



# CITY OF NAPA

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

## MEETING MINUTES - Draft

### CITY COUNCIL

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

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Tuesday, October 15, 2019

3:30 PM

City Hall Council Chambers

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**3:30 PM Afternoon Session**

**6:30 PM Evening Session**

#### **3:30 P.M. AFTERNOON SESSION**

##### **1. CALL TO ORDER: 3:30 P.M.**

###### **1.A. Roll Call:**

**Present:** 5 - Councilmember Alessio, Councilmember Gentry, Councilmember Luros, Vice Mayor Sedgley, and Mayor Techel

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

City Clerk Carranza announced the following supplemental item:

Item 6.A.: PowerPoint Presentation by City staff.

##### **3. SPECIAL PRESENTATIONS:**

###### **3.A. [2070-2019](#) "Imagine a Day Without Water" Proclamation**

Mayor Techel and Councilmembers read the proclamation.

Utilities Director Phil Brun accepted the proclamation on behalf of the City and took a moment to thank and acknowledge the work of his staff. Utilities Department staff members that were present introduced themselves.

##### **4. PUBLIC COMMENT:**

Susan Rushing-Hart, resident - voiced concerns regarding the Heritage House and Valle Verde project to include lack of public noticing and flood risks.

James Hinton, resident - spoke in regard to the access of cannabis, and encouraged Council to consider a recreational use ordinance.

**5. CONSENT CALENDAR:****Approval of the Consent Agenda**

Councilmember Alessio pulled items 5.D., 5.E., 5.F. and 5.G. for comment. She thanked all applicants for each Board, Committee, and Commission for their desire to get involved in public service. She also thanked Vice Mayor Sedgley and Councilmember Gentry, Nomination Committee Members, who interviewed applicants and brought forth their recommendations for appointment.

**A motion was made by Councilmember Gentry, seconded by Councilmember Alessio, to approve the Consent Agenda with items 5.D., 5.E., 5.F., and 5.G. pulled for comment. The motion carried by the following vote:**

**Aye:** 5 - Alessio, Gentry, Lueros, Sedgley, and Techel

- 5.A.**     [2085-2019](#)     City Council Meeting Minutes
- Approved the Meeting Minutes for the September 17, 2019 Regular City Council Meeting.
- 5.B.**     [2074-2019](#)     Monthly Budget and Investment Statement
- Received and filed the Monthly Budget and Investment Statement as of August 30, 2019.
- 5.C.**     [2069-2019](#)     Emergency Repair of Browns Valley Creek Damage to Browns Valley Road at Valley Glen Lane
- Determined there is a need to continue the emergency action to execute and implement contracts for the design, permitting and construction of the creek bank and sidewalk repairs adjacent to Browns Valley Creek at Browns Valley Road and Valley Glen Lane, and determined that the actions authorized by this item are exempt from CEQA.
- 5.D.**     [2078-2019](#)     Senior Advisory Commission Membership
- Councilmember Alessio acknowledged the applicants and thanked them for their willingness to serve.
- A motion was made by Councilmember Alessio, seconded by Vice Mayor Sedgley, to appoint four members to the Senior Advisory Commission including incumbents, (1) Carolyn P. Hamilton and (2) Betty Rhodes, for terms effective immediately and ending September 30, 2021; designate Betty Rhodes as Senior Agency Representative. Appoint new member, (3) Kathleen Wallis, to the Senior Advisory Commission for the remaining term effective immediately and ending September 30, 2021; and appoint new member, (4) Steve C. Rodriguez, to the Senior Advisory Commission for the remaining term effective immediately and ending September 30, 2020. The motion carried by the following vote:**

