

SUPPLEMENTAL REPORTS & COMMUNICATIONS I
Office of the City Clerk

City Council of the City of Napa
Regular Meeting
June 23, 2020

FOR THE CITY COUNCIL OF THE CITY OF NAPA:

AFTERNOON SESSION:

3. PUBLIC COMMENT:

- Email from David Burtis received on June 17, 2020.
- Email and attachment from Ian Stanley Posadas on behalf of LGBTQ Connection received on June 23, 2020. *
- Email from Margaret Wigger received on June 23, 2020. *

4. CONSENT CALENDAR:

4.C. Polvora Card Room.

- Email from Karen McLellan received on June 17, 2020.
- Memo from Senior Planner, Michael Allen, regarding amendments to the CEQA section of the staff report and revised staff report.

5. ADMINISTRATIVE REPORTS:

5.A. Response to the Napa County Grand Jury Report on City of Napa Sidewalks.

- PowerPoint Presentation by City Staff.

5.B. Response to the Napa County Grand Jury Report on Solid Waste/Recycling Rates.

- PowerPoint Presentation by City Staff.

5.C. Response to the Napa County Grand Jury Final Report on Review of Responses to the 2018-2019 Grand Jury Reports.

- PowerPoint Presentation by City Staff.

6. PUBLIC HEARINGS/APPEALS:

6.A. Smoking Regulations.

- PowerPoint Presentation by City Staff.
- Email from Brianna Mendez received on June 19, 2020. *
- Email from Hibah Shafi received on June 20, 2020. *
- Email from Cameron Nicole Causey received on June 22, 2020. *
- Email from Members of Friday Night Live Chapters in Napa County received on June 22, 2020. *
- Email and videos in [English](#) and [Spanish](#) from River School Friday Night Live Program received on June 23, 2020. *
- Email and Three Letters of Support submitted by The Coalition for a Tobacco Free Napa on behalf of 1) The Up Valley Partnership for Youth, 2) The Catalyst Coalition, and 3) Megan Dominici, Community Member and Youth Advisor for Friday Night Live.
- Email from Megan Dominici received on June 23, 2020. *
- Email from Eilidh Stults received on June 23, 2020. *
- Email and attachment from Napa Youth Council received on June 23, 2020. *

****EMAIL OR HANDWRITTEN COMMENTS WILL BE READ INTO THE RECORD BY CITY STAFF
DURING THE MEETING.***

From: [Mary Luros](#)
To: [Clerk](#)
Subject: Fwd: Parks and Recreation Department
Date: Thursday, June 18, 2020 10:34:12 AM

Begin forwarded message:

From: David [REDACTED]
Subject: Parks and Recreation Department
Date: June 13, 2020 at 7:01:01 AM PDT
To: Jill Techel <jtechel@cityofnapa.org>, Mary Luros <mluros@cityofnapa.org>, Liz Alessio <lalessio@cityofnapa.org>, Scott Sedgley <ssedgley@cityofnapa.org>, Doris Gentry <dgentry@cityofnapa.org>
Reply-To: David [REDACTED]

[EXTERNAL]

Dear City Council member,

I would like to voice my strong opposition to eliminating the Parks and Recreation Department. Please recommend other options instead of dismantling the department, like appointing an interim or acting director. This will give time to really understand the impacts of COVID-19 and provide more serious consideration of how best to preserve such a vital service to our community.

Thank you,

David Burtis

From: [Ian Stanley Posadas](#)
To: [Clerk](#)
Cc: [Jessie Hankins](#); [Isamar Alamilla](#); [Margaret Wigger](#); [Stephanie Ramirez](#); [Fernando Espinoza](#)
Subject: COMMENT TO COUNCIL FOR JUNE 23, 2020 MEETING – PLEASE READ
Date: Tuesday, June 23, 2020 12:56:31 PM
Attachments: [LGBTQ Connection Public Comment Napa Council 6-23-2020.pdf](#)

[EXTERNAL]

Dear Clerk and Napa City Council,

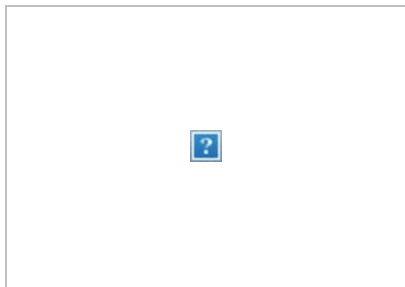
I am submitting this message to be read for general public comment on behalf of our LGBTQ Connection staff team.

Thank you,

Ian Stanley Posadas

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NOTE: Our organization is still operating and has been working hard to reconfigure how we connect and offer support to those in the community who need us. Visit <https://www.onthemovebayarea.org/covid-19> if you'd like more info about what we are offering or contact me or any of our staff team.



Ian Stanley Posadas
Program Director

Pronouns: He/Him/His

ian@lgbtqconnection.org
NEW mobile direct: 707-948-6640
p: 707-251-9432 x205 || f: 707- 251-9509
780 Lincoln Ave, Napa, CA 94558
www.lgbtqconnection.org
Napa County: [FB](#) | [Twitter](#) | [IG](#) | [Tumblr](#)
Sonoma County: [FB](#) | [Twitter](#) | [IG](#)

Dear Napa Council,

We are writing to you as a local organization that is concerned with the behaviors of a council member undermining efforts to make Napa safer and inclusive, and a lack of accountability from our local leadership. In the past week, videos have surfaced of councilmember and mayoral candidate, Doris Gentry, making light of the importance of the pride flag to our community, and associating with a known white supremacist, Ben Bergquam.

As elected officials, your words and behavior have an impact on everyone you represent. In these videos, however, Doris is making light of her resistance to fly the rainbow flag on the same pole as the U.S. flag, laughing as she said, “no, no, and hell no,” she wouldn’t do it. She has also stated that if the rainbow flag were to be flown, then the Confederate and “abortion” flags would need to be flown as well. This week Councilmember Gentry called the cultural flagpole one for “warriors, rainbows, and puppies,” again minimizing the importance of this symbol of our city’s support that took more than 6 years to make a reality. Her word choices and their impact show that she doesn’t understand how LGBTQ discrimination can be a life-or-death situation for some. While she stated on Sunday that she doesn’t support the Proud Boys (a white supremacist extremist group), her associations with Ben Bergquam, who is a self-proclaimed Proud Boy, negates what she says about supporting everyone in the community.

We have yet to hear from anyone on this Council publicly denounce Ben Bergquam and what he stands for, or acknowledge and apologize for your fellow councilmember’s association with him. As elected officials, you are responsible for creating a safer, more inclusive environment for our community, and by not acknowledging the presence of someone who antagonizes those who are LGBTQ, people of color, and other vulnerable populations, you are failing to do so. We have been working hard for years to increase LGBTQ visibility, support, and understanding, and Doris’ actions are directly undermining our work.

As an elected official who says that she cares about our entire community, we are here to hold her to her words. When you voted as a council to raise the rainbow flag you said you did not want it to be an empty symbol. Here is your opportunity. We are expecting her and our other elected officials to 1. apologize and publicly denounce her association with Ben Bergquam and any white supremacist group, and 2. be aware of the impact your words and actions have, and in the future, choose words and act with the most vulnerable in our community in mind.

We appreciate the Council’s time today, and would like to offer a council-specific LGBTQ training to hear from local LGBTQ people about their experiences and to increase understanding of the issues they face. We look forward to seeing the positive change that can come of this meeting today.

LGBTQ Connection
780 Lincoln Ave.
Napa, CA 94558

From: [Margaret Wigger](#)
To: [Clerk](#)
Subject: Re: COMMENT TO COUNCIL FOR JUNE 23, 2020 MEETING @ 3:30 PM - PLEASE READ
Date: Tuesday, June 23, 2020 3:16:00 PM

[EXTERNAL]

Here is our revised version that we would like to be read instead of our original version, please:

Hello City Council,

We wish we could be here tonight to speak directly on behalf of the families we serve, but we understand the importance of protecting our community from the spread of the Coronavirus. Nonetheless, we are writing to you tonight to ask for accountability from council member and 2020 mayor candidate, Doris Gentry, for how her words and actions have caused harm to those in the LGBTQ community and our Latinx community.

PFLAG is a national organization that provides support to families of LGBTQ people, as well as help create a more diverse and inclusive world. PFLAG Napa was founded in 2013 with these same values in mind, and since then, has helped support countless families through their child's coming out process; navigating gender/name changes; helping lead community education programs with organizations like the Napa County Library and LGBTQ Connection; and so much more. However, recently the actions of Doris Gentry have actively tried to undermine the impact of our work.

