contributions described in this Article 11 with state and federal income tax on the PERS member contribution deferred to the extent permitted by Internal Revenue Code, 26 USC Section 414(h)(2).

4.8 All Provisions Subject to Requirements of Law:

The City is required to comply with all requirements of law governing the CalPERS retirement program, including, but not limited to eligibility and reporting requirements. In implementing this Unrepresented Compensation Program Resolution and related practices, the City will comply with the requirements of law, and those legal requirements prevail over any inconsistent prior practices or prior resolutions.

SECTION 5: INSURANCE BENEFITS

5.1 General Provisions:

The City will pay the full cost of the employee's health insurance plan to cover both the employee and the employee's dependents. The City will pay the full cost for dental coverage for the employee and her/his dependents. When an employee commences work with the City, the effective date of coverage of his/her benefits distribution selection shall be established by the individual carrier. In most cases, coverage begins the first of the month following date of hire.

Employees will choose from available insurance programs and/or health and welfare plans at the time of hire or as carriers allow during Open Enrollment periods. Dependent coverage may be added or deleted between Open Enrollment periods subject to conditions imposed by the selected carriers.

5.2 Life Insurance:

The City will provide term life insurance for each employee, not to exceed \$50,000.

Employees may elect to increase the value of their life insurance policy by \$20,000 at their own expense for a total policy value of \$70,000. Employees opting for the additional coverage will have the cost of that coverage deducted from their pay.

5.3 Short-term Disability Insurance: The City will pay for the employee's cost to participate in the State Disability Insurance (SDI) program.**5.4 Vision Care: The City will pay for vision care benefits, for the employee and all dependents through VSP Vision Care Insurance.****SECTION 6: HOLIDAYS**

All Unrepresented employees shall receive 12 paid holidays per year, as follows:

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Birthday	3 rd Monday in January
President's Day	3 rd Monday in February
Cesar Chavez Birthday	March 31 st
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	1 st Monday in September
Veteran's Day	November 11 th
Thanksgiving Day	4 th Thursday in November
Day after Thanksgiving	Friday following Thanksgiving
Christmas Eve Day	December 24 th
Christmas Day	December 25 th

It is the intent of this resolution that all full-time employees receive 12 paid holidays regardless of their assigned workweek. When a holiday falls on a Saturday, the preceding

Friday shall be deemed a holiday. When a holiday falls on a Sunday, the following Monday shall be deemed a holiday. When an employee is required to work on a holiday, s/he may select another day as holiday leave with pay during the fiscal year with the consent of the City Manager.

Floating Holidays: Except for the calendar year they are hired, on January 1st of each year, employees earn 16 hours of floating holiday for use during that calendar year, taken in at least 8-hour increments. The hours must be used by the end of the calendar year and does not accrue. After five years of service, employees earn 40 hours of floating holiday.

SECTION 7: VACATION LEAVE

7.1 Vacation Entitlement:

Employees shall accumulate vacation in accordance with the following vacation entitlement schedule:

<u>Years of Continuous Service</u>	<u>Vacation Days Earned/Year</u>
1 – 5 years	10
6 th year	15
7 th year	16

This pattern continues until 20 days per year is reached. On the employee's 25th anniversary and every five years thereafter, one additional day will be awarded on that year.

7.2 Vacation Accrual:

Employees shall begin earning vacation upon the first day of employment. Vacation leave time shall be accrued as it is earned; odd fractions rounded to the nearest tenth. Vacation time shall not be taken until earned and shall be subject to other provisions of this resolution. When an employee is on a leave without pay status, s/he shall not be entitled to earn vacation.

For purposes of calculating vacation earned upon termination, the employee's final accrual will be prorated, based on the days worked in the employee's last month of employment. Upon termination of an employee's service with the City, s/he shall be paid a lump sum for all earned vacation not taken, at the employee's hourly rate then in effect.

An employee who was a member of the unrepresented compensation program before May 8, 2018 may accrue a maximum of 380 vacation hours. An employee who is hired or promoted into an unrepresented compensation position on or after May 8, 2018 may accrue a maximum of 280 vacation hours.

7.3 Vacation Usage:

An employee may take vacation at a time approved by the employee's direct supervisor,

or, in the case of the City Manager, after notification of the City Council. It is the policy of the City that employees take their normal provided vacation leave each year.

Employees should not be earning vacation leave once their accrued vacation balance has reached 380 hours. All employees who have accrued at least 380 hours of vacation shall expend at least 80 hours of vacation leave per calendar year with at least 40 hours being consecutive.

SECTION 8: EXECUTIVE LEAVE

In recognition of the extra hours required to perform at the level of management, including attendance at numerous meetings outside normal working hours and the fact that employees who are exempt from FLSA are not compensated for overtime work, the following executive leave policy shall be implemented:

Each FLSA-exempt, unrepresented employee may receive up to five (5) days Executive Leave annually at the discretion of the City Manager provided on January 1st of each year. On January 1st of each year, all hours not taken in the prior year will be lost unless an extension of time is granted by the City Manager. Additionally, at-will executive staff, the Assistant Administrative Services Director, the Assistant Public Works Director, and the Assistant to the City Manager may receive up to another five (5) days Executive Leave annually at the discretion of the City Manager provided on July 1st of each year, and all hours not taken by December 31st of the same year will be lost unless an extension of time is granted by the City Manager.

Newly hired employees shall have Executive Leave awarded to them in the following pro-rated manner:

If the employee is hired from:

January – March	40 hours awarded on the date of hire
April – June	30 hours awarded on the date of hire
July – September will	20 hours awarded on the date of hire, 40 hours additional at-
October – December will	10 hours awarded on the date of hire, 20 hours additional at-

SECTION 9: OTHER LEAVES OF ABSENCE

9.1 Sick Leave:

Employees shall accrue and use sick leave in accordance with City of St. Helena

Personnel/Administrative on Sick Leave.

9.2 Family Care:

Except as otherwise required by state or federal law, sick leave may be used to care for the employee's child, spouse, or domestic partner who is incapacitated by a serious health condition as defined by state or federal Law. Sick leave utilized for Family Care shall not exceed forty-eight (48) hours per occurrence.

9.3 Bereavement Leave:

Leave with pay up to 3 days per year in state/5 days out of state shall be granted by the City Manager to employees in case of the death of spouse or domestic partner regardless of gender, parent or step-parent, grand-parent, child, or stepchild, brother or sister, parent-in-law, brother/sister-in-law, son/daughter-in-law, or any relative in the immediate household of the employee. Bereavement leave shall not be charged against any accumulated leave. Additional time off (vacation, executive leave) may be taken if approved by the City Manager.

9.4 Industrial Accident Leave:

The City shall provide paid leave and benefits consistent with the State's Worker's Compensation laws.

9.5 Miscellaneous Leave With Pay:

Employees shall be granted a leave of absence with full pay for jury duty; subpoena of the employee as a witness; or attendance in court resulting from the employee's official duties as assigned by the City Manager. Any compensation received by the employee for the above, except for travel reimbursement, shall be promptly remitted to the City by the employee.

9.6 Leave Pursuant to the Family and Medical Care Leave Act and the California Family Rights Act:

Employees shall be entitled to take leave in response to the birth or adoption of a child, or the placement of a child with the employee for foster care; the employee's own serious health condition, or to care for a child, parent or spouse of the employee who has a serious health condition; for a "qualifying exigency" arising from the foreign deployment of the employee's spouse, son, daughter, or parent with the Armed Forces; or to care for a servicemember with a serious injury or illness if the employee is the servicemember's spouse, son, daughter, parent or next of kin, as specified in the federal Family and Medical Care Leave Act (FMLA) and the California Family Rights Act (Government Code Section 12945.2). Employees may use their accrued leave balances during such leave.

If the period of leave exceeds the employer's accrued leave balances, the employee shall take the balance of the leave as unpaid leave.

9.7 Leave for Pregnancy, Childbirth and Related Medical Conditions (California Government Code Section 12945):

In addition to leave authorized by Section 9.6, eligible employees may take leave based

on pregnancy, childbirth, or related medical conditions pursuant to California Government Code Section 12945. Generally, this leave should not exceed six (6) weeks for a normal pregnancy, childbirth, or related conditions, but may be taken for a period of up to a total of four (4) months if the employee is disabled due to pregnancy, childbirth, or other medical conditions. The need for leave beyond six (6) weeks due to disability shall be verified in writing by the employee's physician. The employee may use accrued leave balances during leave taken pursuant to this Section. If the period of leave exceeds the employee's accrued leave balances, the balance of the leave shall be taken as unpaid leave.

9.8 *Leave of Absence Without Pay:*

Upon the written request of any employee, the City Manager may approve in writing a leave of absence without pay for a period up to thirty (30) calendar days. Except in the cases of illness or maternity, an employees' request for Leave Without Pay shall be submitted to the City Manager, accompanied by a recommendation or an explanation from the manager as to how an adequate level of service can be maintained during her/his absence. Such leave may be extended up to one calendar year by action of the City Council.

9.9 *Military Leave:*

An employee called to active duty in any reserve component of the Armed Forces of the United States or the National Guard shall be granted a leave of absence for the duration of said active duty. Any full-time employee on a military leave of absence shall be compensated as outlined in the City's Personnel Policies Manual if the employee provides proper documentation from the Commanding Officer concerning their active duty; or, if the employee is a Commanding Officer, with a copy of the order to report to active duty and any applicable extension orders.

SECTION 10: TRAINING AND PROFESSIONAL GROWTH

10.1 *Professional Seminars and Training:*

To promote continued development of skills, knowledge, and abilities among the Employee, the City Manager may grant time off to employee(s) for educational leave. Such leave may be received in order to attend professional, technical, or managerial workshops, courses, conferences, conventions, seminars, or related activities. The cost of attendance at these activities, including travel, per diem, registration, tuition, materials or other reasonable costs, are legitimate City expenditures as provided for in the annual City Budget.

10.2 *Professional Membership Fees:*

Most At-will Executive Management, Mid-Management, and Confidential personnel are expected to maintain membership in appropriate professional organizations. These memberships serve to acquaint the City with the current state-of-the-art in these professional areas by means of publications and special activities. The City will include the costs of these membership fees in the respective department budgets, subject to approval by the City Manager.

10.3 College Tuition Reimbursement:

An employee who is taking courses in a field related to his/her employment may receive reimbursement for tuition and/or materials up to \$1,500 per year of the reasonable cost for books and tuition per fiscal year.

SECTION 11: OTHER BENEFITS**11.1 Vehicle Reimbursement:**

Covered employees to a far greater extent than most other City employees are required to travel throughout the City and the County to fulfill their job requirements. This travel is frequently required outside of normal working hours. In recognition of this employment requirement, the City may provide either the use of a City vehicle or pay an auto allowance of \$200 per month. In addition, if travel is required by the employee in his/her personal vehicle beyond the County line, mileage shall be reimbursed at the same rate as set by the IRS.

11.2 Deferred Compensation Plan:

Employees may elect payroll deductions in an amount permissible under IRS regulations, to be placed in a deferred compensation program administered at no cost to the City. To the extent allowed by law, such monies deposited would become tax deferred and would be subject to income taxation in the year they are withdrawn from the deferred compensation program. The City shall match up to \$200 per month to the employee's contribution into the City's deferred compensation program.

11.3 Health Club Membership:

The City will pay a one-time membership fee of \$25.00 towards employee enrollment in a health clubs.

11.4 Sick Leave Payout:

11.4.1 Payout upon separation, the City will pay out 50% of accrued sick leave for an employee who was an unrepresented compensation member before May 8, 2018. A new City employee who is hired into an unrepresented compensation position on or after May 8, 2018 will not be eligible for any sick leave pay out.

11.4.2 Retirees conversion, upon meeting REMIFs retiree eligibility to participate in retiree benefits, an employee who was an unrepresented compensation member before May 8, 2018, will have the option of using 100% of their accrued sick leave towards health premiums. A new City employee who is hired into an unrepresented compensation position on or after May 8, 2018 will not be eligible to convert any of their accrued sick leave towards health premiums.

11.4.3 The City will not pay the employee upon separation in good standing from the City employment for unused sick leave accrued on or after July 1, 2020. No new sick leave hours will be eligible for the conversion or payout benefits described

in Section 11.4 of the Program beginning July 1, 2020. Those employees who had accrued hours eligible for this benefit on or before June 30, 2020 will have such eligible hours placed into a separate bank and will be permitted to convert them in accordance with the provisions of Section 11.4.

11.5 St. Helena Charity Based Events:

In recognition of the importance of being engaged with the St. Helena community, Unrepresented Employees are eligible to be reimbursed for charity event tickets related to their employment. To be eligible for reimbursement, the event must be held within the County of Napa and directly benefit the St. Helena community. Event tickets may be purchased only for the employee up to a total reimbursable amount of \$750.00 per calendar year.

11.6 Uniform Allowance:

Sworn Personnel that are members of the unrepresented compensation program shall receive an annual uniform allowance in the amount of \$1,250. The Uniform Allowance will be paid twice a year: in December and June, in equal amounts.

SECTION 12: TERMINATION ALLOWANCE

12.1 Severance Pay:

In order to foster job security within a professional climate, At-will Executive Management employees who receive no protection from the City's Personnel System may be entitled to severance pay when they are discharged from the City service. At-will Management employees terminated for cause are not eligible for severance benefits.

12.2 Allowance Schedule:

At-will Executive Management employees shall generally be entitled to two (2) months' salary, excluding fringe benefits. All specific severance pay terms and conditions must be included in the employee's Employment Contract, as noted in section 2 (Employment Contracts). In no event shall an employee receive a severance that is greater than the employee's salary multiplied by the number of months left on the unexpired term of the employee's employment contract, and all severance provisions shall comply with all other requirements of law.

From: [Stephanie Smithers](#)
To: [City Council](#); [Cindy Tzafopoulos](#)
Subject: [External] Public Comment 10.4
Date: Thursday, April 4, 2024 5:10:11 PM
Attachments: [Screenshot 2024-04-04 at 4.49.19 PM.png](#)

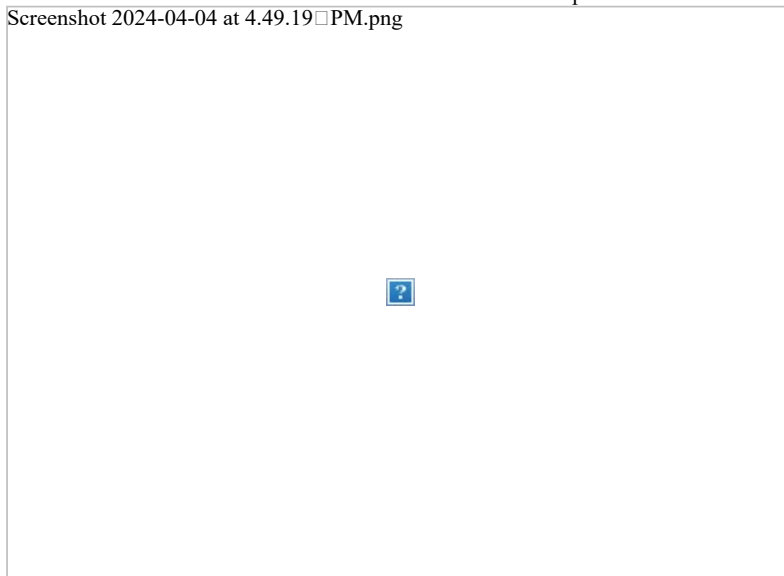
Hello Cindy,

Please include the below as a public comment for item 10.4. Thank you!

Dear Council,

I was looking over the staff report for item 10.4 and some information seemed confusing to me. While I was disappointed to see that in less than a month, the estimated cost for the reorganization went from \$17K to \$25K, that is not what confused me. Please see the chart from the staff report:

Screenshot 2024-04-04 at 4.49.19 PM.png



Whereas in the resolution, item 3 reads:

The addition of a Program Manager classification and establish a salary range of \$123,299 – \$149,786: and

In addition, the supporting documents (public pay schedule) also reflect the resolution amount. I do hope this is clarified and discussed at the City Council meeting as this is nearly a \$20K difference at top step. In addition, individuals move through the pay schedule in St. Helena much quicker than other cities, such as Calistoga or Napa, therefore that top step can be achieved in a short amount of time.

Considering the Assistant to the City Manager position reflects being 3.3% above in the market median chart, the salary range from Table 1 does not seem to be appropriate for the position.

Lastly, I'd like to add that in my last public comment I made mention that the creation of a Recreation Manager position seemed directly connected to the future reorganization, especially since this position is an anchor in the organization structure. I still believe the cost of that position should be included in these charts to reflect a true cost to the community.

Thank you for reviewing and hopefully clarifying.

Be Well,

Stephanie Jacobacci-Smithers



Agenda Report to the City Council

Agenda Section: PUBLIC HEARINGS

Department: Administration

DATE:	April 9, 2024
FROM:	April Mitts, Assistant City Manager
SUBJECT:	First Public Hearing of the Proposed Adoption of a City Charter.
RECOMMENDED ACTION:	Approve the proposed city charter language for the November 5, 2024 ballot.
PREVIOUS COUNCIL ACTION:	February 28, 2023 - Baker Tilly Report on Long Range Financial Forecast and Financial Options May 23, 2023 - Follow-up Report on Revenue Options July 25, 2023 - Direction to Explore Feasibility of GO Bond and Real Property Transfer Tax October 10, 2023 - Direction to Continue to Exploration of Real Property Transfer Tax February 27, 2024 - Direction to Poll for Real Property Transfer Tax March 12, 2024 - Direction to Begin the Process of Placing a City Charter on the November 2024 Ballot
STATEMENT OF THE PURPOSE:	Conduct the First Public Hearing regarding adoption of a City Charter.
FINANCIAL IMPACT:	If a proposed charter is placed on the November 2024 ballot, the City Clerk estimates a cost of \$60,000 in addition to approximately \$5,000 for informational items. Funding for elections has been included in the FY 24 budget and will be rolled into the FY 25 budget.

BACKGROUND:

Over the last couple of years, it has become evident that the City of St. Helena needs a stable and alternate revenue source. During the last year, the City Council has examined the viability of several options and determined that pursuing a real property transfer tax is the most prudent choice. A real property transfer tax can only be implemented by Charter cities so the City Council will also need to provide the residents with the option to move from a General Law city to a Charter City.

Consistent with City Council *Goal 1 - Strengthen Financial Resilience; Goal 2 - Improve Infrastructure and Further Environmental Sustainability, and Goal 5 - Enhance Quality of Life, and several other City Council Goals*, the City Council has determined that there is need for additional revenues. Previously, the City Council has received several reports on financing and revenue options to address City infrastructure and staffing deficiencies.

February 28, 2023 - City Council received a presentation from Baker Tilly that included an updated Long Range Financial Forecast (LRFF) which provided financial projections and noted that the City would have to increase revenues and/or further adjust service levels. The presentation provided several ways of dealing with the financial situation including reducing expenditures, engaging more aggressively in shared services, selling city assets, helping increase business/economic activity, and increasing various types of fees and taxes. The conclusion was that if community expectations are to be met, addressing the fiscal gap by only reducing expenditures will not be sufficient and new revenue stream(s) should be considered.

May 23, 2023 - City Council discussed each of the revenue options and directed staff to pursue the Real Property Transfer Tax and other revenue enhancement options as needed.

July 25, 2023 - City Council further directed staff as follows:

1. Move forward with opinion research for a November 2024 Charter City/Real Property Transfer Tax (to be conducted in March/April 2024); and
2. Established a City Council Revenue Enhancement Ad Hoc Committee comprised of Vice Mayor Hall and Councilmember Summers to assist with: setting opinion research questions, develop ballot language, and, with the real property transfer tax and corresponding Charter Requirement, draft a charter for City Council consideration.

October 10, 2023 - Staff presented to City Council the two components to implement a real property transfer tax:

1. St. Helena must become a Charter City, and
2. St. Helena voters must pass a real property transfer tax.

Both components require a simple majority of votes at a general election and both components will need to be approved by the voters in order for the real property transfer tax to go into effect.

February 27, 2024 - City Council provided direction to staff on the preferred real property transfer tax structure and to conduct opinion research on the feasibility of the tax as follows:

- Flat tax of 2.5% on all real property sales over \$1 million;
- Graduated tax of 1.5% on sales between \$1 and \$5 million and 3% on all sales over \$5 million; and
- Sunset of tax after eight years.

Opinion research is currently being conducted and it is anticipated polling results will be brought to the City Council on April 23, 2024.

March 12, 2024 - City Council was presented with information regarding the charter city. The City of St. Helena was at one point a Charter City, it is currently a General Law city, which means the City is bound by the State of California's general law. Becoming a Charter City again will allow the City to have local authority over "municipal affairs" which includes the legal authority to enact a real property transfer tax measure.

Staff had been working with the City Council revenue Enhancement Ad Hoc Committee and legal counsel to develop recommend city charter language for Council consideration. While becoming a Charter City can be complicated, the recommendation from the Ad Hoc Committee, supported by an independent citizens group, is to bring the voters a simple and "limited" charter, as opposed to an "expansive" charter, which would provide the legal authority to enact a real property transfer tax (by approval of the voters) but continue to follow the General Law of the State of California in all other matters.

City Council directed staff to proceed with the recommended limited and "simple" charter and further directed staff to schedule two public hearings regarding a Charter City proposal.

DISCUSSION:

Part of the process of developing a city charter involves holding two noticed public hearings. Tonight is the first noticed public hearing and fulfills the requirements of California Government Code Section 34458(b) for a first public hearing to consider a city charter.

Draft City Charter Proposal

The draft charter was presented to City Council on March 12, 2024, which can be accessed by clicking here: [031224 City Council Agenda Report](#). This public hearing has been properly noticed and the second public hearing is scheduled for May 14, 2024, at 6:00 p.m. The draft charter presented to the Council on March 12, 2024, is attached for public comment and City Council consideration.

Next Steps

May 14, 2024 - Second hearing of the Charter

June 11, 2024 - Final Council meeting to place Charter measure and real property transfer tax measure on the ballot.

ENVIRONMENTAL REVIEW: None

GOAL:

Goal 1: Strengthen Financial Sustainability

Goal 2: Improve Infrastructure & Further Environmental Sustainability
Goal 5: Enhance Quality of Life
Goal 6: Improve Employee Recruitment, Retention, & Morale
Goal 7: Enhance Organizational Effectiveness
Goal 8: Implement Capital Improvement Plans (CIP) Projects Miscellaneous/Other

DOCUMENTS ATTACHMENTS:

[St. Helena Charter for Consideration](#)

CITY OF ST. HELENA CHARTER

ARTICLE I

NAME AND BOUNDARIES

100. Name and Boundaries

The municipal corporation now existing and known as the City of St. Helena, hereafter referred to as "the City," shall remain and continue to be a municipal body corporate and politic, as at present, in name, in fact, and in law. The boundaries of the City shall be as established at the time this Charter takes effect, or as they may be changed thereafter in the manner authorized by law.

ARTICLE II

POWERS OF CITY

200. Exercise of Constitutional Power of Local Taxation and Assessment

The City of St. Helena adopts this Charter to exercise all constitutional powers conferred on charter cities under Article XI sections 3 and 5 of the California Constitution with respect to municipal affairs in relation to local taxes, issuance of bonds and other financings secured by local taxes, and assessments, including a system for the imposition, levy, and collection of a such tax or assessment. In the event of a conflict between this Charter and the general law, the provisions of this Charter shall govern.

201. City is Otherwise Subject to General Laws

Except as provided in this Charter with respect to the power of the City over local taxation and assessment, the powers of the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as now and hereafter existing relating to cities organized under said general laws.

202. Severability

If any provision of this Charter is found by a court of competent jurisdiction to be invalid, the remaining provisions of the Charter shall remain in full force and effect.

203. Intergovernmental Relations.

The City may exercise any of its powers or perform any of its functions jointly, or in cooperation, by contract or otherwise, with any one or more cities, counties, states, or civil divisions or agencies thereof, or the United States or any agency thereof.

83578.00000\41960099.4

204. Effective Date of Charter/Amendment

This Charter shall take effect upon its approval by St. Helena voters and by the Legislature of the State of California. Any amendment to this Charter shall be effective when approved by St. Helena voters and filed pursuant to the California Constitution and applicable State law.

ARTICLE III**SUCCESSION****300. Rights and Liabilities**

The City shall remain vested with and continue to have, hold, and enjoy all property, rights of property, and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be the successor of same. It shall be subject to all the obligations, contracts, liabilities, debts, and duties that now exist against or with the City.

301. Ordinances, Codes, and Other Regulations

All ordinances, codes, resolutions, regulations, rules, and portions thereof, in force at the time this Charter takes effect, and not in conflict or inconsistent herewith, shall continue in force until repealed, amended, changed, or superseded in the manner provided by this Charter and any other applicable laws.

302. Pending Actions And Proceedings

No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any officer, office, or department thereof, shall be affected or abated by the adoption of this Charter, or by anything herein contained.

ARTICLE IV**FORM OF GOVERNMENT****400. Form of Government**

The form of government shall be that commonly known as the Council-Manager form of government. The City Council, consisting of four councilmembers elected for four year staggered terms, and a separately elected mayor elected for two year terms in the manner in effect when this Charter was adopted, shall establish the policy of the City and the City Manager shall carry out that policy. Each Councilmember in office at the time

this Charter takes effect shall continue in office until the end of the term for which they were elected or appointed.

401. Officers and Employees

Subject to the provisions of this Charter, the present officers and employees of the City shall continue to perform the duties of their respective offices and employment without interruption and for the same compensation and under the same conditions until the election, appointment or hiring and qualification of their successors and subject to such removal and control as provided herein or by applicable general law.