**Aye:** 5 - Alessio, Gentry, Lueros, Sedgley, and Techel

- 5.E. [2080-2019](#)** Parks, Recreation and Trees Advisory Commission Membership
- Councilmember Alessio acknowledged the applicants and thanked them for their willingness to serve the City.
- A motion was made by Councilmember Alessio, seconded by Vice Mayor Sedgley, to appoint new members, Rainer Hoenicke and Amy Deck, to the Parks, Recreation and Trees Advisory Commission for terms effective immediately and ending September 30, 2021; and designate Amy Deck as the member who demonstrates experience in one of the following identified fields: urban planning, park planning, park operations, park maintenance, recreation programming, horticulture, or arboriculture. The motion carried by the following vote:**
- Aye:** 5 - Alessio, Gentry, Luros, Sedgley, and Techel
- 5.F. [2082-2019](#)** Community Development Block Grant Citizens' Committee (CDBG) Membership
- Councilmember Alessio acknowledged the applicants and thanked them for their willingness to serve the City.
- A motion was made by Councilmember Alessio, seconded by Councilmember Luros, to appoint incumbent, Laura Cepoi, and new member, Naomi R. Margolis, to the Community Development Block Grant Citizens' Committee (CDBG) for terms effective immediately and ending September 30, 2021. The motion carried by the following vote:**
- Aye:** 5 - Alessio, Gentry, Luros, Sedgley, and Techel
- 5.G. [2081-2019](#)** Bicycle and Trails Advisory Commission Membership
- Councilmember Alessio acknowledged the applicants and thanked them for their willingness to serve the City.
- A motion was made by Councilmember Alessio, seconded by Councilmember Luros, to appoint incumbent, Jean Hassler, and new member, Cynthia Deutsch, to the Bicycle and Trails Advisory Commission for terms effective immediately and ending September 30, 2021. The motion carried by the following vote:**
- Aye:** 5 - Alessio, Gentry, Luros, Sedgley, and Techel
- 5.H. [2075-2019](#)** Support of federal legislation, HR3961 and S2289 "Renewable Energy Extension Act of 2019"
- Authorized the Mayor to sign a Letter of Support for HR3961 and S2289, which would provide a five-year extension of an existing federal energy tax credit for certain renewable resources and for residential energy efficient property.**

- 5.I.**     [2068-2019](#)     Classification and Budget Staffing Plan for Accounting and Auditing Division of the Finance Department
- Adopted Resolution R2019-112 amending the City Classification Plan by adopting a new classification and salary range for Payroll Specialist; and updating the FY19/20 Budget Staffing Plan.**
- Enactment No: R2019-112
- 5.J.**     [2054-2019](#)     Salary Schedules for all City Employees, including Full-Time, Part-Time, Limited-Term, Retired Annuitant, and Extra Help Employee Classifications
- Adopted Resolution R2019-113 Documenting the Salary Schedules for Full-Time Employees, and Updating the Salary Schedules for Part-Time, Limited-Term, Retired Annuitant, and Extra-Help Employee Classifications.**
- Enactment No: R2019-113
- 5.K.**     [2029-2019](#)     Allocation of Insurance Proceeds from 2017 Atlas Fire Damage
- Adopted Resolution R2019-114 authorizing an amendment to the Water Enterprise Fund budget, to transfer \$646,316.25 in insurance revenue to the Nonrecurring Disaster Recovery Project Milliken Caretaker House (\$32,453.50), and to the Water Fund Emergency Reserve Account (\$613,862.75).**
- Enactment No: R2019-114
- 5.L.**     [2071-2019](#)     Compost Operation and Stormwater Improvement Project at Materials Diversion Facility
- Adopted Resolution R2019-115 authorizing the Utilities Director to negotiate and execute change orders to City Agreement No. C2018 094 with C. Overaa & Co. up to a total contract amount not to exceed \$11,284,000, for design and construction services for compost operations and stormwater improvements at the City's Materials Diversion Facility, authorizing a budget adjustment in the amount of \$884,000 and determining that the actions authorized by this resolution were adequately analyzed by a previous CEQA action.**
- Enactment No: R2019-115

## **6. ADMINISTRATIVE REPORTS:**

**6.A. [1998-2019](#)** Recreational Facility Joint Use Agreement with Napa Valley Unified School District

Parks and Recreation Director John Coates, and Recreation Manager Katrina Gregory, provided the report which included a review of the background and the purpose of a Recreational Joint Use Agreement. Longer-term considerations and analysis were reviewed and next steps were provided.

Mayor Techel called for public comment; there were no requests to speak.

Mayor Techel thanked the staff and Vice Mayor Sedgley stated that he felt the City was fortunate to have such a relationship with the School District.