Doris Gentry, your words and their impact are reckless and incredibly divisive. Last year, you proudly laughed about not wanting to raise the pride flag on the same flagpole as the U.S. flag and stated that if the LGBTQ community were to be able to raise their flag, the Council would have to let the Confederate flag or the "abortion flag" be flown as well. You are equating people's inherent nature with political identities, and making light of their struggles as well. You also stated that this flagpole was meant to celebrate "warriors, rainbows, and puppies" - again, making light of LGBTQ struggles and issues.

Just last week, the Supreme Court released its decision on whether or not LGBTQ people can be fired for their sexual orientation or gender identity. LGBTQ youth are at higher risks of suicide, substance abuse, and homelessness. The LGBTQ flag was a symbol of hope for many who lived through tragedies like the Stonewall Riots or the AIDS epidemic. In a city like Napa, having local leaders that represent the communities they took an oath to serve is important, and has a huge impact on the acceptance and success of our LGBTQ youth.

You have made those that we represent feel unsupported, unwanted, and unsafe in

their communities. Your association with Ben Bergquam, a Proud Boy affiliate, is unacceptable, and we are beyond disappointed in you - and for City Council as a whole - for not speaking on his involvement with Doris' mayor campaign, and the impact that his presence in Napa had on our thriving Latinx community.

We want to remind each member of City Council that they were elected to serve and protect all people living in Napa and that their actions, involvements, endorsements, and words impact us all. We ask that Doris Gentry take the time to educate herself on LGBTQ struggles and align herself with those who advocate for our vulnerable populations in Napa.

Thank you,

PFLAG Napa Board Members

Casey McConnell, Margaret Wigger, Rosemarie Vertullo, Earle Craigie

On Tue, Jun 23, 2020 at 3:07 PM Margaret Wigger <margaretwigger@gmail.com> wrote:

Would it be possible for us to resubmit this with a revision?

On Tue, Jun 23, 2020 at 1:34 PM Clerk <clerk@cityofnapa.org> wrote:

Greetings,

The Clerk's Office is confirming receipt of your comments below. Your email will be read into the record during the evening session at the June 23, 2020 City Council meeting.

Thank you!

Caitlin Saldanha

Deputy City Clerk

City of Napa – City Hall – City Clerk's Office

955 School Street, Napa, CA 94559

Phone (707) 258-7870

Email csaldanha@cityofnapa.org

Website www.cityofnapa.org



From: Margaret Wigger <margaretwigger@gmail.com>
Sent: Tuesday, June 23, 2020 1:30 PM
To: Clerk <clerk@cityofnapa.org>
Subject: COMMENT TO COUNCIL FOR JUNE 23, 2020 MEETING @ 3:30 PM - PLEASE READ

[EXTERNAL]

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Just last week, the Supreme Court released its decision on whether or not LGBTQ people can be fired for their sexual orientation or gender identity. LGBTQ youth are at higher risks of suicide, substance abuse, and homelessness. The LGBTQ flag was a symbol of hope for many who lived through tragedies like the Stonewall Riots or the AIDS epidemic. In a city like Napa, having local leaders that represent the communities they took an oath to serve is important, and has a huge impact on the acceptance and success of our LGBTQ youth.

You have made those that we represent feel unsupported, unwanted, and unsafe in their communities. Your association with Ben Bergquam, a known white supremacist is unacceptable, and we are beyond disappointed in you - and for City Council as a whole - for not speaking on his involvement with Doris’ mayor campaign, and the impact that his presence in Napa had on our thriving Latinx community.

We want to remind each member of City Council that they were elected to serve and protect all people living in Napa and that their actions, involvements, endorsements, and words impact us all. We ask that Doris Gentry take the time to educate herself on LGBTQ struggles and align herself with those who advocate for our vulnerable populations in Napa.

Thank you,

PFLAG Napa Board Members

Casey McConnell, Margaret Wigger, Rosemarie Vertullo, Earle Craigie

From: [Karen McLellan](#)
To: [Clerk](#)
Subject: Ace & Vine
Date: Wednesday, June 17, 2020 12:34:59 PM

[EXTERNAL]

"I am a long time Napa resident. I support the Ace & Vine Restaurant and Card Room. I think this will offer something different for Napan's and will be a great addition offering not only a safe place to play cards, but also enjoy a wonderful deck and view of the river. I would also like to see bridge players able to play as well. Please approve this project."



MEMO

TO: MAYOR TECHEL, MEMBERS OF THE CITY COUNCIL
FROM: MICHAEL ALLEN, SENIOR PLANNER
DATE: JUNE 23, 2020
SUBJECT: ITEM 4.C - POLVORA CARD ROOM

The following are corrections to the CEQA section of the Polvora ASR rendering it consistent with the CEQA recital in the Cardroom Ordinance Amendment Ordinance:

CEQA:

At their regular meeting on June 16, 2020, City Council determined that the potential environmental effects of the Recommended Action are exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1), which exempts the operations of existing private structures which involves negligible or no expansion of the existing or former use; ~~and in accordance with Section 15061(b)(3) of the CEQA Guidelines which exempts an activity that does not have the potential to cause a significant effect on the environment,~~ and in accordance with Section 15303 of the CEQA Guidelines which exempts the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure.

Attachment 1: Revised Staff Report for Item 4.C.

ATTACHMENT 1 – REVISED STAFF REPORT

To: Honorable Mayor and Members of City Council

From: Vincent Smith, Community Development Director

Prepared By: Carlyce Banayat, Imaging Clerk

TITLE:

Polvora Card Room

RECOMMENDED ACTION:

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.

DISCUSSION:

This is the Second Reading and Final Adoption of 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. The introduction and First Reading was held at the Regular City Council meeting on June 16, 2020. If approved the Ordinance will become effective thirty days following adoption.

FINANCIAL IMPACTS:

No direct financial impacts to the General Funds have been identified with this application.

CEQA:

At their regular meeting on June 16, 2020, City Council determined that the potential environmental effects of the Recommended Action are exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with Section 15301 of the CEQA Guidelines (Categorical Exemptions; Class 1), which exempts the operations of existing private structures which involves negligible or no expansion of the existing or former use; and in accordance with Section 15303 of the CEQA Guidelines which exempts the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure.

The City Council further determined that the exceptions to categorical exemptions identified in Section 15300.2 of the CEQA Guidelines are inapplicable because the land is in an urbanized area with no environmentally sensitive habitats or species of concern on the property, there has been no successive effort to intensify land uses in the area, and no unusual circumstances exist that would pose a reasonable possibility of having a

ATTACHMENT 1 – REVISED STAFF REPORT

significant effect on the environment. Based on this analysis, no significant environmental effects would result from this project and the exemptions are appropriate.

The proposed use would operate within an existing structure which formerly housed a similar use (a restaurant) that exhibited a similar level of intensity and function. No expansion of the building footprint is proposed. In addition, the amendments to the NMC proposed by the project would merely clarify that a card room is a conditionally allowed use within the Community Commercial District and slightly expand operational characteristics to be consistent with State Law. Under the project, the number of card rooms allowed within the City would continue to be limited to one and no additional card room permits would be issued beyond the existing permit which would be transferred to the Applicant.

DOCUMENTS ATTACHED:

ATCH 1 - Ordinance

NOTIFICATION:

Mailing by US Postal Service was provided to all property owners within a 500-foot radius of the subject property; legal notices of public hearings were published in the Napa Valley Register.

