

SUPPLEMENTAL REPORTS & COMMUNICATIONS I
Office of the City Clerk

City Council of the City of Napa
Regular Meeting

September 1, 2020

FOR THE CITY COUNCIL OF THE CITY OF NAPA:

EVENING SESSION:

12. PUBLIC COMMENT:

- Letter from Chris Craiker received on August 26, 2020 (over 500 words).
- Letter from Chris Craiker received on August 27, 2020 (less than 500 words).*

13. ADMINISTRATIVE REPORTS:

13.A. Water Supply Contract with Congress Valley Water District.

- PowerPoint Presentation by City Staff.
- Letter received from Valerie Clemen, Coombs & Dunlap, on behalf of Congress Valley Water District Board dated September 1, 2020.

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



Craiker Associates
Architects & Planners
Inc., AIA/NCARB

“COMMENT TO COUNCIL FOR SEPTEMBER 1, 2020 MEETING – PLEASE READ”

To the honorable Mayor of Napa and honorable council persons

Subject- Building Department

Your honors:

My recent register business section article regarding your City Building Department raised a few eyebrows. I wish to be abundantly clear that my support for the staff and workers are very serious. The City is missing a golden opportunity to move into the 21st-century by going all E- filing.

“My Letter to City Manager Potter regarding my Architex column”

Steve, if I appeared to add," personal comments and a tone" to my article, it was out of exasperation of a difficult process for a professional, let alone a homeowner, to navigate. I apologize if I appeared too subjective but, as a professional who has tried repeatedly to get permits and information, it is hard to maintain objectivity.

Make no mistake, the intent of my article was to support the City Building Department. My comments were positive for the personnel and negative regarding the process they have to go through. I did talk to Jason Williams and believe me he was most helpful and factual.

Just so you know, we don't have to wait in the lobby, but we have to make appointments weeks in advance and wait outside. The counter people are most courteous, helpful and accommodating. Once we are connected, all works well.

Let me tell you our history with one project. I'm trying to reconstruct the process from calendar notes, so forgive me if I'm off a day or so:

- We started a renovation in February 2020, just as COVID started to hit
- The Community Development Dept shut down in March and new rules emerged
- We made an appointment mid-May for the first submittal
- We submitted on June 9, 2020.
- We made a new appointment for resubmittal of the renovation on June 14th or 15th 2020.
- We submitted all seven sets of plans June 29th, 2020.
- We received the first Review comments on July 17, 2020, a reasonable timeline, and immediately made revisions.
- We made a new appointment for resubmittal about July 20th or 21st for a submittal appointment on July 29th.
- We made the appointment and resubmitted on the 29th
- We called on or about August 10th and were told the plans should be processed that week and available around August 14th. No appointment was made since

it wasn't clear if the plans would be complete or more information was required.

- I called today Tuesday August 18th and left a message about 9:00, although the Department voicemail is terribly flawed. (see below) Joanne called back and said plans were ready to pick up on Friday August 21st and we had to make an appointment, however I was told an encroachment permit had to be filed with Public Works, and the earliest we could make an appointment was Monday with Bret. While Joanne was able to make an appointment for me, when I was transferred to Bret's line, I got a voicemail and no way of confirming he'd be there.
- Our records show the Encroachment permit was submitted on July 29, 2020.

We are used to making multiple submittals, revising and returning plans and working with building staff in the past. Now with all the appointments to drop off or to pick up the permit, and lack of communication by other departments, it becomes frustrating.

It's not uncommon for a submittal such as the Encroachment permit to be lost or misplaced. This happens all the time by both parties, but if we had electronic submittals, both parties can easily look, check or resubmit. And when so much time lapses, all kinds of docs get lost or miss filled.

And what does the City do with 7 sets of plans submitted? Store them? Recycle? How many trees must give their lives for a permit?

While we are looking at improvements, the voicemail of both the Building and Planning department is pathetic. While other departments allow you to immediately go into English or Spanish and then transfer to individual stations, Community Development appears to discourage and minimize public access. There's no reason why a human voice couldn't answer the phones and transfer accordingly. If and when voicemail is required, it should be easy to choose English Spanish or go directly to stations. Try it and see.

