



# 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, December 3, 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: 3:35 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.

(A copy of the supplemental document is included in Attachment 1)

#### 3. SPECIAL PRESENTATIONS:

##### 3.A. [2131-2019](#) Commissioner Appreciation

Mayor and Council presented a Certificate of Appreciation to Mr. Freeman and thanked him for his public service.

**4. PUBLIC COMMENT:**

Valerie Wolf, resident - read an excerpt from a writing by Alfonso Balmori Martinez, Wildlife Biologist, regarding his studies on electromagnetic radiation and wildlife.

James Hinton, resident - applauded the increase of attendance at the meeting from students and residents and encouraged more attendance from the public. He also posed questions regarding a small cell antenna site near a downtown spa.

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

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

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

- 5.A.**     [2127-2019](#)     Emergency Repair of Browns Valley Creek Damage to Browns Valley Road at Valley Glen Lane
- Determined there was 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 determine that the actions authorized by this item are exempt from CEQA.**
- 5.B.**     [2147-2019](#)     Appointment of City Treasurer
- Adopted Resolution R2019-129 to appoint the Finance Director, Bret Prebula, as City Treasurer.**
- Enactment No: R2019-129
- 5.C.**     [2118-2019](#)     Financial System Software Server On-Premise Migration Agreement
- Authorized the Finance Director to execute an amendment to agreement C2019 282 with Koa Hills Consulting LLC, in the amount of \$178,356 for two years of technical and application support for the on-premise financial system software server, which is in addition to the existing agreement amount of \$30,000, for a total agreement amount not to exceed \$208,356.**

**5.D.     [2145-2019](#)     Adoption of the 2019 Building Codes**

**Approved the second reading and final passage, and adopted Ordinance O2019-007 amending Napa Municipal Code Chapter 15.04, adopting by reference the 2019 edition of the California Building Standards Code (California Code of Regulations Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 9, 10, 11, and 12, including appendices identified herein), including adoption of local amendments to the California Building Standards Code and determining that the actions authorized by this ordinance are exempt from CEQA.**

Enactment No: O2019-007

**5.E.     [2123-2019](#)     Whistlestop Townhomes Subordination Agreement**

**Adopted Resolution R2019-130 authorizing the City Manager to execute Subordination Agreements with Napa Valley Community Housing and Mechanics Bank subordinating the City's Deed of Trust and Regulatory Agreement for Whistlestop Townhomes, located at 2220 Yajome Street, to a new deed of trust in favor of Mechanics Bank in the amount of \$425,000.**

Enactment No: R2019-130

**5.F.     [2129-2019](#)     Villa De Adobe Apartments (2270-2298 Clay Street)**

**Adopted Resolution R2019-131 authorizing the City Manager to execute an Assignment Agreement with the Housing Authority of the City of Napa (HACN) assigning the CDBG Deed of Trust and related loan documents from HACN to the City of Napa, an Assignment Agreement with HACN assigning the HOME Deed of Trust and related loan documents from HACN to the City, and Subordination Agreements with Napa Valley Community Housing and Mechanics Bank subordinating the CDBG and HOME loan documents for Villa De Adobe, a 12-unit affordable housing project located at 2270-2298 Clay Street.**

Enactment No: R2019-131

**5.G.     [2143-2019](#)     Trower Avenue Rehabilitation Phase 2 (Measure T)**

**Adopted Resolution R2019 -132 authorizing a budget appropriation in the amount of \$161,000 for the Trower Avenue Rehabilitation Phase 2 project (Measure T) and determining that the actions authorized by this resolution are exempt from CEQA.**

Enactment No: R2019-132

**5.H.     [2146-2019](#)     Senior Activity Center Improvement Funding**

**Adopted Resolution R2019-133 authorizing a budget appropriation in the amount of \$134,750 to the Senior Activity Center - Phase 1 Renovation Project and determining that the actions authorized by this resolution are exempt from CEQA.**

Enactment No: R2019-133

- 5.I. [2133-2019](#) Classification Specification for Construction Inspector I and Construction Inspector II

**Adopted Resolution R2019-134 Amending the City Classification Plan by Adopting the Flexibly-Staffed Classification Specifications and Salaries for Construction Inspector I and Construction Inspector II; and abolishing the Classification Specifications for Construction Inspector Assistant and Construction Inspector; and updating the FY 19/20 Budget Staffing Plan.**

Enactment No: R2019-134

- 5.J. [2149-2019](#) Budget Staffing Plan for Finance Department

**Adopted Resolution R2019-0135 authorizing the City Manager to amend the Budget Staffing Plan for the Finance Department, Information Technology Division, to add one Systems Administrator position, and delete one Systems Analyst position.**

Enactment No: R2019-135

## 6. ADMINISTRATIVE REPORTS:

- 6.A. [2138-2019](#) Recruitment and Hiring Incentives Program

(See supplemental document in Attachment 1)

Jennifer Brizel, Human Resources Director, and Fran Robustelli, Assistant City Manager, provided the staff report.

