



## **REGULAR MEETING AGENDA FOR THE CITY COUNCIL OF THE CITY OF NAPA**

**Tuesday, June 23, 2020**

**3:30 PM Afternoon Session**

**6:30 PM Evening Session**

### **City Hall Council Chambers**

*955 School Street  
Napa, CA 94559  
[www.cityofnapa.org](http://www.cityofnapa.org)*

### **CITY COUNCIL**

*Mayor Jill Techel  
Vice Mayor Doris Gentry  
Councilmember Liz Alessio  
Councilmember Mary Luros  
Councilmember Scott Sedgley*

See last pages of agenda for information regarding meeting procedures  
Vea las últimas páginas de esta agenda para información sobre juntas del poder legislativo

**3:30 P.M. AFTERNOON SESSION****1. CALL TO ORDER:****1.A. Roll Call:****2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:****3. PUBLIC COMMENT:**

**\*\*See provisions on pages 6-7 for providing public comment.**

**4. CONSENT CALENDAR:****4.A. [195-2020](#)      Coronavirus Emergency Supplemental Funding Program**

**Recommendation:** Authorize the Police Chief to execute all documents necessary to accept a grant from the Office of Justice Program, U.S. Department of Justice for the Coronavirus Emergency Supplemental Funding (CESF) Program in the amount of \$65,354, and to approve the increase of revenue and expenditure budgets by \$65,354 in the Non-Recurring General Fund, as documented in Budget Adjustment No. BE2107503.

**Attachments:**      [ATCH 1 - Grant Award Letter](#)  
[ATCH 2 - Budget Adjustment Form](#)

**4.B. [199-2020](#)      Thomas Earl House Bed and Breakfast**

**Recommendation:** Approve the second reading and final passage, and adopt an ordinance approving a Planned Development Overlay District (PD-39) establishing the development standards for the Thomas Earl House located at 1221 Seminary Street and determining that the actions authorized by this ordinance are exempt from CEQA.

**Attachments:**      [ATCH 1 - Ordinance with EXS A and B](#)

**4.C. [200-2020](#)      Polvora Card Room**

**Recommendation:** Approve the second reading and final passage, and adopt an ordinance amending Napa Municipal Code Chapters 5.16, 17.10, and 17.52 to authorize a card room as a conditionally permitted use in the Community Commercial District, to increase the number of card tables permitted in the City from five to nine, to increase the allowable number of patrons at a card table from 10 to 15 and to allow alcohol to be consumed in a card room and determining that the actions authorized by this ordinance are exempt from CEQA.

**Attachments:**      [ATCH 1 - Ordinance](#)

**5. ADMINISTRATIVE REPORTS:**

- 5.A. [140-2020](#)**      **Response to the Napa County Grand Jury Report on City of Napa Sidewalks**
- Recommendation:**      Approve the City of Napa Response to the 2019-2020 Napa County Grand Jury Final Report entitled, "The City of Napa's Sidewalks: Watch Your Step", and direct the City Manager to submit the response on behalf of the City Council to the Presiding Judge of the Superior Court.
- Attachments:**      [ATCH 1 - City Response to Grand Jury Report](#)  
                                 [ATCH 2 - Grand Jury Report](#)
- 5.B. [166-2020](#)**      **Response to the Napa County Grand Jury Report on Solid Waste/Recycling Rates**
- Recommendation:**      Approve the City of Napa Response to the 2019-2020 Napa County Grand Jury Final Report entitled "City of Napa Garbage Rate Hike Raises a Stink: What's Behind the Increases?," and direct the City Manager to submit the response on behalf of the City Council to the Presiding Judge of the Superior Court.
- Attachments:**      [ATCH 1 - Grand Jury Response](#)  
                                 [ATCH 2 - Grand Jury Final Report](#)  
                                 [ATCH 3 - PowerPoint Presentation](#)
- 5.C. [175-2020](#)**      **Response to Napa County Grand Jury Final Report on Review of Responses to the 2018-2019 Grand Jury Reports**
- Recommendation:**      Approve the City of Napa response to the 2019-2020 Napa County Grand Jury Final Report on Review of Responses to the 2018-2019 Grand Jury Reports, and direct the City Manager to submit the response on behalf of the City Council to the Presiding Judge of the Superior Court.
- Attachments:**      [ATCH 1 - City Response to Grand Jury Report](#)  
                                 [ATCH 2 - Grand Jury Report](#)
- 5.D. [2206-2019](#)**      **City-owned Surface Parking Lot Property at Southeast Corner of Pearl and Coombs Streets**
- Recommendation:**      Authorize the City Manager to finalize and execute a Purchase and Sale Agreement between the City, as seller, and Napa Parkway Plaza LLC, as buyer, for the surface parking lot and vacant bus terminal located at the southeast corner of Pearl and Coombs Streets (APN's 003-166-008 &-011).
- Attachments:**      [ATCH 1 - Purchase and Sale Agreement](#)  
                                 [ATCH 2 - Appraisal of Properties](#)

