



**CITY OF NAPA**

955 School Street  
Napa, CA 94559  
www.cityofnapa.org

**MEETING MINUTES - Draft**

**CITY COUNCIL OF THE CITY OF NAPA**

*Mayor Scott Sedgley*  
*Vice Mayor Mary Luross*  
*Councilmember Liz Alessio*  
*Councilmember Bernie Narvaez*  
*Councilmember Beth Painter*

Thursday, September 15, 2022

3:45 PM

City Hall Council Chambers

**SPECIAL MEETING - 3:45 PM**

**A Special Meeting for the City Council of the City of Napa was called on Thursday, September 15, 2022 at 3:45 p.m. to be held at City Hall Council Chambers, 955 School Street, Napa, California, for the purpose identified on the Agenda. This Special Meeting was called in accordance with California Government Code Section 54956.**

**1. CALL TO ORDER: 3:45 P.M.**

**1.A. Roll Call:**

- Present:** 4 - Councilmember Alessio, Councilmember Narvaez, Vice Mayor Luross, and Mayor Sedgley
- Absent:** 1 - Councilmember Painter

**2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

City Clerk Carranza announced the following supplemental item:

Item 4.A.: Letter from Kevin Teague, Holman Teague Law Firm, dated September 9, 2022.

(A copy of the supplemental document is included in Attachment 1)

**3. COMMENTS BY COUNCIL OR CITY MANAGER: None.**

**4. CLOSED SESSION:**

Deputy City Attorney Sabrina Wolfson announced the Closed Session item.

- 4.A. [350-2022](#) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION  
(Government Code Sections 54956.9(d)(2) and 54956.9(d)(3)): Significant  
exposure to litigation in one potential case.

There were no request from the public to comment.

The meeting recessed to Closed Session at 3:47 P.M.

The meeting adjourned at 4:35 P.M.; there was no reportable action.

**5. ADJOURNMENT: 4:35 P.M.**

**Submitted by:**

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**Tiffany Carranza, City Clerk**

**SUPPLEMENTAL REPORTS & COMMUNICATIONS  
Office of the City Clerk**

**City Council of the City of Napa  
Special Meeting**

**September 15, 2022**

**FOR THE CITY COUNCIL OF THE CITY OF NAPA**

**AFTERNOON SESSION:**

**SUBMITTED PRIOR TO THE CITY COUNCIL MEETING**

**4. CLOSED SESSION:**

**4.A. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION (Government Code Sections 54956.9(d)(2) and 94956.9(d)(3)): Significant exposure to litigation in one potential case.**

- 1) Letter from Kevin Teague, Holman Teague Law Firm, dated 9/9/2022 received on September 13, 2022.

**From:** [Michael Barrett](#)  
**To:** [Tiffany Carranza](#)  
**Subject:** Supplemental Communication for Council Meeting on September 15, 2022  
**Date:** Tuesday, September 13, 2022 4:16:43 PM  
**Attachments:** [GP Letter to Counsel.pdf](#)  
[image001.png](#)  
[image003.png](#)

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Tiffany:

Please incorporate this email and attached letter into the public record for the City Council meeting on September 15, 2022.

The one item on the agenda for Council's consideration for the September 15 meeting is a closed session discussion of a significant exposure to litigation against the City. The existing facts and circumstances that support the discussion in closed session are as summarized in the attached letter from the Holman Teague law firm to the City Attorney dated September 9, 2022.

*Michael.*

**Michael W. Barrett**

**City Attorney**

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# HolmanTeague

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September 9, 2022

Michael Barrett, City Attorney  
City of Napa  
1600 First Street  
Napa, CA 94559

Re: Planning Commission Recommendation on General Plan Update - Violations of Law

Dear Michael,

I write on behalf of the Ghisletta family whom I have personally known for nearly 40 years, and I have represented for the past 20 years. I write to alert you that the Planning Commission's recent recommendations on the General Plan contained serious and egregious errors of law that if affirmed by City Council could lead to significant liabilities on the part of the City.

While the Ghisletta family has a long, 109-year history of working with the City and community and desires and intends to maintain that positive relationship with the City, the family members who manage the family property also have a duty to preserve and protect the family's interests in the property. It is because of this long cooperative relationship, we want to alert you to these issues so that the City can avoid litigation and damages resulting from the erroneous direction recommended by the Planning Commission.

On Thursday, September 1, the Planning Commission recommended that the City Council alter the draft General Plan to redesignate the Foster Road area that includes the Ghisletta Ranch from Foster Road Mixed Use to Greenbelt. The Commission did this notwithstanding the 50 years of City and community planning to maintain the site as a housing reserve (including the City's 1975 adoption of the Rural Urban Limit Line, the voters adoption of Measure A, the City's 1983 General Plan and the current 2000 General Plan, the City, County and LAFCO adoption of the Sphere of Influence, the Flood Control Project) and the nearly four years of planning on this General Plan Update which included multiple hearings and meetings, the recommendations by GPAC, and the prior recommendations by the Commission and City Council to maintain the site as a future housing opportunity under the Foster Road Mixed Use.

In addition to the numerous policy and community reasons, the Commission's direction is contrary to the mission and goals of the City and direction adopted by this City, the Commission's direction violates several laws, including but not limited to:

- California's Housing Crisis Act of 2019: The Planning Commission's recommendation reduces the intensity of land use designated on a property in direct violation of the law's prohibition on any net loss in residential capacity.
- California's Housing Element Law: The Planning Commission's recommendation places the City's Housing Element in legal jeopardy by failing to adequately identify housing sites.
- United States Constitution (and the State of California Constitution): The Planning Commission's recommendation violates the United States Constitution's prohibiting the taking of private property for public use without just compensation and other constitutional protections, as well as 42 U.S. Code § 1983 – for the deprivation of civil rights.

The Planning Commission's recommendation to the City Council would expose the City to liability from actions by the State Attorney General, private citizens, housing interest groups and affected property owners.

Please let me know if you would like to discuss these items further. This may be unnecessary as the family has confidence that the City Council understands these matters far better than the Planning Commission and would not support such extreme policy and legal errors.

Sincerely,



Kevin Teague