Grand Jury Report Response - Sidewalks

June 23, 2020



Sidewalk Repair Programs

**Napa Neighborhoods Streets &
Sidewalks Program**

Priority Locations (Criteria Based)

Sidewalk “Shaving” Program

Capital Improvement Projects

Development Projects

Cost Share with Property Owners

Temporary Repairs

Report Focus



Grand Jury Response Summary



Napa County Grand Jury Report – City of Napa
Sidewalks Published 4/30/2020



10 Findings

Agree with 2 findings

Partially Disagree with 6 findings

Disagree with 2 findings



8 Recommendations

Will implement 6 items

Will not implement 2 items

Responses

Findings:

- Agree with finding
- Partially disagree with finding
- Disagree with finding

Recommendations:

- Has been implemented
- Will be implemented in future with timeframe
- Requires further analysis
- Will not be implemented because not warranted or not reasonable

Major Report Themes for Findings and Recommendations

Programming of
Sidewalk Repair Work
and Written Plan
(Priority Repairs &
Schedules)

Communication &
Information Regarding
Programs, Service
Requests & Schedules



Findings Summary

The City agrees with findings 9 and 10

9. Cost share program is rarely full 50% reimbursement

- ❖ Staff previously identified the current construction costs exceed the reimbursement rates –work plan to investigate costs and recommend update to City Council

10. No formally adopted method for assessing success of new Work Order Asset Management system

- ❖ Developing plan by December 31, 2020

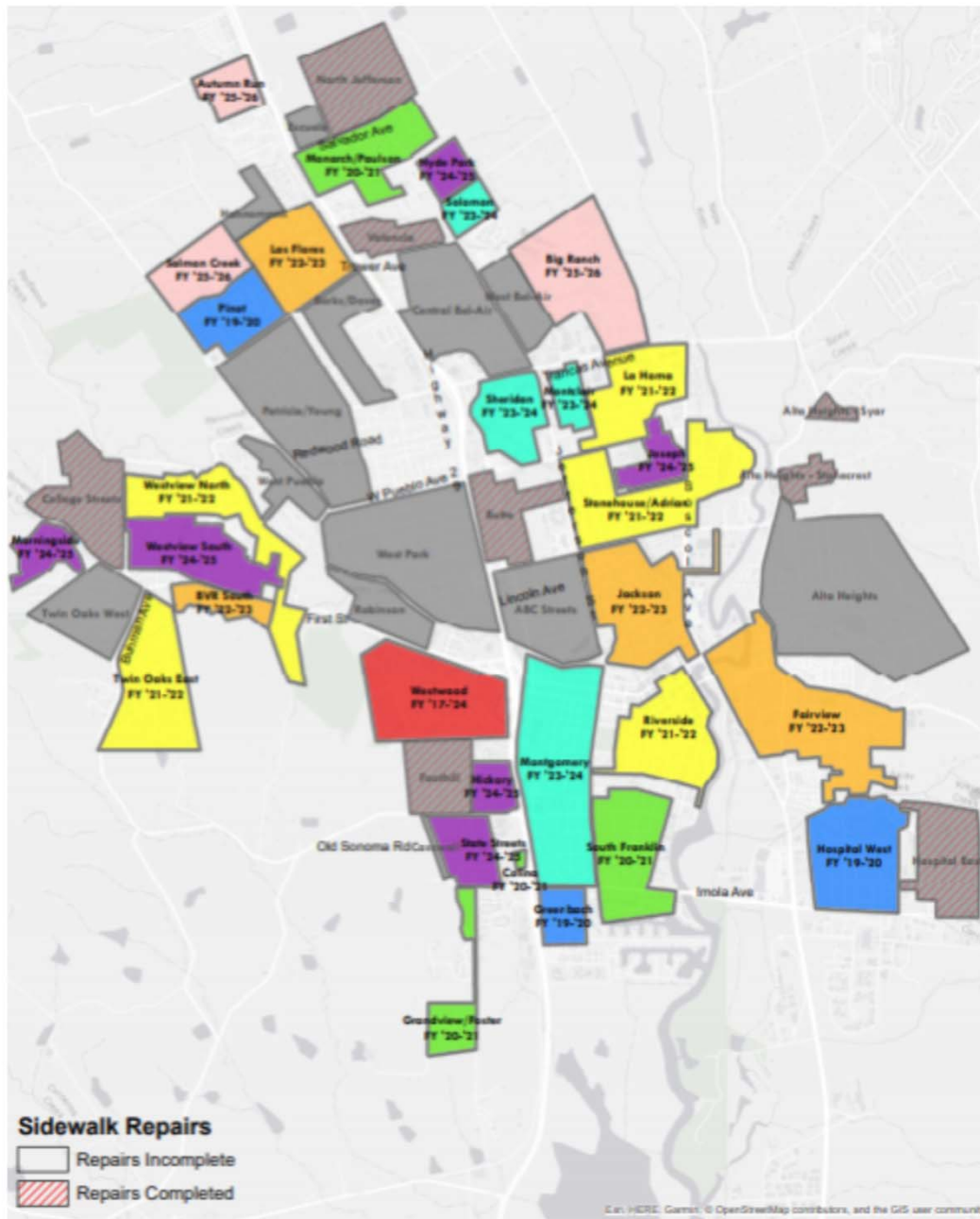
Findings Summary

The City partially disagrees with findings 1, 3, 4, 5, 7 and 8

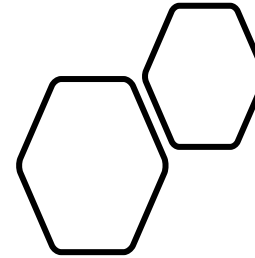
1. Nearly all annual sidewalk repair budget is spent in neighborhood paving area vs. individual segments with most serious risks

- ❖ Disagree with any implication repairs are not directly removing serious tripping risks
- ❖ Majority of funding is invested in projects addressing neighborhood at one time
 - More efficient (5 times more repairs)
 - ADA ramps: required/important to community
 - Scheduling concrete repairs prior to paving is needed to preserve paving investment
- ❖ New protocol for temp repairs





Map: HERE, Garmin, © OpenStreetMap contributors, and the GIS user community



Findings Summary

The City partially disagrees with findings 1, 3, 4, 5, 7 and 8

3. With lack of written plan for priority projects, scheduling appears random

- ❖ Schedules based on severity, pedestrian volumes and/or coordination with other city projects
- ❖ Examples repair areas around Playground Fantastico, Senior Center Improvements and tree removals
- ❖ Written plan/department policy by December 31, 2020

4. Lack of written key definitions of “location” and “priority” is confusing

- ❖ Used as defined in dictionary
- ❖ Will include definitions in written plan

Findings Summary

The City partially disagrees with findings 1, 3, 4, 5, 7 and 8

5. PWD does not publish list of “priority” projects, difficult for residents to assess progress

- ❖ Summary of repairs included in presentation to Council
- ❖ Completed repairs shown on Napa Neighborhood Streets and Sidewalks exhibit
- ❖ Will continue with annual updates and post on website

7. PWD website does not include link to service center to report damage/request repair

- ❖ The City home page (www.cityofnapa.org) has link
- ❖ Director contact on PWD page with staff directory



LEGEND
 ■ Paved Streets
 ■ Streets to be Paved

Butte Area: 257 sidewalk locations repaired



LEGEND
 ■ Paved Streets
 ■ Streets to be Paved

Hospital Streets: 138 sidewalk locations repaired

Findings Summary

The City partially disagrees with findings 1, 3, 4, 5, 7 and 8

8. PWD record and reporting unclear because of undefined terms of “location,” “priority,” and “one-off”

- ❖ “One-off” not official term
- ❖ Used as defined by dictionary
- ❖ Will be included in written department policy/plan

Findings Summary

The City disagrees with findings 2 and 6

2. Repair decisions appear subjective

- ❖ Criteria developed includes: pedestrian volumes, proximity to schools, vertical displacement, tree removals, schedule for neighborhood project

6. City does not adequately inform residents of repair schedules

- ❖ Schedule for Napa Neighborhood Streets and Sidewalks on Public Works website and presented at Council Meeting



Report Recommendations

1. Publish definitions for terms (location & priority)
 - Will implement by December 31, 2020 (excluding “one-off”)
2. PWD adhere to published definitions
 - Will implement
3. Adopt written policy for selection of individual priority repair projects
 - Will implement by December 31, 2020 as part of written department policy



Report Recommendations

4. Adopt written policy governing timing of work for “priority” projects
 - Will not implement; alternative means of prioritizing and managing work for sidewalk repairs
 - Existing performance metric for 50 priority locations annually using established criteria
 - Established neighborhood sidewalk program addressing hundred of locations annually
 - Cost share program available