**6. PUBLIC HEARINGS/APPEALS:****6.A. [2072-2019](#) Smoking Regulations**

**Recommendation:** Approve the first reading and introduction of an ordinance amending the Napa Municipal Code by repealing Chapter 5.20 ("Cigarette Vending Machines"); repealing Chapter 8.20 ("Smoking") and replacing it with a new chapter 8.20 ("Smoking Regulations"); and amending sections 12.36.005 ("Definitions") and 12.36.280 ("Smoking Prohibited in all City Parks") relating to smoking in City parks.

**Attachments:** [ATCH 1 - Ordinance with EX A](#)  
[ATCH 2 - California Tobacco Facts & Figures 2019 Report](#)

**7. COMMENTS BY COUNCIL OR CITY MANAGER:****8. CLOSED SESSION:**

- 8.A. [205-2020](#)** • CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION (Government Code Section 54956.9(d)(2)):  
Significant exposure to litigation in three potential cases.

**CITY COUNCIL RECESS****6:30 P.M. EVENING SESSION****9. CALL TO ORDER:****9.A. Roll Call:****10. PLEDGE OF ALLEGIANCE:****11. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:****12. REPORT ACTION TAKEN IN CLOSED SESSION:****13. SPECIAL PRESENTATIONS:****13.A. [192-2020](#) Local Economic Outlook**

**Recommendation:** Receive a presentation by Dr. Robert Eyler, Dean of the School of Extended and International Education, Sonoma State University (SSU), on the state of the local economy.

**14. PUBLIC COMMENT:**

**\*\*See provisions on pages 6-7 for providing public comment.**

**15. ADMINISTRATIVE REPORTS:****15.A. [191-2020](#) Napa Police Department Use of Force Policy**

**Recommendation:** Receive a presentation on the Napa Police Department Use of Force Policy.

**16. COMMENTS BY COUNCIL OR CITY MANAGER:****17. ADJOURNMENT:**

The next regularly scheduled meeting for the City Council of the City of Napa is July 21, 2020.

I hereby certify that the agenda for the above stated meeting was posted at a location freely accessible to members of the public at City Hall, 955 School Street, on Friday, June 19, 2020 at 3:30 p.m.

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Tiffany Carranza, City Clerk

**\*\* CORONAVIRUS (COVID-19) - Notice of Meeting Procedures \*\*****TELECONFERENCE MEETING**

In order to slow the spread of the Coronavirus (COVID-19) pandemic, the City will conduct this meeting as a teleconference in compliance with the Governor's Executive Orders N-29-20 and N-63-20, and members of the City Council or City staff may participate in this meeting telephonically or electronically. The City Council Chambers will be closed to the public, and members of the public may participate in the meeting by viewing the meeting live, and providing comments, as described below.

**VIEWING THE MEETING LIVE**

All members of the public are invited to view the meeting live on: (a) local cable TV Channel 28; or (b) live-streamed on the City of Napa's website at [www.cityofnapa.org](http://www.cityofnapa.org) (see: <https://napacity.legistar.com/Calendar.aspx>; and click on the "In Progress" button).