First Public Hearing City Charter



April 9, 2024, City Council Meeting
April Mitts, Assistant City Manager

Objectives

- Goals
- Background
- Actions
- Recap
 - Why Establish a Charter City
 - Establishing a Charter City
- Timeline
- Council Action to Place Charter City on November 2024 Ballot





Overall Goals

Overall - Seek to improve the City's financial condition so that there is sufficient annual and long-term funding to provide high quality City services as well as maintain and replace infrastructure

- Goal 1 – Strengthen Financial Resilience
- Goal 2 – Improve Infrastructure & Further Environmental Sustainability
- Goal 7 – Optimize Organizational Effectiveness & Service Delivery
- Goal 8 – Implement Capital Improvement Plans (CIP) Projects



Background/Public Meetings

- February 28, 2023 – Baker Tilly Report - Financial Forecast and Financial Options
- May 23, 2023 – Report on Revenue Options/Cost Reductions
- July 25, 2023 – Feasibility of GO Bond and RPTT/Charter City
- October 10, 2023 – Direction to explore RPTT and Charter City
- February 27, 2024 – RPTT Structure Discussion
- March 12, 2024 – Direction from Council to Begin the Process of Placing a Charter City Proposal on the November 5, 2024 Ballot



Actions since February 2023

- Initiated sale of City real property
- Embarked on several process improvements to drive down costs of delivering services
- Analyzed potential shared service models
- Explored cost cutting measures
- Evaluated several revenue generation methods
- Implemented updated Impact Fees and User Fees
- Actively supported development
- Aggressively seeking grants

Recap - What are the Issues?



- Residents tell us they want:
 - Physical safety and security
 - Safe and reliable water and wastewater infrastructure
 - Improved conditions of streets, bridges, parks, and sidewalks, & effective evacuation routes
 - Safer streets for walking, biking, and driving
- Existing funding is not meeting community needs and additional sources of revenue are necessary



Why Establish a Charter City?

- Not a new concept, explored in 2016
- Lack of resources to fund all the City's services, meet resident expectations, and repair/maintain the built environment
- Council evaluated cost cutting and revenue generating options and directed staff to analyze a real property transfer tax (RPTT)
- Only charter cities, NOT general law cities, may levy a RPTT, with voter approval
- RPTT can provide sustained funding



How to Establish a Charter City

- The Government Code sets forth the procedures for adopting a charter.
- The first step in the process of becoming a charter city is to initiate the drafting of the charter.
- There are three different methods to do so:
 1. the City Council drafts the charter itself;
 2. the City Council calls for the election of a charter commission to draft the charter; or
 3. a citizens' initiative is filed calling for the election of a charter commission to draft the charter.



How to Establish a Charter City

- The City Council is drafting the charter itself with input from staff and the Ad Hoc committee consisting of Vice Mayor Hall and Councilmember Summers (Option 1).
- In addition to the election requirements above, there are a number of additional procedural requirements to adopting a charter such as:
 1. 1st Public Hearing
 2. 2nd Public Hearing
 3. Final City Council meeting to consider placing Measure on the ballot
 4. Placed before St. Helena voters

City Council Direction - March 12, 2024



- Move forward with a ballot measure to become a charter city with the following characteristics:
 - Would be a simple and “limited” charter
 - Would provide legal authority to enact a RPTT (by approval of the voters)*
 - Would continue to follow the General Law of the State of California in all other matters

* In order for the real property transfer tax to be implemented the City must become a charter city. Both the real property transfer tax measure and the city charter measure would be placed on the November 2024 ballot as a separate ballot measures.

City Charter Language

ARTICLE II POWERS OF CITY



200. Exercise of Constitutional Power of Local Taxation and Assessment The City of St. Helena adopts this Charter to exercise all constitutional powers conferred on charter cities under Article XI sections 3 and 5 of the California Constitution with respect to municipal affairs in relation to local taxes, issuance of bonds and other financings secured by local taxes, and assessments, including a system for the imposition, levy, and collection of a such tax or assessment. In the event of a conflict between this Charter and the general law, the provisions of this Charter shall govern.

201. City is Otherwise Subject to General Laws Except as provided in this Charter with respect to the power of the City over local taxation and assessment, the powers of the City shall otherwise be constrained by, subject to, and governed by the general laws of the State as now and hereafter existing relating to cities organized under said general laws.



Next Steps



April 9, 2024

1st Public Hearing
Draft Charter to be considered by City Council



May 14, 2024

2nd Public Hearing
Draft Charter to be considered by City Council



June 11, 2024

Final City Council Meeting
Consider placing Charter Measure
on November 2024 Ballot

Public Hearing



- Questions from City Council to Staff
- Open Public Hearing for Community Input
- Close Public Hearing
- May 14, 2024 – Draft Charter to be Considered for the November 2024 Election

Public Notice Process



- 3/19/24 – Notice of Public Hearing published in Napa Valley Register: published 1x per week for 2 weeks.
- 3/19/24 – Notice posted at City Locations (City Hall, Library, and Parks & Recreation Office, Carnegie Building).
- 4/9/24 – 1st Public Hearing.

Upcoming Public Notice Process



- 4/23/24 – Notice of Public Hearing published in Napa Valley Register: published 1x per week for 2 weeks.
- 4/23/24 – Notice posted at City Locations (City Hall, Library, and Parks & Recreation Office, Carnegie Building).
- 5/14/24 – 2nd Public Hearing Charter to City Council.
- 6/11/24 – Final City Council meeting to consider placing Charter Measure on November ballot.

From: [Mcknz](#)
To: [Public Comment](#)
Subject: Re: [External] E-Agenda Item 11.1 City Council Meeting - 9 Apr 2024
Date: Saturday, April 6, 2024 11:53:07 AM

Attention City Council Members;

In reference to item 11.1 on the agenda;

I firmly believe there needs to be more community involvement and outreach to enable our input on such an important change to our city's governance.

Unless I missed a notice, The proposed Charter language has not been posted nor reviewed but the residents. I would request this matter be tabled until proper communication and engagement of the community can be facilitated and in a timely matter to arrange attendance.

Thank you,

Laura Keir

>

From: [Lana Ivanoff](#)
To: [Cindy Tzafopoulos](#)
Subject: [External] Please pass this on
Date: Friday, April 5, 2024 11:52:25 AM

Cindy
Please pass my letter on to City Council Members, and the City Manager.
Hope you're doing well.
Thanks,
Lana

April 5, 2024

City Manager, City Council Members....

I am writing this letter to you all, requesting more time, and more discussion concerning changing St Helena into a Charter City.

To approve putting this on the November 2024, ballot, is premature, and unfair to residents who question, and/or oppose such an idea.

I think few people in town are aware of the consequences of such a decision, and the reasons behind making that decision. This topic needs more open discussion, where pros and cons are discussed at length.
A decision of this magnitude needs to be FULLY vetted.

I know you have supposedly taken a survey of residents, but I have yet to speak to ANYONE in my circle of friends who has taken that survey. I think the results of that survey, the numbers, the comments, etc., should be made public, and further discussions encouraged based on the survey's responses.

I have been so discouraged watching the CC Meeting of late. It seems like very little consideration goes into public comment..... listening to ideas and opinions voiced by the residents. You claim letters are read, but it is hard to know if that is true when one never receives responses from council members. (Except one). And now, at CC/PC meetings, the public is limited in their ability to speak in public, if they have already submitted a letter. We have the right to be heard!

Remember..... you work for us. We elected you. The City Manager works for you. Yet, hearing, and watching, the recent meetings makes one feel like the reverse is the norm. The CM is making the decisions, presents them in multiple power point presentations, the public is allowed to speak, (but there is rarely much discussion, or acknowledgment of the ideas presented by them), then, the CC approves the idea or plan. (It's like watching the Wizard of Oz. Smoke, mirrors, power point presentations, pages and pages of staff reports, more smoke and mirrors.....then everyone shaking their heads in affirmation).
It's embarrassing, and frustrating to watch.

Many important agenda items are hidden in 'consent items', and the public doesn't ever hear about them until weeks, months after they have been approved. I think the CC needs to realize that few people in town get the Napa Register anymore, read agendas online, and fewer still are crazy enough to fill their Tuesday nights with CC and PC meetings. The 'glitzy newsletters' are sent out promoting the CM's agendas/opinions, again, ...rarely asking for public opinion.

We need some town hall meetings, scheduled regularly, to keep the local residents informed. Many people are feeling left out of decisions affecting the character, livability, and viability of this town.

We residents need information presented earlier, more time to discuss that information, and then, and only then, decision making.

Please.....Stop. Breathe. Ask questions. Engage the public. Listen. Listen. Listen. Remember who you represent, and who work for.

Thank you,
Lana Ivanoff
Lanaivanoff@att.net
[707-963-7683](tel:707-963-7683)



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Administration

DATE:	April 9, 2024
FROM:	Cindy Tzaopoulos, City Clerk
SUBJECT:	Consideration of a Resolution to Appoint an Applicant to Fill the Planning Commission Vacancy
RECOMMENDED ACTION:	Appoint an applicant to the Planning Commission.
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE PURPOSE:	The purpose of this action is to appoint an applicant to the Planning Commission.
FINANCIAL IMPACT:	None

BACKGROUND:

Planning Commissioner Marika Rothfeld has announced that she is resigning from the Planning Commission effective when the City Council appoints a replacement.

DISCUSSION:

The City has advertised a recruitment seeking applicants from the community to fill the vacancy. The term of office will expire June 30, 2025.

The City Council will convene a Special City Council meeting on April 9, 2024 to interview applicants for the vacancy.

The following lists the names of the applicants:

Planning Commission

1. Hector F. Lopez
2. David Prueter
3. Erin Martin

Should Council decide not to appoint someone from the current applicants, staff would re-advertise for the position to fill the vacancy.

GOAL:

Miscellaneous/Other

DOCUMENTS ATTACHMENTS:

[Attachment 1 - Planning Commission Application - Hector F Lopez](#)

[Attachment 2 - Planning Commission Application - David Prueter](#)

[Attachment 3 - Planning Commission Application - Erin Martin Martin](#)

[Attachment 4 - Resolution Planning Commission](#)



City of St. Helena

CA-24-003

COMMISSION/COMMITTEE APPLICATION

Received Date: March 11, 2024

Application Type: Planning Commission

NAME: Hector F. Lopez

ADDRESS: 1007 Charter Oak Avenue, Saint Helena, CA, 94574

PHONE: (707) 718-6725 Personal cell

ALTERNATIVE PHONE: (925) 200-0372 Work cell

EMAIL ADDRESS: hlopez@ctcnc.org

LENGTH OF RESIDENCY: Saint Helena

EMPLOYER: Nor Cal Carpenters Union Training Committee

EMPLOYMENT STATUS: Employed

REASON FOR APPLYING: I want to give back to the town I was born and raised in. I want to assist in keeping St. Helena a beautiful town assisting the residents build according to the City General Plan.

EDUCATIONAL BACKGROUND: Completed the Carpenter's Union Apprenticeship 4 year program and became a Journeyman Union Carpenter in 2003, BA from UC Berkeley in Ethnic Studies in 1997 in the College of Letter's and Science, A.A. in Carpentry from American River College in 2009, A.A. in English from Santa Rosa Junior College in 1993. Penn State courses in Construction Management 2012 to 2024 given at the Las Vegas Carpenter's Union International Training Center. OSHA 500 certified to walk construction job sites and advise contractors of OSHA safety violations.

OTHER RELEVANT EXPERIENCE: Custom home builder with the Carpenters Union for 10 years in Marin County. Some Custom Apartment work in San Francisco in Pacific Heights. Over 26 years experience with commercial and residential construction and walking job sites in Norther California 46 counties form the High Speed Rail in Fresno to the Sales Force Tower building in San Francisco to court houses and hospitals in Redding and Eureka up to the Oregon Boarder.

COMMUNITY INVOLVEMENT: I am a counselor and mentor to over 5,000 apprentices of the 11 crafts under the Carpenter's Union that I assist in keeping them on track with their classes and work hours in 46 counties.

REFERENCE 1: Name: Matt Cia
Address: 1120 June Lane
Phone Number(s): (707) 312-1741
Email: mattc@ogletreecorp.com

REFERENCE 2: Name: Sean Wilson
Address: 1025A Dowdell Lane
Phone Number(s): (707) 963-6404
Email: sean@oktires.com

THIS DOCUMENT AND ALL ATTACHMENTS ARE AVAILABLE FOR PUBLIC INSPECTION

REFERENCE 3:

Name: Jeff Mathis
Address: 1017 Charter Oak Avenue
Phone Number(s): (707) 309-4887
Email: jeffmathis1969@yahoo.com

GENERAL QUESTIONS:

Have you ever attended a meeting of the Commission to which you are applying?

Yes. I have been in meetings held for the expansion of Farmsted. Also went to meetings when investors that purchased a lot behind me of 1003 Charter Oak Avenue when they were in the planning of the home that is yet to be finished and has now been foreclosed for the 2nd time!

What is your understanding of the role and responsibility of this Commission?

To properly guide all those applying for new construction or remodeling projects in building according to the regulations set by the city under the General Plan.

What would be your goal(s) as a Commissioner?

To work with the other committee members in researching and advising on what can be accomplished in construction projects presented to us by our citizens.

Have you previously served, or do you currently serve, on a St. Helena Commission or Committee? If yes, which one(s) and for what period of time?

No

Is there anything else you would like us to consider when reviewing your application?

As a 26 year Union Carpenter I pride myself with building properly according to construction standards and believe in a quality product over quantity for lasting project. I hope to ser the committee to the best of my experience and ability. I speak fluent Spanish that my help when we have Spanish speaking residents and visiting their projects. I look forward to working as a team with other committee members in coming up with solutions that satisfy both our beautiful city and the residents seeking to build in St Helena.

I agree that all of the information contained in my responses to the questions on this application are true and accurate to the best of my knowledge. I further agree that, by checking the box below and submitting this application, online or otherwise, I am affixing my digital signature to this form as of the date submitted. I also agree that if appointed, I will serve on the Commission/Committee for which I have submitted this application.

☒ I AGREE

Hector Fernando Diaz De Leon Lopez

March 11, 2024

THIS DOCUMENT AND ALL ATTACHMENTS ARE AVAILABLE FOR PUBLIC INSPECTION



City of St. Helena

CA-24-005

COMMISSION/COMMITTEE APPLICATION

Received Date: March 19, 2024

Application Type: Planning Commission

NAME: David Prueter

ADDRESS: 1181 Valley View Street, Saint Helena, California, 94574

PHONE: 3302060094

EMAIL ADDRESS: davidprueter@yahoo.com

LENGTH OF RESIDENCY: 2 years

EMPLOYER: Medtronic, Inc. (Intellectual Property Attorney)

EMPLOYMENT STATUS: Employed

REASON FOR APPLYING: Saint Helena is a special town that has unique considerations for land use and zoning. I want to serve on the Planning Commission to help make planning decisions that take the character of Saint Helena into consideration.

EDUCATIONAL BACKGROUND: (2005-2009) The University of Akron - Bachelor of Science, Mechanical Engineering
(2010-2013) The University of Akron School of Law - Juris Doctor

COMMUNITY INVOLVEMENT: Member, Saint Helena International Order of Oddfellows

REFERENCE 1: Name: Linda Reiff
Address: 1944 Spring Street, Saint Helena, CA 94574
Phone Number(s): 707-225-7900
Email: lreiff@comcast.net

REFERENCE 2: Name: Stephen Slevin
Address: 2081 Spring Street, Saint Helena, CA 94574
Phone Number(s): 415-999-1059
Email: stephenslevin@mac.com

REFERENCE 3: Name: Maxine Angell
Address: 2101 Spring Street, Saint Helena, CA 94574
Phone Number(s): 707-963-9263
Email: maxlangell@yahoo.com

GENERAL QUESTIONS:

Have you ever attended a meeting of the Commission to which you are applying?

Yes

What is your understanding of the role and responsibility of this Commission?

I understand that the Planning Commission reviews applications for projects within the City, including use permits, variances, zoning maps, and design review of development and construction. I also understand that the Planning Commission reviews amendments to the Housing Element, General Plan, and Zoning Ordinance and provides recommendations to City Council regarding these documents.

What would be your goal(s) as a Commissioner?

THIS DOCUMENT AND ALL ATTACHMENTS ARE AVAILABLE FOR PUBLIC INSPECTION

My goals would be to fully understand the regulations and requirements associated with the Housing Element, General Plan, and Zoning Ordinance. I would also strive to engage the community and ensure that the City's decisions relating to planning, development, land use, and zoning are made fairly and with public input.

I agree that all of the information contained in my responses to the questions on this application are true and accurate to the best of my knowledge. I further agree that, by checking the box below and submitting this application, online or otherwise, I am affixing my digital signature to this form as of the date submitted. I also agree that if appointed, I will serve on the Commission/Committee for which I have submitted this application.

☒ I AGREE

David Prueter

March 19, 2024

THIS DOCUMENT AND ALL ATTACHMENTS ARE AVAILABLE FOR PUBLIC INSPECTION



City of St. Helena

CA-24-004

COMMISSION/COMMITTEE APPLICATION

Received Date: March 18, 2024

Application Type: Planning Commission

NAME: Erin Martin Martin

ADDRESS: 1792 Vineyard Ave, St. Helena , Ca, 94574

PHONE: 7072950717

ALTERNATIVE PHONE: 7079634141

EMAIL ADDRESS: Erin@erinmartin.com

LENGTH OF RESIDENCY: 27 years +

EMPLOYER: Self

EMPLOYMENT STATUS: Employed

REASON FOR APPLYING: Love this town and owe it a lot.

EDUCATIONAL BACKGROUND: (High School, College, Professional, Vocational, or other Schools Attended. Please include Major or Field of Study, Dates attended, Degree and date of Degree)

OTHER RELEVANT EXPERIENCE: Creating living spaces for humans.

COMMUNITY INVOLVEMENT: Years with Youth with a Mission.

REFERENCE 1: Name:Joel Gott
Address:
Phone Number(s):
Email:

REFERENCE 2: Name:Dan Hale
Address:
Phone Number(s):
Email:

REFERENCE 3: Name:Howard Backen
Address:
Phone Number(s):
Email:

GENERAL QUESTIONS:

Have you ever attended a meeting of the Commission to which you are applying?

Yes.

What is your understanding of the role and responsibility of this Commission?

It takes a village and focus.

What would be your goal(s) as a Commissioner?

To make this town as healthy and joyful as it can be.

Is there anything else you would like us to consider when reviewing your application?

THIS DOCUMENT AND ALL ATTACHMENTS ARE AVAILABLE FOR PUBLIC INSPECTION

Feel I am better in person than on paper.

I agree that all of the information contained in my responses to the questions on this application are true and accurate to the best of my knowledge. I further agree that, by checking the box below and submitting this application, online or otherwise, I am affixing my digital signature to this form as of the date submitted. I also agree that if appointed, I will serve on the Commission/Committee for which I have submitted this application.

☒ I AGREE

Erin Martin

March 18, 2024

CITY OF ST. HELENA

RESOLUTION NO. 2024-

**APPOINTING AN APPLICANT TO A VACANT
PLANNING COMMISSION POSITION**

RECITALS

- A. Planning Commission Member Marika Rothfeld announced that she is resigning from the Planning Commission effective when the City Council appoints a replacement; and
- B. The City Clerk conducted a recruitment to fill the position with a term expiring June 30, 2025, and received two applications; and
- C. The City Council will hold a special meeting to conduct interviews on April 9, 2024, with the City Council making an appointment at the April 9, 2024 regular meeting.

RESOLUTION

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

- 1. The City Council appoints _____ to the vacant Planning Commission term of office expiring June 30, 2025.

Approved at a Regular Meeting of the St. Helena City Council on April 9, 2024, by the following vote:

Mayor Dohring:	_____
Vice Mayor Hall:	_____
Council Member Chouteau:	_____
Council Member Patrick Kenealy:	_____
Council Member Summers:	_____

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor

Cindy Tzaopoulos, City Clerk



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Administration

DATE:	April 9, 2024
FROM:	April Mitts, Assistant City Manager
SUBJECT:	Direct staff to prepare a report to the City Council pursuant to California Elections Code Section 9212 analyzing the impacts and effects of the Noble House proposal titled, "St. Helena Agritourism Initiative."
RECOMMENDED ACTION:	Authorize the preparation of a 9212 Report.
PREVIOUS COUNCIL ACTION:	None
STATEMENT OF THE PURPOSE:	To direct City staff to prepare an Elections Code Section 9212 Report.
FINANCIAL IMPACT:	The cost of the report preparation will be influenced largely by the breadth and complexity of the topics that City Council wants included. Preparation of the report is expected to include staff time, which will impact other work priorities, and possibly the use of consultants, which will result in hard costs. Based on the City Council's direction, staff will determine the costs for the preparation of the report and return to City Council to approve an allocation of funds, as determined necessary and appropriate.

BACKGROUND:

On March 12, 2024, Initiative proponents ("Noble House") filed with the City a Notice of Intent to Circulate Petition and a request that the City Attorney prepare a ballot title and summary. The City Attorney Office title and summary is an unbiased and neutral description that is to be used on the official ballot and other election materials, such as the petition that is currently being circulated for signatures.

The Initiative is included as Attachment 1 to this Staff Report. Noble House proponents have called the petition, St. Helena Agritourism Initiative (the "Initiative"). This Initiative seeks to adopt a new Winery and Planned Agritourism Overlay ("WPA Overlay"). The WPA Overlay can only be applied on up to 11 acres of large parcels in excess of 110-acres, located within City limits but outside the City's Urban Limit Line, with existing active agriculture and a winery, and served by an existing railroad line. If adopted, the the newly adopted WPA Overlay would apply to 11 acres of real property along the existing rail line located at 2800 Main Street, with mostly open, fallow acreage bordered by Deer Park Road.

The Noble House proposed Initiative would facilitate the development of an up to 56-room agritourism resort hotel, with a variety of public and visitor-serving amenities including meeting and event spaces, and an on-site spa and restaurant open to the public, including residents of St. Helena. The Initiative states it includes specific policies, development standards, and required environmental design features to ensure that the actions approved in the Initiative will require the project to proceed in an environmentally responsible manner and only as approved by the voters.

The proposed Initiative indicates project requirements include, but are not limited to: responsible water and wastewater plans, with a reliance on recycled water for non-potable and landscaping needs; ensuring that public access to the site is via Deer Park Road, in addition to the rail line, which will substantially minimize traffic related impacts; and a substantial commitment to the construction of new affordable workforce housing in the City of St. Helena.

Once the proponents of this Initiative have completed collecting signatures, if sufficient valid signatures are gathered during the period of time prescribed by State law, the Initiative would be placed on the ballot for consideration by voters if the City Council does not itself approve the measure, as described in the Discussion section.

DISCUSSION:

Elections Code 9212(a) authorizes the City Council to refer the Initiative measure to a city agency or agencies for a report regarding the Initiative's impact and effects ("Report") during circulation of the Initiative or before the City Council either adopts the Initiative or orders an election. Election Code Section 9212 sets broad parameters for what the report may address, and provides that the report may examine the following items:

1. Its fiscal impact.
2. Its effects on the internal consistency of the City's General and Specific Plans, the consistency between Planning and Zoning, and the limitations on City actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.
3. Its effects on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
4. Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
5. Its impact on the community's ability to attract and retain businesses and employment.
6. Its impact on the uses of vacant parcels of land.
7. Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

8. Any other matters the legislative body requests to be in the report.

Once the petition with all signatures is submitted to the City, the City Clerk will have thirty (30) business days to examine the petition and determine if sufficient valid signatures have been collected to enable the petition to move forward. At the next regular meeting of the City Council, the City Clerk will certify the results of the examination. If the petition qualifies, the City Council must either adopt the petition without alteration at this meeting or within ten (10) days thereafter; or order an election. The City Council may rely on the Report in making its determination to adopt the ordinance or submit it to vote. The Report will also serve to education the public on the effects of the Initiative.

Based on staff's preliminary review of the Initiative, staff recommends further consideration of the effects of the Initiative on all seven items listed in Elections Code Section 9212.

The Report must be presented to the City Council at a date set by the Council, no later than thirty (30) days after the City Clerk certifies the sufficiency of the petition. The attached Resolution allows presentation of the Report to the Council any time within the parameters set by state law.

Depending on the number of issues selected for report by the Council, staff seeks Council direction on the Report before the petition is determined to be sufficient in order to provide adequate lead time to analyze the issues that the City Council identifies for inclusion in the Report. Although staff may be able to rely on recent studies and reports, there may be other issues that require additional analysis beyond the existing documentation. Should the Council direct preparation of a Report, the City Council should specify and prioritize the issues to be analyzed and included in the Report.

GOAL:

Miscellaneous/Other

DOCUMENTS ATTACHMENTS:

[Attachment 1 - The St. Helena Agritourism Initiative - Proponent Kristine Raymond](#)
[Attachment 2 - Resolution](#)



March 13, 2024

VIA HAND DELIVERY

Cindy Tzaopoulos, City Clerk
City of St. Helena
1088 College Avenue
St. Helena, CA 94574

Re: The St. Helena Agritourism Initiative

Dear Ms. Tzaopoulos:

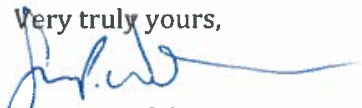
For your immediate attention, enclosed please find the following documents relating to an initiative titled the St. Helena Agritourism Initiative (the "Initiative"):

- Notice of Intent to Circulate Petition (Elections Code § 9202);
- Text of the Initiative (Elections Code § 9202);
- Certifications regarding use of signatures (Elections Code § 9608);
- Initiative proponent's authorization for the Nielsen Merksamer law firm to handle the filing of the Initiative petition, as well as any related actions and/or correspondence with elections officials relating to the Initiative (Elections Code § 9210); and
- A check in the amount of \$200 (Elections Code § 9202).

Pursuant to Elections Code section 9203(a), this letter shall serve as formal written request that a ballot title and summary of the measure be prepared by the City Attorney.

The name and address of the person proposing this measure (the "proponent") is Kristine ("Krisi") Raymond, 1985 Vineyard Ave., St. Helena, CA 94574.

Please do not hesitate to contact the undersigned or Hilary Gibson of my firm should you have any questions. Thank you for your assistance.

Very truly yours,

Sean P. Welch

SAN FRANCISCO BAY AREA

2350 KERNER BLVD, SUITE 250

SAN RAFAEL, CA 94901

T 415.389.6800 F 415.388.6874

SACRAMENTO

1415 L STREET, SUITE 1200

SACRAMENTO, CA 95814

T 916.446.6752 F 916.446.6106

NMGOVLAW.COM

Notice of Intent to Circulate Petition

Notice is hereby given by the person whose name appears hereon of her intention to circulate a petition within the City of St. Helena for the purpose of qualifying and enacting the St. Helena Agritourism Initiative (the “Initiative”). A statement of the reasons of the proposed action as contemplated in the petition is as follows:

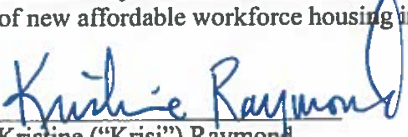
A fiscal analysis commissioned by the City of St. Helena and presented to the City Council in 2023 determined that the City has limited financial resources to provide needed services and upgrades to meet community expectations. The City’s Financing Civic Infrastructure Task Force previously concluded that new hotels within St. Helena City limits are essential to create new revenue streams to address the City’s budgetary challenges and finance the City’s many infrastructure needs, including new and improved City facilities, streets, and sidewalks.

