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## REGULAR MEETING MINUTES FOR THE CITY COUNCIL OF THE CITY OF NAPA

March 3, 2015

3:30 PM Afternoon Session  
6:30 PM Evening Session

City Hall Council Chambers  
955 School Street

### **3:30 P.M. CITY COUNCIL MEETING: AFTERNOON SESSION**

**1. CALL TO ORDER:**

**1.A Roll Call 3:30 P.M.**

PRESENT: Mott, Luros, Inman, Sedgley, Mayor Techel

ABSENT: None

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

City Clerk Roberts announced staff requested continuing Item 5A to the March 17th Regular City Council Meeting. Mayor Techel noted that would be discussed under the Item.

**3. PUBLIC COMMENT:**

Frank Lucier, on behalf of the Napa County Veterans Advocacy Coalition, announced "Veterans Connect", a resource for veterans. Group meetings will be held the second Thursday of each month from 9:00 a.m. to noon at the former Dey Labs facility on Corporate Drive.

Bonna Ross, resident, suggested the "moosehead" stump that was recently cut down for a new residential development off Dry Creek Road should be placed at city-owned Alston Park. Mayor Techel explained that the developer would determine its placement.

James Hinton voiced support for a medical marijuana dispensary in the City of Napa.

**4. CONSENT CALENDAR:**

Moved, seconded ( Inman / Sedgley ) to approve the Consent Calendar with one correction to the February 13, 2015 Minutes, to remove the incorrect reference of Dwight Murray Plaza to the correct reference of the Cinedome, under Councilmember Inman's comments on page 20. Councilmember Luros

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abstained from the Minutes of January 31, 2015 as she was not appointed as Councilmember at that time.

Motion carried:

AYES: Inman, Sedgley, Mott, Luros, Mayor Techel

NOES: None

ABSENT: None

#### **4.A Approval of the City Council Meeting Minutes**

Approved the January 31, 2015 and the February 13, 2015 Special and the February 3, 2015 and the February 17, 2015 Regular City Council Meeting Minutes.

*As noted, Councilmember Luros abstained from the 1/31/2015 vote.*

#### **4.B Resolution Continuing the Proclamation of Local Emergency**

Adopted **Resolution R2015-24** continuing the Proclamation of a Local Emergency.

#### **4.C Parks and Recreation Advisory Commission Vacancy**

Directed the City Clerk to begin a new recruitment to fill a vacancy with an extended term on the Parks and Recreation Advisory Commission as recommended on the staff report.

#### **4.D Health Officer Designation**

Adopted **Resolution R2015-25** authorizing the enforcement of State laws and regulations by the Napa County Health Officer within the City of Napa.

### **5. ADMINISTRATIVE REPORTS:**

#### **5.A Agreement for Design-Build Services for Tulocay Creek Bicycle/Pedestrian Bridge**

*This item was continued to the March 17, 2015 Regular City Council Meeting.*

Authorize the Public Works Director to execute an agreement with G.D. Nielson in the amount of \$497,610 for design-build services for Tulocay Creek Bicycle/Pedestrian Bridge (BR14PW03) with option 1 to add \$34,327 for stormwater pollution prevention plan (SWPPP)

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tasks, and determine that the project was the subject of previous CEQA analysis.

### **5.B 2015 Long-Term Financial Plan**

Deanna Andrews, Finance Manager, gave an overview of the City's 2015 Long Term Financial Plan.

City Council discussion and questions ensued.

Mayor Techel allowed public comment.

James Hinton, resident, spoke about taxing local banks that are actively trading Wall Street derivatives.

Moved, seconded ( Inman / Luros ) to receive the 2015 Long Term Financial Plan into the public record.

Motion carried:

AYES: Inman, Luros, Mott, Sedgley, Mayor Techel  
 NOES: None  
 ABSENT: None

### **6. COMMENTS BY COUNCIL OR CITY MANAGER:**

Vice Mayor Sedgley voiced appreciation for the work that would be completed on the Hennessey dock; City Manager Parness stated staff would prepare a budget transfer item for a future meeting.

### **7. CLOSED SESSION:**

City Attorney announced the closed session item.

**7.A CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6):** City designated representatives: Mike Parness, Nancy Weiss, Michael Barrett, Darlene Colaso, and Desiree Brun, and Charles Sakai of Renne, Sloan, Holtzman, and Sakai LLP. Employee organization: Napa City Firefighters' Association (NCFA).