**A motion was made by Councilmember Gentry, seconded by Councilmember Luros, to approve a Joint Use Agreement with the Napa Valley Unified School District (NVUSD) to authorize the City to share the use of NVUSD-owned recreational facilities through June 30, 2022, and authorize the City Manager to execute the agreement on behalf of the City; and determine that the actions authorized by this item are exempt from CEQA. Under the proposed Agreement, the City will pay NVUSD an annual amount: (a) for field maintenance - \$225,000 (with annual consumer price index adjustments); and (b) for facility use - approximately \$100,000, depending on the amount of use. The motion carried by the following vote:**

**Aye:** 5 - Alessio, Gentry, Luros, Sedgley, and Techel

**7. CONSENT HEARINGS:**

**Approval of the Consent Hearing**

Mayor Techel announced the consent hearing. There were no requests to speak; the hearing was opened and closed without comment.

**A motion was made by Vice Mayor Sedgley, seconded by Councilmember Alessio, to approve the Consent Hearing. The motion carried by the following vote:**

**Aye:** 5 - Alessio, Gentry, Luros, Sedgley, and Techel

**7.A. [1912-2019](#)** Adopt Gate Fees for Materials Diversion Facility

**Adopted Resolution R2019-116 establishing self-haul gate fees at the City's Materials Diversion Facility, to become effective: November 1, 2019; July 1, 2020; July 1, 2021; July 1, 2022; and July 1, 2023.**

Enactment No: R2019-116

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

Councilmember Gentry asked that the City send a letter to PG&E asking that a rebate be issued to residents and business owners due to the hardships caused to the community during the recent Public Safety Power Shutoff (PSPS). She shared that Governor Newsom demanded that PG&E be held accountable and urged PG&E to provide a credit or rebate as compensation. She noted that Senator Dodd commended Governor Newsom for demanding a review of the scope and timing of the PSPS. She suggested the City of Napa send a letter to PG&E with a copy to the Public Utilities Commission (PUC), Governor Newsom, Senator Dodd, Assemblymember Aguiar-Curry, and the County Board of Supervisors, that shared the City's frustration regarding poor communication, would ask for improved collaboration and better maps, and that would also support the Governor's request for rebates.

Councilmember Luros stated that she could support a letter that supported Governor Newsom's request, but would like to receive more information regarding the City's experience with PG&E before doing anything additional.

Mayor Techel asked City Manager Potter if staff would be debriefing Council so that they could appropriately respond with the experience the City had. City Manager Potter responded that Fire Chief Brassfield was working with his team on an after-action report that would document the PSPS event, and that he would report back to Council.

Mayor Techel asked that the after-action report be used as a basis for the letter along with the support of the Governor's request. City Manager Potter responded affirmatively that a letter would be prepared after the after-action report was completed.

City Manager Potter shared that he received a letter from PUC that estimated 70,000 PG&E customers were effected, which translated to approximately two million people. City Manager Potter stated that he would share the letter with the Council.

Councilmember Gentry also asked that Council recognize local third grader Ryan Kyote, who used his allowance to pay the lunch tabs of fellow students. His efforts sparked national attention and Councilmember Gentry noted that Governor Newsom signed into law a measure that would guarantee students would receive lunches even if they had unpaid fees.

Council discussion ensued.

Mayor Techel voiced concern that the City would be sending a message

that the Napa Valley Unified School District wasn't serving meals to students, which she believed was not accurate. She asked that that City Manager Potter follow-up with the School District staff for an accurate report back to Council.

Councilmember Gentry stated she would simply like to recognize the local student and showcase how a local resident impacted legislation.

Councilmember Luros was concerned that a proclamation would make it appear as though the School District had been a part of lunch shaming, which she believed was not accurate.

Vice Mayor Sedgley also stated he would like more facts from the School District.

Councilmember Alessio stated she had recently met Mr. Kyote and commended him for seeing a need and sharing it.

City Manager Potter confirmed he would receive additional information before moving forward with the request for a proclamation.

**CITY COUNCIL RECESS: 4:18 P.M.****6:30 P.M. EVENING SESSION****9. CALL TO ORDER: 6:31 P.M.****9.A. Roll Call:**

**Present:** 5 - Councilmember Alessio, Councilmember Gentry, Councilmember Luros, Vice Mayor Sedgley, and Mayor Techel

**10. PLEDGE OF ALLEGIANCE:****11. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

City Clerk Carranza announced the following supplemental items:

Item 13.A.:

- PowerPoint Presentation by City Staff.
- Email from Lin Marie DeVincent dated October 7, 2019.
- Email from Lori Stelling dated October 14, 2019.
- Email from Charlotte Williams dated October 14, 2019.
- Email from Colleen Chesler dated October 14, 2019.