The City’s 2040 General Plan contemplates the possibility of developing hotel and other tourist-oriented uses in close proximity to the existing rail line running roughly parallel to Highway 29, which would further the City’s goal of reducing the tourism industry’s reliance on cars. It would also bring substantial new annual revenue to the City in the form of hotel and other taxes paid by visitors.

To facilitate these needs and goals in a responsible manner that protects our community, this Initiative adopts a new Winery and Planned Agritourism Overlay (“WPA Overlay”). The WPA Overlay can only be applied on up to 11 acres of large parcels in excess of 110-acres, located within City limits but outside of the City’s Urban Limit Line, with existing active agriculture and a winery, and served by an existing railroad line. Along with conforming amendments to the City’s General Plan, Zoning Map, and Municipal Code, the Initiative applies the newly adopted WPA Overlay to 11 acres of real property along the existing rail line located at 2800 Main Street, within mostly open, fallow acreage bordered by Deer Park Road.

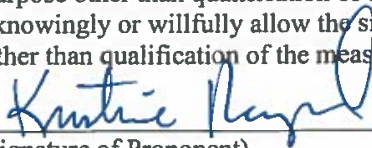
The Initiative thereby facilitates the development of an up to 56-room agritourism resort hotel, with a variety of public and visitor-serving amenities including meeting and event spaces, and an on-site spa and restaurant open to the public, including residents of St. Helena. The Initiative also includes specific policies, development standards, and required environmental design features to ensure that the actions approved by this Initiative will require the project to proceed in an environmentally responsible manner and only as approved by the voters.

These project requirements include, but are not limited to: responsible water and wastewater plans, with a reliance on recycled water for non-potable and landscaping needs; ensuring that public access to the site is via Deer Park Road, in addition to the rail line, which will substantially minimize traffic related impacts; and a substantial commitment to the construction of new affordable workforce housing in the City.


Kristine (“Krisi”) Raymond

SIGNED STATEMENT OF PROPONENT
(Elec. Code § 9608)

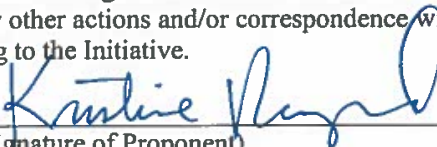
I, Kristine (“Krisi”) Raymond, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.


(Signature of Proponent)

Dated this 13th day of March, 2024.

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING
(Elec. Code § 9210)

I, Kristine (“Krisi”) Raymond, as the proponent of the St. Helena Agritourism Initiative (the “Initiative”), hereby authorize my legal counsel, Sean P. Welch and Hilary J. Gibson of the Nielsen Merksamer law firm, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.


(Signature of Proponent)

Dated this 13th day of March, 2024.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The people of the City of St. Helena do ordain as follows:

SECTION 1. Title.

This initiative measure shall be known and may be cited as the “St. Helena Agritourism Initiative” (“Initiative”).

SECTION 2. Findings and Purpose.

A. Findings. The people of the City of St. Helena (“City”) find and declare the following:

1. Located in the center of Napa Valley, the City has served from its inception as a rural agricultural center. It is also a hub for tourism, and hosts visitors from all over the world who come to experience the scenic vistas, world class wineries, and farm to table restaurants in Napa Valley’s wine country.
2. Revenue generated by the tourism industry is essential to ensure that the City has sufficient general fund revenue to pay for critical City services and infrastructure projects, including new and improved City facilities, streets, and sidewalks.
3. A fiscal analysis commissioned by the City and provided to the City Council in 2023 determined that the City has “several unfunded or underfunded needs” and that the City is “currently struggling to provide services and meeting the expectations of the community.” The report concluded that “The magnitude of the costs associated with the City’s underfunded needs . . . will not be affordable without additional financial resources—in other words, the City will need some form of revenue enhancement in order to continue providing the levels of service the community expects while also addressing deteriorating capital assets.”
4. The City’s *Financing Civic Infrastructure Task Force* had previously determined that two new hotels within St. Helena city limits were essential to create new revenue streams to address the City’s budgetary challenges and finance the City’s many infrastructure needs.
5. The City’s 2040 General Plan contemplates the possibility of developing hotel and other tourist-oriented uses in close proximity to the existing rail line running roughly parallel to Highway 29, which would further the City’s goal of reducing the tourism industry’s reliance on the automobile.
6. Accordingly, the people of the City of St. Helena desire to amend the City’s General Plan, Zoning Map, and Municipal Code to facilitate the development of a 56-room maximum, world-class resort hotel and agrotourism facility on the existing rail line, subject to the limitations, policies, and standards set forth in this Initiative.
7. The new resort hotel will be located within a newly adopted Winery and Planned Agritourism Overlay (“WPA Overlay”), which can only be applied on up to 11 acres of large parcels in excess of 110-acres located within City limits but outside of the City’s Urban Limit Line with existing active agriculture and a winery, and served by an existing railroad line.
8. Specifically, the new WPA Overlay will be applied to 11 acres of real property located at 2800 Main Street, with the resort located within mostly open, fallow acreage along Deer Park Road (the “WPA Property”). The larger approximately 140-acre winery site is bounded by Deer Park Road to the northwest, the Napa River to the northeast, and York Creek and an existing winery production facility to the southeast (the “Winery Property”). A map depicting the property subject to this Initiative is attached hereto for informational purposes as **Exhibit A**.
9. The Initiative would thereby facilitate the development of approximately 10.5 acres of currently mostly fallow ground on the Winery Property, including a one-acre landscape buffer. On-site facilities would include a maximum of 56 permitted guest

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

rooms, as well as a variety of public and visitor-serving amenities including meeting and event spaces, swimming pools, and an on-site spa and restaurant open to the public, including residents of St. Helena (the “Project”).

10. The rail line running through the Winery Property would remain the northern terminus of the existing tourist train route and provide ease of access for both hotel and winery visitors and other passengers upon the resort’s completion. Public access to the site will come from a future access drive off Deer Park Road, and from the existing train, which is intended to substantially minimize traffic related impacts. In addition, the Project will provide a minimum 8-foot wide paved bicycle and pedestrian trail open to the public, located along the existing rail line on the Winery Property, subject to approval by applicable agencies.

11. This Initiative also makes conforming amendments to the City’s General Plan and Zoning Code to facilitate the development of the Project and secure the fiscal and other benefits described herein for the City’s residents. The policies, development standards, and required environmental design features in this Initiative, as set forth in the new Winery and Planned Agritourism Overlay applied to the WPA Property, are intended to ensure that the actions approved by this Initiative will require the Project to proceed responsibly and only in the manner approved by the voters.

12. These Project requirements include, but are not limited to, responsible water and wastewater plans, with a reliance on recycled water for non-potable and landscaping needs, as well as a substantial commitment to the construction of new affordable workforce housing in the City.

13. Implementation of this Initiative will protect the public health, safety and welfare, and the quality of life for the people of the City of St. Helena.

- B. Purpose. The people of the City of St. Helena declare that our purpose and intent in enacting this Initiative is to make amendments to the City’s General Plan, Zoning Map, and Municipal Code to facilitate the development of a resort and agritourism facility on the WPA Property at the northern terminus of the existing Napa Valley train route.

SECTION 3. Amendments to the General Plan of the City of St. Helena

The General Plan of the City of St. Helena (General Plan Update 2040 (June 2019)) is hereby amended as follows (new language to be inserted into the General Plan is shown as underlined text and deletions shown in ~~strikethrough~~; text in regular type or **bold type** reflects the existing General Plan text and is provided for informational/reference purposes):

- A. Land Use and Growth Management Element, Section 2.2, Community Development Framework, Community and Natural Resource Areas at Page 2-15 is hereby amended as follows:

Agriculture (AG). The AG land use designation includes agricultural and winery uses with restricted single family residential and public/quasi-public uses. This designation applies to large areas of the valley floor that surround the city’s urban core. With the exception of hillside areas designated WW, all lands outside the Urban Limit Line are designated AG regardless of their size or actual use. Minimum parcel sizes for new parcels in AG areas range from 20 to 40 acres. However, wineries in AG land may utilize a small portion of onsite land for provision of affordable employee housing thus alleviating some of the low and moderate housing needs in the city, while simultaneously reducing commute traffic. Large parcels in excess of 110-acres with existing active agriculture and a winery located within the City limits but outside of the Urban Limit Line that are served by an existing railroad line may be designated with an agritourism overlay district allowing the parcel to utilize up to 11 acres for agritourism facilities with overnight accommodations (“Large Parcel Agritourism Facility”).

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

- B. Land Use and Growth Management Element, Section 2.5, Policies and Implementing Actions, Topic Area Growth Management at Page 2-30 is hereby amended as follows:

LU1.2 Allow urban development to occur only within the Urban Limit Line. Consider an exception for on-site employee housing on Agricultural lands. Urban services, such as sewer, water, and storm drainage, will only be extended to development within the Urban Limit Line. The Urban Limit Line may only expand when the amount of developable land within the Urban Limit Line is insufficient to implement the General Plan policies or when logical to include developed lands receiving urban services from the City. Expansion outside the Urban Limit Line should first be considered in Urban Reserve Areas. Expansion into other areas outside the Urban Limit Line should be considered only when the proposed land use is found to further the goals and long-term objectives of the City and does not result in adverse impacts to adjacent uses in either the urban or rural areas.

Development of a Large Parcel Agritourism Facility in an agritourism overlay district of up to 11 acres shall not be considered “urban development” for the purpose of this General Plan.

- C. Land Use and Growth Management Element, Section 2.5, Policies and Implementing Actions, Topic Area Agricultural Uses at Page 2-42 is hereby amended as follows:

LU5.3 Strictly limit development on properties existing at the time of the adoption of this General Plan that are designated as agricultural land, except for Large Parcel Agritourism Facilities as permitted by an agritourism overlay district.

LU5.6 Permit wineries and other agricultural-related industries, including Large Parcel Agritourism Facilities, to locate in the city if their location does not adversely impact surroundings, uses, or city services (water, traffic, etc.) or the quality and character of the community.

- D. Public Facilities and Services Element, Section 4.5, Policies and Implementing Actions, Topic Area Sewer at Pages 4-28 and 4-29 is hereby amended as follows:

PF2.2 Require the extension of the City sewer to areas that are dependent upon septic systems prior to approval of future growth in these areas.

Large Parcel Agritourism Facilities, as permitted by an agritourism overlay district, are not considered urban development, as further described in Policy LU 1.2 and Implementing Action PF2.C. Such development does not contemplate or require the extension of urban sewer services.

PF2.C Urban services such as sewer, water, and storm drainage will only be extended to development within the Urban Limit Line. Exceptions will be permitted when undue hardship can be demonstrated and when proposed improvements are not found to induce growth.

Large Parcel Agritourism Facilities, as permitted by an agritourism overlay district, are not considered urban development as contemplated by this General Plan and therefore such development does not contemplate or require the extension of municipal urban services such as sewer, water, and storm drainage, provided that wastewater treatment is provided by an on-property package water reclamation system sized for project serving flows in the form of a membrane bioreactor or similar system that is capable of providing tertiary level water quality treatment, and there is adequate water from existing on site wells to provide potable water; emergency systems water and irrigation water shall be supplied by recycled water and supplemented by on site wells as needed.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

SECTION 4. Amendments to the City of St. Helena Zoning Map.

The voters hereby amend the City of St. Helena Zoning Map as follows:

- 1. To include a new Winery and Planned Agritourism Overlay (WPA) designation in the list of City of St. Helena Zoning Districts, as depicted in **Exhibit B** hereto; and
- 2. Adopt the Winery and Planned Agritourism Overlay (WPA) zoning overlay on the WPA Property subject to this Initiative, as depicted in **Exhibit B** hereto.

SECTION 5. Amendments and Additions to the City of St. Helena Municipal Code.

Title 17 (“Zoning Code”), Chapter 17.19 (“Community Agricultural and Natural Resource Zoning Districts”), Section 17.19.020 (“Use Regulations”), “Commercial Uses” subsection of “Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts,” of the St. Helena Municipal Code is hereby amended as follows to add Winery and Planned Agritourism Overlay uses as a Permitted use in the Winery (W) Zone within the Winery and Planned Agritourism Overlay (additions shown in underline and deletions shown in ~~striketrough~~; text in regular type, *italics*, or **bold type** reflects the existing Municipal Code text and is provided for informational/reference purposes):

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “-” = Use Not Allowed				
...				
Commercial Uses				
Animal Care and service				
<i>Animal boarding facility/kennel</i>	CUP	-	-	
<i>Veterinary clinic</i>	CUP	-	-	
<u>Winery and Planned Agritourism Overlay uses</u>	-	<u>P</u>	-	<u>Only within the Winery and Planned Agritourism Overlay, see 17.21.060, Winery and Planned Agritourism Overlay</u>
...				

A copy of St. Helena Municipal Code Chapter 17.19 is attached hereto as **Exhibit D** for informational purposes only.

Title 17 (“Zoning Code”), Chapter 17.21 (“Overlay Zoning Districts”) of the St. Helena Municipal Code is hereby amended as follows (additions shown in underline and deletions shown in ~~striketrough~~; text in regular type or **bold type** reflects the existing Municipal Code text and is provided for informational/reference purposes):

Chapter 17.21 Overlay Zoning Districts

Sections:

- 17.21.010 Flood Plain Overlay (FP)
- 17.21.020 Mobile Home Park Overlay (MHP)
- 17.21.030 Parking Exemption District (PED)
- 17.21.040 Historic Preservation Overlay (HP)
- 17.21.050 Planned Development Overlay (PD)

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

17.21.060 Winery and Planned Agritourism Overlay (WPA)

Overlay zoning districts are intended to provide for the regulation of properties with special or unique conditions and establish regulations which shall be in addition to those of the base zoning district. The Overlay designations set forth in this Title are as follows:

Table 17.21A: Overlay Zoning Districts	
Abbreviation	Name
FP	Flood Plain Overlay
MHP	Mobile Home Park Overlay
PED	Parking Exemption District
HP	Historic Preservation Overlay
PD	Planned Development Overlay
WPA	Winery and Planned Agritourism Overlay

A new Section, 17.21.060, titled “Winery and Planned Agritourism Overlay (WPA),” is hereby added to Chapter 17.21 as follows:

17.21.060 Winery and Planned Agritourism Overlay (WPA)

A. Purpose. It is the purpose of the Winery and Planned Agritourism Overlay (WPA), when combined with an underlying Winery (W) Zoning District, to encourage high quality, innovative and creative agricultural based tourism development in the City outside of the Urban Limit Line. The WPA Overlay provides for the attraction of visitors with overnight accommodations on parcels within the agriculture general plan land use designation and Winery (W) Zoning designation in conjunction with agricultural, winery and winery-related uses. Large parcels in excess of 110-acres with existing active agriculture and a winery located within the City but outside of the Urban Limit Line and that are served by an existing railroad line may be designated with a WPA Overlay allowing the parcel to utilize up to 11 acres for agritourism with overnight accommodations. The WPA Overlay is intended to provide for the approval of development plans which serve public objectives more fully than development permitted under conventional zoning regulations. The WPA Overlay is consistent with the policies of the General Plan, as amended by the St. Helena Agritourism Initiative.

B. Permitted uses. The following are the permitted uses in the Winery and Planned Agritourism Overlay (WPA):

1. All uses permitted in the property’s base zoning district;
2. Hotel, resort, or similar uses with transient overnight accommodations with no more than 56 guest rooms, served by an active railway line and located on a development site no larger than 11 acres on parcels 110 acres or larger in size with active winery or vineyard uses.
3. Uses accessory to hotel, resort, including but not limited to spa, restaurant, bar, up to 11,000 square feet for meeting rooms or related spaces, or similar uses, with transient overnight accommodations.
4. Train station or depot up to 2,500 square feet for passenger and guest use, if associated with a hotel or resort.

C. Conditional uses. Conditional uses as specified in the property’s base zoning district require approval of a use permit as regulated by Section 17.05.020. Approval of a use permit is subject to finding the use consistent with the policies of the property’s General Plan land use designation and the purpose of the WPA Overlay.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

D. Design Review. Design Review shall not be required for uses permitted outright pursuant to Sections 17.21.060.B and E. Notwithstanding the foregoing, Design Review, conducted pursuant to Chapter 17.05, shall be required for new structures, buildings or exterior revisions (not including change in exterior color) to any existing structures or buildings that also require a conditional use permit pursuant to Section 17.21.060.C in the WPA Overlay, provided that no decision-making bodies or officials may use Design Review intentionally or inadvertently to prohibit, unduly restrict, or reduce uses, building types, number of maximum allowed units, density, or height of structures allowed in the WPA Overlay, or to require changes from or impose any conditions inconsistent with standards in this Chapter. All applications for Design Review for permitted uses in the WPA Overlay shall be limited to conformity with the standards in this Chapter. Design Review shall not be required for adjacent new construction meeting the requirements of Section 17.21.060(G)(6).

E. Accessory Uses, Buildings, and Structures. The following are types of accessory uses, buildings, and structures permitted in the WPA Overlay:

- 1. Restaurants, spas, meeting spaces, recreation areas, employee offices, equipment and maintenance areas, employee facilities, garages, carports, workshops, pools, pool houses, gazebos, patio covers, and other accessory buildings, structures, and similar uses associated with resorts and hotels;
- 2. Signs subject to the generally applicable provisions of Chapter 17.27;
- 3. Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional uses pursuant to the generally applicable provisions of Chapter 17.24.

F. Development Standards. Standards for lot area, building coverage, building height, setback requirements, minimum open space area, sign placement and design, off- street parking, landscaping, and screening for the proposed development within the WPA Overlay shall prevail over the development standards of the base district zoning of the property. No structure or improvement shall be constructed within the WPA Overlay except in compliance with the WPA Overlay. Each structure or improvement shall be constructed and maintained in substantial compliance with the WPA Overlay. The requirements in Table 17.21.060.F shall be observed in the WPA Overlay, except as otherwise provided in this Section.

Table 17.21.060.F Development Standards		
Maximum Standards.		
a.	Density	0.3 FAR
b.	Height of buildings/ structures	45 feet
c.	Building coverage	50 percent
d.	Building Area (conditioned)	105,000 sf
Minimum Standards.		
a.	Lot width	300 feet
b.	Front setback	100 feet
c.	Side setback	10 feet
d.	Rear setback	10 feet

- 1. Design. The design of the building and site shall substantially conform to all applicable development standards, requirements and Environmental Design Features in this Section; materials and colors shall be used in a manner that creates a visually cohesive design; roof

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

design, building massing, and building articulation treatments shall be applied on all sides of the buildings; and shall be compatible with the character, including any historic considerations, of the site.

2. **Landscaping.** All setbacks must be landscaped with plant materials, adequately maintained in accordance with the generally applicable provisions of Chapter 17.25.

3. **Parking.** Parking for hotel use shall be a minimum of 77 parking spaces and may be provided on site or off-site on an adjoining parcel subject to a long-term joint-use parking agreement. Parking and loading shall comply with the generally applicable Parking Area and Access Design Standards in Section 17.26.050. Electric vehicle charging stations and EV-capable parking shall conform to Section 17.26.090, as required.

G. Other Uses, Standards, and Requirements.

1. **Wastewater.** Wastewater treatment provided by an on-property package water reclamation system sized for WPA project serving flows in the form of a membrane bioreactor or similar system that is capable of providing tertiary treated water quality treatment shall be allowed. Alternatively, wastewater services may be provided by municipal wastewater systems if permitted by the City.

2. **Water.** Potable water will be provided by existing on-site wells. Emergency systems water and irrigation water will be supplied by recycled water and supplemented by on site wells as needed. Alternatively, such water may be provided by municipal water systems if permitted by the City. The use of existing water wells within the City, including the maintenance, modification, or reconstruction thereof, for potable water, emergency systems water, and irrigation water not supplied through treated wastewater shall be allowed and shall not require a permit under Section 13.16.060.

3. **Retail.** Retail sales and food and drink facilities must be integrated with the overnight accommodations or winery visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.

4. **Other Uses, Capacity.** No use authorized under the provisions of this Chapter shall be permitted where use, occupancy, or patronage will exceed the capability of the site to provide off-street parking, waste disposal systems, and reasonable provisions for public safety consistent with the St. Helena Municipal Code.

5. **Workforce Housing.** An Applicant under this Section shall apply to the City for a permit to develop a minimum of fifty (50) units of rental workforce housing made available to rent at an affordable rent, adjusted for household size, to moderate income households on a separate legal parcel within the City Limits ("Workforce Housing Obligation"). If the City approves any of the Applicant's proposed Workforce Housing Obligation, the City shall not apply any otherwise applicable affordable housing impact fee to the Project in accordance with applicable City regulations as contained in Chapter 17.30 of the St. Helena Municipal Code, as may be amended from time to time. If the City approves the Workforce Housing Obligation prior to the certificate of occupancy on the Project, Applicant shall cause construction of its Workforce Housing Obligation within 24 months of the City's approval of the Workforce Housing Obligation. If the City fails to approve the Workforce Housing Obligation prior to the certificate of occupancy on the Project, Applicant shall make a payment for the purpose of furthering the City's affordable housing goals pursuant to the requirements of St. Helena Municipal Code Section 17.30.020, as may be amended from time to time, to be paid to the City prior to issuance of the certificate of occupancy for the Project as the Project's sole obligation to provide affordable or workforce housing.

6. Environmental Design Features.

a. In addition to the requirements of the WPA Overlay and the St. Helena Municipal Code, an approved WPA Overlay must include and incorporate Environmental Design Features

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(“EDFs”) to ensure that development in the overlay area avoids or minimizes environmental effects with appropriate sensitivity to the land, its resources, and adjacent property, and remains in compliance with the California Building Code and other generally applicable state laws. The Project Applicant(s) or designee(s) under this Section shall implement all EDFs and the City shall implement a monitoring and enforcement program to ensure compliance. The monitoring and enforcement program shall be administered by the Community Development Director or their designee.

b. The EDFs required for the WPA Overlay adopted on the WPA Property subject to the St. Helena Agritourism Initiative (“Initiative”) are set forth in Appendix 1, which is incorporated by reference herein; Appendix 1 attached to the Initiative as Exhibit C.

7. **WPA Overlay Controls.** In the event that any other provision of this Chapter 17.21 (“Overlay Zoning Districts”) of Title 17 (“Zoning Code”) or any other provisions of the St. Helena Municipal Code conflict with this Section 17.21.060, the provisions of this Section shall govern.

8. **Modifications.** Modifications to the standards of this Section may be approved pursuant to the generally applicable provisions of Section 17.11.010 (“Minor Modifications to Development Standards”), as may be amended from time to time.

H. Building Permits.

- 1. **Building Permit Required.** No person shall commence, authorize, or cause to be commenced any erecting, constructing, enlarging, altering, repairing, improvising, moving, or demolishing of any building or structure in the WPA Overlay without first obtaining a building permit for buildings or structures from the Chief Building Official.
- 2. **Height.** Height shall be measured from finished grade to midpoint of roofline. Maximum height limits specified in this Chapter shall not apply to rooftop features for the housing of elevators, other roof equipment used to operate and maintain a building, screens for such equipment, other features, such as spires, belfries, domes, chimneys and cupolas, flagpoles, water tanks and towers, aids to navigation, communications antenna and satellite dishes, and other structures or features which, in the opinion of the Community Development Director, are similar to the above types of features.

I. Required Application. Applications for development in the WPA Overlay shall be filed by the Project Applicant and must include the following to determine substantial conformance with this Section:

- 1. A map or maps showing:
 - a. Topography of the land, contour intervals as required by the City;
 - b. Proposed circulation system;
 - c. Areas for proposed structures, uses, recreation areas, commercial uses, and other such areas;
 - d. Off-street parking; and
 - e. The location of the Workforce Housing Obligation;
- 2. General elevations or perspective drawing of all proposed buildings and structures;
- 3. Information demonstrating that:
 - a. The development meets the standards of this Section;

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- b. The development is a high quality design;
- c. Each phase (if any) of the development, as well as the development as a whole, can exist as an independent unit capable of creating an environment of sustained desirability and stability;
- d. The development is planned in coordination and substantial compatibility with the WPA Overlay; and
- e. That development has been designed to implement features consistent with this Section, including the required EDFs, to address potential impacts, including from traffic, wastewater treatment, water usage, and employee housing.

SECTION 6. Internal Consistency.

It is the intent of the people of the City of St. Helena that the amendments contained in Sections 3-5 of this Initiative be read and construed in full harmony with the rest of the General Plan of the City of St. Helena. To the extent that any other provisions of the St. Helena Municipal Code, or any other ordinances of the City may be inconsistent with this Initiative, the provisions of this Initiative shall govern.

SECTION 7. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City of St. Helena. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the effective date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions included in Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration. The City may also reorganize, renumber, and/or reformat the Municipal Code provisions included in Section 5 of this Initiative, provided that the full text is inserted into the Municipal Code without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of any element of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.

SECTION 8. Effect of Other Measures on the Same Ballot.

To ensure that the intent of the voters is not frustrated, this Initiative is presented to the voters as an alternative to, and with the express intent that it will compete with or take precedence over, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of properties subject to

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this Initiative in any manner whatsoever that would frustrate the purpose and intent of this Initiative (each, a “Conflicting Initiative”). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters’ intent that only the measure which receives the greatest number of affirmative votes shall control in its entirety with respect to the future use and development of properties subject to this Initiative and said other measure or measures shall be rendered void and without any legal effect with respect to such properties. If this Initiative is prevented from going into effect by a Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law. Notwithstanding the foregoing provisions of this Section, in the event that both this Initiative and another measure(s) are adopted by the voters at the same election, but the two measures can be harmonized in a manner that permits this Initiative to be implemented upon its adoption without imposing any additional or inconsistent requirement(s) to properties subject to this Initiative (e.g., the other measure impacts only properties that are not subject to this Initiative because of their land use designation and/or zoning), then it is the voters’ intent that both the other measure and this Initiative shall be given full force and effect regardless of which measure receives the greatest number of affirmative votes.

SECTION 9. Interpretation and Severability.