Report Recommendations

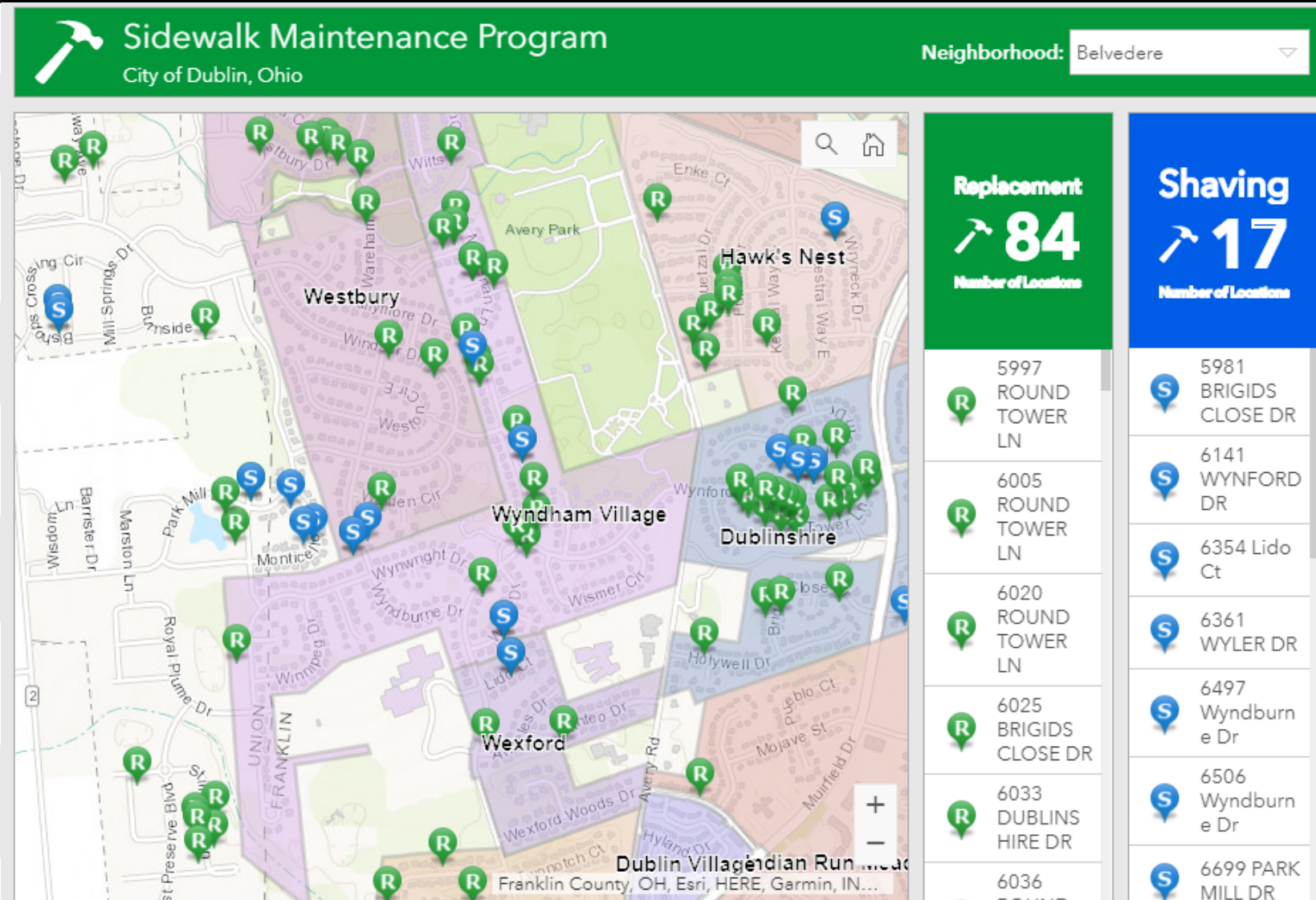
5. Adopt 5-year plan for repairing all damage of 4-in or more
 - Will not implement; would result in reduced service
 - Approx. 990 locations requiring all program resources to complete in 5 years
 - 80% reduction in number of repairs, would not complete ADA ramps and damaged concrete along new paving
 - Repairs addressed with programs (approx. 10 additional years to complete neighborhoods)
 - Repairs completed with CIP's
 - Performance metric of 50 priority repairs
 - Response notes reduced revenues may impact progress



Report Recommendations

6. PWD annually publish street addresses of priority project completed on website
 - Will implement by December 31, 2020
7. PWD update website to better inform public with schedules, maps, and reporting link
 - Will implement by December 31, 2020
8. PWD develop schedule/methodology for success of Work Order Management System
 - Will implement by December 31, 2020

Dublin, Ohio: Interactive Maps



Summary of Actions by December 31, 2020

Programming of Sidewalk Repair Work and Written Plan (Priority Repairs & Schedules):

- Written department policy & plan to document program

- Documenting definitions & criteria for priority

- Document schedule & methodology to assess new software

Communication & Information Regarding Programs, Service Requests & Schedules:

- Publish street address of priority projects completed

- Update website with schedules, maps, reporting link



Recommended Action

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.



The background of the slide is a photograph of a historic street in Napa. It shows a row of brick buildings, including a prominent circular building with a white dome. The street is lined with trees and flowers, and the scene is captured in a warm, golden light.

City Response to 2019/20 Napa County Grand Jury Report on Solid Waste Rates

June 23, 2020

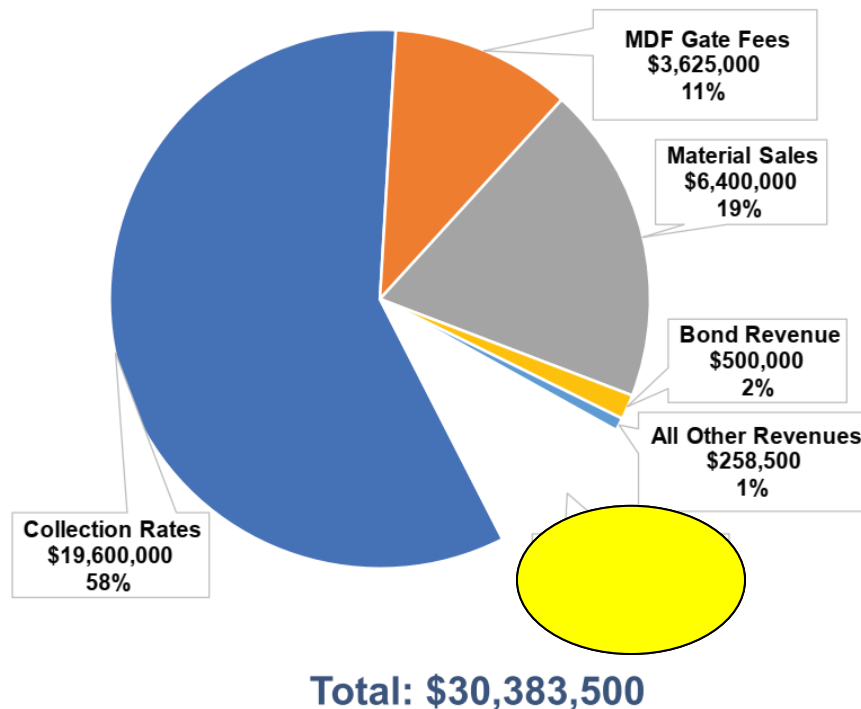
Information and Direction

Today's presentation is to provide summary of recommended City of Napa response to 2019-2020 Napa County Grand Jury final report entitled: *“City of Napa Garbage Rate Hike Raises a Stink: What’s Behind the Increases?”*



Finding 1 (F1) & City Response

Fiscal Year 2020 Budgeted Revenues



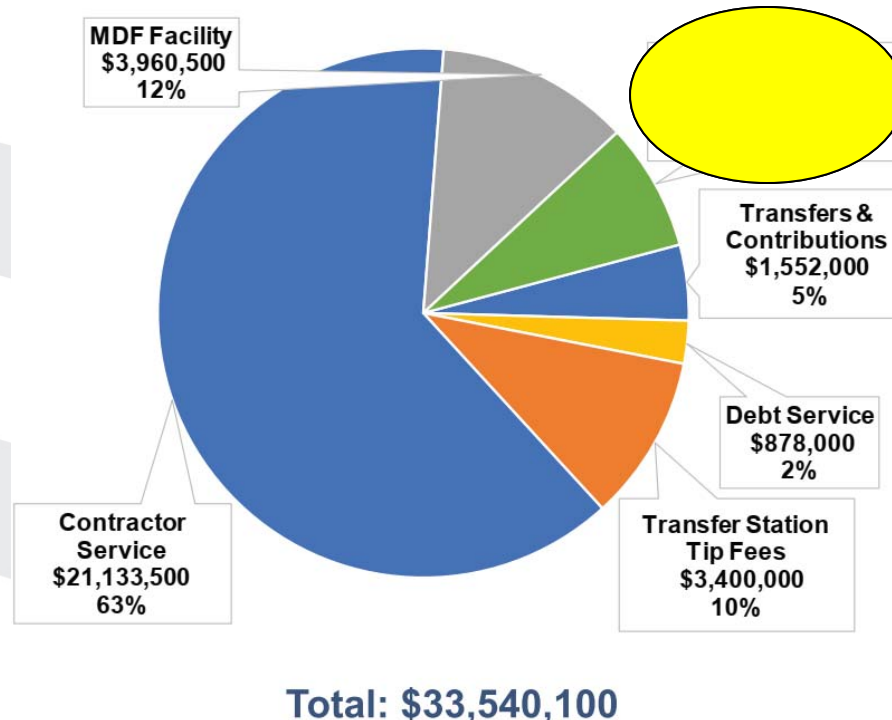
F1 (abbreviated): Solid Waste/Recycling rate increases were timely & justified given \$3.3 projected budget shortfall