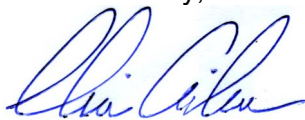
I am more than willing to work with the Community Development department to see what improvements can be implemented. As I noted in my article, there are alternate processes out there and change is never easy, but E-filing is the future.

I also suggested to Jason having a meeting with builders, developers and stakeholders to discuss options. I'm more than happy to implement this.

Please search Architex-corner. Or read the article in the link below.

https://napavalleyregister.com/business/chris-craikers-architex-angle-want-a-building-permit-get-in-line/article_a1e01501-33f4-58ff-827b-cf336a0107b7.html

Most Sincerely,



Chris Craiker AIA/NCARB
President/Architect
Cal.Lisc# 013566
chris@craiker.com

From: [Julia Conatser](#)
To: [Clerk](#)
Cc: [Craiker Office](#)
Subject: Comment to council for Sept. 2020
Date: Thursday, August 27, 2020 3:44:31 PM
Attachments: [Chris Craiker Letter to City Council- condensed .pdf](#)

[EXTERNAL]

Hello,

On behalf of Chris Craiker, I have attached below the condensed letter to be read at the next City Council meeting. If you could please have it read in the evening it would be greatly appreciated.

Thank you!

--

Julia Conatser,

***Administrative Assistant
Craiker Architects and Planners
3154 Browns Valley Rd.
Napa, CA 94558
Office: 707-224-5060
www.craiker.com
julia@craiker.com***



Craiker Associates
Architects & Planners
Inc., AIA/NCARB

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Most Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Craiker".