- A.** This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.
- B.** If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of St. Helena indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.
- C.** This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

SECTION 10. Amendment.

The amendments to the St. Helena General Plan, Zoning Map, and Municipal Code set forth in Sections 3-5 of this Initiative may be amended or repealed only by a majority of the voters of the City voting in a regular election held in accordance with state law.

SECTION 11. Exhibit List.

- Exhibit A: Map of the Property Subject to this Initiative (for informational purposes only)
- Exhibit B: Amendments to City of St. Helena Zoning Map
- Exhibit C: Appendix 1 to Section 17.21.060 of the St. Helena Municipal Code – Environmental Design Features (“EDFs”) for the WPA Property Subject to this Initiative
- Exhibit D: Copy of St. Helena Municipal Code Chapter 17.19 (for informational purposes only)

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EXHIBIT A

Exhibit A depicts the property subject to this Initiative. Specifically, this Exhibit A depicts the location of 1) the approximately 140-acre winery site, which is bounded by Deer Park Road to the northwest, the Napa River to the northeast, and York Creek and an existing winery production facility to the southeast (the "Winery Property"); and 2) the location within the Winery Property of the 11 acres of real property, located at 2800 Main Street, to which the new WPA Overlay will be applied pursuant to this Initiative (the "WPA Property"). This Exhibit is attached for informational purposes only.

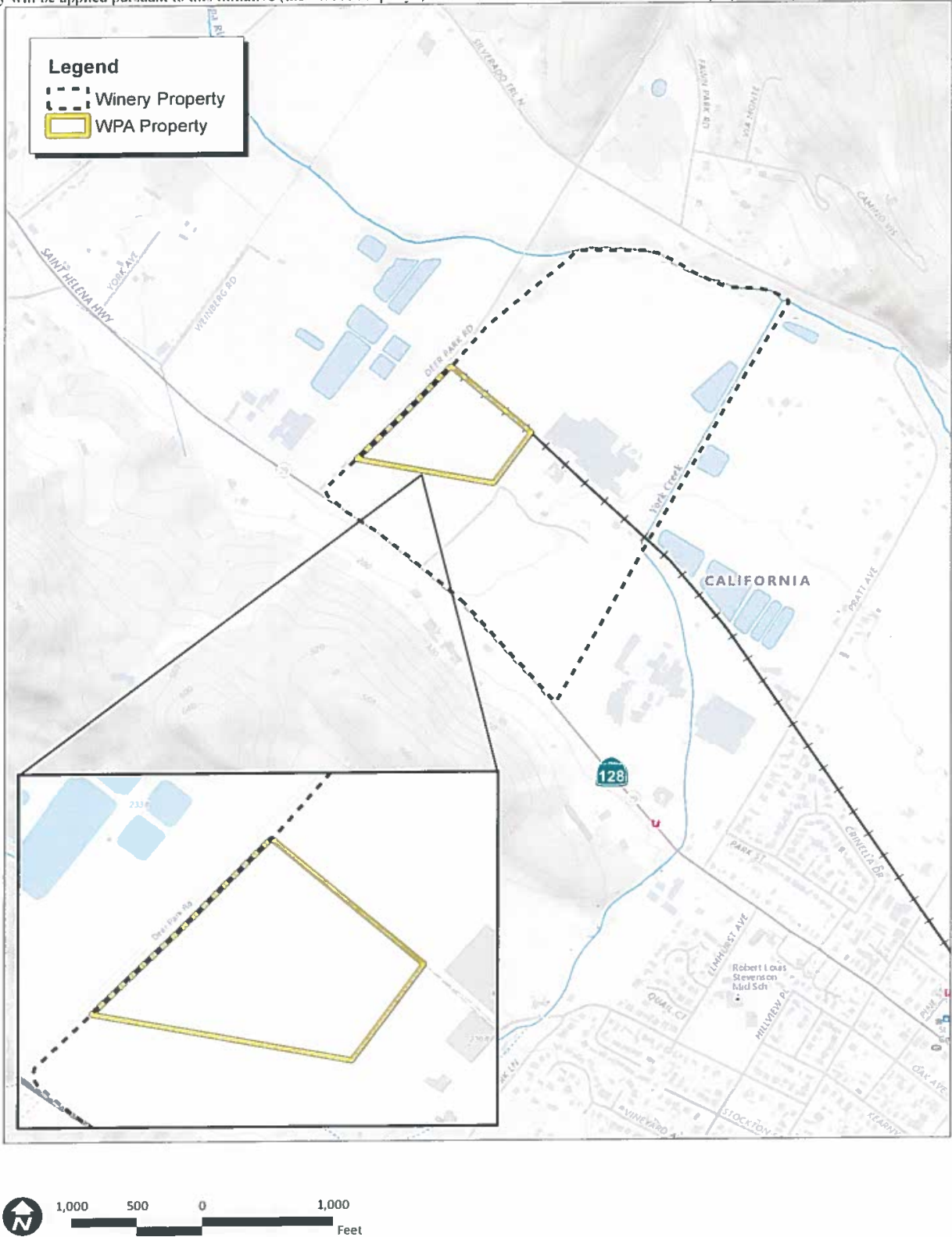


EXHIBIT A

A-1

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EXHIBIT B

The Zoning Map of the City of St. Helena is hereby amended as depicted herein to 1) include a new Winery and Planned Agritourism Overlay (WPA) designation in the list of City of St. Helena Zoning Districts; and 2) adopt the Winery and Planned Agritourism Overlay (WPA) zoning overlay on the WPA Property subject to this Initiative.

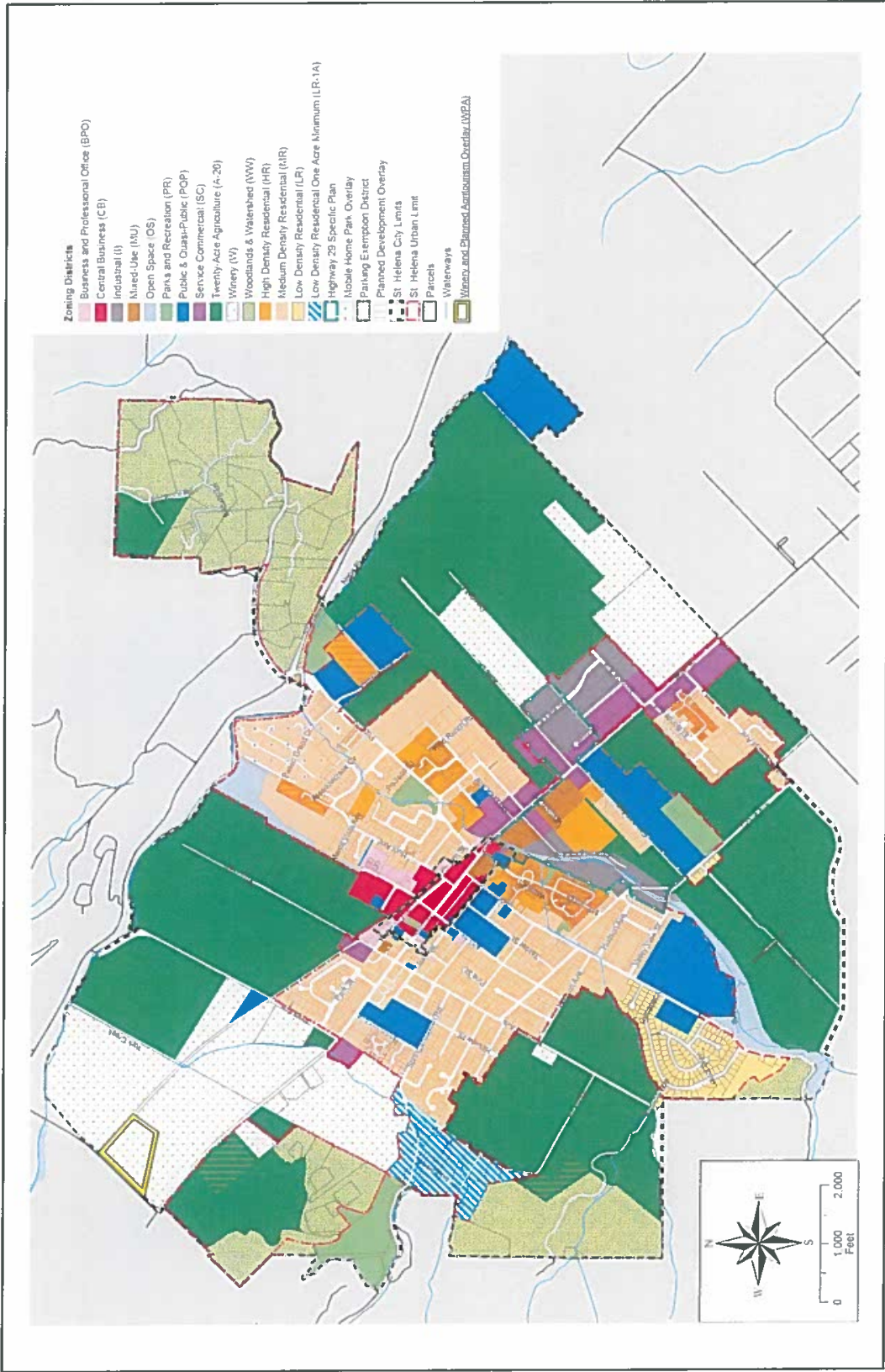


EXHIBIT B

B-1

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EXHIBIT C

Appendix 1 to Section 17.21.060 of the St. Helena Municipal Code -
Environmental Design Features for the WPA Property Subject to this Initiative

The following Environmental Design Features (“EDFs”) are incorporated into the WPA Overlay added to the WPA Property pursuant to the St. Helena Agritourism Initiative (the “Initiative”) to implement the goals and policies of the General Plan and this WPA Overlay. The applicant(s) or designee(s) (referred to herein as “Applicant”) for any hotel, resort or similar uses developed in the WPA Overlay (referred to herein as “Project”) shall implement the following EDFs as described below.

Environmental Design Feature	Timing
General	
1. A website shall be maintained to provide information on upcoming events at the Project.	Prior to Issuance of Certificate of Occupancy
2. The Project shall be in conformance with all applicable City ordinances, rules, regulations and policies in effect at the time of issuance of a building permit.	Prior to Issuance of Building Permit
3. All required fees, including planning fees, development impact fees, building fees, and St. Helena Unified School District fees for the Project shall be paid prior to issuance of a building permit except as expressly provided herein. Fees shall be those in effect at the time of the issuance of the building permit.	Prior to Issuance of Building Permit
4. Compliance with all EDFs shall occur in accordance with specific regulations but in all cases no later than prior to Project occupancy or initiation of use unless another time is set by law or by Section 17.21.060. Occupancy or final inspection of a Project may be withheld if all conditions, including payment of fees for services rendered by the City, are not met.	Prior to Issuance of Certificate of Occupancy
5. The Project shall be subject to the generally applicable requirements of, and all improvements shall be designed and constructed in accordance with, the most current version of legal requirements at the time of building or grading permit, such as the Caltrans Standards and Specifications, the City of St. Helena Municipal Code, the St. Helena Water and Sewer Standards, the St. Helena Street, Storm Drain and Sidewalk Standards, and all applicable current federal, state and county codes governing such improvements.	Prior to Issuance of Certificate of Occupancy
6. The Applicant shall comply with the generally applicable building codes in effect at the time the Applicant applies for a building permit, and shall include all documentation listed on the City's building permit application checklist, as may be amended from time to time.	Prior to Issuance of Building Permit
7. The plans for Project construction shall include a checklist for compliance with the mandatory, generally applicable measures of the California Green Buildings Standards Code, as may be amended from time to time, with a reference on the checklist indicating where the mandatory measures can be found on the plans.	Prior to Issuance of Building Permit
8. Building permit application materials and plans shall include any documentation pertaining to special loads applicable to the design and the specified section of the code that addresses the condition; special inspections for any systems or components requiring special inspection; requirements for seismic resistance; and a complete list of deferred submittals at time of application, provided that deferral of fire sprinkler design is not allowed.	Prior to Issuance of Building Permit
Aesthetics	
9. After completion of site grading, the slopes along Deer Park Road and the St. Helena Highway (CA-128 W/CA-29 N) shall be vegetated with a plant palette that is selected and planted appropriately based upon adaptability to the Project's climatic, geologic, environmental, and topographic conditions. All landscaping shall be maintained by the Applicant in good condition.	Prior to issuance of Certificate of Occupancy

EXHIBIT C

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10. Planted areas shall be irrigated with recycled water to the extent available and feasible.	Prior to issuance of Certificate of Occupancy
11. Accessory Project facilities such as trash bins, storage areas, etc., shall be screened from view from adjacent off-site residences to the extent feasible.	Prior to issuance of Building Permit
12. A minimum of 20% of the Property must remain maintained landscaping and shall be kept in a weed-free condition.	Prior to issuance of Certificate of Occupancy
13. Exterior lighting shall be directed or shielded to prevent glare onto the public roadway or adjacent properties.	Prior to issuance of Certificate of Occupancy
14. The Applicant shall provide details of all proposed fencing, walls, and gates on all plans submitted, which shall comply with any applicable building standards.	Prior to issuance of Building Permit
Air Quality	
15. Prior to the issuance of a grading permit for a Project, the Applicant shall submit a grading plan for review and approval by the City Planning Division. The following specifications shall be included in a Construction Management Plan with the permit application(s) to reduce short-term air quality impacts attributable to the on-site and off-site construction activities: a. During all construction activities, all architectural coatings applied shall contain a low content of volatile organic compounds; b. All construction equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. Equipment maintenance records shall be kept onsite and made available upon request by the City c. All material excavated, stockpiled, or graded (including unpaved areas and roads) shall be sufficiently watered to prevent fugitive dust from leaving property boundaries and causing a public nuisance or a violation of an ambient air standard; d. All onsite vehicles shall be limited to a speed of 25 miles per hour on unpaved roads; e. All land clearing, grading, earth-moving, or excavation activities on the Project site shall be suspended when sustained winds are expected to exceed 25 miles per hour; f. All trucks hauling dirt, sand, soil, or loose material shall be covered or shall maintain at least 2 feet of freeboard (i.e., minimum vertical distance between top of the load and the trailer) in accordance with the generally applicable requirements of the California Vehicle Code; g. Fossil fuel based off-road construction equipment and all construction vehicles shall be prohibited from idling for periods longer than 5 minutes when not in use; h. During Project construction, all construction equipment shall conform to applicable required state and federal emission standards. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than applicable required state and federal emission standards; i. During Project construction, electricity from power poles rather than temporary diesel- or gasoline-powered generators shall be used to the extent feasible; j. The Applicant shall prepare and implement a Construction Management Plan (CMP) for Project construction. Project construction contracts shall require compliance with the CMP. The CMP shall include, without limitation contractor contact information and responsibilities, typical construction hours, material storage and construction trailer locations, construction waste recycling program, construction equipment emissions requirements, dust control requirements, haul routes, any off-site construction parking plans, and construction traffic management plan (e.g., flag persons, signs); k. During Project construction, contractors shall implement fugitive dust control measures consistent with applicable Bay Area Air Quality Management District Regulations, as may be amended from time to time;	Prior to Issuance of Building Permit

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l. Project Construction contractors shall be required to implement a recycling program for waste generated by demolition and construction activities to the extent feasible; m. Project construction deliveries shall be scheduled, to the extent feasible, during off-peak traffic periods to encourage the reduction of trips during the most congested periods.	
16. The Project shall incorporate various sustainable design elements and guidelines to promote energy efficiency and other conservation measures. The Project's sustainable design elements shall include, but are not limited to: a. Landscaping consistent with the generally applicable provisions of St Helena Municipal Code Chapter 17.25 xeriscape principles and site-specific plant materials. All landscaping shall be maintained by the Applicant in good condition; b. Irrigation with recycled water to the extent available and feasible; c. Recycling programs for construction-generated waste; d. Use of energy efficient lighting for streetlights, path lights, and other similar uses.	Prior to issuance of Certificate of Occupancy
17. The Applicant shall provide a tree protection plan prior to the issuance of a grading permit that shall include on the site plan the location of trees within the Project area and include a tree protection plan which shall be coordinated with any civil grading/drainage/improvement plans.	Prior to issuance of Grading Permit
Biological Resources	
18. Prior to issuance of a grading permit for Project work in or discharges to any federal and/or state jurisdictional waters, including wetlands, Applicant shall provide written evidence to the City of St. Helena that any applicable resource agency with jurisdiction has issued any required permits; such agencies may include U.S. Army Corps of Engineers (Corps), California Department of Fish and Wildlife (CDFW), Regional Water Quality Control Board (RWQCB), or any other applicable agency (e.g., California Department of Fish and Wildlife (CDFW)).	Prior to issuance of Grading Permit
19. Project construction activities shall prevent the unpermitted discharge of sediment and/or muddy, turbid, or silt-laden waters into any on-site wetlands and/or other receiving water bodies, including off-site adjacent drainage ditches located immediately to the north and east of the Project. Project construction shall comply with the following: a. A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared to address best management practices (BMPs) that will be used to prevent erosion and sediment loss within the Project site. BMPs such as silt fence, mulching and seeding, and straw wattles will be placed where needed to prevent sediment from leaving the site during construction. Permanent stormwater management in the form of planting, mulching, and paving will be placed to address erosion after construction. Once construction is complete, the SWPPP will no longer be in effect; b. Appropriate sediment control measures (e.g., silt fences, straw wattles) shall be in place prior to the onset of construction activities within waters of the United States and/or State and in areas where there is a potential for surface runoff to drain into adjacent aquatic features and as required by the SWPPP; c. Sediment control measures shall be monitored and maintained until construction activities have ceased; d. Temporary stockpiling of excavated or imported material shall be placed as far away from any waters of the United States and/or State as practicable. Excess soil shall be used on site or disposed of at a regional landfill or other appropriate facility. Stockpiles that are to remain on the site through the wet season shall be protected to prevent erosion (e.g., silt fences, straw bales) as required in the SWPPP; e. All waters of the United States and/or State temporarily impacted by construction activities shall be restored and revegetated, as close as practicable, to preconstruction contours and conditions; f. Construction fencing shall be installed along the edges of the work zone adjacent to waters of the United States and/or State outside the construction area. All work and stockpiling of materials shall be confined to the Project disturbance area.	Prior to issuance of Grading Permit

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20. Birds, including but not limited to raptors such as white-tailed kite: If feasible, vegetation removal and/or construction shall be conducted between September 1 and January 31. If vegetation removal and/or construction activities is to occur during the nesting season (February 1 through August 31), a qualified biologist shall conduct a preconstruction survey no more than seven days before vegetation removal or construction activities begin. If an active nest is found, a non-disturbance buffer shall be established for a distance of 500 feet around the nest unless a smaller buffer zone is approved by CDFW. Construction may resume once the young birds have left the nest or as approved by the qualified biologist.	Prior to issuance of Grading Permit
21. Bats, including pallid bats: If feasible, vegetation removal and/or construction shall be conducted between August 16 and March 31. If vegetation removal and/or construction activities is to occur during the roosting season (April 1 through August 15), a qualified biologist shall conduct a preconstruction survey no more than seven days before vegetation removal or construction activities begin. If an active roost is found, a non-disturbance buffer shall be established for a distance of 500 feet around the nest unless a smaller buffer zone is approved by CDFW. Construction may resume once the young have left the nest or as approved by the qualified biologist.	Prior to issuance of Grading Permit
Cultural Resources	
22. Prior to the issuance of a building permit, Applicant shall have a qualified architectural historian conduct and prepare viewshed and site analysis to demonstrate the Project design compatibility of the new adjacent and/or related new construction to any properties listed and/or eligible for the National Register of Historic Places, California Register of Historical Resources, and/or potentially eligible as a State Historical Landmark and Point of Historical Interest. That analysis shall demonstrate that: a. New adjacent or related new construction by the Project to any properties listed and/or eligible for the National Register of Historic Places, California Register of Historical Resources, or potentially eligible as a State Historical Landmark and Point of Historical Interest will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired; b. The Project will avoid excavations or regrading of land adjacent to any historic building which could cause the historic foundation to settle, shift, or fail, or which could destroy significant archeological resources; c. Design of the Project's adjacent new construction to historic buildings will be compatible with the historic character of the site and preserves the historic relationship between the building or buildings and the landscape; d. New construction on or near the historic building site will avoid being visually incompatible in terms of size, scale, design, material, or color, which destroys historic relationships on the site, or which damages or destroys important landscape features, but will be differentiated from the historic building or buildings; e. Adjacent new buildings on a historic property or on an adjacent site will avoid being much larger than a historic building in close proximity, and avoid new buildings or groups of buildings that are not compatible with the character of the historic building; f. For development or redevelopment on a site that contains any structures over 45 years old, require a records search of the California Historical Resources Information System at the Northwest Information Center (NWIC) to determine the presence of historic resources. As warranted by the results of the records search, the Applicant shall also provide a historical significance assessment of structures over 45 years.	Prior to issuance of Building Permit
23. Any applicable California State Department of Parks and Recreation forms for historic resources shall be produced and submitted to the California Historic Resources Information System (CHRIS) to document current conditions of any historical resource prior to removal of any rows of the vineyard from the historic era.	Prior to issuance of Building Permit
24. The Project shall rehabilitate any sections of existing rail for the adjacent train track that has fallen into disrepair on the Project site and applicable California State Department of Parks and Recreation forms for historic	Prior to issuance of Building Permit

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resources shall be produced and submitted to the California Historic Resources Information System (CHRIS) to document the condition of the existing rail for the train resource before any Project construction begins.	
25. Applicant shall send letters of information about the Project to local historical societies that may have an interest in the history of the Project property, as appropriate.	Prior to issuance of Building Permit
26. Prior to issuance of a grading permit, a qualified archeologist shall prepare an Archaeological Treatment, Testing, and Curation Plan to assess of the potential presence of archaeological, paleontological and tribal cultural resources, including a site survey and a records search of the California Historical Resources Information System at the Northwest Information Center (NWIC). If warranted by the results of the assessment, the qualified archeologist shall then prepare a Cultural Resources Monitoring Plan (CRMP) in consultation with a Tribal Representative that will include protocols, as appropriate, for Workers Environmental Awareness training, on site cultural resources monitoring, Tribal monitoring, and procedures for treatment of additional cultural resources identified during ground disturbing activities associated with the Project. The CRMP shall include, at minimum, a plan the following items to be implemented before ground-disturbing or construction activities can resume for any resources found to be historical resources: a. A determination of the approximate volumetric quantity of archaeological deposit disturbed by all construction related earthmoving activities including grading, foundations, utility trenching and excavation for pools; b. Provisions for recovery of a minimum of ten percent (10%) sample of the intact cultural deposit within the area of the archaeological site impacted by the proposed Project. The actual quantity of the three percent sample of the cultural deposit shall be determined based upon the engineering data regarding volumetric quantity to native soils. Location of the mitigation excavation units shall be determined by an archeologist based upon final construction plans as well as consultation with the Project representatives; c. Monitoring of grading and excavations by a qualified archeologist; d. Provision for recovery for any significant cultural materials unearthed during construction excavation; e. Preparation of a final archaeological report at the completion of construction, describing all significant findings and submittal to the City, including whether these resources may require assessment for listing on the National Register of Historic Places; f. Preparation and submittal of an update to the existing site records and any applicable California State Department of Parks and Recreation forms for historic resources forms; g. Consultation with the local tribes (the Mishewal-Wappo Tribe and other tribes as appropriate based on consultation with the Native American Heritage Commission) regarding this Project.	Prior to issuance of Grading Permit
27. If human remains are discovered, all work within 100 feet of the remains shall immediately cease, and the Napa County Coroner's office shall be notified. If the coroner determines that the remains are Native American, the coroner shall notify the Native American Heritage Commission (NAHC) to identify the most likely descendant. The Project Applicant, under the direction of the City, and in consideration of recommendations from the most likely descendant, shall prepare a plan for treatment and reinternment of the remains. In the event that the most likely descendant cannot reach an agreement with the property owner for these activities even after mediation by the NAHC, the Applicant shall reinter the remains where they will not be subject to further disturbance, record the location with the NAHC and the Northeast Information Center, and work with the City to establish a zoning designation or easement at the location to protect the remains against future discovery or damage. Per the conditions in the CRMP, work shall halt within the vicinity of the find until the appropriate treatment measures have been completed.	Prior to issuance of Grading Permit and during construction
28. Should any paleontological resources be encountered during ground disturbing activities, all such activities shall halt within a 100-foot radius of the discovery, a qualified paleontologist shall be contacted to determine the nature of the find, evaluate its significance, and if necessary, implement preservation or removal methods.	Prior to issuance of Grading Permit and during construction

EXHIBIT C

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Energy	
29. Prior to issuance of a final occupancy permit, the Applicant shall demonstrate the Project's compliance with the following measures to the City Planning Division: a. Parking lot lights mounted and arranged efficiently to minimize energy compared to a greater number of fixtures at lower heights without increasing impacts on adjacent properties The use of LED lamps to provide a higher level of perceived brightness with less energy than other lamps; b. The implementation of reflective cool roof material (SRI of 16 or greater); c. High efficiency HVAC units with high-efficiency ducted systems; d. Photo sensor and time clock-controlled parking lot and exterior lights. e. The use of high-efficiency light source and ballasts (LED) and bi-level switching for fluorescent fixtures are used; f. Energy efficient Transformers; g. The use of variable speed motors make-up air units, booster pumps and air side and/or water side economizers; h. All electric utility service meters shall be a smart meter or equivalent advanced metering device, if allowed by the utility provider; i. All toilets, urinals, sinks, showers and other water fixtures installed on-site shall be as required by California's Green Building Code, as may be amended from time to time.	Prior to Issuance of Certificate of Occupancy
30. The Applicant shall implement the following emissions reduction measures: a. Utilize energy-efficient appliances, such as Energy Star-certified (or equivalent) water heaters, to reduce energy consumption and emissions; b. Utilize automated controls for air conditioners and lighting to reduce electricity consumption and associated emissions.	Prior to issuance of Building Permit
31. Serving or packaging to-go food materials in non-biodegradable polystyrene (i.e. Styrofoam/plastic foam) materials shall be prohibited.	Prior to operation of the Resort
Floodplain	
32. No new structures or fill that results in any increase in flood levels during the occurrence of the base flood discharge shall be developed within the Federal Emergency Management Association (FEMA) Floodway.	Prior to issuance of Building Permit
33. In accordance with the City of St Helena Municipal Code Section 15.52.150, the Project shall accommodate a Design Flood Elevation (DFE) of 18 inches above the Base Flood Elevation (BFE).	Prior to issuance of Building Permit
34. Any building structure below the Design Flood Elevation (DFE) shall be watertight with walls substantially impermeable to the passage of water, having structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy, and be certified by a registered civil engineer.	Prior to issuance of Building Permit
Geology and Soils	
35. The Applicant shall comply with site-specific recommendations set forth in site-specific engineering geology and soils investigation/geotechnical reports. The geology and geotechnical reports shall include site-specific studies and analyses for potential geologic and/or geotechnical hazards at the site. Geotechnical reports shall address the design of pilings, foundations, walls below grade, retaining walls, shoring, subgrade preparation for floor slab support, paving, earthwork methodologies, and dewatering, where applicable. Geology and geotechnical reports may be prepared separately or together and signed and stamped by a Professional Geologist or Professional Engineer licensed in the State of California.	Prior to issuance of Building Permit
36. During Project construction earthwork and grading activities, geotechnical observation shall be performed by the Project geotechnical engineer.	During construction
37. The grading plans provided by the Applicant for review shall include the existing topography shown with contour lines labeled at one-foot intervals and extending a minimum of 100-feet beyond the limits of the site, or sufficient distance to indicate impacts on adjacent properties.	Prior to Issuance of Grading Permit