### **4:23 P.M. to 6:30 P.M. CITY COUNCIL RECESS**

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**6:30 P.M. CITY COUNCIL MEETING: EVENING SESSION**

**8. CALL TO ORDER: 6:30 P.M.**

**8.A Roll Call**

PRESENT: Mott, Luros, Inman, Sedgley, Mayor Techel

ABSENT: None

**9. PLEDGE OF ALLEGIANCE:**

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

City Clerk Roberts announced the following supplemental items for Agenda Item 13 A:

Letter of Support from Get a Grip on Growth; Letter of Support from Michael Okuma, Director of Real Estate Development with Costco Wholesale; Letter from Virginia Simms to Rick Tooker, Community Development Director; Letter from Chris Mitchell to Keith Rogal regarding Contribution to Mitigating Cumulative Impacts; Napa Redevelopment Partners; response to the Staff Report and Draft Agreement signed by Joshua Steinhauer, with the law firm of Coblentz, Patch Duffy and Bass; and a PowerPoint presentation from staff.

**11. REPORT ACTION TAKEN IN CLOSED SESSION:**

City Attorney Barrett announced there was no reportable action from Closed Session.

**12. PUBLIC COMMENT:**

There were no comments.

**13. ADMINISTRATIVE REPORTS:**

**13.A Napa Pipe Project**

Review of the Napa Pipe Project documents and provide direction to staff whether all project-related impacts have been adequately addressed, consistent with the October 2013 Memorandum of Understanding and Agreement Between Napa County and the City of Napa Relating to the Development of the Napa Pipe Property ("MOU").

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Rick Tooker, Community Development Director, after introducing Mr. Dan DoPorto, the City's consulting attorney, provided a detailed background of the project including project documents, the current status of the project, and the eleven issues identified in the staff report as unresolved. He added that subsequent to the writing of the staff report, the city received several comments, particularly those issues identified in the letter from Josh Steinhauer on behalf of Napa Redevelopment Partners.

Discussion and questions ensued.

Mayor Techel called for public comment.

Ginny Simms, representing Get-a-Grip on Growth, voiced concern regarding flood protection accesses, river frontage, and the Kaiser Road improvements, adding that the City Planning Commission should have an opportunity to review and comment on the project.

Eve Kahn, Chairperson of Get-a-Grip on Growth, stated while GGG supports the project, she stated clarity is needed regarding the exportation of groundwater, future financial obligations, and annexing land which is not contiguous.

James Hinton, resident, stated Napa Pipe property could be a site for future cannabis collective.

Lowell Downey, resident, stated the project should have sufficient solar power and trees.

Matt Zachs, resident, voiced concerns regarding the importance of including input for former Napa Pipe employees, the state housing requirements, seawalls, earthquake safety and emergency vehicle lanes.

Keith Rogal with Napa Redevelopment Partners and lead developer, acknowledged city staff for their hard work and stated only a handful of issues remain and NRP would be looking forward to working with staff to resolve them.

Greg Weinerth, resident, voiced concerns regarding the placement of signage at the southern entrance to the Valley near the Grape crusher statute.

A resident (name inaudible) voiced a concern regarding the potential for a Costco superstore and lack of public transportation.

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Bernard Krevet, member of The Friends of Napa River, agreed with the comments from the members of Get-a-Grip on Growth and urged the placement of trails within the project.

Public Comment ended. Mayor Techel brought the issue back to City Council for discussion.

Mayor Techel stated she was part of the 2x2 discussion with county representatives where they pledged to move forward cooperatively, which would be measured by what was in the Memorandum of Understanding (MOU). Councilmember Inman added she was the second city member of the 2x2 and agreed the city and county had come a long way to achieve the goals of the MOU. She stated there remains more work on issues such as agreements on water, the Sphere of Influence and how to finalize the annexation plan, the eleven issues identified in the staff report, and the Kaiser Road intersection.

Vice Mayor Sedgley voiced concern regarding future encumbrances, placement of signage, and the importance of annexing, adding the key to find solutions to traffic and water would be to annex.

Mr. Tooker provided some comments on the process for annexation.

Councilmember Mott stated there must be guarantees from the County. He acknowledged the work that had been done on the project by all parties.

Councilmember Luross voiced the importance of standing firm to what was negotiated in 2013, adding that Measure A was overwhelmingly supported because it was known by the voters as the "Costco Measure".

Mayor Techel stated it was important to be sure the Development Plan is consistent with the Development Agreement.