Chris Craiker AIA/NCARB
President/Architect
Cal.Lisc# 013566
chris@craiker.com



Water Supply Contract with Congress Valley Water District

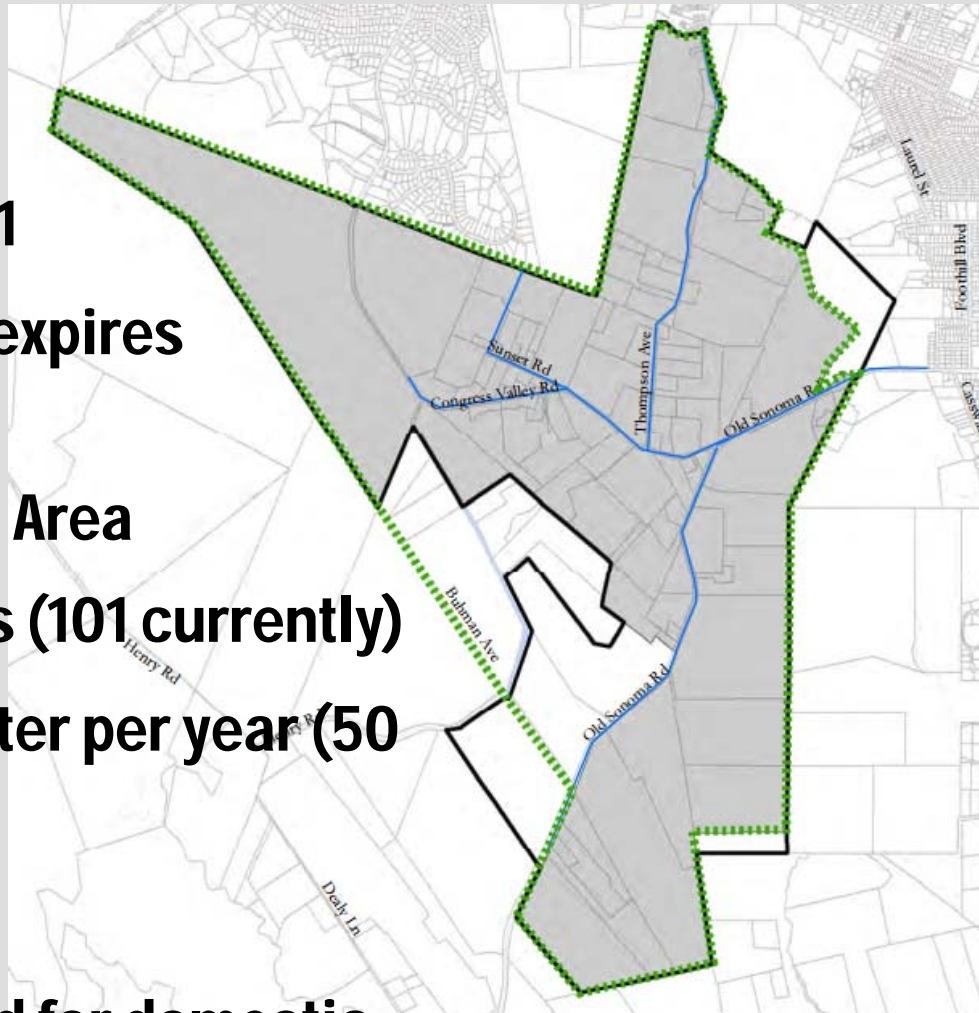
**City Council
September 1, 2020**

Phil Brun, Utilities Director



Overview of Contract

- ☐ Supplied water to District since 1951
- ☐ Current contract expires July 1, 2022
- ☐ Specified Service Area
- ☐ Up to 140 Services (101 currently)
- ☐ Up to 100 AF of water per year (50 AF in 2019)
- ☐ Outside Rates
- ☐ Water can be used for domestic, agriculture and winery purposes



Current Status

- ☐ Draft LAFCO Water/Wastewater MSR analyzed five options for District and recommend dissolution and outside service connections to each customer.**
- ☐ Land Use Element in General Plan Update does not currently address lands outside the City's RUL like the District.**
- ☐ District has submitted request to City to negotiate a contract extension.**



Options

Status Quo	Expand City SOI	Individual Outside Customers
<ul style="list-style-type: none"> ▪ Most efficient option. ▪ Allows City to impose contractual limitations and obligations under contract with another government entity ▪ District's preferred option 	<ul style="list-style-type: none"> ▪ Align City land use authority with municipal services ▪ Should be considered in General Plan Update ▪ Other parcels beyond District would need to be considered in SOI analysis 	<ul style="list-style-type: none"> ▪ Individual agreements ▪ No restrictions on water use other than size of meter ▪ District wants to remain in place to represent property owner's interests
Staff Recommendation	Desirable but Challenging	Undesirable for City