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38. The Applicant shall construct all on and offsite improvements in accordance with the improvement plans and supporting calculations that are prepared by a registered civil engineer and reviewed by the City of St. Helena Public Works Department. The improvement plans and supporting calculations shall include detailed designs for all utilities, water, grading, drainage, erosion control and paving.	Prior to Issuance of Grading Permit
Hazardous Materials	
39. Prior to issuance of grading permits, shallow soils samples shall be taken on-site to determine the location of any contaminated soils on the site with concentrations above generally established applicable worker safety thresholds.	Prior to Issuance of Grading Permit
40. Any soils with residual agricultural chemicals exceeding the generally applicable screening levels for commercial uses, or hazardous waste limits shall be characterized, removed, and disposed of off-site at a licensed hazardous materials disposal site.	Prior to Issuance of Building Permit
41. All hazardous materials measures shall be printed on all construction documents, contracts, and Project plans prior to issuance of grading permits.	Prior to Issuance of Grading Permit
42. If contaminated soils are found in concentrations above established thresholds, a Site Management Plan (SMP) shall be prepared and implemented by the Applicant (as outlined below) and any contaminated soils found in concentrations above established thresholds shall be removed and disposed of according to applicable requirements and regulations. The SMP shall be prepared by a qualified hazardous materials consultant and provided to the City with grading permit applications. The SMP shall include: a. Management practices for handling contaminated soil or other materials if encountered during construction or cleanup activities and measures to minimize dust generation, stormwater runoff, and tracking of soil off-site; b. Preliminary Remediation Goals (PRGs) for environmental contaminants of concern to evaluate the site conditions following SMP implementation; c. A Health and Safety Plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each phase of site operations that includes the requirements and procedures for employee protection. The HSP will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.	Prior to Issuance of Grading Permit
43. Cleanup and remediation activities on the site prior to building construction shall be conducted in accordance with the SMP.	Prior to Issuance of Building Permit
44. All measures shall be printed on all construction documents, contracts, and Project plans prior to issuance of grading permits.	Prior to Issuance of Building Permit
45. Project construction activities shall comply with all generally applicable federal Occupational Safety and Health Administration Safety (OSHA) and California General Industry Safety Orders and Health Standards.	Prior to issuance of Building Permit
46. Hazardous materials, if any, associated with Project construction shall be located and stored in compliance with applicable federal, state, and local requirements. Response procedures for spills and leaks of hazardous materials, if any, shall be established in compliance with applicable federal, state, and local requirements.	Prior to issuance of Building Permit
Noise	
47. Project construction contractors shall be required to provide a Noise Management Plan to reduce construction noise at any offsite residences to the extent feasible, and shall implement the Noise Management Plan for construction activities.	Prior to issuance of Grading Permit
48. The noise management plan shall include the following requirements: a. Outdoor parking lot sweeping activities associated with the Project generally shall be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.;	Prior to issuance of Grading Permit

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b. Construction activity, including all outdoor loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, or similar objects in such a manner as to cause a noise disturbance to residential uses shall be limited to the daytime hours between 7:00 a.m. and 10:00 p.m.; c. Noise-generating equipment operated at the Property shall be equipped with noise control devices to the extent reasonably available (i.e., mufflers, intake silencers, lagging, and/or engine enclosures). All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated. Pile drivers used within 1,500 feet of off-site residences shall be equipped with noise control measures to reduce sound energy emissions associated with pile driving (e.g., use of noise attenuation shields or shrouds). Holes for piles will be pre-drilled to the extent feasible; d. Haul routes shall avoid noise-sensitive land uses to the extent feasible; e. Staging areas and construction material storage areas shall be located away from adjacent residences.	
Population and Housing 49. Prior to the issuance of a building permit, Applicant shall apply to the City for a permit to develop a minimum of fifty (50) units of rental workforce housing made available to rent at an affordable rent, adjusted for household size, to moderate income households on a separate legal parcel within the City Limits (Workforce Housing Obligation). If the City approves any of the Applicant's proposed Workforce Housing Obligation, the City shall not apply any otherwise applicable affordable housing impact fee to the Project in accordance with applicable City regulations as contained in Chapter 17.30 of the St. Helena Municipal Code, as may be amended from time to time. If the City approves the workforce rental housing prior to the certificate of occupancy on the Project, Applicant shall cause construction of its Workforce Housing Obligation within 24 months of the City's approval of the Workforce Housing Obligation. If the City fails to approve the Workforce Housing Obligation prior to the certificate of occupancy on the Project, Applicant shall make a payment for the purpose of furthering the City's affordable housing goals pursuant to the requirements of St. Helena Municipal Code Section 17.30.020, as may be amended from time to time, for the Project to be paid to the City prior to issuance of the certificate of occupancy for the Project as the Project's sole obligation to provide affordable or workforce housing.	Prior to issuance of Building Permit; Prior to Issuance of Certificate of Occupancy
Public Services 50. Project water lines and hydrants shall be sized and located so as to meet the fire flow requirements established by the Fire Department.	Prior to issuance of Building Permit
51. Prior to construction, building plans shall be submitted to the Fire Department for review. Based on such review, any additional fire safety requirements shall be implemented to the satisfaction of the Fire Department.	Prior to issuance of Building Permit
52. During construction, adequate ingress/egress access points shall be provided for emergency response in compliance with the requirements of the Fire Department.	Prior to issuance of Building Permit
53. Clearly marked, durable, source sorted recycling bins shall be conveniently located within the Property unless the Property is under contract with a vendor to sort waste.	Prior to issuance of Building Permit
54. The Applicant or its designee shall be responsible for meeting with the Building Official, Fire Inspector and/or Public Works Department to review compliance with Building Codes, Fire Codes, and applicable Public Works Standards.	Prior to Issuance of Building Permit
55. No construction may commence until adequate access to fire water supply is available to building sites as approved by the Fire Chief.	Prior to Issuance of Building Permit
56. Prior to issuance of a certificate of occupancy, trash areas, dumpsters and recycling containers shall be enclosed and roofed per applicable standards to prevent water run-on to the trash area and water runoff from the area, to contain litter and trash so that it is not dispersed by the wind or run-off	Prior to Issuance of Certificate of Occupancy

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during waste removal. In the event that wine or food is disposed in these areas, the enclosed trash area shall drain to the sanitary sewer system or alternative treatment system. An area drain connected to the sanitary sewer or alternative treatment system shall be installed in the enclosure area and a structural control such as an oil/water separator or sand filter shall be included. No other area shall drain into the trash enclosure. A sign shall be posted prohibiting the dumping of hazardous materials into the sanitary sewer.	
57. Prior to Certificate of Occupancy, the Applicant shall repair all public improvements that are damaged by the construction process in accordance with the City's generally applicable Water/Sewer/Street/Storm Drain/Sidewalk Standards, as may be amended from time to time.	Prior to Issuance of Certificate of Occupancy
58. Plans submitted for building permit shall exhibit compliance with the then current St. Helena Fire Code, as required by St. Helena Municipal Code Chapter 15.36, as may be amended from time to time.	Prior to Issuance of Building Permit
59. Fire sprinklers and fire hydrants shall be installed as required by Fire Code and the Fire Department.	Prior to Issuance of Certificate of Occupancy
60. One hour minimum fire-resistant construction on all exterior walls within 10' of property boundary is required. Fire resistant construction of interior walls shall be determined by type of occupancy.	Prior to Issuance of Building Permit
Transportation	
61. To encourage the use of alternative modes of transportation, the Applicant shall provide employee bicycle racks for no less than six bicycles.	Prior to Issuance of Certificate of Occupancy
62. To encourage the use of alternative fueled transportation, the Applicant shall install electric vehicle recharging stations at the Project site as required by St. Helena Municipal Code Section 17.26.090, as may be amended from time to time.	Prior to Issuance of Certificate of Occupancy
63. Preferential parking spaces shall be provided for low emission vehicles, including alternative-fuel vehicles, hybrid vehicles that qualify for freeway carpool lanes, and van pools.	Prior to Issuance of Certificate of Occupancy
64. During construction, a Construction Traffic Management Plan (CTMP) shall be prepared and implemented so as to reduce traffic impacts to adjacent residential neighborhoods, or pedestrian and vehicular impediment or interference due to construction traffic. The CTMP shall be attached to all construction contracts and shall include: a. procedures for roadway closures or traffic detours; b. haul routes; c. required protective devices and warning signs; d. locations of construction worker parking lots; e. construction vehicle staging shall be configured to reduce traffic interference and the need for lane closures.	Prior to issuance of Grading Permit
65. At the Applicant's expense, the southbound approach at Deer Park Road and entrance to the Project shall be improved to include a left-turn lane and a through lane, within the existing right-of-way.	Prior to operation of the Resort
66. A Transportation Demand Management program shall be prepared and implemented by the Applicant to encourage Project employees and patrons to reduce vehicular traffic on the street and freeway system during the most congested time periods of the day and to further reduce Vehicle Miles Traveled (VMT) and to support the City's trip reduction and climate policies. The Transportation Demand Management program may include but not be limited to the following: a. Bicycle and pedestrian-friendly environment (i.e., established and clear pedestrian networks, intersections, and built environments); b. Bicycle amenities, including bicycle parking (4 long-term spaces and 6 short term spaces minimum); c. Rideshare/carpool/vanpool promotion and support; d. Education and information on alternative transportation modes, including railway as available, via the Resort operator website; e. Discounted employee transit passes;	Prior to operation of the Resort

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f. Designate a Transportation Demand Management (TDM) coordinator to establish programs to ensure VMT by guests and employees are reduced, including, but not limited to, employee car and vanpooling, employer-sponsored transit passes, bicycle-sharing, showers, lockers, secure bike storage, and winery tours for guests with pickup and drop-off at the lodge.	
67. Prior to issuance of a Certificate of Occupancy, the Applicant shall provide no fewer than 25 courtesy bicycles for guests.	Prior to Issuance of Certificate of Occupancy
68. To preserve existing sight lines, any new signage, monuments, or other structures to be placed near the Project entrance shall be positioned outside of the vision triangles of a driver waiting on the Project access drive.	Prior to Issuance of Certificate of Occupancy
69. To minimize left turns onto SR 29 from Deer Park Road, Project signage shall be installed on the driveway directing drivers to use SR 29 to go north and Silverado Trail to go south.	Prior to Issuance of Certificate of Occupancy
70. In the event the City of St. Helena installs a traffic signal at SR 29/Deer Park Road, the Project Applicant shall pay its proportional share of the cost of the signal at the time the signal is constructed by the City.	Prior to Issuance of Certificate of Occupancy
71. In the event the County of Napa converts the existing traffic signal at Silverado Trail/Deer Park Road from flashing red operation to normal signal operation and changing the geometry on the westbound approach to a left-turn and through/right-turn lanes, the Applicant shall deposit funds with the County to cover the cost of the striping improvements to allow the County to implement this change at such time as it becomes necessary.	Prior to Issuance of Certificate of Occupancy
72. The Project shall cooperate, including by way of agreements, with the adjacent winery operator to ensure there is an adequate parking supply.	Prior to Issuance of Certificate of Occupancy
73. Prior to issuance of a Certificate of Occupancy, the Applicant shall pay traffic impact fees based on the City's Master Fee Schedule, and the fee will assume all square footage calculated at the lodging rate.	Prior to Issuance of Certificate of Occupancy
74. Prior to issuance of a building permit, the Applicant shall be required to obtain a City or other applicable encroachment permit for improvements on any public right-of-way.	Prior to Issuance of Building Permit
75. Prior to occupancy, Applicant shall construct, to the extent not previously constructed, a minimum 8-foot wide paved bicycle and pedestrian trail, which shall be open to the public, along the railway and within the property rights of the railway operator, between the Project site and Fulton Lane, provided that such obligation to construct is subject to issuance of any required permits, with reasonable and feasible conditions, from any federal and/or state agency with jurisdiction over construction affecting jurisdictional waters.	Prior to Issuance of Certificate of Occupancy
Utilities, Water, Water Quality and Wastewater	
76. Prior to the issuance of a Certificate of Occupancy, the Applicant shall underground on-site utility lines per the applicable requirements of the St. Helena Municipal Code. The cost of undergrounding shall be the responsibility of the Applicant. Due to the economic and engineering infeasibility of undergrounding any regional serving overhead power lines, any such existing lines may remain on overhead power poles.	Prior to Issuance of Certificate of Occupancy
77. Any new and modified existing water laterals, meters and backflow prevention devices shall be constructed in accordance with the generally applicable requirements of the City of St. Helena. Any new laterals shall be located perpendicular to the water main.	Prior to Issuance of Certificate of Occupancy
78. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board to comply with the statewide General Permit for Discharges of Storm Water Associated with Construction Activities (General Permit) and a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented for construction activities on the Property in accordance with applicable State requirements.	Prior to issuance of Building Permit

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79. Potable water will be provided by existing on-site wells. Emergency systems water and irrigation water will be supplied by recycled water and supplemented by on site wells as needed. Alternatively, such water may be provided by municipal water systems if permitted by the City. The use of existing water wells within the City, including the maintenance, modification, or reconstruction thereof, for potable water, emergency systems water and irrigation water not supplied through recycled water shall be allowed and not require a permit under St. Helena Municipal Code Section 13.16.060.	Prior to issuance of Building Permit
80. Prior to the issuance of a building permit, Applicant shall have a qualified hydrogeologist prepare a groundwater report describing how the Project's use of existing groundwater well(s) on the Winery Property will not have a material adverse impact on the water production capability of the City. The groundwater report shall demonstrate: a. The Project well(s) are more than 1500 feet on average from the City wells for potable water; b. The Project well(s) are more than 500 feet from the Napa River; c. The Project with existing groundwater uses on the Winery Property will not annually exceed 0.3 acre-ft/acre of groundwater extraction from the Project well(s); d. Recycled water will be generated through onsite water reclamation to maximize supply of non-potable water; e. Project groundwater demands do not exceed the capacity of on-site well(s); f. Well water extracted for use in the proposed development will, after initial use, be captured, treated, and reused for non-potable demands on the Winery Property, and will contribute to groundwater recharge.	
81. The Project shall incorporate best practices for water conservation, which shall include the metering the water production/extraction and well water levels.	Prior to Issuance of Certificate of Occupancy; ongoing
82. Applicant shall obtain all necessary permits from local and state agencies for the nontransient community water system.	Prior to Issuance of Certificate of Occupancy, ongoing
83. If the City provides a municipal water system connection and Applicant elects to connect to the municipal water system in lieu of the groundwater well(s) prior to Grading Permit, the Applicant shall execute prior to Building Permit a Water Agreement with the City, and shall comply with all applicable policies, codes, and other requirements for the municipal water system connection.	Prior to issuance of Building Permit
84. A grading and drainage plan shall be prepared for the Project that includes a design that allows for a 100-year overland release. All graded building pads shall be above the 100-year overland release elevation.	Prior to Issuance of Certificate of Occupancy
85. Prior to issuance of a grading or building permit (whichever occurs first) a detailed Post-Construction Stormwater Control Plan (SWCP) that identifies and sizes all permanent post-construction stormwater treatment best management practices (BMPs) shall be prepared by the Applicant's engineer and submitted for review approval by the City Engineer.	Prior to Issuance of Grading Permit or Building Permit
86. Prior to the issuance of a Certificate of Occupancy, a Post Construction Stormwater Operations and Maintenance Plan that provides a color-coded plan sheet showing all storm drain and water quality infrastructure that is to be maintained, along with detailed instructions and schedules for the ongoing maintenance and operation of all post-construction stormwater BMPs shall be submitted by the Applicant's engineer for review and approval by the City Engineer. Once approved, the property owner shall comply with the Post Construction Stormwater Operations Maintenance Plan BMPs.	Prior to Issuance of Certificate of Occupancy
87. If proposed/new landscaping involves an area greater than 500 square feet or rehabilitation of more than 2,500 square feet, the proposed landscaping shall comply with water efficient landscape best practices that are at least as effective as the State's Model Water Efficient Landscape Ordinance (MWELO), to the extent MWELO does not generally apply to the Project. Compliance shall be demonstrated as part of the building permit submittal.	Prior to Issuance of Building Permit

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88. Proposed separations between public water facilities and other utilities shall meet the minimum separations as specified by the generally applicable Department of Health and City of St. Helena Public Works Standards, as may be amended from time to time.	Prior to issuance of Building Permit
89. Wastewater treatment provided by an on-property package water reclamation system sized for WPA project serving flows in the form of a membrane bioreactor or similar system that is capable of providing tertiary treated water quality treatment shall be allowed. Alternatively, wastewater services may be provided by municipal wastewater systems if permitted by the City.	Prior to issuance of Building Permit
90. If the City provides a municipal wastewater system connection and Applicant elects to connect to the wastewater system in lieu of an on-property package water reclamation system prior to the issuance of a grading permit for the Project, the Applicant shall comply with all applicable policies, codes, and other requirements for the municipal wastewater system connection.	Prior to Issuance of Grading Permit
91. Prior to the issuance of building permit, Applicant shall provide a Wastewater Treatment Plant Plan and Design that contains the following information: a. Design of the treatment system that is compliant with applicable State and County code standards for domestic wastewater generated onsite from sinks, showers, toilet flushing, and winery process water that will be treated to high quality, tertiary standards onsite with a packaged treatment system operated by the Project. b. The Project shall provide a new package plant sized for both Project and the adjacent winery wastewater flows, providing tertiary level water quality treatment. c. The reclaimed water yielded from the treatment process shall be reused for non-potable demands within the Project, consisting of outdoor drip or spray irrigation and indoor flush fixtures. d. Excess treated water shall be available for the adjacent winery, which may use reclaimed water for washdown and tank cleaning or application to vineyards, and subject to all applicable State and County requirements and standards.	Prior to issuance of Building Permit
92. Where applicable, the Applicant shall be required to submit to the requirements for annual inspections of food/beverage service establishments and businesses that handle hazardous wastes for illicit stormwater discharges as required by the State National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges. The annual stormwater illicit discharge inspections are performed and invoiced by Napa County Department of Environmental Management.	Annually

EXHIBIT C

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EXHIBIT D

17.19.010 Community Agricultural and Natural Resource Zoning Districts

Chapter 17.19 Community Agricultural and Natural Resource Zoning Districts

Sections:

- 17.19.010 Purpose and Applicability
- 17.19.020 Use Regulations
- 17.19.030 Development Standards
- 17.19.040 Supplemental Standards

17.19.010 Purpose and Applicability

This Chapter protects existing resources while providing for a range of agricultural, residential, and community uses within the City's agricultural and natural resource areas. This Chapter establishes use regulations, development standards, and design standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts as follows:

Twenty-Acre Agriculture (A-20). The A-20 Zone is intended to provide for agricultural and residential uses. The purpose of the A-20 District is to preserve agricultural land uses and provide for future orderly development as the urban limit line is adjusted to accommodate urban growth. This Zone restricts the density of residential use and stipulates the location and area of residential development to promote preservation of agricultural land use and reduce impacts to the provision of infrastructure as the urban area of the City expands. This Zone implements the Agriculture General Plan Land Use Designation.

Winery (W). The W Zone is intended to provide for winery and winery-related uses within the agriculture general plan land use designation. This Zone implements the Agriculture General Plan Land Use Designation.

Woodlands and Watershed (WW). The WW Zone is intended to allow residential development that is sensitive to the land and its varying capability for development. Development in the WW Zone carefully considers the community-wide implications of natural conditions and minimizes impacts on natural conditions. This Zone implements the Woodlands and Watershed General Plan Land Use Designation.

17.19.020 Use Regulations

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts lists the uses permitted ("P"), permitted with a Minor Use Permit ("MUP"), and permitted with a Conditional Use Permit ("CUP") granted at a public hearing. The right-hand column provides references to additional regulations beyond those of the base zoning district development and design standards. Any projects that qualify for ministerial approval under state law will be processed ministerially as required by that state law.

EXHIBIT D

ATTACHED FOR INFORMATIONAL PURPOSES ONLY
D-1

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Community Agricultural and Natural Resource Zoning Districts

17.19.020

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
Residential Uses				
Agricultural employee housing	P/CUP ¹	P/CUP ¹	—	
Single-family dwelling	P ²	P ²	P ²	
Commercial Uses				
Animal care and service				
Animal boarding facility/kennel	CUP	—	—	
Veterinary clinic	CUP	—	—	
Industrial Uses				
Manufacturing, packaging and processing	—	CUP	—	
Tanks associated with winery uses	—	CUP ³	—	
Warehousing, Wholesale, and Distribution	—	CUP	—	
Wine warehousing	—	CUP	—	
Transportation, Communications, and Utilities				
Public services, minor	MUP	MUP	MUP	
Solar energy systems	Sec. 17.22.240, Solar Energy Systems			
Telecommunication	Sec. 17.22.270, Wireless Telecommunications Facilities			
Agricultural and Extractive Uses				
Animal husbandry	P/CUP ⁴	—	P ⁵	
Community garden	P	P	P	Sec. 17.22.100, Community Garden
Cultivated agriculture	P/CUP ⁶	P/CUP ⁶	P/CUP ⁶	
Processing of agricultural products primarily produced on the premises	CUP	CUP	—	
Wineries, large	—	CUP	—	
Accessory Uses – See also Sec. 17.22.020, Accessory Uses				
Accessory dwelling unit	Sec. 17.22.030, Accessory Dwelling Units			
Animal keeping	P	P	P	Sec. 17.22.060, Animal Keeping
Beekeeping	P	P	P	Sec. 17.22.070, Beekeeping

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

17.19.020 Community Agricultural and Natural Resource Zoning Districts

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
“P” = Permitted; “MUP” = Minor Use Permit; “CUP” = Conditional Use Permit; “—” = Use Not Allowed				
Cottage food operations	P	P	P	Sec. 17.22.110, Cottage Food Operations
Garages, carports, workshops, pool houses, gazebos, patio covers, and other accessory buildings and structures	P ⁷	P	CUP	Sec. 17.24.030, Accessory Buildings and Structures
Family day care, large	P	P	P	
Family day care, small	P	P	P	
Home occupations	P	—	CUP	Sec. 17.22.130, Home Occupations
Roadside stands	CUP	P/CUP ⁸	—	
Swimming pools	P	P	P	
Tasting room affiliated with small winery	CUP	CUP	CUP	
Winery event center	—	CUP	—	
Winery, small	CUP	CUP	—	Sec. 17.22.230, Small Wineries
Winery visitor center	—	CUP	—	
Uses accessory to a winery enclosed within a building (e.g., offices, laboratories, equipment maintenance shops, employees' eating facilities, cooperage repair shops, wine storage tanks, scales, and boiler rooms)	—	P	—	
Uses and equipment accessory to a winery located outdoors	—	CUP ⁹	—	
End Notes:				
¹ Up to 36 beds in group quarters or 12 units or spaces designed for use by a single-family or household pursuant to California Health and Safety Code §§ 17021.6 are permitted. Otherwise, a CUP is required.				
² On parcels over two acres in size, the single-family dwelling must be accessory to an agricultural use.				
³ If the new tanks increase wine production volume beyond what is established in an existing CUP or Certificate of Legal Non-Conforming Use, a new CUP is required. If there is no increase in wine production as a result of the proposed new tanks, no CUP is required. Design review is not required for new tanks placed indoors.				
⁴ Hog farms, dairies, commercial poultry farms, and egg ranches require a CUP.				
⁵ Horses and cattle are not permitted.				
⁶ CUP required for new uses within 30 feet of Napa River, York Creek, Sulphur Springs Creek and for new uses within Flood Plain Overlay (see Sec. 17.21.010, Flood Plain Overlay).				
⁷ Plumbing and cooking facilities are not permitted.				

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Community Agricultural and Natural Resource Zoning Districts

17.19.030

Table 17.19.020.A: Use Regulations – Community Agriculture and Natural Resource Zoning Districts				
Use Classification	A-20	W	WW	Additional Regulations
"P" = Permitted; "MUP" = Minor Use Permit; "CUP" = Conditional Use Permit; "—" = Use Not Allowed				
⁸ CUP is required where the roadside stand exceeds 200 square feet.				
⁹ Any outdoor winery equipment or improvements proposed to be located within 400 feet of any R Zone or within 200 feet of State Highway 29, the Silverado Trail or Deer Park Road requires a CUP.				

17.19.030 Development Standards

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts establishes the development standards for the Twenty-Acre Agriculture, Winery, and Woodlands and Watershed Zoning Districts. The numbers in each illustration refer to corresponding regulations in the table.