City Response: Agree with F1



Finding 2 (F2) & City Response

Fiscal Year 2020 Budgeted
Expenditures



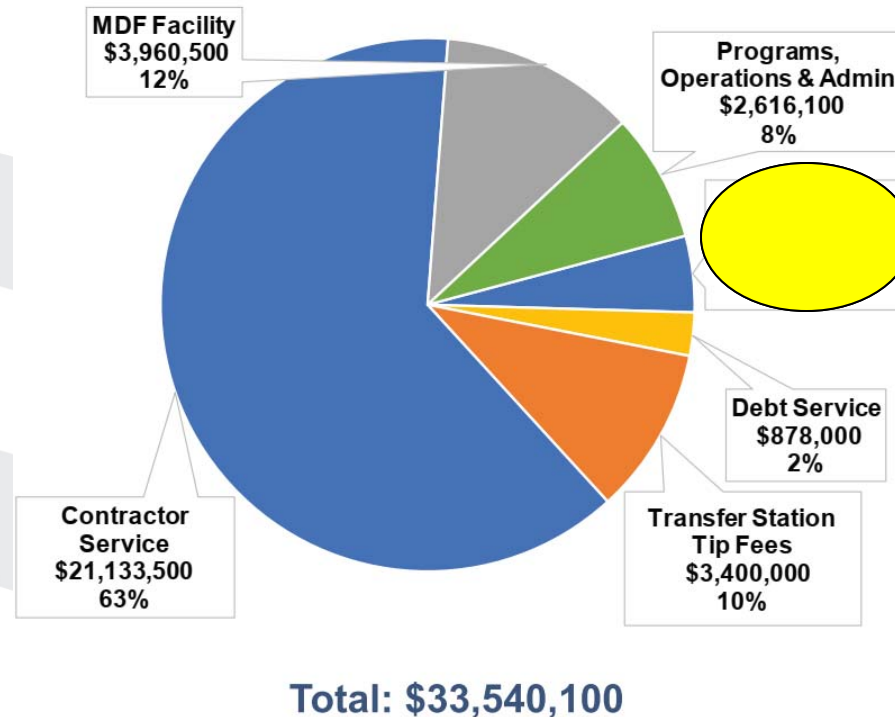
F2 (abbreviated): Coombsville Dump liability should have been shown as a separate item in rate notice pie chart

City Response: Disagree with F2



Finding 3 (F3) & City Response

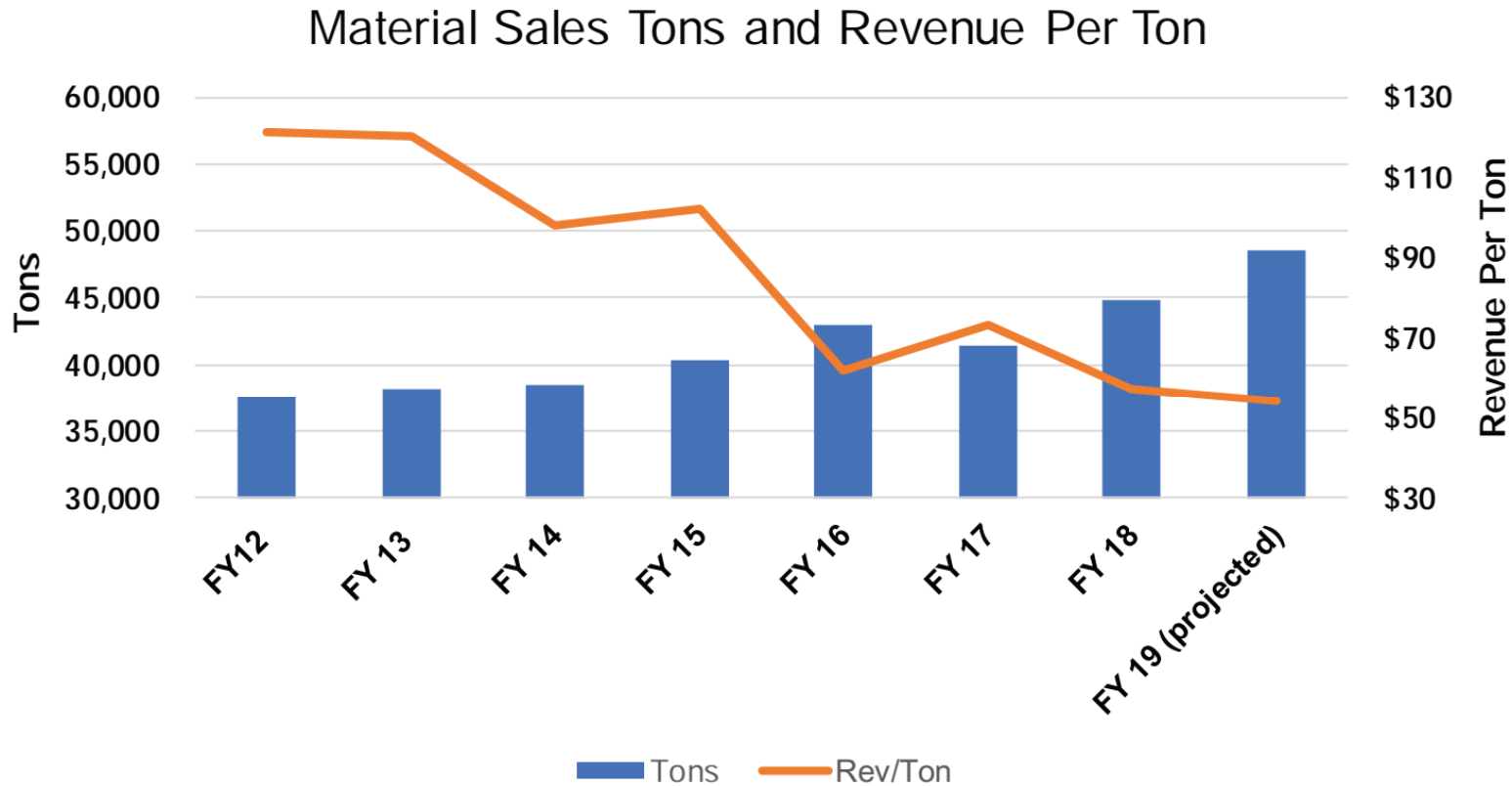
Fiscal Year 2020 Budgeted Expenditures



F3 (abbreviated): Street repair costs (\$1.1M/year) should have been shown in rate notice pie chart

City Response: Agree with F3

Finding 4 (F4) & City Response



F4 (abbreviated): Steep decline in global markets for recyclables contributed to \$3.3M budget shortfall

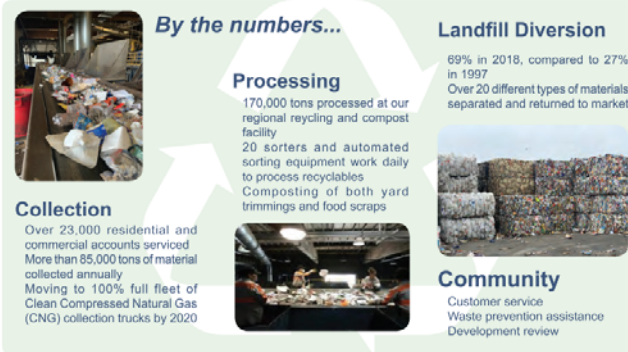
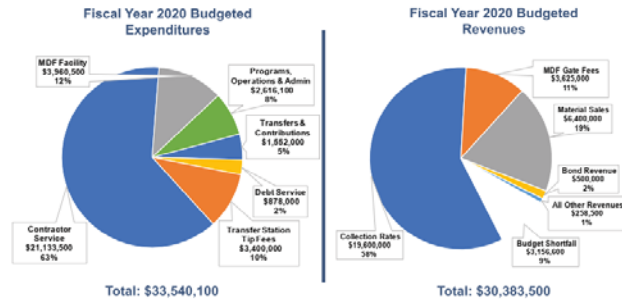
City Response: Agree with F4



Recommendation 1 (R1) & City Response

How are solid waste and recycling rates used?

The cost to provide a high level of solid waste and recycling services and divert 69% from landfill is about \$33.5 million per year. As shown in the chart below, a large portion of the cost is our contract with Napa Recycling & Waste Services for approximately 70 employees, 28 refuse trucks and state of the art recycling, sorting and composting equipment to collect and process all material. The revenue to support these services is also shown below. A combination of shrinking revenue from material sales due to China export issues and increasing expenses has left a \$3.2 million gap that will be addressed through the proposed rates.