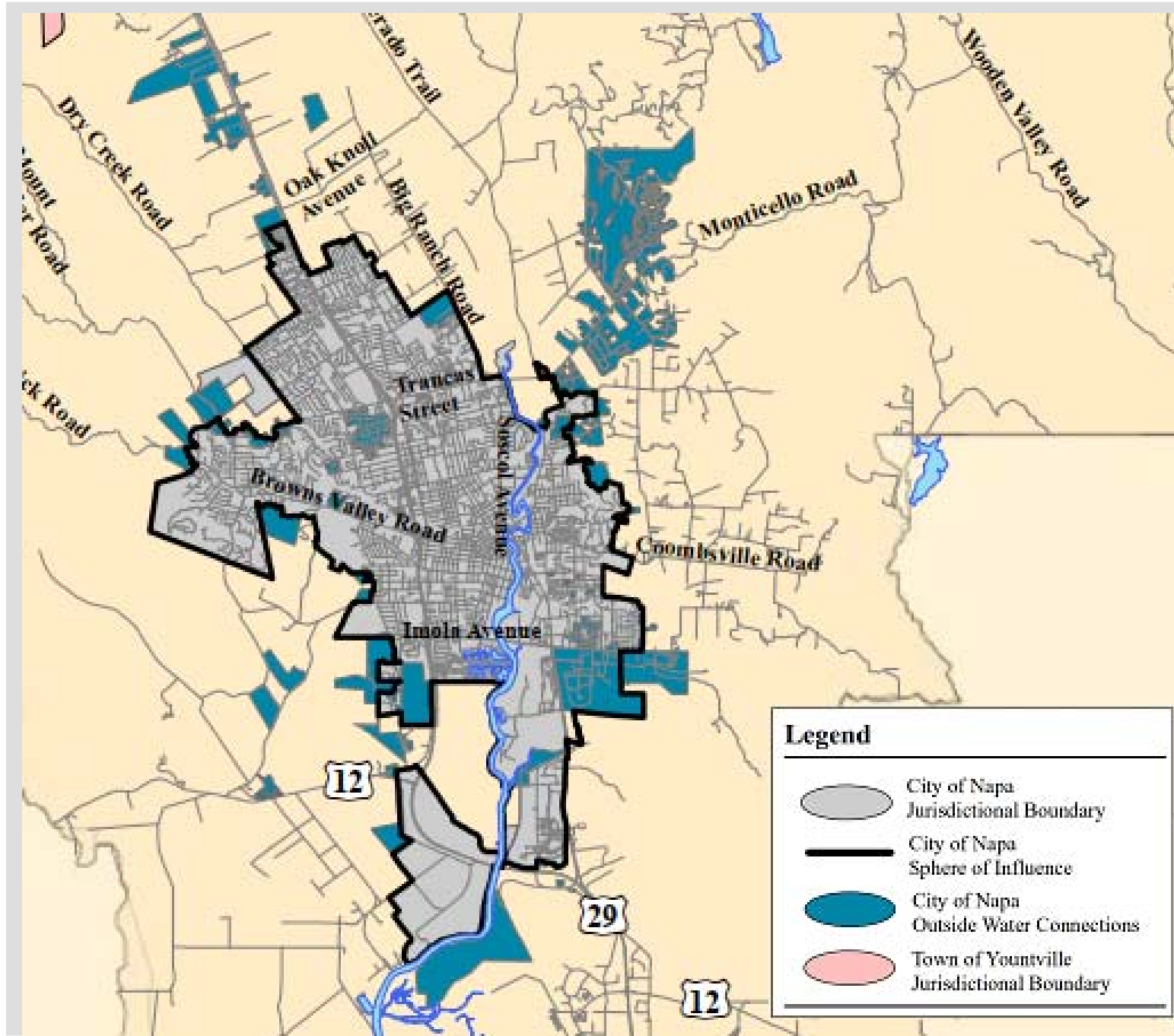
Action Requested

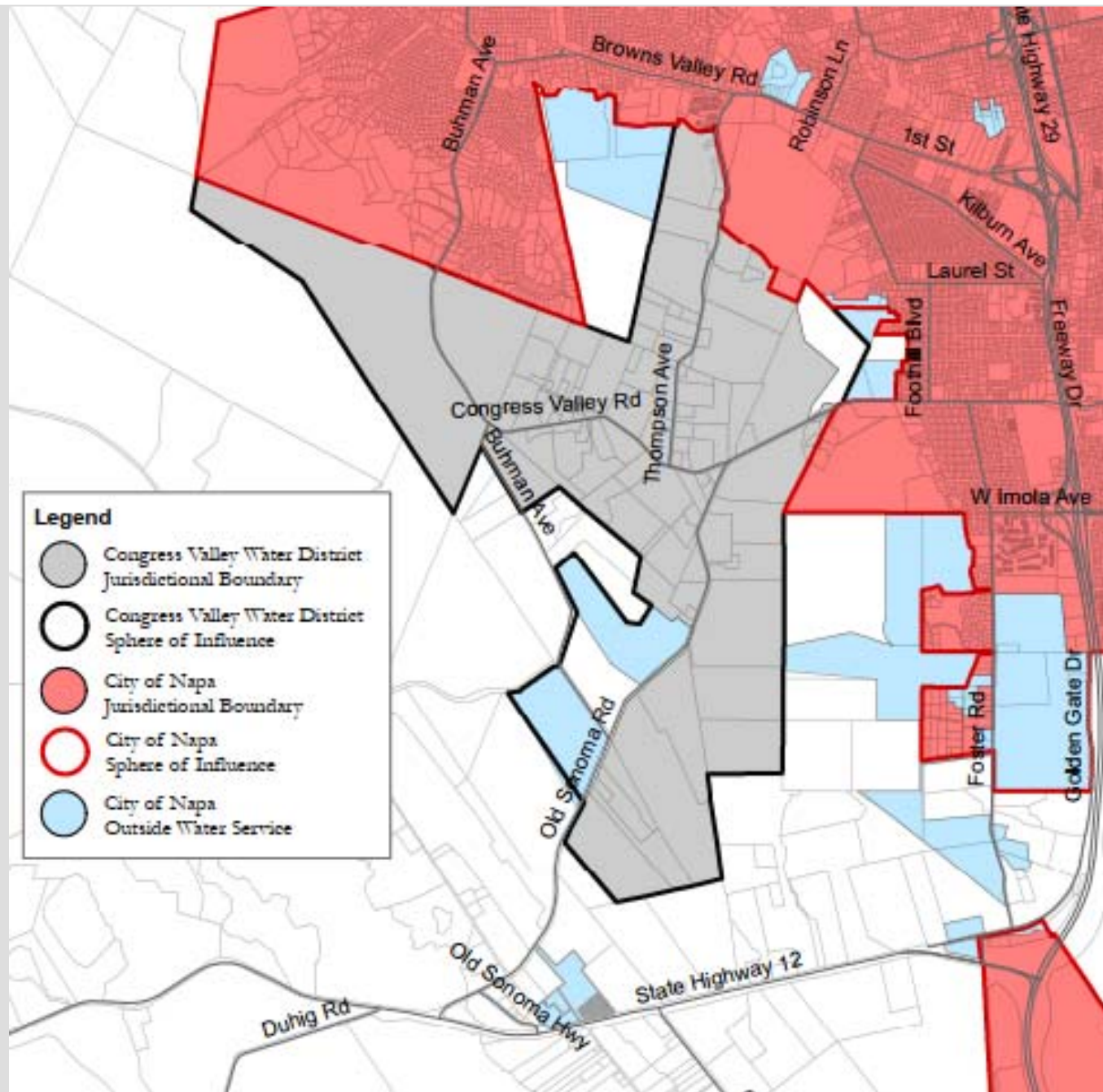
Consider options for continuing water service to Congress Valley Water District and direct staff to negotiate an amendment to the contract.



Additional Maps







From: [Valerie E. Clemen](#)
To: [Clerk](#)
Subject: City Council Meeting Submission: Item 13.A. 258-2020 Water Supply Contract with Congress Valley Water District
Date: Tuesday, September 1, 2020 9:53:05 AM
Attachments: [CVWD LAFCO Service Review response 0720.pdf](#)

[EXTERNAL]

Dear Clerk,

On behalf of the Congress Valley Water District Board, I am submitting the attached document for consideration during this evening's meeting. It does not need to be read aloud, but we did want it to be included and made part of the record.

Thank you,
Val

Valerie E. Clemen
Coombs & Dunlap, LLP
1211 Division Street
Napa, CA 94559
(707) 252-9100 - Main
(707) 252-8516 - Fax
vclemen@coombslaw.com

New Office Hours for Coombs & Dunlap, LLP: 8:00 a.m. to 5:00 p.m., Monday through Friday. Closed 12:00 p.m. to 1:00 p.m. for lunch.



July 15, 2020

Honorable Commissioners:

The Congress Valley Water District (District) Board of Directors appreciates this opportunity to offer comments on Napa County LAFCO's proposed Countywide Water and Wastewater Municipal Service Review.

The draft MSR acknowledges that there is no duplication of service between the District and the City, but nonetheless suggests that there is "potential for greater efficiency of service...as two separate agencies are not needed to offer the current level of services," and suggests that dissolution and reorganization is therefore appropriate. This outlook misunderstands the relationship of the District and City as wholesaler and retailer, and discounts the important representative function that the District plays for its landowners.

The District Plays an Important Role in the Provision of Water to its Landowners

The District is a landowner voting district, formed and organized under the California County Water District Law (Water Code section 30000 and following). It is empowered, among other things, to "do any act necessary to furnish sufficient water in the district for any present or future beneficial use," (§ 31020) to sell, use, and dispose of surplus water (§ 31023); to construct and operate waterworks (§ 31005); and to restrict the use of water in times of drought (§ 31026). Its authority to manage water within its boundaries is unique and distinct from that of the City or County, and it exercises that authority in part by negotiating water service agreements, by reviewing proposed new connections to its system, and by providing a voice for District landowners in water management issues in the area.