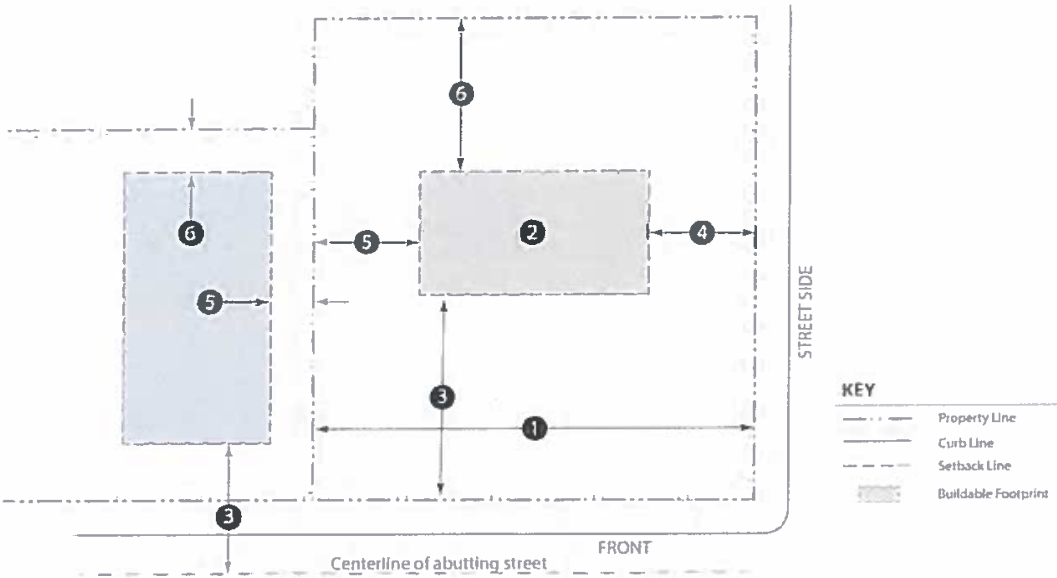


Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Density	Max. 1 unit/5 acres ²	Max. 1 unit/5 acres ²	Max. 1 unit per parcel ²	Max. 1 unit per parcel ²	
Lot Size					
Lot Area	Min. 20 acres	Min. 20 acres	Min. 20 acres	5 – 40 acres	
Lot Width	No min.	No min.	Min. 300 ft	20 – 200 ft	①

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

17.19.030 Community Agricultural and Natural Resource Zoning Districts

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Max. Lot Coverage (includes accessory structures)	9,000 sf ³	10,000 sf ³	50%	10% or 20,000 sq ft, whichever is less	
Max. Ground Level Floor Area (excludes accessory structures)	4,500 sq ft	5,000 sq ft	none	none	2
Max. Second Story Floor Area	35% of the ground floor area	20% of the ground floor area	none	none	
Height					
Principal Structure	Max. 30 ft	Max. 30 ft	Max. 45 ft	Max. 35 ft above natural grade	
Accessory Structure ⁴	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9.	Max. 20 ft; except for ADUs, refer to Section 17.22.030.E.9.	none	none	
Setbacks					
Front Setback	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 100 ft	20-50 ft or 10% of lot depth, whichever is lesser	3
Street Side Setback	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft, measured from the centerline of abutting street	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	4
Interior Side Setback	Min. 20 ft	Min. 20 ft	Min. 50 ft	20-50 ft or 10% of lot width, whichever is lesser	5
Rear Setback	Min. 20 ft	Min. 20 ft	Min. 75 ft	20-50 ft or 10% of lot depth, whichever is lesser	6
Min. Setback from Abutting Waterway	Min. 50 ft from top of bank of Napa River				
	Min. 20 ft from top of bank of all other waterways				

Landscape and Open Space

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Community Agricultural and Natural Resource Zoning Districts

17.19.040

Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts					
Standard	A-20 lots 2 - ≤ 5 acres ¹	A-20 lots > 5 acres	W	WW	Key
Max. Paved/ Hardscaped Area	0.25 acre	0.5 acre	none	none	

End Notes:

¹ For all lots less than 2 acres in area refer to the development standards for the LR-1A zoning district in Table 17.16.030.B: Development Standards – Residential Zoning Districts.

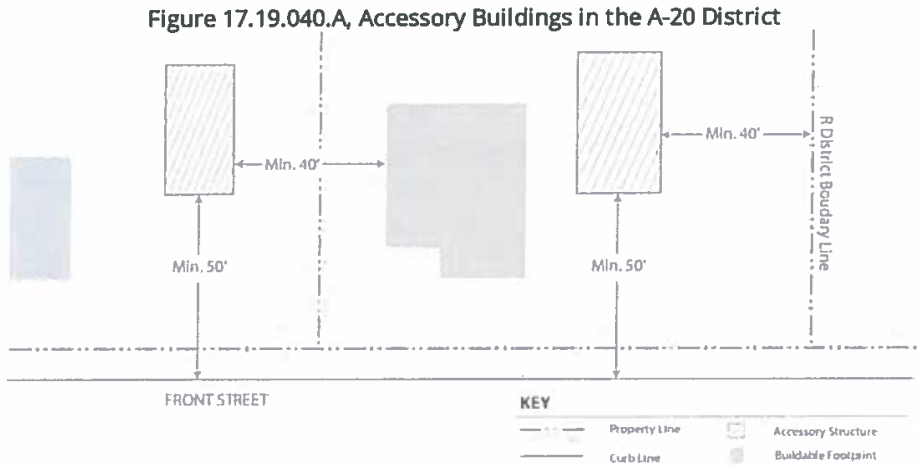
² Density excludes agriculture employee housing.

³ No more than 0.25 acres of any one parcel ≤ 5 acres (or 0.5 acres for parcels ≥ 5 acres) may be removed from potential, historical, or active agricultural use. All structures, driveways (except for a 16-foot wide driveway no greater than 2/3 the length of the parcel), parking areas, patios, pools, lawn areas, or other nonagricultural uses are included in the 0.25 acre or 0.5 acre respectively, maximum standard per parcel.

⁴ The habitable space in accessory structures may not exceed 25% of the gross floor area of the primary structure.

17.19.040 Supplemental Standards

- A. General Standards. All development is subject to the provisions of Part IV, Citywide Standards.
- B. Design in the A-20 Districts.
 - 1. Residential Design Standards. All residential development is subject to the standards of Section 17.16.040.A.
 - 2. Accessory Buildings in the A-20 District. Barns, stables, chicken houses and similar accessory buildings must be placed not less than 50 feet from a street, nor less than 50 feet from any dwelling on an adjacent parcel or R District boundary line.



- C. Development in the W District.

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

17.19.040 Community Agricultural and Natural Resource Zoning Districts

- 1. All wine storage tanks and surface winery waste treatment facilities shall be subject to the standards in Table 17.19.030.B: Development Standards – Community Agriculture and Natural Resource Zoning Districts.
- 2. No use authorized under the provisions of this Chapter shall be permitted where use, occupancy or patronage will exceed the capability of the site to provide off-street parking, waste disposal system and reasonable provisions for public safety.
- 3. Retail sales and food and drink facilities must be integrated with a visitor center, and no advertising or other exterior evidence of such use shall be visible from any public right-of-way.
- 4. Winery operations shall generate sound levels no greater than 55 decibels at any property line more than 10 percent of the time (L 10). "L 10" is the noise level at the property line that is exceeded 10 percent of the operating time.
- 5. Winery operations shall generate no discernible odors of sewerage or putrefying organic material origin, other than normal fermentation odors, at the property lines.
- 6. Bottling, warehousing and retail sales activities shall be conducted within structures specifically designated for such uses.

D. Development in the WW District.

- 1. All clearing and earthmoving must be conducted in compliance with an erosion control plan as prepared by a registered Civil Engineer and approved by the City Engineer.
- 2. No disturbance of definite or suspected landslides or soil creep areas is permitted, as identified on maps produced by United States Geological Survey (USGS) or on any other more detailed study prepared by properly credentialed professionals and reviewed by the City's Geotechnical Consultant.
- 3. No disturbance of, or development within, riparian areas within 100 feet of intermittent or perennial streams noted on USGS maps is permitted.
- 4. No earth movement on slopes in excess of 30 percent is permitted. An exception may be granted by the City Engineer for minor trenching and backfilling for the installation of utilities and for temporary, nongraded access for construction purposes where no trees or substantial vegetation will be removed and where the surface will be recontoured to previous condition and revegetated according to the erosion control plan. Applications for an exception must include submittal of a construction plan for the equipment to be installed, a plan for the maintenance of that equipment, a soils and slope stability analysis prepared by a Geotechnical Engineer, an erosion control plan pursuant to subsection D.1, and a revegetation plan, utilizing native plant species, for the area that will be disturbed by the earth movement. Prior to granting an exception, the City Engineer must find that the project does not have potential for creating significant erosion problems. A performance bond must be required and held by the City for one year after completion of the project to ensure that the recontouring and revegetation were properly installed.
- 5. No buildings (other than water tanks, which must be screened) may be constructed within 100 feet of the primary ridgeline on any parcel. The intent of this Section is to

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

Community Agricultural and Natural Resource Zoning Districts

17.19.040

reduce the visual impact of buildings that would obscure public views of the most prominent ridgeline on each property, without precluding the opportunity of the property owner to site a building that could attain a view. In implementing this Section, the Planning Commission must adopt a finding that the approved plan balances the owner's interest in attaining a view against the City's interest in preventing the obstruction of scenic views.

- 6. Water and sewer systems will be constructed and maintained, at the applicant's expense, to meet such standard as may be adopted by ordinance of the City Council, or in the absence of such to the satisfaction of the City Engineer. If individual and/or private water and/or sewage systems are proposed, prior approval must be obtained from the Napa County department of environmental management.
- 7. The fuel loading within 50 feet of the building or building envelope must be maintained at a level not to exceed such standard as may be adopted by the City Council.
- 8. New roads/common drives/driveways must be maintained so as to guarantee all of the following:
 - a. Safe two-way year-round passage of emergency vehicles, as defined in St. Helena Access Road Standards, as adopted by the City Council.
 - b. Erosion from road cuts/fills must not exceed such standard as specified in an erosion control plan approved by Napa County Resource Conservation District, pursuant to ordinance adopted by the City Council, or in the absence of such, to the satisfaction of the City Engineer.
 - c. Dust creation must be minimized and must not exceed such standard as may be adopted by ordinance of the City Council.
 - d. Earth movement must not obstruct or obliterate circulation improvements.
 - e. Grading must occur between April 1st and October 15th unless approved otherwise by the City Engineer.
- 9. Emergency vehicle access must be constructed and maintained, at the applicant's expense, to allow interconnection with nearby roads.
- 10. Roofing materials must be noncombustible. See the Fire Code for sprinkler and water supply requirements.

CITY OF ST. HELENA

RESOLUTION NO. 2024-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ST. HELENA DIRECTING CITY STAFF TO PREPARE A REPORT ON THE EFFECTS OF THE PROPOSED NOBLE HOUSE INITIATIVE ENTITLED, “ST. HELENA AGRITOURISM INITIATIVE” AND TO APPROPRIATE FUNDS AND STAFF TIME FOR THE PREPARATION OF THE REPORT.

WHEREAS, on March 13, 2024, the City Clerk for the City of St. Helena (“City”) received a Notice of Intent to circulate an initiative petition (“Initiative”) and a request for the City Attorney to prepare the official ballot title and summary; and

WHEREAS, the City Attorney is preparing the official title and summary for the Initiative will provide it to the Initiative proponents; and

WHEREAS, Elections Code Section 9212 authorizes the City Council to direct City staff to prepare a report on the impacts of the Initiative (“Report”), including seven specified types of impacts as well as on “any other matter” that the City Council requests to be included in the Report; and

WHEREAS, the City Council has determined that such a Report would provide valuable information about the Initiative to the Council and to all interested residents of the City; and

WHEREAS, the preparation of a Report is not a project under the California Environmental Quality Act, together with related State CEQA Guidelines (collectively, “CEQA”) in that this is an administrative action which does not involve a direct or reasonably foreseeable indirect impact on the physical environment.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ST. HELENA AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. The City Council of the City of St. Helena directs staff to:

- a. Prepare a Report on the effects of the Initiative pursuant to Elections Code section 9212, addressing each of the impacts specific in subsection (a)(1)-

(7), to the extent applicable, as well as any other items identified by the City Council at its meeting on April 9, 2024; and

- b. Retain, at the direction of the City Manager, any consultants that the City Manager determines are necessary or appropriate to complete the Report; and
- c. Authorize the City Manager to execute any agreement(s) necessary for the retention of consultants for the Report, including agreements which exceed the City Manager authority designated in the SHMC. Agreements exceeding City Manager authority will be ratified at a later Council Meeting date; and
- d. Present the Report to the City Council no later than the latest date authorized by Elections Code section 9212(b).

Approved at a Regular Meeting of the St. Helena City Council on April 9 2024, by the following vote:

Mayor Paul Dohring: _____

Vice Mayor Eric Hall: _____

Council Member Anna Chouteau: _____

Council Member Patrick Kenealy: _____

Council Member Billy Summers: _____

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor

Cindy Tzafopoulos, City Clerk



April 8, 2024

By Email

Members of the City Council
City of St. Helena
c/o City Clerk
1088 College Avenue
St. Helena, CA. 94574
cityclerk@cityofstheleena.org

Re: Preparation of report analyzing the impacts and effects of Noble House “St. Helena Agritourism Initiative” -- Agenda Item 13.2, April 9, 2024 Regular Meeting

Dear Members of the St. Helena City Council:

On behalf of Citizens for the General Plan (“CGP”), an unincorporated association of St. Helena residents, property owners, and electors, this is to respectfully request that the City Council authorize staff to prepare a report of the impacts and effects of the above-referenced Noble House-sponsored initiative measure, as authorized by Elections Code Section 9212 (“Section 9212 Report”) and as described further in the staff report for this agenda item. CGP further requests that the Council direct staff to evaluate additional topics in the Report beyond those enumerated in the statute, as discussed further below.

A Section 9212 Report may very well be the City’s best – and only – opportunity to gather and examine critical information about the significant and potentially serious consequences of this Initiative effort. As you know, pursuing a nominally “citizen-sponsored” ballot measure enables Noble House to evade meaningful and thorough public review of its resort’s impacts on the City. By invoking (some might say cynically exploiting) a notorious loophole in the law, Noble House will not have to fund a study of the resort’s environmental and land use planning impacts. It will not have to circulate that study for public review and comment. It will not have to consider or implement public concerns and

St. Helena City Council
 April 8, 2024
 Page 2

recommendations for improving the project or minimizing or avoiding its deleterious effects on the city and its resources. Worse still, the City Council itself will be all but powerless to influence the design and operation of the resort, or to impose conditions of approval or mitigation measures to ensure the community is adequately protected.

Under these circumstances, it is imperative that the City Council not only order a Section 9212 Report as authorized by law, but that it direct staff and any consultants it retains to ensure the study is as probing and comprehensive in scope as possible. This means that in addition to the topics specified in the Elections Code and described in the Staff Report, the study should include a thorough examination of the following:

1. Applicability of Municipal Code prohibitions on using groundwater extracted for agricultural purposes for non-agricultural uses (SHMC § 13.16.080).
2. Whether as a matter of law the Initiative constitutes impermissible “spot zoning” that bestows development rights on one parcel that are superior to those on surrounding properties.
3. Whether the resort proposed by the Initiative Measure constitutes “new development” as that term is defined and understood in the General Plan.

We accordingly ask the Council to direct staff to prepare the Section 9212 as recommended, and to include these topics in its scope. Thank you for your consideration of these requests.

Most sincerely,

M. R. WOLFE & ASSOCIATES, P.C.



Mark R. Wolfe

On behalf of Citizens for the General Plan

MRW:

Cindy Tzaopoulos

From: agalbraith94574@gmail.com
Sent: Friday, April 5, 2024 2:02 PM
To: Cindy Tzaopoulos
Subject: [External] Public Comment, City Council Agenda Item 13.1 (April 9, 2024)

Following years of work at substantial public cost, Napa County has an approved Groundwater Sustainability Plan ("GSP"). Work on the Plan continues. The proposed project contemplates the tapping of groundwater for non agricultural water supply.

Undersigned strongly urges that the Council direct Staff to seek out the view of the Napa County Groundwater Sustainability Agency ("GSA") on the appropriateness of the proposed use of groundwater to support a municipal use (hotel).

One other well matter: the project proponent in Exhibit C, numbered point 79, of its Initiative Measure appears to state that the permit requirement in municipal code section 13.16.060 shall not be applied to water wells on the property. The Water Wells (section 13.16) provisions of the municipal code became law in 2012 following careful consideration by the then City Council of this conservation measure. The Council should direct Staff to evaluate carefully whether it is sound public policy to waive section 13.16.060 as the project applicant appears to seek.

Respectfully submitted, Alan Galbraith

Member, Groundwater Resources Advisory Committee ("GRAC") Vice Chair, Groundwater Sustainability Plan Advisory Committee ("GSPAC") (These were the County-established committees before adoption of the GSP.)

Sent from my iPhone

From: [susan kenward](#)
To: [Cindy Tzafopoulos](#)
Subject: [External] Concerning impacts and effects of Noble House St. Helena Agritourism Initiative
Date: Monday, April 8, 2024 8:41:57 AM

All members of the St. Helena City Council

April 9, 2024

Dear Members of the St. Helena City Council:

I had hoped to attend this meeting, but with this only being added to the agenda last Thursday, I am unable. Thank you for the opportunity to share my thoughts on the projects.

Most citizens agree that our city needs money and a hotel is a good idea. But why do the Noble House Developers want their project approved by an Initiative? Why not follow our normal public hearing process?

The Developers chose the Initiative so they control the process, dictate the terms of project approval and exempt it from CEQA. As you know, the California Supreme Court has ruled that projects approved by Initiative are exempt from CEQA.

It is hard to imagine a project in St. Helena more in need of CEQA impact analysis than this 56-room hotel, with a public restaurant and spa, swimming pools, public meeting and event facilities and more. The water supply is a private well that was intended for agricultural use and draws water from the aquifer. They propose "a private sewage system." Close to the Napa River, virtually the entire site appears to be mapped in FEMA Flood Zone AE, a high risk zone. Some guests might come up on the train, (from where? Napa?) who knows how much traffic will actually be generated?

If this hotel is exempt from CEQA, we can say goodbye to the objective analysis and public input that CEQA delivers. Forget about mitigation measures and court enforcement of CEQA requirements.

The Developers won't complain about the terms that apply to their project approval because they wrote them! If you can wade through this 37-page Initiative, it is obvious that the Nobel House Developers need us to bend or eliminate more than a few rules that they can't or don't want to meet. These are not small exceptions. These are some of the most basic provisions in our General Plan, Zoning Ordinance and Municipal Code that we've spent years agreeing on. Rules that applied to Farmstead Lodging and Acacia House and that apply to you and me and anyone else who wants to live in or develop property in St. Helena.

There are probably very good reasons why our Municipal Code was amended to prohibit an agricultural well from serving a commercial project . They exempted themselves from that code requirement too. This project isn't subject to our Water Neutrality Ordinance.

Forget negotiations. There will be no Development Agreement for this hotel. We get only what the Developers are willing to offer and on their terms.

Approving this project by Initiative is a huge departure from our public processes and the even-handed way we elected to approve and manage development.

At the very least, we hope to be able to vote on this on the ballot in November.

Sincerely
Susan Kenward



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Public Works

DATE:	April 9, 2024
FROM:	Joseph Leach, Public Works Director and City Engineer, Lesley Milton, Asst. to the City Manager
SUBJECT:	Discussion and Direction Regarding Downtown Sidewalk Rehabilitation strategies between Adams Street and Mitchell Drive
RECOMMENDED ACTION:	Provide direction to staff regarding preferences of the proposed options for sidewalk improvements.
PREVIOUS COUNCIL ACTION:	Included in the approved, current Capital Improvement Program is a project to design and replace the downtown sidewalks in different phases, but it is only partially funded at this time.
STATEMENT OF THE PURPOSE:	To receive Council direction regarding preferences for the cost and timing of downtown sidewalk repair options.
FINANCIAL IMPACT:	There is no fiscal impact with providing Council direction at this meeting. Costs for the proposed options can vary between \$500,000 and over \$9.6 million dependent on Council direction and will be further be refined through the design and bidding process.

BACKGROUND:

The condition of our downtown sidewalks has been the topic of conversations of many previous studies, reports, community engagement reports as well as plans. Sidewalks in a downtown district have a direct impact to the vitality of the district and affects residents, visitors who try to traverse the downtown, and the businesses that are trying to be successful.

The report presented by the Urban Land Institute called out sidewalk repair or replacement as a key component of the placemaking effort in Downtown St. Helena specifically stating:

"Many of St. Helena's challenges are related to the physical environment and the lack of any recent investment in the public realm. The sidewalk disrepair on Main Street is an ongoing problem with legal implications; there is a perception that downtown has a parking problem; and the existing public open space is underused and insufficient as far as providing a permanent place for the community to gather. Along the heavily retail-dominated Main Street, stores close early, contributing to a lack of activation and vitality in the evenings. Numerous planning efforts over the

past several years, as well as those currently underway, have attempted to address these challenges.

The Vision 2020 Plan includes the recommendations to upgrade of the sidewalks. Additionally, parts of the recently initiated Downtown Specific Plan as well as the Streets Master Plan success and implementation are contingent upon the placemaking effort and downtown walkability.

While it is recognized that the downtown sidewalks need to be repaired, it is a costly and cumbersome effort due to a variety of factors. Examples include jurisdictional issues bordering a state highway, underground utilities, business impacts and coordination prior to and during construction, as well as ongoing liability of trip and fall hazards due to the deteriorating conditions.

The overarching goals when improving the downtown sidewalks includes:

- Improve pedestrian safety.
- Promote a lively Downtown environment.
- Improve overall appearance of public areas.
- Reduce public complaints over aesthetics.

Staff has been working to design and plan for improvements in two phases; Phase 1A (from Pine Street to Adams Street) and Phase 1B (From Adams Street to Mitchell Drive). While there is funding for design and construction of Phase 1A, there is not full funding for the construction for the Phase 1B section as envisioned in the Cultivate St Helena Plan. Recognizing the litany of challenges, but also keeping site of the goal, the plan to achieve the goal may need to be a little more creative.

DISCUSSION:

How can the City provide the elements of a vibrant Downtown in the short-term while developing a comprehensive plan for the long-term?

While trying to balance needs, funding, capabilities and responsiveness, staff is seeking direction between two different paths to achieve the goal of better sidewalks in the downtown. The Council is being asked to weigh two different opportunities: a short-term but immediate remediation compared to a longer-term, permanent solution. Details of each option and sub-options are as follows for discussion and consideration.

Option A is an interim solution that would be a less costly, but only short-term fix to provide better, but not optimal, sidewalks while we complete design and identify funding for full design and rebuild.

Option B is a long-term solution that is consistent with the goals and desires of the Downtown Streetscape plans.

The following are more details related to the above two higher level options.

Option A1 - Temporary Replacement of Pavers - Total Cost: \$500,000

This option proposes to remove and reinstall the existing pavers. Staff is proposing the removal and retrofit of the base material, removal of trees (34) impacting the pavers and the replacement of the existing pavers. With this option, no trees would be replaced, no curb and gutter would be replaced, no sewer laterals would be replaced, and the existing concrete sidewalk would remain. Replacement of the 34 trees would be an additional \$51,000.

Option A2 - Temporary Replacement with Concrete - Total Cost: \$700,000

This option proposes to remove existing pavers and install new concrete sidewalk. Same as above, pavers would be removed, roots remediated, trees removed (42) but new concrete sidewalks, curbs and gutters would be installed. With this option, no new trees would be planted, no sewer laterals would be replaced, and the existing concrete sidewalk would remain. Replacement of the 42 trees would be an additional \$63,000.

Option B1 - Permanent/Full Sidewalk Replacement - Total Cost: \$9.6 Million

This option proposes to implement the Downtown Streetscape Plan which includes new concrete sidewalks, bulb-outs, curbs and gutters would be installed as described in the Cultivate St. Helena Plan. Existing street trees would be removed and replaced with species more compatible with Downtown, Crosswalks would be improved, wayfinding signage would be added, and all sewer laterals would be replaced.

Option B2 - Permanent/Full Replacement with Wider Sidewalks - Total Cost: \$9.6+ Million

This option includes the same as above, with the difference of widening the sidewalks throughout. Phase 1b limits to create broad pedestrian access but may result in the removal of the center turn lane as well as is likely to reduce street parking. This option will be vetted as part of the downtown specific plan community engagement process currently underway.

Staff will provide a PowerPoint presentation with additional details of the above options during the meeting and is requesting direction regarding preferred options or alternatives.

ENVIRONMENTAL REVIEW:

Providing Direction is not a CEQA project.