Why is a Rate Increase Needed?

Beginning in the 2018 fiscal year, expenditures began to exceed revenues. The three primary drivers of this increase are outlined below.

Collection & Processing

In 2018, the City executed a 14-year contract extension with Napa Recycling & Waste Services to continue efforts to achieve 75% diversion from landfill through an environmentally sustainable operation to recycle and compost waste locally. Key costs:

- 28 CNG refuse and recycling trucks resulting in a very clean fleet with significantly reduced air emissions (\$11.5M)

- Replaced or upgraded facility processing equipment in mixed recycling processing area (\$4M)

Cost Increase = \$2.1M/year

Declining Material Sales

Sales of recyclable materials generates revenue to reduce rates and avoids cost and impacts of disposal at landfills. As shown below, the amount of recyclable material has grown considerably (great news), but the sale price per ton has declined drastically due to China/market conditions.

Revenue Loss = \$1.2M/year



Capital Improvements

Issued \$12.5M in Solid Waste Revenue Bonds in 2016 to fund improvements that include:

- Composting system (\$8M) to comply with State regulations to process food waste and air district regulations for emissions

- Stormwater system (\$2M) to comply with Composting Order from Regional Board

- Covered processing and storage areas for recyclables (\$2.5M) to comply with stormwater discharge permits

Cost Increase = \$900K/year

R1 (abbreviated): Grand Jury recommends annual updates to rate payers no later than 12/31/2020

City Response: Not yet implemented but City plans to implement by 12/31/2020



Recommendation 2 (R2) & City Response



Left: recently installed 2nd "sorting" robot

Below: captured aluminum from new "eddy" current at end of container line at MDF



R2 (abbreviated): Grand Jury recommends City staff explore new sources of revenue to offset declining material sales

City Response: This recommendation has been implemented. \$677k in new revenue for 3rd party gate fees for recyclables in FY2020/21; \$117k increased revenues from adjusted public "self-haul" MDF gate fees; \$300k-\$400k increased revenue from new "eddy" current and second "sorting" robot



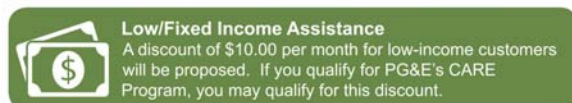
Grand Jury Commendation



Solid Waste Rates Proposed to Increase

Residents can be proud of Napa's solid waste program that diverts approximately 69% of collected materials from landfill. We have a robust recycling, food scrap and composting facility, and clean Compressed Natural Gas (CNG) collection vehicles. The City extended the life of equipment and vehicles with a contract extension with Napa Recycling & Waste Services (NRWS) but expenses are expected to exceed revenues by nearly \$3.2 million in 2020. Rates have not increased since 2016 but changes are proposed to meet the increasing costs of the City's dynamic materials diversion program. Here's what residential customers can expect to see in their future monthly solid waste bills from NRWS:

Level of Service	Current (Since 2016)	Aug 2019	Change	Jan 2020	Change	Jan 2021	Change	Jan 2022	Change	Total Change
20 gallon	\$21.65	\$24.25	\$2.60	\$26.68	\$2.43	\$28.81	\$2.13	\$30.54	\$1.73	\$8.89
35 gallon	\$27.14	\$30.40	\$3.26	\$33.44	\$3.04	\$36.12	\$2.68	\$38.29	\$2.17	\$11.15
65 gallon	\$41.63	\$46.63	\$5.00	\$51.29	\$4.66	\$55.39	\$4.10	\$58.71	\$3.32	\$17.08



Napa's Rates Will Still be Among Average for the Area

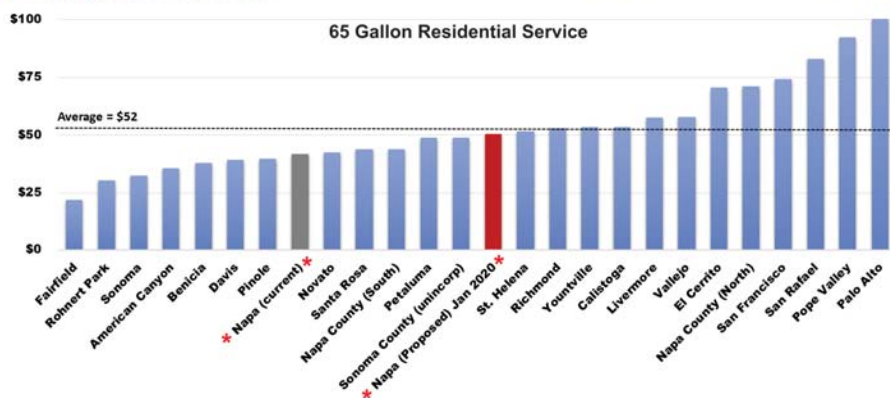
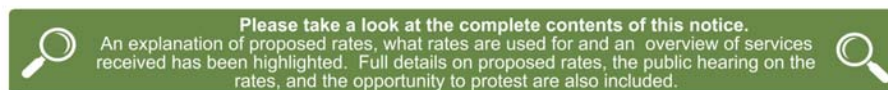


Chart based on current jurisdiction rates, many of which will likely increase over the next year.



Commendation: *"The Jury commends the City of Napa's Utilities Department staff and the City's Community Relationships Officer for their efforts in exceeding the minimum Proposition 218 guidelines that require notification to ratepayers of any proposed rate increase."*

City Response: No response is required, but City appreciates the Grand Jury's recognition of effort and intent of City to inform ratepayers and property owners over and above the minimum legal requirements of Proposition 218.



Recommended Action

Approve the City of Napa Response to 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 response on behalf of the City Council to the Presiding Judge of Superior Court





1

Finding 1

The due date for the report “Napa County Water Quality – it’s a Matter of Taste” was September 14, 2019; however the City of Napa did not respond until September 17, 2019.

City Response: Partially disagree

- ☐ “Filed” stamp by Superior Court Clerk is September 17, 2019.
- ☐ City response letter is dated August 21, 2019.
- ☐ Emailed to Grand Jury Foreperson on August 21, 2019.
- ☐ Foreperson responds “very comprehensive response on August 22, 2019.
- ☐ Take steps in future to document mail date.



2

Finding 2

The response to Recommendation 3 in the 2018-19 report "City of Napa Traffic Signal Synchronization Study" indicates the recommendation will be implemented in the future but does not specify a date, as required by Penal Code Section 933.05 (b), Item 2.

City Response – The City of Napa disagrees with this finding.

Recommendation #3 stated, "The City Council and the PWD resume negotiations with Caltrans for the release of control of the traffic signals located on Redwood Road/Trancas Street at the intersections of Highway 29 by March 31, 2020."

- ☐ Response letter stated staff to resume prior 3/31/20
- ☐ Staff resumed negotiations prior to 3/31/20
- ☐ Caltrans sent technical engineering analysis requirements for City to formally request operations responsibilities
- ☐ Requires traffic counts (after traffic impacts of COVID)
- ☐ City obtained proposal from traffic engineer
- ☐ Including equipment: \$200,000 to \$250,000 (future budgeting)



3

Recommended Action

Approve the City of Napa Response to 2019-2020 Napa County Grand Jury final report on Responses to the 2018-2019 Grand Jury Reports and direct the City Manager to submit response on behalf of the City Council to the Presiding Judge of Superior Court



4



Smoking
Ordinance
Updates

City Council
Presentation

June 23, 2020

1

Partnerships



2

Youth Tobacco Use Issues

- 1 in 8 High School Students Use Tobacco Products
 - 84.3% of those users use electronic smoking devices
 - 86.4% of those users use flavored tobacco products
- Flavored tobacco
 - Imparts a characterizing flavor
 - Often are named to be attractive to youth, i.e. “bubblegum” and “unicorn pop”
- California Penal Code 7.308 requires minimum age of 21 for purchase of tobacco products
- Initial research regarding COVID-19 impacts demonstrates an *increase* in youth tobacco use



3

Key Elements of Proposed Ordinance

- Approve the first reading and introduction of an ordinance that:
 - Broadens Napa Municipal Code's (NMC) purpose statement on smoking regulations to include the protection of public health, safety and welfare
 - Introduce definitions that identify the wide variety of tobacco products covered by this section
 - Identify 21 as the minimum age for purchase of tobacco products (California Penal Code Requirement)
 - Ban the sale of flavored tobacco products
 - Updates other chapters of NMC to consolidate smoking regulations and clarify language



4

Recommended Action

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.