Mayor Techel and City Councilmembers reviewed each of the eleven unresolved issues identified by city staff:

1. That Costco be under construction and issued a Certificate of Occupancy (CO) in Phase 1 before the first residential unit or other non-residential development in the Project is issued a CO. Council consensus: Yes.
2. The Phasing Plan Text and Diagrams be amended to ensure all improvements are clearly understood as to the obligations for their construction and completion prior to the issuance of a permit or CO for other components of the Project: Council

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consensus: Yes. Councilmember Inman noted the Phasing Plan illustration may not be possible to show in detail all the items in the Phasing Plan. Council agreed to provide flexibility in that area.

3. Kaiser Road improvements between SR 221 and the Project property are completed prior to the issuance of a CO for the first residential unit in Phase Three or the 351st unit, whichever comes first. Council consensus: Yes
4. The SR 221/ Kaiser Rd intersection improvements be completed by the Developer before issuance of the first CO (e.g., Opening Day Mitigation). Councilmember Mott noted this would be a definitive issue to the community and to refer to the Memorandum of Understanding (MOU) as to how it was defined.

Public Works Director Jack LaRochelle discussed the importance of the improvements at that intersection. Julie Lucido, Senior Civil Engineer stated the last memo that clarified issues in the Environmental Impact Report (EIR), incorrectly indicated there was an unacceptable level of service; instead it is a full Mitigation Measure.

5. The Phasing Plan Diagrams be reinserted into the Development Plan after they have been refined to provide clear triggers for initiation and/or completion of certain improvements before commencing with the next phase of the Project, as provided in the first issue. Council consensus: Yes
6. Remove reference in the City-County Sphere of Influence (SOI) Agreement to the provision of City water which is an agreement between the City and Developer and is contained in the draft Pre-Annexation Agreement. Council consensus: Yes
7. Provide reasonable time in the City County SOI Agreement for City review of documents such as building and grading permits and subdivisions commensurate with the amount of time afforded in the DA for the County to review plans. Council consensus: Yes
8. Provide in the City-County Tax Share Agreement that the existing City County Tax Share Agreement applies to all unincorporated (not yet annexed) property within the existing City SOI. Council consensus: Yes
9. Provide for reimbursement of City infrastructure improvements in one lump sum or annually with the total reimbursement paid

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prior to annexation of the entire property in the City-Developer Pre-Annexation Agreement. Agreed to by the Developer.

10. Provide for City consent to future amendments to Project approvals in the City-Developer Pre-Annexation Agreement.

Council consensus: Yes

11. Require that groundwater may not be exported from the site in the City-County Pre-Annexation Agreement. Discussion ensued, after which Councilmember Inman stated that the MOU is clear on the issue.

**14. PUBLIC HEARINGS/APPEALS:**

Mayor Techel introduced the item and asked members of City Council if they had any disclosures to report; there were none.

Ken MacNab, Planning Manager provided details regarding the Housing Element Update.

Alexa Washburn Housing Element Consultant, provided information on what a housing element is, the update process, and next steps.

Council discussion and questions ensued.

Mayor Techel called for public comment

Joann Busenbark; a member of the Housing Element Advisory Committee stated there are multiple needs for housing and there is a need to provide creative solutions such as shared housing, housing over retail, smaller units, and underutilized property; she added that affordable housing and the needs of the growing senior population must be considered as priority.

Lynn Bell asked if all the possible sites had been identified in the Housing Element, to which Mr. MacNab responded affirmatively.

Matt Zachs, resident, asked about traffic impacts for housing, Mr. MacNab stated higher density housing is placed near public transportation.

Moved, seconded ( Sedgley / Mott ) to close the public hearing.

Motion carried:

AYES: Sedgley, Mott, Luros, Inman, Mayor Techel

NOES: None

ABSENT: None



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Moved, seconded ( Inman / Luros ) to adopt **Resolution R2015-26** certifying the Environmental Impact Report for the City of Napa General Plan Amendment updating the Housing Element, adopting certain findings of fact, adopting a Mitigation Monitoring and Reporting Program, and adopting a Statement of Overriding Considerations; and adopt **Resolution R2015-27** adopting a General Plan Amendment updating the City of Napa General Plan Housing Element for the 2015-2023 planning period.

Motion carried:

AYES: Inman, Luros, Mott, Sedgley, Mayor Techel

NOES: None

ABSENT: None

**15. COMMENTS BY COUNCIL OR CITY MANAGER:**

There were no comments.

**16. ADJOURNMENT: 9:30 p.m.**

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Dorothy Roberts, City Clerk