GOAL:

Goal 2: Improve Infrastructure & Further Environmental Sustainability

Goal 5: Enhance Quality of Life

Goal 8: Implement Capital Improvement Plans (CIP) Projects Miscellaneous/Other



AGENDA ITEM NO. 13.3
CITY COUNCIL MEETING
DOWNTOWN
SIDEWALK REHABILITATION
STRATEGIES
(ADAMS ST TO MITCHELL DR)
APRIL 9, 2024

Public Works Department
Joe Leach, PE
Director of Public Works/City Engineer

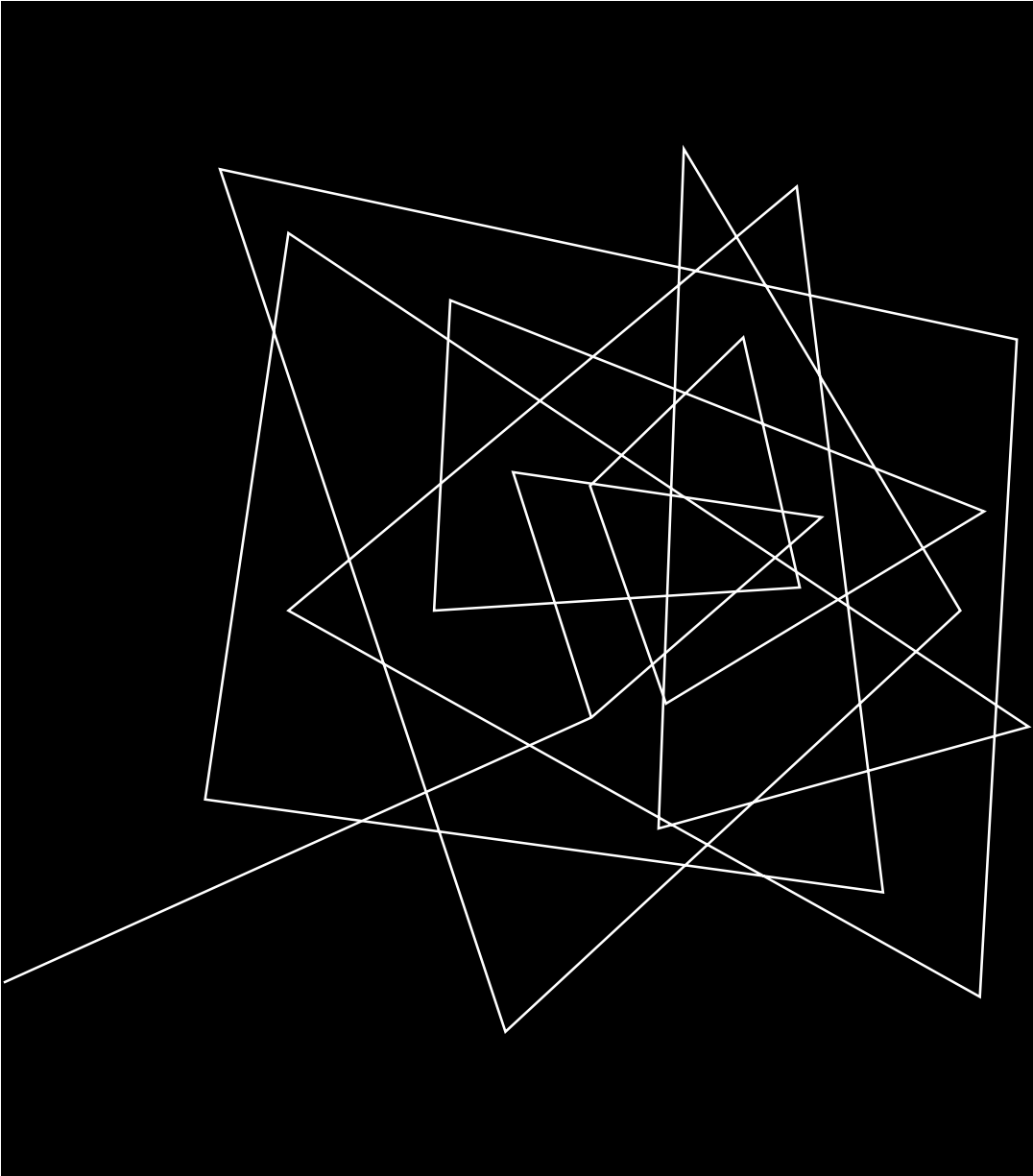
AGENDA

Goals

Options

- Trees
- Details

Discussion & Direction



GOALS

Improve pedestrian safety

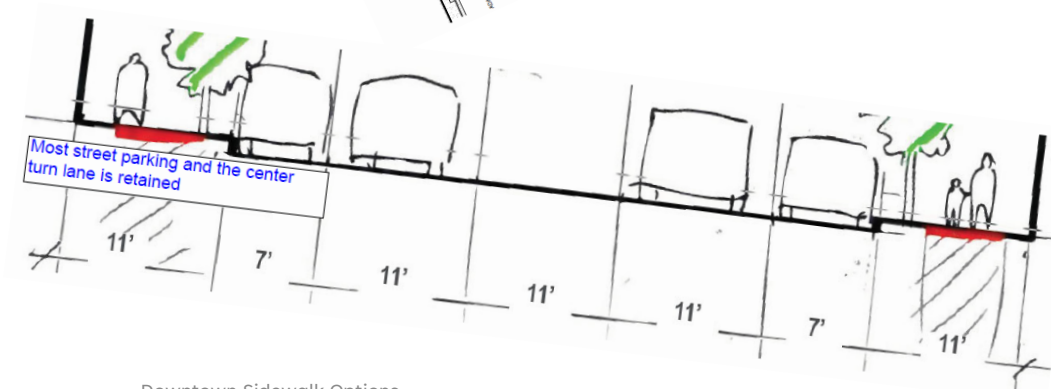
Promote a lively Downtown
Environment

Improve overall appearance
of public areas

Reduce public complaints over
aesthetics

THE OPTIONS

- Option A: Interim
 - 1: Pavers
 - 2: Concrete
- Option B: Permanent/long term
 - 1: Cultivate St. Helena
 - 2: Wider Sidewalks



Downtown Sidewalk Options



TREES

Inducing Damage – Remove & Replace

- Option A1 – Pavers Remove/Replace
 - Remove 34 Trees
 - Replace = \$51,000
- Option A2 – Pavers Remove/Replace w/ Concrete
 - Remove 42 Trees
 - Replace = \$63,000
- Option B1 – Cultivate St Helena Downtown Plan
 - Remove/Replace All Trees
- Option B2 – Widened Sidewalks
 - Remove/Replace All Trees





OPTION A1 - PAVERS

Remove and re-install the existing pavers

- Remove pavers, roots, compact & reinstall pavers.
- 34 Street trees to be removed.
- New trees could be planted at this time; \$51k add.
- “Select” locations of Curb and gutter could be removed/replaced; \$50k add.
- Sewer laterals would not be replaced at this time.
- Existing concrete sidewalk would remain [Removal/Replacement = \$335k add].

OPTION A2 – CONCRETE

Remove the existing pavers and install concrete

- Remove pavers, roots, compact & install concrete sidewalk.
- 42 Street trees to be removed.
- New trees could be planted at this time; \$62k add.
- “Select” locations of Curb and gutter could be removed/replaced; \$50k add.
- Sewer laterals would not be replaced at this time
- Existing concrete sidewalk would remain [Removal/Replacement = \$335k add].



Downtown Sidewalk Options

OPTION B1 - CULTIVATE ST. HELENA

Implement the Downtown Streetscape Plan

- Remove existing pavers & concrete.
- Install new concrete sidewalks, bulb-outs, and curbs and gutters.
- All existing street trees would be removed and replaced.
- Crosswalk improvements would be added.
- Wayfinding signage and street art would be added.
- All sewer laterals replaced.



Downtown Sidewalk Options



OPTION B2 – WIDER SIDEWALKS

Expand all Sidewalks

- Needs to be vetted through the Downtown Specific Plan process.
- Remove existing pavers & concrete.
- Install new WIDENED concrete sidewalks, and curbs and gutters; creates widened ped. areas.
- All existing street trees would be removed and replaced.
- Crosswalk improvements would be added.
- Wayfinding signage and street art would be added.
- All sewer laterals replaced.
- Center turn lane and street parking MAY BE removed.
- All sewer laterals replaced.

OPTIONS SUMMARY

	BASE COST w/ NO TREES	w/ NEW TREES	RETAINS PAVERS	REPLACES PAVERS w/ CONCRETE	EXTENDS SOME SIDEWALKS	EXTENDS MOST SIDEWALKS
OPTION A1 PAVERS	\$500K Excl. C&G**	\$551K Excl. C&G**	X			
OPTION A2 CONCRETE	\$700K Excl. C&G**	\$763K Excl. C&G**		X		
OPTION B1 CULTIVATE ST. HELENA	\$10M	INCL.		X	X	
OPTION B2 WIDER SIDEWALKS	\$10M+	INCL.		X		X

** Estimate for select Curb/Gutter replacement = \$50k

Downtown Sidewalk Options

10

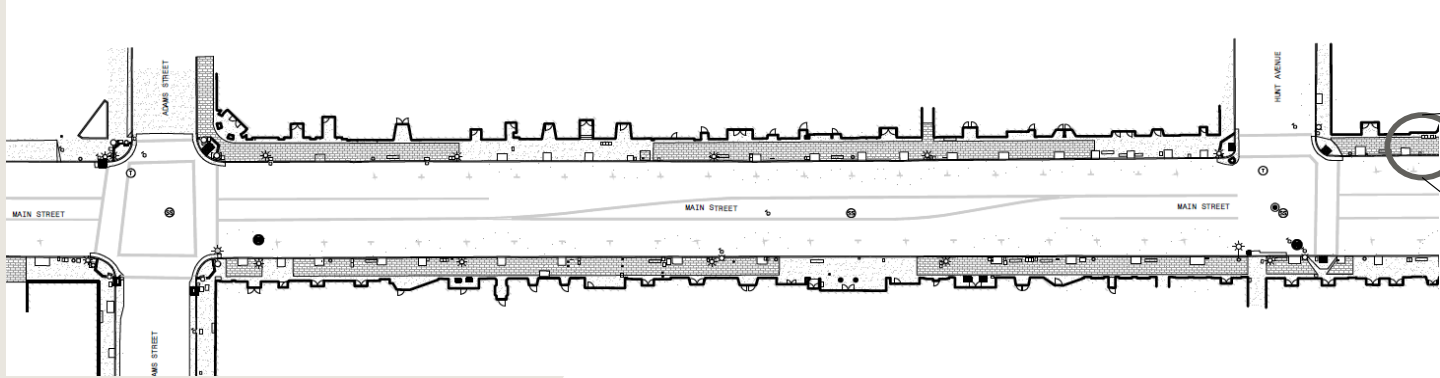
DISCUSSION & DIRECTION

PRESENTATION TITLE

11

FOLLOWING SLIDES RETAINED FOR
REFERENCE ONLY.

OPTION A1 – PAVERS



PROS

- Inexpensive
- Quick to implement
- Retains the look
- Temporarily fixes undulating surface
- Reduces trip hazards

CONS

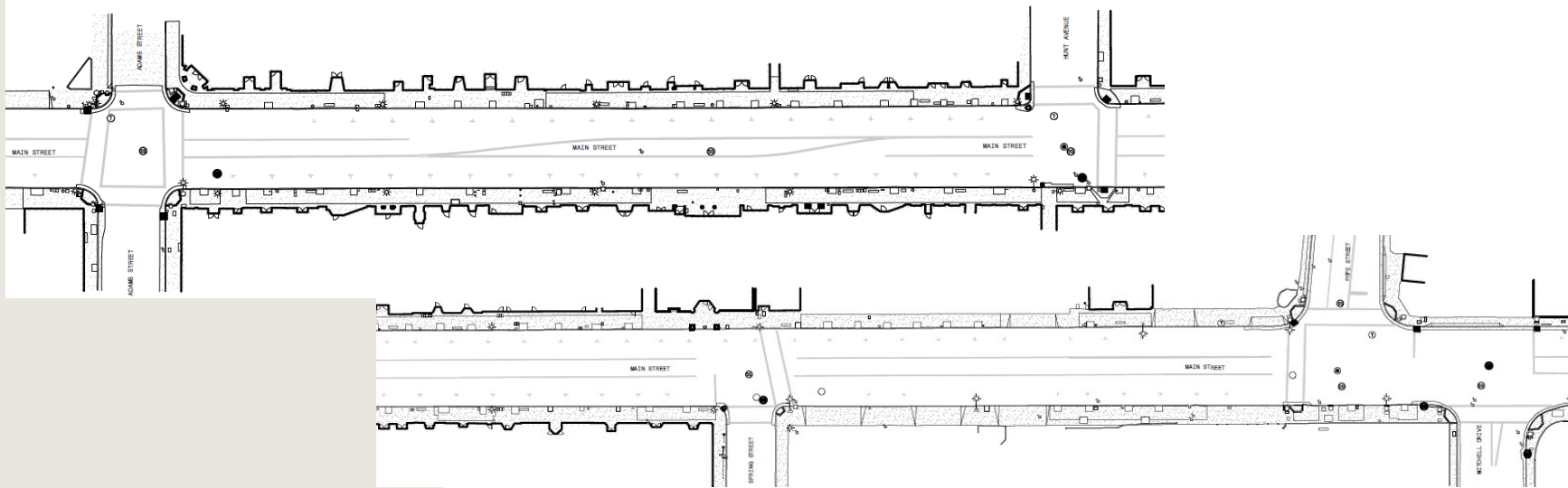
- Curb & gutter is not repaired
- Retains the look
- Requires frequent maintenance
- Does not add “life” to Downtown
- Inconsistent appearance

COST

\$500,000*

*estimate derived from recent similar projects

OPTION A2 – CONCRETE



PROS

- Inexpensive
- Quick to implement
- Retains the look
- Fixes undulating surface
- Reduces trip hazards

CONS

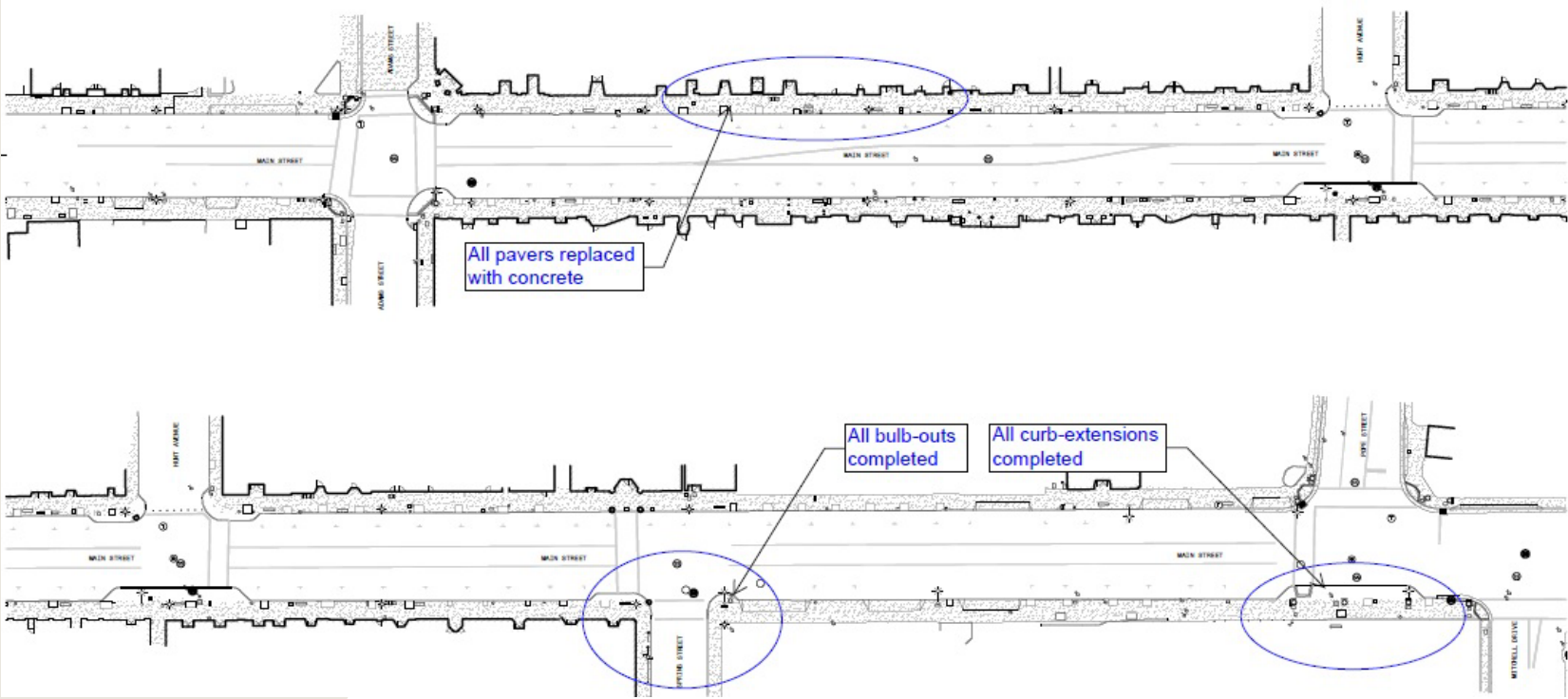
- Retains the look
- Does not add “life” to Downtown
- More expensive than re-installing the pavers
- “Patchwork” appearance

COST

\$700,000*

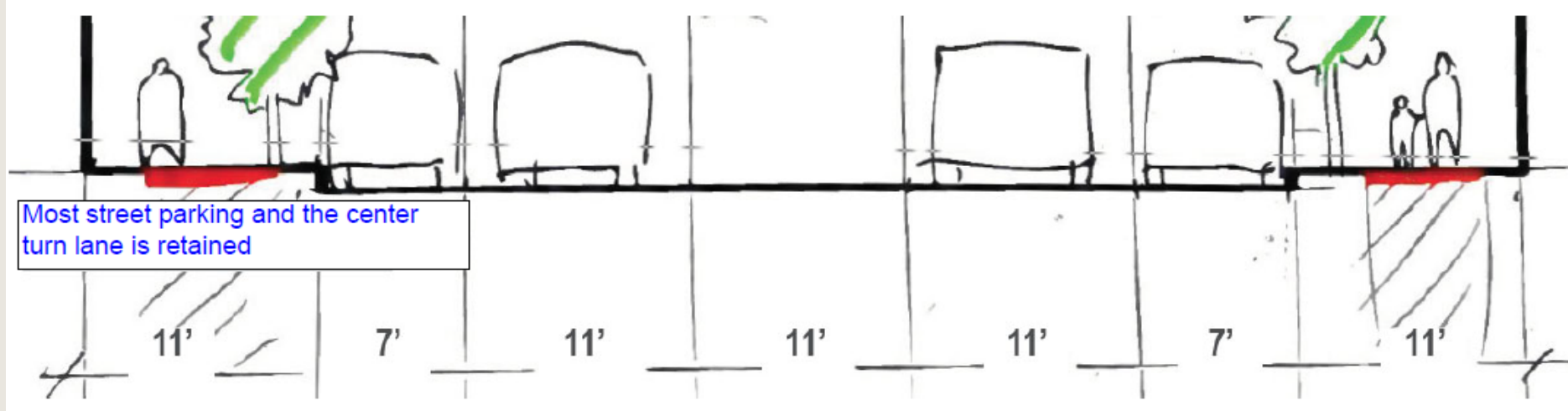
*estimate derived from recent similar projects

OPTION B1 – CULTIVATE ST. HELENA



Downtown Sidewalk Options

OPTION B1 – CULTIVATE ST. HELENA



PROS

- Pros – adds “life” to Downtown
- uses design concepts already presented to the public
- does not require a new Downtown Specific Plan to implement

CONS

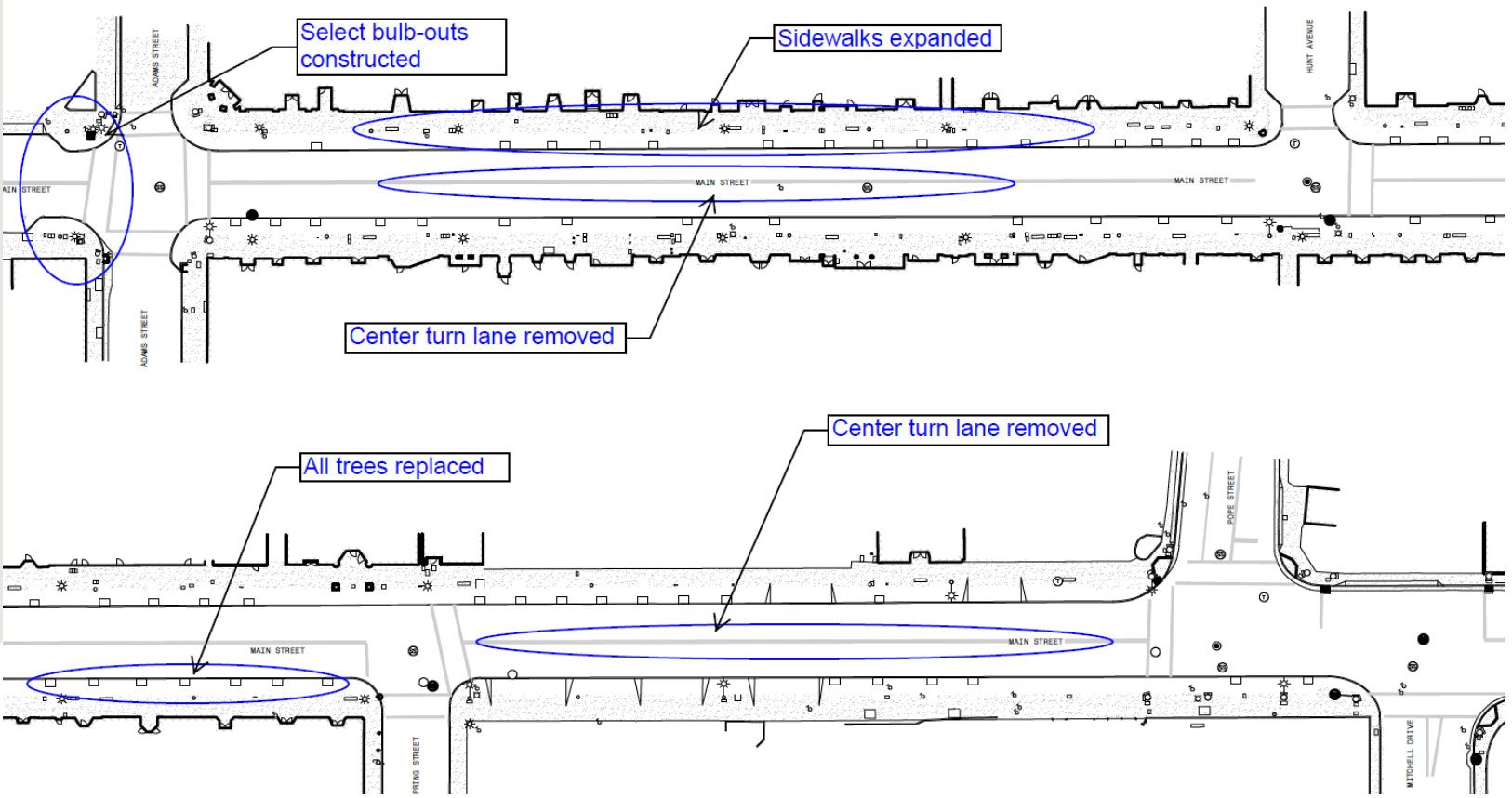
- expensive
- 3-4 years to implement incompatible with the ULI design elements
- some street parking will be lost

COST

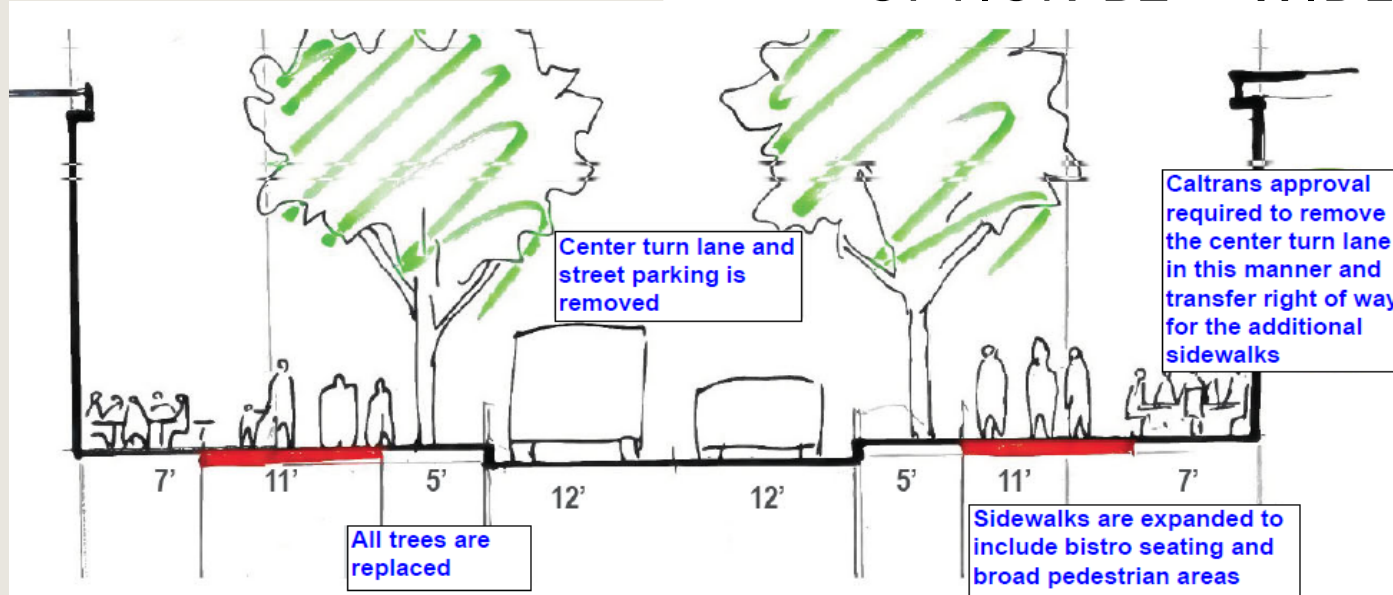
\$9,065,000*

*engineer's estimate prepared by BKF on 10/11/2023

OPTION B2 – WIDER SIDEWALKS



OPTION B2 – WIDER SIDEWALKS



PROS

- improves the look,
- fixes undulating surface and reduces trip hazards,
- adds “life” throughout Downtown

CONS

- very expensive
- 4-6 years to implement
- requires completion of the Downtown Specific Plan before designing the project
- incompatible with elements of the Cultivate St. Helena plan
- loss of most street parking

COST

\$11,331,000

*based on engineer's estimate prepared by BKF on 10/11/2023 plus 25%

taken building in town. So I assume this go around there will be a tree or two in front of the Masonic Lodge because of there large street frontage. On water: The city is responsible to the meter. Ten years when I replaced our sewer line at 1351 Main, our water line was so mangled because of the tree I removed (that tree had flooded our building with raw sewage twice, the tree committee let me remove the tree)and rusted and about ready to leak. I wanted to replace it then. My response from the city, we will fix when it beaks and it will then be an emergency. I would like to meet on other issues concerning the streetscape plan.

On Jul 17, 2023, at 3:55 PM, Eric Janzen
<erjanzen@cityofsthelena.org> wrote:

Anthony,
Mario was kind enough to summarize your questions. I have provided responses below in blue.

Eric Janzen
Assistant Director of Public Works
City of St. Helena
707 967-2831

From: Mario Traverso <mtraverso@cityofsthelena.org>
Sent: Monday, July 17, 2023 1:48 PM
To: Eric Janzen <erjanzen@cityofsthelena.org>
Subject: Downtown Project Questions from Anthony Micheli

Eric,

Anthony Micheli has stopped by a few times to connect with you regarding the DTSP. He has some questions he is hoping you could answer.

1. What is the current design correlation between the BKF plans, the new "expanded SW concept, and the original streetscape project. **RESPONSE:** The expanded sidewalk concept will include the elements from the original BKF plan (sidewalk replacement) and add the elements of the "Cultivate St. Helena" proposal. This means additional signage, crosswalk improvements, parklets and street furniture (benches, bike racks, etc.) will be added to the plan. What elements of each if any are going to happen? **RESPONSE:** To be determined by the City Council. The City Manager has asked for all elements of Cultivate St. Helena proposal to be added but Council has final say as to what we construct.