5

End of Presentation



6

From: [Brienne Mendez](#)
To: [Clerk](#)
Cc: [Wynne de Rivera, Nancy](#); [Kinnereth Winegarner](#)
Subject: COMMENT TO COUNCIL - PLEASE READ
Date: Friday, June 19, 2020 2:28:20 PM

[EXTERNAL]

Hello Council Members!

On behalf of the concerned youth and parents of Napa, I want to thank you for passing the recent tobacco ordinances! This decision will help our community stop teen addiction! Flavors are the gateway to nicotine addiction, our youth don't deserve to be subject to life-altering substances. Thank you for taking a stand against addiction within our community! There were so many people behind the scenes these past few years trying to get these ordinances passed. A huge shoutout and thank you to all of those involved! Thank you again Council Members for putting the citizens of Napa at the forefront of your decision making, it is most appreciated!

With gratitude,

Brienne Mendez

From: [Hibah Shafi](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL-PLEASE READ
Date: Saturday, June 20, 2020 9:48:12 PM

[EXTERNAL]

I am writing in support of the City of Napa taking the first step in the right direction and passing an ordinance to ban flavored tobacco products. I graduated from high school last year, however I am still concerned about what I saw. The bathrooms smelled like cotton candy and bubble gum throughout the day since several people turned to the bathrooms as a safe haven to vape. Initially, it started out in the bathrooms but several students, unable to suppress their cravings, began vaping during class and were able to easily conceal it from teachers.

I am glad that the city has taken the first step towards combating the vaping epidemic and am excited to see what further action will be taking place.

Thank you for taking action,
Hibah Shafi

From: [Cameron Nicole Causey](#)
To: [Clerk](#)
Cc: [Napa Youth Council](#)
Subject: COMMENT TO COUNCIL - PLEASE READ - ITEM 6A
Date: Monday, June 22, 2020 2:59:05 PM

[EXTERNAL]

Hello,

I am writing in support of the city of napa passing an ordinance to ban flavors. As a Napa Youth council member, I am well educated in the harm smoking and vaping have on the lungs and the immune system, as well as flavored tobacco and vape products' contribution to the use of these products in our city's youth. With more than 15,500 different tobacco flavors, particularly in e-cigarettes, it's not surprising that one in eight California high school students currently uses a tobacco product. Of those, 86 percent of them use a flavored tobacco product through electronic smoking devices, according to the California Tobacco Facts and Figures of 2019.

It is important to protect the youth in our community.

Thank you
Cameron Causey

From: [FNL Napa](#)
To: [Clerk](#)
Subject: Meeting June 23,2020 read to the Council Item 6.A.
Date: Monday, June 22, 2020 6:42:16 PM

[EXTERNAL]

Dear Mayor and Members of the Napa City Council,

We are members of different Friday Night Live chapters here in Napa County and we want to share with you some information

With more than 15,500 different tobacco flavors, particularly in e-cigarettes, readily available in the market, it's not surprising that one in eight California high school students currently uses a tobacco product. Of those, 86 percent of them use a flavored tobacco product through electronic smoking devices, according to the California Tobacco Facts and Figures of 2019.

We are excited about this Council's efforts to reduce access to these addictive products. Thank you for taking the first steps to protect the health of our youth.

Looking forward to work with you in the future and continue this work to make a healthier community for all

Sincerely,

Members of the Friday Night Live chapters in Napa County

From: [River School FNL](#)
To: [Clerk](#)
Subject: Item 6.A. Meeting June 23,2020 read to the Council
Date: Tuesday, June 23, 2020 8:00:37 AM

[EXTERNAL]

Good afternoon City Council members ,

We are members of the River School Friday Night Live Program , you might remember us from the last time we were there over a year ago with anti vaping posters.

We are excited that there is a start in the city of Napa to help our community with the vaping epidemic

We also wanted to share the work we have done this year during the COVID 19 pandemic. To build awareness about the dangers of vaping, our Club put together an Anti-Vaping Poster Contest for Elementary students and Middle School students , to bring home the conversation and education around vaping, We are sharing also with you the video with the posters and messages for our community

Thank you and we hope we can continue working with the city of Napa to keep our community healthy and happy

 [River's FNL Anti-Vaping Video.mp4](#)

Spanish version

 [River's FNL Spanish.mp4](#)

Sincerely,

Members of the Friday Night Live Club at River Middle School

From: [Tobacco Free Napa](#)
To: [Clerk](#)
Subject: Letters of Support for Council- Item 6A
Date: Tuesday, June 23, 2020 10:45:33 AM
Attachments: [Letter of Support- Catalyst.pdf](#)
[Letter of Support- UVPY.pdf](#)
[Letter of Support \(MD\).docx](#)

[EXTERNAL]

Good Morning!

Attached are three letters of support for amending the smoking ordinances. They are submitted by the following:

- The Up Valley Partnership for Youth
- The Catalyst Coalition
- Megan Dominici (community member and Youth Advisor for Friday Night Live)

Please provide to the Council for item 6A.

Thank you,
The Coalition for a Tobacco Free Napa



June 19, 2020

Dear Mayor Techel and Members of the Napa City Council:

The first Surgeon General's report on the health impacts of tobacco was released in 1964, definitively stating the when used as directed, tobacco kills. The following decades led to huge advancements in public policy to protect people from the harmful effects of tobacco use. Each time a policy initiative was passed, the tobacco industry came back with a new advertising tactic to entice new users. Joe Camel and other cartoon characters were designed to appeal to kids, new users, who would guarantee long years of profits. One tobacco industry executive was quoted as saying, "If I can get someone through a pack of cigarettes, I will have a customer for life." Tobacco companies have everything to gain from addicting young people. Research shows that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it is to quit.

Flavors including grape, menthol, and cotton candy mask the harsh taste of tobacco and appeal to youth. The tobacco industry targets youth and vulnerable communities with flavored tobacco products such as menthol cigarettes, cigarillo-type cigars that sell in packs of two or more for 99 cents or less. The latest and deadliest tobacco product to enter the market is the electronic cigarette, or vape products. The most popular one is Juul. These products are increasingly being used by middle and high school students in class and on school grounds. Their design makes them easy to hide and use discretely. At latest count, there are over 15,000 flavors of e juice used in these products, with names like Unicorn Poop, Blue Razz, Cotton Candy, and a myriad of others with youth appeal. The nicotine in e juice is just as addictive as in traditional cigarettes, comes in much higher concentrations, the result being 1 in 4 youth who use vapes will cross over to traditional combustible cigarettes of which we know volumes on the health impact.

Although the legal age to purchase these products in California is 21, similar to alcohol, according to California Healthy Kids Survey results for Napa County (2019), 72% of 11th graders, 62% of 9th graders and 39% of 7th graders believe that it is either very easy or fairly easy to obtain e-cigarettes. The same source shows that 36% of 11th graders have tried an e-cigarette, with 22% of juniors having used one four or more times.

Illegal tobacco product sales to underage youth is a problem in the City of Napa. In recent youth decoy operations (2018 and 2019), **38% of the stores Napa PD visited sold to the underage decoy**. Napa's average has been higher than the state's every year since 1997.

Over 140 cities and counties in California have passed Tobacco Retail Licensing (TRL) laws to create a sustainable system for enforcement and monitoring of retailers of this deadly product. The yearly fee paid by tobacco retailers in these communities ensures that enforcement activities will be performed on a consistent basis. Since tobacco is an age restricted product similar to alcohol, it makes sense that retailers be licensed and required to sell their products legally to adults.

The UpValley Partnership for Youth focuses on prevention of tobacco, alcohol, marijuana and other drugs through policy, education, and coalition building with other community agencies to promote norm changes that support health. We are a consortium of over 40 people and organizations representing our youth and families up valley. We support this Council's efforts to reduce access to these addictive and dangerous products, and lend our support to your efforts. Thank you for taking first steps to protect the health of our youth.

Sincerely,

Regina M. Penna
Program Coordinator



Dear City Council Members,

My name is Dr. Loralyn Taylor, and I am writing to you in my capacity as the coordinator for the Catalyst coalition. For the past 15 years, Catalyst coalition has led the way in various substance use prevention policies, education, and evaluation activities throughout Napa County. Our coalition consists of members from many sectors of the community including but not limited to, public health, law enforcement, education, health care, mental health services, and media. As a coalition, we are writing to you today in hopes you will consider further prevention policies to help protect youth in our city from the current uptick in underage e-cigarette and vape devices.