**PROVIDING COMMENTS VIA TELEPHONE**

If you would like to provide comments via telephone during the Council meeting, you must submit a request to the City Clerk by no later than 3:00 p.m. on Tuesday, June 23, 2020. The request may be submitted to the City Clerk by emailing [clerk@cityofnapa.org](mailto:clerk@cityofnapa.org), or by calling (707) 257-9503. When submitting the request, please identify your name, your telephone number (including the area code first), and the agenda item number and letter you would like to comment on. On the day of the Council meeting, a representative from the City Clerk's Office will call you to connect you to the Council meeting to allow you to provide your comments to the Council via telephone.

**PROVIDING WRITTEN COMMENTS VIA EMAIL TO BE READ AT THE MEETING**

Any member of the public may provide a written comment to the City Council before or during the meeting by sending it to the City Clerk via email at: [clerk@cityofnapa.org](mailto:clerk@cityofnapa.org). If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comment of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes "COMMENT TO COUNCIL FOR JUNE 23, 2020 MEETING – PLEASE READ"; and (2) it is received by the City Clerk prior to the time for public comment during the meeting for that agenda item. Please be aware that any public comments received that do not specify a particular agenda item number will be read aloud during the general public comment portion of the agenda. Due to potential technological delays in transmission, the public is encouraged to submit any comments to the City Clerk early, in order to ensure they are received in time to be read into the record.

**PROVIDING WRITTEN COMMENTS IN PAPER FORM TO BE READ AT THE MEETING**

Any member of the public may provide a written comment in a paper form (handwritten or typed) to the City Council if it is received by no later than 3:00 p.m. on Tuesday, June 23, 2020, by either: (a) placing the comment in an envelope addressed to the attention of the City Clerk, and depositing it in the “NIGHT DEPOSIT - PAYMENTS” slot located at the front door of City Hall at 955 School Street; or (b) making arrangements for a personal delivery in advance, by calling the City Clerk’s office at 707-257-9503. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comment of 500 words or less (per person, per item) will be read into the record if: (1) the comment includes “COMMENT TO COUNCIL FOR JUNE 23, 2020 MEETING – PLEASE READ”; and (2) it is received by the City Clerk prior to 3:00 p.m. on June 23, 2020. Please be aware that any public comments received that do not specify a particular agenda item number will be read aloud during the general public comment portion of the agenda. The public is encouraged to submit any comments to the City Clerk early, in order to ensure they are received in time to be read into the record.

#### **PROVIDING SUPPLEMENTAL WRITTEN COMMENTS**

Any member of the public may provide supplemental written comments to the City Council before or during the meeting, beyond the 500 word limit for comments read into the record, and those supplemental written comments will be made a part of the written record in accordance with the Council’s Rules of Order and Procedures (R2016-6).

#### **VIEWING ARCHIVED WEBCASTS OF PAST MEETINGS**

Members of the public may access past City meetings at any time by going to <https://napacity.legistar.com/Calendar.aspx>; which includes an indexed listing of past meetings, including supporting documents, minutes, and video.

The City of Napa thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.

**MEETING DATES:**

The City Council meets regularly on the first and third Tuesday of each month; additional meetings may be scheduled as needed.

**INFORMATION AVAILABLE FOR CITY COUNCIL MEETINGS:**

Information and documents related to items on this agenda are available on the City's website at [www.cityofnapa.org](http://www.cityofnapa.org); you may also contact the City Clerk for information by email at [clerk@cityofnapa.org](mailto:clerk@cityofnapa.org); by calling (707) 257-9503; or in person at 955 School Street, Napa. Any documents related to an agenda item that are provided to a majority of the City Council after distribution of the agenda packet are reported by the City Clerk at the meeting under "Supplemental Reports and Communications," and are available for public inspection.

**CITY POLICY TO FACILITATE ACCESS TO PUBLIC MEETINGS:**

The City of Napa complies with all applicable requirements of the Americans with Disabilities Act and California law, and does not discriminate against any person with a disability. If any person has a disability and requires information or materials in an appropriate alternative format (or any other reasonable accommodation), contact the City Clerk at (707) 257-9503 or email at [clerk@cityofnapa.org](mailto:clerk@cityofnapa.org). For TTY/ Speech-to-Speech users, dial 7-1-1 for the California Relay Service, for text-to-speech, speech-to-speech, and Spanish-language services 24 hours a day, 7 days a week.