**12. PUBLIC COMMENT:**

Susan, resident - asked that Council consider celebrating Indigenous People's Day and fly a commemorative flag outside of City Hall.

Sue Hepple, resident - spoke in opposition of the Heritage House and Valle Verde Project.

Kyle Kirkpatrick and Ryan Kyote, residents - spoke in regard to their efforts in getting SB 265 passed, as well as lobbying for the No Lunch Shaming Act, and thanked the community for their support.

Amy Martenson, resident - spoke in regard to the "Precautionary Principal" and suggested Council use this principal during environmental decision making.

James Hinton, resident - voiced frustration that the City celebrated Christopher Columbus Day.

Liz Poppin, resident - spoke in opposition of small cell wireless.

Bernie Narvaez, resident - thanked City staff for their messaging to the residents during the PG&E power outages.

**13. ADMINISTRATIVE REPORTS:**



**13.A.**    [1939-2019](#)**Accommodation Agreement for Verizon Wireless Communications Small Cell Technology Equipment**

Julie Lucido, Public Works Director, opened the staff report and provided the project background, to include what was within the City's authorization, and how the City was limited by State and Federal laws. She also provided an agreement overview, and reviewed the design guidelines.

Outside Contract Engineer, Lee Afflerbach, CTC, provided a technical review on small cell technology and radio frequency standards. He stated his finding that the RF emission impact studies confirmed that at each site, the total calculated RF emissions would not exceed the FCC's Emission Guidelines at ground level or at adjacent elevated locations in multi-story locations.

City of Napa Associate Engineer, Don Schmidt, provided a summary of the applications to include the proposed pilot locations and pole designs. He also reviewed the City's review process and reiterated key takeaways from the Pilot Program.

Outside Counsel, Tripp May, from Telecom Law Firm, provided legal review.

Cris Villegas, North Bay Community Outreach Specialist for Verizon Wireless provided a project overview, reviewed Verizon's community outreach campaign. Bill Hammett, of Hammett & Edison, Inc., on behalf of Verizon Wireless, spoke in regard to radio frequency emissions.

Mayor Techel opened public comment.

1. Davina Rubin, resident - spoke in opposition.
2. Valerie Wolf, resident - spoke in opposition.
3. Neil Watter, resident - spoke in opposition.
4. Jason Kishineff, Progressive Democrat Congressional Candidate, District 5 - spoke in opposition.
5. Dottie Hopkins, resident and local Realtor - spoke in opposition.
6. Linda Price, General Manager, Napa Mill - spoke in opposition.
7. Devra Dallman, on behalf of Eve Ryser, resident, who wasn't able to attend - spoke in opposition.