2. Are we going to replace water services? **RESPONSE:** Replacement of private water services are not part of the project. Under what circumstances could they be replaced if they are aged and undersized. **RESPONSE:** Water services will be replaced if they start leaking on the City side of the water meter. Water service size is only upgraded if the owner of the parcel served chooses to replace the line at their own expense.
3. He owns two buildings, and he would like it to be considered to not put trees in front of his buildings which will hide the architecture. This was a provision allotted to the Masonic Lodge, he would like similar consideration. **RESPONSE:** I am not aware of any such concessions granted to the Masonic Lodge or any other property owner. The proposed street trees will be smaller/shorter than the existing trees and kept that way. This will prevent future sidewalk damage from roots, promote shade and still reveal storefronts to both foot and vehicular traffic. This is described in detail in the Cultivate St. Helena proposal.
4. Is there a possibility of cutting the trees down in advance of the project? **RESPONSE:** No tree removals are planned in advance of the project.

His email is anthonymmicheli@yahoo.com

Thanks,

MARIO TRAVERSO
ASSISTANT ENGINEER
City of St. Helena | Public Works
1088 College Avenue | St. Helena, CA 94574
(707) 204 9084 | mtraverso@cityofsthenana.org
<image001.png>

4/9/24

PETITION

This is a petition by the property owners in the St. Helena Historical District from Spring and Main to Adams and Main. We feel the planting of trees in front of our properties is an undue burden to our property by the City of St. Helena.

This is a yes/no petition. Circle One.

*Sent out 27 letters to property owners
They own 39 buildings
from Spring to Adams
13 property owners responded*

1. Do you want the burden of a tree in front of your property that causes sewer backups, plugs roof drains, drops leaves and branches on awnings, cars and pedestrians, causes mold to the building and awnings, causes damage to the sidewalk as well as the liability to you as the property owner?

YES

NO 13 votes

2. If the City forces the property owners to have the burden of a City tree in front of their property, then the City has to assume all liability associated with the burden of that tree and damages caused by that tree as specified in number 1 above.

YES 13 votes

NO

3. Any trees planted have to be topped at 15' to prevent further damage to the buildings. When the first trees were planted in the 1970's, the City assumed all liability. We want that consideration reinstated.

YES 13 votes

NO

4. According to the streetscape plan the City is not going to replace any aging water lines to our water meters. If this is fact, then for the next 10 years after the streetscape plan is completed, the City will have to reimburse our tenants for loss of revenue due to repairs to our water lines that should have been repaired in the streetscape plan.

YES 13 votes

NO

5. No buildings will be exempt from the burden of a tree in front of their building. This was not the case in previous tree plantings. You cannot put a burden on one building and not another. All have to be treated equally.

YES 13 votes

NO

6. Before spring when leaves start to grow on the existing downtown trees, we request the City trim the trees in the Historic District to 8' in order to alleviate any more damage caused by the trees to our buildings and liability placed on the owners by the City.

YES 12 votes

NO 1 vote

7. If litigation is necessary to enforce the property owners rights, we are prepared to do so.

YES 10 votes

NO 1 vote

2 did not vote



Agenda Report to the City Council

Agenda Section: NEW BUSINESS

Department: Finance

DATE:	April 9, 2024
FROM:	Joseph Leach, Public Works Director and City Engineer, Mandy Kellogg, Administrative Services Director
SUBJECT:	Proposed Approval of a Resolution Authorizing Hiring of Professionals for a Water Bond Financing Transaction Related to Funding for Water Capital Improvement Projects.
RECOMMENDED ACTION:	Approve the attached resolution.
PREVIOUS COUNCIL ACTION:	June 27, 2023 - Resolution 2023-80 Approving the Water and Wastewater Rate Study which included the financial plan to fund the Water and Wastewater Capital Improvement Projects.
STATEMENT OF THE PURPOSE:	The purpose is to authorize hiring of professionals for a financing transaction to provide funding for Water Capital Improvement Projects.
FINANCIAL IMPACT:	The proposed action does not have an immediate budgetary impact; however, it will result in future bond revenues of approximately \$10,500,000 and approximately \$420,000 in debt issuance expenses that will be paid from the bond proceeds.

BACKGROUND:

In June 2023, the City Council approved a Water and Wastewater Rate Study, which included a financial plan to fund Water and Wastewater Capital Improvement Projects. The financial plan included a series of three proposed debt issuances in order to fund the majority of the Water Capital Improvement Projects included in the rate study. The use of debt allows for lower rate increases over the long-term by financing significant capital reinvestment and repaying over a long-time horizon.

Staff is recommending the issuance of bonds (the "2024 Water Bonds") to finance approximately \$10.5 million of projects for the City's water system in the first bond issuance. The 2024 Water Bonds would assist the City in funding several projects including, but not limited to, the Bell Canyon Intake Tower Replacement, Kearney and Andrea Water Main Replacement, and the SMART meters project.

The item tonight is seeking approval to affirm and/or engage the City's financing team and seeking guidance to move forward on the proposed financing. The intent is to bring

the item back to the City Council/St. Helena Financing Authority Board on May 28th with all the documentation required to sell and close the 2024 Water Bonds.

DISCUSSION:

The City currently has the following obligations outstanding payable from the City's Water Enterprise Fund:

California Statewide Communities Development Authority
Water and Wastewater Revenue Bonds
Series 2012

Principal Payments:	October 1, 2024 to October 1, 2032
Remaining Amount:	\$3,028,695
Interest Rates:	3.25% to 5.00% (2024 to 2032)
Purpose:	Funded Approximately \$5.3 million of Water System Improvements

City of St. Helena
2019 Loan Agreement

Principal Payment:	October 1, 2024 to October 1, 2031
Remaining Amount:	\$3,809,700
Purpose:	Refunding California Statewide Communities Development Authority Water and Wastewater Revenue Bonds, Series 2006A

The proposed 2024 Water Bonds would be on parity (equal right to the system net revenues) with the above listed outstanding obligations.

The attached Resolution affirms Del Rio Advisors, LLC as municipal advisor under the contract and appoints Oppenheimer & Co., Inc. as underwriter and appoints Jones Hall, A Professional Law Corporation, as both Bond Counsel and Disclosure Counsel collectively (the "Financing Team"). This is the same Financing Team that completed a refunding of bonds for the City's Water Enterprise Fund in 2019 and worked on the interim financing for the City's Wastewater Treatment Plant in 2022 that is intended to be repaid from proceeds of a USDA loan upon completion of construction of the City's Wastewater Treatment Plant.

The purpose of the proposed 2024 Water Bonds is to fund critical Water Capital Improvement Projects that were identified in the 2023 Water and Wastewater Rate Study.

ENVIRONMENTAL REVIEW: None.

GOAL:

Goal 1: Strengthen Financial Sustainability

Goal 2: Improve Infrastructure & Further Environmental Sustainability

Goal 3: Pursue Water Security & Sustainable Management of Water Resources

Goal 8: Implement Capital Improvement Plans (CIP) Projects Miscellaneous/Other

DOCUMENTS ATTACHMENTS:

[Resolution Hiring 2024 Water Debt](#)

CITY OF ST. HELENA

RESOLUTION NO. 2024-

**A RESOLUTION AUTHORIZING HIRING OF PROFESSIONALS
FOR A FINANCING TRANSACTION RELATED TO FUNDING FOR
WATER CAPITAL IMPROVEMENT PROJECTS.**

RECITALS

- A. The City of St. Helena (the "City") owns and operates a system for the supply, treatment and distribution of water within the service area of the City (the "Water System"); and
- B. The City desires to finance improvements to the Water System; and
- C. The City Council and the Board of the St. Helena Financing Authority (the "Authority") desire to authorize City staff to move forward with hiring professionals needed to facilitate the financing of the improvements to the City's Water System.

RESOLUTION

NOW, THEREFORE, the City Council of the City of St. Helena and the Board of the St. Helena Financing Authority hereby resolve as follows:

Section 1. Financing Professionals. In connection with desired financing, the Council hereby affirms the engagement of Del Rio Advisors, LLC as municipal advisor to the City and the Authority. The Council hereby approves, authorizes and ratifies the engagement of Oppenheimer & Co., Inc. as underwriter to the City and the Authority, and Jones Hall, A Professional Law Corporation as bond / disclosure counsel to the City and the Authority, on such terms as the City's Administrative Services Director deems appropriate, including as to payment of fees and expenses to the municipal advisor, the underwriter and bond / disclosure counsel that such payment shall be contingent on the successful closing of the financing and shall be paid from the proceeds thereof.

Section 2. Official Actions. The Administrative Services Director is hereby authorized and directed, for and in the name and on behalf of the City and the Authority, to do any and all things and take any and all actions which are deemed necessary or advisable in order to consummate any of the actions contemplated by this resolution.

Section 3. Effective Date. This Resolution shall take effect immediately upon its passage and adoption.

Approved at a Regular Meeting of the St. Helena City Council and the Board of the St. Helena Financing Authority on April 9, 2024, by the following vote:

Mayor Dohring: _____

Vice Mayor: Hall _____

Councilmember Chouteau: _____

Councilmember Kenealy: _____

Councilmember Summers: _____

APPROVED:

ATTEST:

Paul Jamison Dohring, Mayor

Cindy Tzaopoulos, City Clerk



Agenda Item 13.4 Water Bond Finance Team Retention

By: Mandy Kellogg, Director of Administrative Services
&
Joe Leach, PE, Director of Public Works

Admin Svcs & PW Depts.

April 9, 2024

1



Agenda

- Purpose of Action/Schedule
- Capital Improvement Program (“CIP”) “Refresher” from 02/13/24 meeting
- Delivery Schedule: CIP vs. Rate Study vs. Bond Issuance
- Requested Action

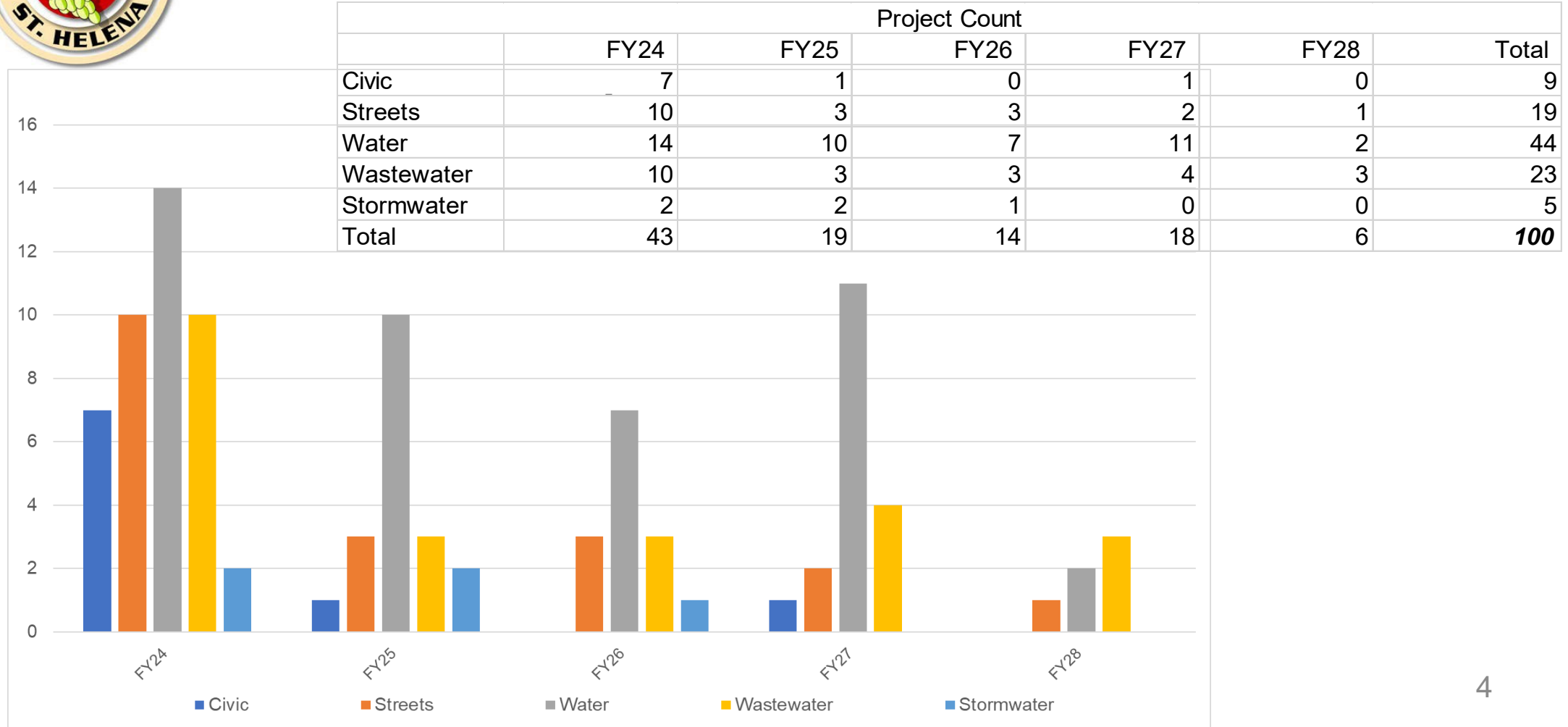


Purpose of Action

- Authorize procurement of consultant team to develop bond documents
- Tentative Schedule:
 - 4/9/24 Authorize execution of PSA's for consultant team
 - 5/28/24 Council authorization approving financing & related docs
 - 7/24/24 Closing of Bond Sale & transfer of proceeds

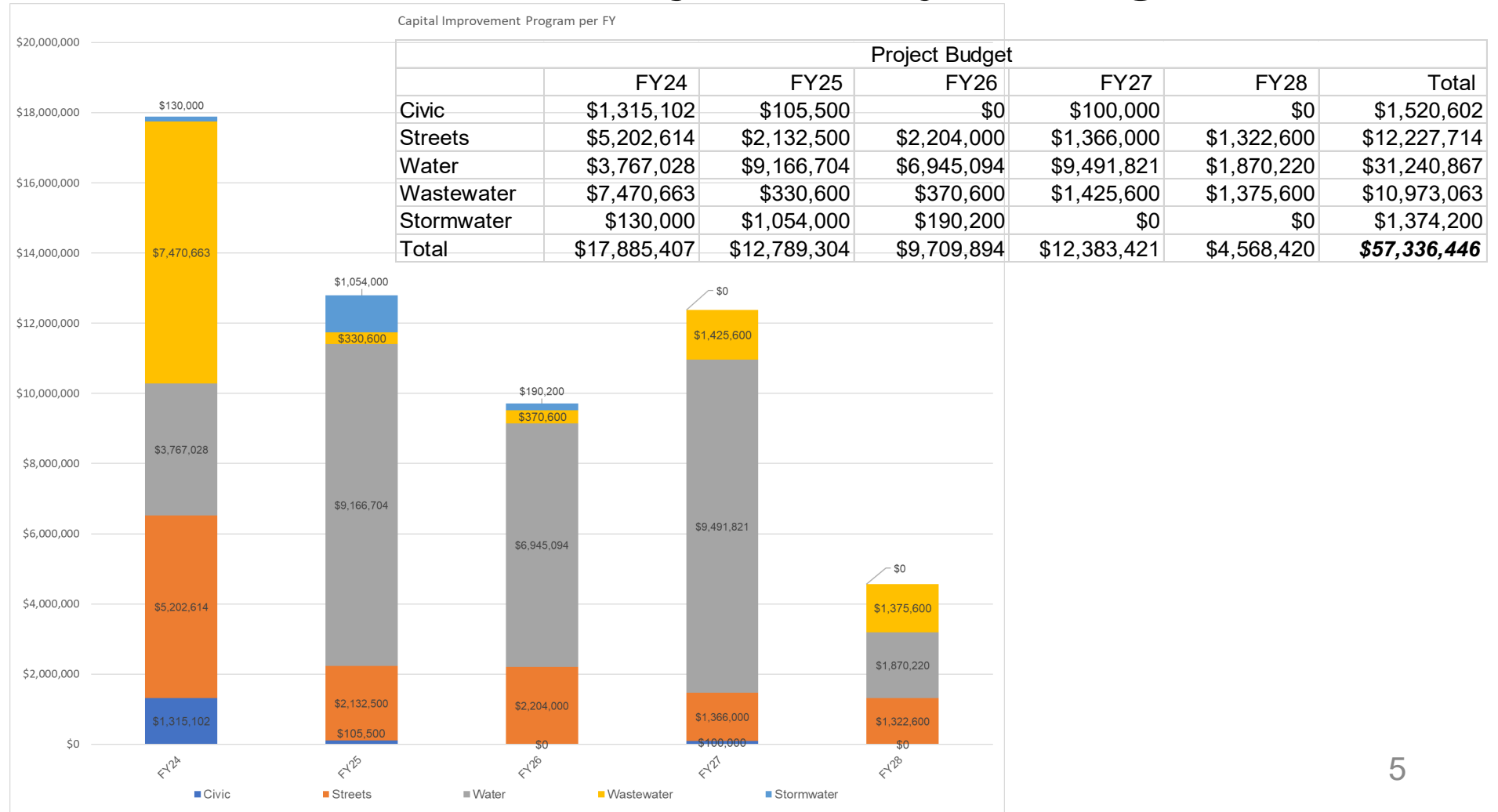


CIP Refresher: Projects By Number





CIP Refresher: Projects By Budget





Program Highlights

Project #		Pg #	2023-24
3- Water			
W-101-W-101	Tank 2 Rehabilitation	33	940,000
W-108-W-108	Lower Reservoir Rehab	34	
W-109-W-109	Bell Canyon Intake Tower Replacement	35	329,323
W-35-W-35	Bell Canyon Reservoir Improvements	36	100,000
W-80-W-80	Dwyer Road Booster (Pump Station)	37	
W-85-W-85	Bell House Valve Replacement	38	
W-86-W-86	Spring Mountain Pressure Zone Improvements (Holmes Tank Upgrade)	39	
W18-111-W18-111	WTP Condition Assessment	40	200,000
W18-113-W18-113	Water System SCADA Improvements	41	
W18-118-W18-118	Replace Mains <6" in Diameter	42	
W18-120-W18-120	Bell Canyon Phreatic Surface Monitoring & Assessment	43	100,000
W21-01-W21-01	Kearney and Andrea Water Main Replacement	44	875,705
W24-01-W24-01	Water Distribution Fire Flow Improvements	45	312,000
W24-02-W24-02	Napa Intertie Pump Station (Rutherford) Replacement	46	400,000
W24-03-W24-03	ArcGIS Infrastructure Development	47	35,000
W24-04-W24-04	Retrofit/Deploy SMART water meters	48	200,000
W24-05-W24-05	PFAS Sampling Project	49	25,000
W24-06-W24-06	Risk and Resilience Assessment Report Implementation	50	75,000
W24-07-W24-07	Cyber-Security Implementation	51	25,000
W24-08-W24-08	Safe Yield Policy & Water Neutrality Policy Update	52	150,000
W25-01-W25-01	Napa Intertie Pipeline Replacement	53	
W25-02-W25-02	Water Treatment Plant Transmission Main Replacement	54	
W26-02-W26-02	Asset Management & Computerized Maintenance & Management Sys	55	
Value of Projects in Process, 2/13/24		2,327,028	3,767,028



- Rate Study: Projected Schedule to deliver projects based upon info/priorities known last summer
- Updated Schedule:
- - defer specific projects based upon current studies

Table 4-15: Water Capital Improvement Plan Proposed Funding (Rate Study)							
GO Bond Funded	\$ 302,400	\$ 315,706	\$ 327,702	\$ 338,189	\$ 349,011	\$ 1,633,008	
Bond Funded	\$ 3,019,490	\$ 7,160,514	\$ 11,502,580	\$ 9,885,942	\$ 1,931,474	\$ 33,500,000	
Rate Funded	\$ -	\$ -	\$ -	\$ -	\$ 726,366	= Debt Iss - Bnd fnded	
Total CIP	\$ 3,321,890	\$ 7,476,220	\$ 11,830,282	\$ 10,224,131	\$ 3,006,851		
Water Bond Financing Issuance Schedule (Rate Study Model)							
	FY24	FY25	FY26	FY27	FY28	FY29	
Debt Issuance	\$ 10,500,000		\$ 23,000,000			\$ 24,000,000	



Requested Action

Adopt a Resolution authorizing the hiring of professionals for a financing transaction relate to funding for water capital improvement projects.



Discussion/Questions?

From: [Water Audit California](#)
To: [Public Comment; Jesse.Duarte@lee.net](#)
Subject: [External] COMMENT: Regular City Council - 09 Apr 2024 – Agenda - 13.4.
Date: Tuesday, April 9, 2024 11:40:08 AM
Attachments: [image.png](#)

WATER AUDIT CALIFORNIA COMMENT:

Regular City Council - 09 Apr 2024 –

Agenda - 13.4. Proposed Approval of a Resolution Authorizing Hiring of Professionals for a Water Bond Financing Transaction Related to Funding for Water Capital Improvement Projects.

St. Helena Residents are Paying for Inept Government Services, Not Water

Residents of St. Helena have seen their water bills soar over the last 23 years. The price has gone up 1,230% during this time, yet there has been little improvement in services.

Beginning in 1996, Prop 218 has required a rate utility study every five years as justification for rate increases. In St. Helena, this study has shown year after year that the city is in desperate need of capital improvement projects for their water and wastewater facilities, together estimated to cost approximately \$50 million. On face value, it is inexplicable why the City now seeks a \$10 million bond. Is the City seeking to obscure the true magnitude of the problem?

The same projects are frequently cited again and again to support rate increases without progress being made. For instance, the intake tower at Bell Canyon Reservoir partially collapsed in 2011 and repairing it was included in the justification of raising rates that same year. However, it was not repaired and was also used as justification to raise rates in 2016 and 2023. During this time, the estimated cost has ballooned from \$1 million to \$3 million. Whether the money comes from the pockets of the residents in water rates or bond interest is mere smoke and mirrors. You will pay, sooner or later.

If money collected from ratepayers has not been going to these desperately needed capital improvement projects, where has it been going? Money from the water and wastewater enterprise fund has been diverted to legal expenses to defend continuing environmental injury, rodent control, hiring contractors rather than permanent employees, and paying a significant portion of salaries for city staff not sufficiently contributing to justify the allocation of Water Enterprise funds.

In 2017, St. Helena rescinded the Hall Winery's Will Serve Letter, an agreement that the city would provide them water, resulting in a lawsuit which cost the city \$900,000 in damages and \$350,000 in legal fees. The \$350,000 was paid out of ratepayers' pockets—the Water Enterprise fund.

In 2022, St. Helena allocated wastewater funds for a stormwater berm damaged by rodents, a responsibility outside the fund's scope, contributed to by water customers.

Since late 2020, the city's struggle to recruit permanent water and wastewater operators led to a \$4.3 million expenditure on contract employees in the last three years. Though the city was unable to provide salary information for permanent

employees as a basis of comparison, it is estimated that hiring permanent employees would have saved the city approximately \$3 million, money that could have been spent on projects like the repair of the Bell Canyon intake tower.

This high turnover has also resulted in decreased institutional memory, nearly costing ratepayers \$900,000. The city has seen six changes in City Manager and five in Public Works Directors in the last 11 years. The most recent Public Works Director was not aware of the age of a water tank, and the tank was deemed the likely cause of the brown water that plagues residents. This tank was only seven years old at the time with a lifespan of 60-80 years. The city aimed to re-epoxy it for nearly a million dollars until community members pointed out that it had been constructed recently and that spending would be unnecessary.

The city has been using water and wastewater enterprise funds to pay for large portions of staff salaries. The City Manager, Assistant City Manager, and the two Assistants to the City Managers' salaries are all paid with 40% or more of their salaries coming from the water and wastewater enterprise funds. While these staff members do work with the water and wastewater systems, it is highly unlikely they spend over 40% of their time working in these systems to justify the allocations due to the fact they are also managing a police force, fire department, and have other diverse responsibilities.

St. Helena has a history of deferring important projects and leaving residents to foot the bill. See for example, the 27-year delay in removing York Creek Dam, which caused costs to escalate tenfold. The City continued to pay approximately \$35,000 a year in fines to NOAA and dithered for so long that a federal grant was lost, leaving residents to cover nearly 90% of what was eventually the approximately \$10 million price tag.

City officials have favored commercial water users over residential ones. In the 2020-21 drought year, the city council passed an ordinance limiting residential water users to 65 gallons per day per resident, a cut of 43%. This same ordinance only cut commercial use by 10%. St. Helena has a captive market on water as in 2012 it placed a moratorium on future residents drilling new wells on their property. It has not placed similar restrictions on commercial users and has not enforced its ordinance requiring well owners to report extractions.

In spite of this moratorium, groundwater extraction from the City's Stonebridge complex has been recognized by the County as constituting a major environmental injury to the Napa River, which has attracted continuing litigation. Repeated water moratoriums are followed by proposed new hotel development. Our City has become an island surrounded by traffic congestion, and every proposal seeks to make it worse.

The City continues to ignore participation, consideration or participation in a well-proposed county-wide water district schema that could save costs, reduce environmental injury and provide redundancy. Why not engage in a public discussion of the idea? Why is maintaining a money losing ineffectual water fiefdom such a high priority?

Yes, the capital facilities likely need money, but what happened to the money that the taxpayers had already dedicated to the tasks? More important than water engineers to facilitate further debt is a top to bottom **financial and functional audit**. It is axiomatic that it is insane to do the same thing over and over again and to expect a different result and yet here it goes again, throwing money at a problem that is ill-understood.

The Charter City and water bond issues are merely attractive distractions from poor management. If \$50 million is what is needed, why ask for \$10 million? What exactly will be left to be done? How is the rest going to be paid for, and when? Why does not the proposed expert scope of work not consider remediating the City's continuing environmental injury, or the benefits of a potential county water district? Why is the City's cost of water more than double the average in the County?

This year three seats of the city council are up for election. Ask your officials what they are going to do about this problem and if you aren't satisfied with their answer, show them your vote. People get the government that they deserve.

William McKinnon
General Counsel

Asia Jones
Policy and Communications



Water Audit California
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Napa, CA 94559
Legal@WaterAuditCA.org

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952 School Street #316, Napa, CA 94559 / phone: (707) 681-5111