For example: the District and the City of Napa are parties to a long-term water service contract (Agreement), originally entered into in 1951, renegotiated in 1987, and amended in 2017 and 2018. Under the current operating terms of that agreement, the City provides the District with wholesale water at the then-current Outside City rates. Consistent with the 2018 Amendment, the District has authorized the City to directly bills its customers for their water use at the Inside City rates that had been in place under the prior iterations of the Agreement. The District funds any differential through reserves, paying the City directly to account for the differential.

The District Board is a conscientious and responsible steward of its resources, and it exercises appropriate oversight over billing and financial operations. In 2018, the Board underwent a significant financial planning effort, resulting in a partial refund to its landowners of past charges and an on-going arrangement to off-set the then pending City rate increase for as long as the finances of the District would responsibly allow. These efforts demonstrate the Board's commitment to serving its constituents, and the unique fiscal and fiduciary responsibilities it exercises on behalf of its landowners.

It is important to understand that District's land uses and voter makeup are also distinct from those of City residents, and the City's current governance structure provides no avenue for representation of these voters. As the draft report acknowledges, annexation into the City for these lands is not feasible in the near term. Elimination of the District's board and administrative structures (which are already lean), likewise eliminates these landowners' primary form of advocacy and representation before their water service provider. Unlike City residents, who may vote to unseat a councilmember if they are unsatisfied with their water service, District landowners' sole recourse is through the District Board. That Board is empowered and authorized to negotiate on its landowners behalf with the City as a wholesaler, and has done so for many years.

Finally, though the City bears responsibility for the operation, maintenance and replacement of the District's water delivery system, that system is not included within the City's Capital Improvement Plan. The District is actively engaged with consultants and engineers to identify additional capital outlays that would benefit its landowners, including upgrades to existing deliveries, improved efficiencies, and the implementation of water storage resiliencies.

Dissolution is Not Consistent with the Goals of Government Code section 56133.5

Government Code section 56133.5 establishes a pilot program under which, notwithstanding the

The District is required to initiate and facilitate discussions with the City, LAFCO, and Napa County to establish a transition plan 2 years before the Agreement's expiration. The District formally initiated that discussion on July 14, 2020. The resolution "may include some combination of the District's initiation of dissolution proceedings, the City otherwise taking over the District's responsibilities to provide water service, a longer term commitment by the District to continue to provide water service, or another option mutually agreeable by the District and the City."

Section 56133.5 was intended to allow for the provision of services in special circumstances where that extension not only avoids duplication, but is also consistent with the needs of the landowners and constituents in the area proposed for service. Here, the services are already available to landowners at an appropriate cost and high degree of efficiency, and the extension would result in the disenfranchisement of the same landowners with nominal actual benefit to their water deliveries. Landowners without existing connections at the time of dissolution would be further disadvantaged, in that they would be required to appeal to the City for the provision of services under Section 56133.5, instead of simply opting into existing deliveries under the District's contract.

Section 56133.5 is intended to facilitate the efficient provision of services where a deficiency has been identified: it is not intended to eliminate existing small suppliers, and it should not be used to hasten the dissolution of the District in favor of replacing one service provider with another.

Recommendation #2 (District Website) Has Already Been Addressed

Finally, the Board wishes to report on progress made since the issuance of the Draft report. The District previously adopted an exemption from Government Code section §54954.2's website requirements. The need for this exemption was driven by the lack of available expertise on staff and the volume of work necessary to ensure that the District's website was not only full operational, but compliant with the more detailed posting and update requirements of both AB 2257 and other access and publication rules, including the Americans with Disabilities Act. In early 2020, the District directed staff to obtain quotes for outside consultants who could maintain and operate a compliance website. The District expects to award that work and have an operational website in place by the fall of 2020.

The District thanks the LAFCO commissioners for their consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Nominni". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Richard Nominni
Director, Congress Valley Water District