8. Alba Barber, Verizon employee - read two testimonials from Napa residents in support of the project.

9. Jenette Raymond, resident - spoke in opposition.

10. Lin Marie DeVincent - Napa Neighbors for Safe Technology - spoke in opposition.

11. Mark - read letters from small local business owners in opposition of the project.

12. Jay, resident - spoke in opposition.

13. Danna Diamond, Verizon employee - read two testimonials from Napa residents in support of the project.

14. Madeline Gomez, resident and local teacher - spoke in opposition.

15. John Mautner, resident and local teacher - spoke in opposition.

**Mayor Techel called for a break at 8:44 P.M.**

**The meeting reconvened at 8:54 P.M.**

16. Christy Beltran Roberts, resident and business owner - read a letter of support.

17. Isaac Kwong, Verizon employee - spoke in support.

18. Orlando B., resident, local student and Verizon employee - spoke in support.

19. Jason Zajonc, resident and Verizon employee - spoke in support.

20. Amy Martenson, resident - spoke in opposition.

21. Tom Harnett, resident - spoke in support.

22. J.C., resident - spoke in opposition.

23. Unidentified speaker, on behalf of Rende Lazure - read letter of opposition.

24. Colleen Moore, resident - spoke in opposition.

25. Lori Stelling, resident - spoke in opposition.

- 26. Bill Rodgers, resident - spoke in opposition.
- 27. Teresa, resident - spoke in opposition.
- 28. Suzanne Bauman, resident - spoke in opposition.
- 29. James Hinton, resident - spoke in opposition.
- 30. Jana Waldinger, resident - spoke in opposition.
- 31. Nancy McCoy-Blotzke, resident - spoke in opposition.
- 32. Sharon Parham, resident - spoke in opposition.
- 33. Dr. Carol Nagle, resident - spoke in opposition.
- 34. Chris Moller, Verizon employee - read testimonials from Napa residents in support of the project.
- 35. Bernie Narvaez, resident - voiced concern that the material provided regarding the item was not provided in Spanish. Suggested the presentations and agenda be translated to Spanish, or provide a Spanish translator at the meetings.

There were no more requests to speak. Mayor brought the discussion back to Council.

Lengthy discussion and individual Council comments and questions ensued with further clarification provided by City staff, Mr. May and Mr. Afflerbach.

Councilmember Luros posed questions regarding the Monopole design, the undergrounding of utilities, exemptions for firefighters, recent court cases regarding environmental review, outreach to the Spanish speaking community members and 4G versus 5G technology.

Vice Mayor Sedgley posed questions regarding 4G technology, installation on traffic signals, use of fiber, possible tribal and historical area exemptions and asked for clarification regarding an indemnity clause.

Councilmember Alessio shared concerns regarding public health safety and posed questions regarding 4G versus 5G technology, the shot clock, proximity of the poles and their service area, RF monitoring, historical area exemptions, health impacts, exemptions for firefighters, potential property

value changes, recent court cases, and public outreach efforts.

Councilmember Gentry posed questions regarding the aesthetics of the poles, and asked for further clarification regarding the proposed sites. She questioned the need to have them located near schools and shared concerns regarding potential health risks.

Mayor Techel stated that she felt the Accommodation Agreement provided more certainty than if the City were to go to court over the matter. She also felt that the City, with the required RF monitoring and aesthetic requirements, would be able to hold every other carrier to the same standards moving forward.

Vice Mayor Sedgley agreed that an Accommodation Agreement was necessary, but asked that Verizon extend the tolling agreement to further review deficiencies in the Accommodation Agreement before moving forward.

Councilmember Luros noting the restrictions placed upon the City and the City's narrow authority, stated that in evaluating the spectrum of options, she felt the Accommodation Agreement would allow at least some protection for the community.

Councilmember Alessio stated she also supported an extension of the tolling agreement so that additional work could be on the Accommodation Agreement. She stated that she would like to ensure that the City approved of the third-party who would conduct RF testing, and would like to see the amount of pilot sites reduced.

Paul Albritton, Attorney for Verizon Wireless, responded to Council regarding the timeframes outlined in the agreement. He also stated that he would need to consult with the Verizon executives in attendance if Council wished to extend the tolling agreement past the October 29, 2019 deadline.

Discussion ensued regarding the extension of the tolling agreement and possible revisions to the Accommodation Agreement to include an indemnification clause and unreasonable deadlines.

**Mayor Techel called for a break at 11:21 P.M. so that Mr. Albritton could consult with the Verizon executives.**

**The meeting reconvened at 11:30 P.M.**

Mr. Albritton shared that Verizon was in agreement to continue to the November 5, 2019 City Council Meeting and extend the tolling agreement

to a couple days just past that date.

Additional discussion ensued regarding potential revisions to the Accommodation Agreement.

A motion was made by Councilmember Alessio, seconded by Vice Mayor Sedgley, to direct staff to bring back, at the November 5, 2019 Regular City Council Meeting, a modified Accommodation Agreement that eliminates two sites near schools from the pilot program; includes an indemnification clause; extends the timelines for the City's issuance of encroachment permits for the small cell sites; and amends Section 6(b) to clarify that the City has the right to approve the third-party who will conduct the post-installation radio frequency testing. The motion passed by the following vote:

**Aye:** 3 - Alessio, Sedgley, and Techel

**No:** 2 - Gentry, and Luros

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

**15. ADJOURNMENT: 11:43 P.M.**

**Submitted by:**

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**Tiffany Carranza, City Clerk**