According to the 2018-2019 California Healthy Kids Surveys:

- Most students try their first tobacco product between 14-16 years of age (20%)
- There self-reported increase in lifetime use of e-cigarettes jumping from 25% to 36% from 9th grade to 11th grade.
- In 7th grade, the number of students reporting past 30-day use of e-cigarettes jumped from 3% to 10 percent in one year
- In addition to nicotine, 22% of young e-cigarette users Napa County also report vaping THC (the psychoactive component in marijuana)- making marijuana use in vape pens just as popular as nicotine use
- Lastly, the effect of e-cigarette marketing is spilling over into the perception of traditional tobacco with only 65% of 9th graders reporting the perceive moderate to great harm with occasional cigarette use

We know e-cigarette use puts youth at greater risk for seizure, addiction to nicotine, use of traditional tobacco and E-cigarette and vaping associated lung illness(EVALI), an irreversible form of lung disease. Keep in mind these risk to health are only the beginning as the sale of e-cigarettes began less than a decade ago and research on the long-term health effects is in its infancy.

CATALYST works with our community partners to address this problem by providing presentations about the harms of vaping, evaluation of evidence based policies and through youth development activities. Our efforts will be greatly aided by policies that also work to protect our youth. The proposed flavor ban and updating of local ordinances will aid in this effort.

I will leave you with this final quote from former FDA Commissioner Dr. Gottlieb “We have an obligation to act on what we know. And what we know is very disturbing. Kids use of e-cigarettes has reached an epidemic level of growth.”

Thank you for your consideration of this matter, and I look forward to hearing from you

Sincerely,

Dr. Loralyn Taylor

Ph.D., M.S., M.P.H

Catalyst Coordinator

June 22, 2020

Dear Mayor Techel and Members of the Napa City Council:

We have spent decades changing the culture around smoking and educating young people in regards to the negative effects of nicotine on our bodies. Big Tobacco has found a new way to target our young people and it is called VAPING! Tobacco companies have everything to gain from addicting young people. Research shows that the earlier a person starts using tobacco, the higher the risk of addiction, and the harder it is to quit.

I work with young people from the age of 5th grade through high school and vaping is a real issue. The sales of illegal tobacco products to underage youth is also a problem right here in the City of Napa. In recent youth decoy operations (2018 and 2019), 38% of the stores that Napa PD visited sold to the underage decoy. This is higher than the state average!

The tobacco industry targets youth and vulnerable communities with flavored tobacco products, which are increasingly being used by middle and high school students in class and on school grounds. Puff Bars, which are disposable vape devices, make it cheap and easy to vape.

According to California Healthy Kids Survey results for Napa County (2019), 72% of 11th graders, 62% of 9th graders and 39% of 7th graders believe that it is either very easy or fairly easy to obtain e-cigarettes. My Friday Night Live groups at both River Middle School and Justin-Siena High School have been addressing this issue for the past 2 years. We need to do more to protect our young people!

Over 140 cities and counties in California have passed Tobacco Retail Licensing (TRL) laws to create a sustainable system for enforcement and monitoring of retailers of this deadly product. The yearly fee paid by tobacco retailers in these communities ensures that enforcement activities will be performed on a consistent basis.

Many California cities and counties have included a restriction of the sale of flavored tobacco products -- including menthol cigarettes -- in their TRL. Some jurisdictions have a TRL that includes a zoning density restriction near schools to make tobacco less accessible to youth.

We support this Council's efforts to reduce access to these addictive and dangerous products. Thank you for taking first steps to protect the health of our youth.

Sincerely,

Megan Dominici

From: [Megan Dominici](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL- PLEASE READ (Item 6.A. Meeting June 23, 2020)
Date: Tuesday, June 23, 2020 1:08:59 PM

[EXTERNAL]

Hello! My name is Megan Dominici. I am a parent of 2 teenagers and I work with young people at the elementary, middle school and high school levels. In regards to vaping and new smoking regulations, I strongly believe that we, as a community, need to continue to do more! If you ask a teenager about vaping, they will tell you that it is a real issue. They will tell you that puff bars, which are disposable vape devices, are both extremely cheap and easy to use! They will quickly mention the number of flavors and exactly where in Napa you can get 2 or more for less than 99 cents! They are all over our campuses. We have spent decades changing the culture around smoking and educating young people in regards to the negative effects of nicotine on our bodies. Big Tobacco has found a new way to target our young people and it is called VAPING! We need to do more to prevent Big Tobacco from getting these products into our children's hands! I thank you for your efforts. Let's continue to work to keep our young people safe!

From: [Eilidh Stults](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL -- PLEASE READ
Date: Tuesday, June 23, 2020 1:11:30 PM

[EXTERNAL]

Item 6A on the June 23rd City Council Agenda

Dear Mayor and Members of City Council,

I would like to voice my support for the changes proposed in item 6A of your agenda today, Smoking Regulations. While I don't recall the first time I heard of a peer in school using a tobacco product, I do recall many peers turning to them as coping mechanisms without knowing the impacts it might have on their health and wellbeing because these products were so accessible to our age group. I tried to help tackle this problem in our community by joining the New Tech FNL and the Napa Youth Council, and am glad to see an ordinance coming forward to take these first steps.

Thank you
Eilidh Stults

From: [Napa Youth Council](#)
To: [Clerk](#)
Subject: Meeting 6/23. Please read to the Council Item 6.A.
Date: Tuesday, June 23, 2020 1:18:56 PM
Attachments: [napa-countypdf.pdf](#)

[EXTERNAL]

Dear Mayor and Members of the Napa City Council,

On May 7, 2019 The Napa Youth Council and FNL Valley Oak presented to you our concerns and proposed next steps on the use of e-cigarettes in our community.

We introduced to you the California Local Grades for the State of Tobacco Control for Napa County as well as our neighboring counties—a system that assigns grades based on policies for smokefree outdoor environments, smokefree housing, and reducing sales of tobacco products (you can see the 2020 grades in the attachment).

We brought to you a three-step process to raise our grades:

1. Updating the definition for tobacco products and the legal age to purchase tobacco products to 21 in the municipal code
2. Restricting Use in Public Spaces
3. Retail Licensing / Elimination of Flavor Tobacco

We are in full and enthusiastic support of the Smoking Regulations in item 6A of this agenda. We are pleased that finally some of the steps are happening in the City of Napa and we are looking forward to continue working with you to improve the grades and the health of our community.

Sincerely,

Members of the Napa Youth Council





Napa County

	American Canyon	Calistoga	Napa	St. Helena	Yountville	Napa County Unincorporated
Overall Tobacco Control Grade	D	F	F	F	F	D
TOTAL POINTS	2	1	1	1	1	2
Smokefree Outdoor Air	D	D	D	D	D	D
Dining	0	0	0	0	0	0
Entryways	0	0	0	0	0	0
Public Events	0	0	0	0	0	0
Recreation Areas	4	3	4	4	4	3
Service Areas	0	0	0	0	0	0
Sidewalks	0	0	0	0	0	0
Worksites	0	0	0	0	0	0
TOTAL POINTS	4	3	4	4	4	3
Smokefree Housing	F	F	F	F	F	D
Nonsmoking Apartments	0	0	0	0	0	0
Nonsmoking Condominiums	0	0	0	0	0	0
Nonsmoking Common Areas	0	0	0	0	0	2
TOTAL POINTS	0	0	0	0	0	2
Reducing Sales of Tobacco Products	F	F	F	F	F	F
Tobacco Retailer Licensing	0	0	0	0	0	0
TOTAL POINTS	0	0	0	0	0	0
Emerging Issues Bonus Points						
Emerging Products Definition - <i>Secondhand Smoke</i>	1	0	0	1	0	1
Emerging Products Definition - <i>Licensing</i>	1	0	0	0	0	0
Retailer Location Restrictions	1	0	0	0	0	0
Sale of Tobacco Products in Pharmacies	0	0	0	0	0	0
Flavored Tobacco Products	0	0	0	0	0	0
Minimum Pack Size of Cigars	0	0	0	0	0	0
TOTAL POINTS	3	0	0	1	0	1

Overall Tobacco Control Grade
A: 11-12 D: 2-4
B: 8-10 F: 0-1
C: 5-7

Determined by grades and points from other three categories
A: 4 C: 2 F: 0
B: 3 D: 1

Smokefree Outdoor Air Grade
A: 18+ D: 3-7
B: 13-17 F: 0-2
C: 8-12

Smokefree Housing Grade
A: 10+ D: 1-3
B: 7-9 F: 0
C: 4-6

Reducing Sales of Tobacco Products Grade
A: 4 D: 1
B: 3 F: 0
C: 2