In making any request to the City for assistance, please provide advance notice of at least three business days prior to the meeting.

**TRADUCCIONES EN ESPAÑOL / SPANISH-LANGUAGE TRANSLATIONS:**

Esta agenda identifica los asuntos que serán considerados en una junta del poder legislativo. Todas las juntas del poder legislativo están abiertas al público, y se invita a los miembros del público a asistir y dirigirse directamente ante el poder legislativo. Si usted desea recibir una copia de esta agenda o información relacionada en español, por favor póngase en contacto con la Secretaria de la Ciudad al 707-257-9503 o por correo electrónico a [Clerk@cityofnapa.org](mailto:Clerk@cityofnapa.org).

**CONDUCT OF CITY COUNCIL MEETINGS:**

Meetings are conducted in accordance with the requirements of state law (the "Ralph M. Brown Act," California Government Code Sections 54950, et seq.) and the City's Rules of Order (Council Policy Resolution 19).

Members of the public may address the Council at designated times and are expected to conduct themselves with courtesy and respect. Speakers should direct comments to the Mayor and City Councilmembers, not the audience. Speakers are expected to yield the floor when the time limit is identified and comply with the City's Rules of Order. Speaking times are limited to no more than three minutes per person, with the exception of certain hearings and appeals, or at the discretion of the Mayor or City Council.

**PUBLIC COMMENT (INCLUDING CONSENT CALENDAR AND ADMINISTRATIVE REPORTS):**

The public may directly address the City Council on any subject within the Council's subject matter jurisdiction, including any matter that is not on the agenda. Speaking time is limited to no more than three (3) minutes per person, unless modified at the discretion of the Mayor or City Council.

If the matter is not on the agenda, or if the matter is on the Consent Calendar, or is an Administrative Report, submit a speaker card or request to speak during the Public Comment portion of the meeting.

Speaker cards are not required if the speaker otherwise makes a clear and timely request to address the Council, but do promote the efficient and orderly progress of the meeting. Information on Speaker Cards is subject to disclosure under the California Public Records Act.

**CONSENT CALENDAR:**

These items are considered routine and may be approved by a single vote. Only the Mayor or a majority of the City



Council may authorize public input after the consent calendar is introduced.

**ADMINISTRATIVE REPORTS**

Only the Mayor or a majority of the City Council may authorize public input after an administrative report item is introduced.

**CONSENT HEARINGS:**

These items are considered routine and may be approved by a single vote; however, any member of the public or City Council may remove an item for consideration during the public hearing portion of the agenda.

**PUBLIC HEARINGS/APEALS**

During any public hearing or appeal, any person may directly address the City Council. Applicants (or appellants) are allowed 10 minutes to present testimony at the beginning of the public hearing, and if needed, 5 minutes to present rebuttal at the end of the public hearing. All other speakers will be limited to 3 minutes.

**CLOSED SESSION**

The City Council is authorized to meet in closed session, without attendance by the public, on limited confidential topics such as pending litigation, real property negotiations, or personnel or labor matters.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT:**

The California Environmental Quality Act ("CEQA") is the state law that requires the City to evaluate and document the potential environmental consequences of discretionary decision. (See, California Public Resources Code Sections 21000 - 21189.3; and the "CEQA Guidelines" at California Code of Regulations Title 14, Division 6, Chapter 3, Sections 15000 - 15387). For each item that requires a CEQA determination by City Council, there is a reference to that determination on this agenda, and more information regarding the CEQA analysis is included in the documents that accompany this Agenda. To the extent that City staff determines that particular items are not subject to CEQA, there will be no indication of a CEQA action on this Agenda.

**CHALLENGES TO DECISIONS MADE BY THE CITY COUNCIL:**

If a person wishes to file a legal challenge to any decision made by the City Council, you may be limited to raising only those issues which you or someone else raised during the meeting, or in a written communication received by the City Clerk prior to or during the meeting. In addition, a legal challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies. The time limit to commence any legal challenge may be subject to strict timing requirements, and failure to comply with applicable timing requirements may result in a legal challenge being barred. Any lawsuit or legal challenge to any quasi-adjudicative decision made by the City Council is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by City Council must be filed no later than the 90th day following the date on which such decision becomes final.