Mayor Techel called for public comment.

Kendra, on behalf of NCEA/SEIU local 1021 and its members - voiced opposition of the program.

Aaron Medina, Secretary, Napa Police Officers Association - voiced support of the program.

Mayor Techel brought the discussion back to Council; comments and questions ensued.

**A motion was made by Vice Mayor Sedgley, seconded by Councilmember Luros, to adopt Resolution R2019-136 Establishing a Recruitment and Hiring Incentives Program for Hard-to-Fill Positions and authorize the City Manager to meet and confer as appropriate with represented bargaining units. The motion carried by the following vote:**

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

Enactment No: R2019-136

**7. CONSENT HEARINGS:**

- 7.A. [2111-2019](#) Stanly Ranch Resort Public Art - Installation of a public art piece at 200 Stanly Cross Road

Item was pulled for public comment.

Mayor Techel opened the hearing.

Bond Mendez, Planning Aide, provided a brief report and reviewed the proposed art piece.

Mayor Techel called for applicants testimony; they declined to speak.

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

**A motion was made by Vice Mayor Sedgley, seconded by Councilmember Alessio to close the public testimony. The motion carried unanimously.**

Mayor Techel asked the applicants if they would like to provide a brief rebuttal.

Kevin Teague, on behalf of the applicant, Stanly Ranch Resort, provided comments.

Brief discussion ensued regarding the Public Art Ordinance and the selection of the artwork.

**A motion was made by Councilmember Gentry, seconded by Councilmember Alessio, that the Adopt a resolution approving a Design Review Permit for Public Art Installation for Stanly Ranch Resort at 200 Stanly Cross Road, and determining that the project is exempt from CEQA.. The motion carried by the following vote:**

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

Enactment No: R2019-137

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

Mayor Techel asked students in the audience to introduce themselves and share which school they attended. Students from Vintage High School introduced themselves.

**9. CLOSED SESSION:**

City Attorney Barrett announced the closed session item. He also noted that Finance Director Bret Prebula would be added to City's list of designated representatives attending Closed Session.

- 9.A.**     [2151-2019](#)     CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6): City designated representatives: Steve Potter, Fran Robustelli, Michael Barrett, and Desiree Brun. Employee organizations: Administrative, Managerial and Professional Employees (AMP) and Police Management Unit (PMU).

**CITY COUNCIL RECESS: 4:21 P.M.****6:30 P.M. EVENING SESSION****10. CALL TO ORDER: 6:30 P.M.****10.A. Roll Call:**

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

**11. PLEDGE OF ALLEGIANCE:****12. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

City Clerk Carranza announced the following supplemental item:

Item 15.A.: PowerPoint Presentation by city staff.

(A copy of the supplemental document is included in Attachment 2)

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

City Attorney Barrett announced that there was no reportable action taken in Closed Session.

**14. PUBLIC COMMENT:**

Amy Martenson, resident - spoke regarding small cell antenna installations and nationwide case laws.

Valerie Wolf, resident - read an excerpt from the Invisible Rainbow.

Terry Kissinger, representative from the Queen of the Valley Medical Center - spoke regarding contract negotiations and strike from November 20, 2019 and gave an update on a meeting to be held on December 13, 2019

Margarita Davalos, Employee at Queen of the Valley Medical Center - spoke regarding working conditions at Queen of the Valley Medical Center.

Jeanelle Wilson, Employee at Queen of the Valley Medical Center - spoke regarding working conditions at Queen of the Valley Medical Center.

Mary Virginia Watson, Political Organizer with NUHW - Spoke regarding working conditions at Queen of the Valley Medical Center.

**15. ADMINISTRATIVE REPORTS:****15.A. [2060-2019](#) Streets and Sidewalks Update**

(See supplemental document in Attachment 2)

Public Works Director Julie Lucido and Deputy Public Works Director Eric Whan provided the staff report.

Mayor Techel called for public comment.

An unidentified speaker, a student of Vintage High School - asked if a portion of the sidewalk near Vintage High School, on Trower and Soscol, was a one-off project or overall benefit to the road. City staff responded that the project would be part of Measure T work, due to be prepared in the next year.

Mayor Techel brought the discussion back to City Council; comments and questions ensued.

Staff responded to questions regarding scoring, funding, proposed upgrades, and the Service Request Center.

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

Mayor Techel asked students in the audience to introduce themselves and share which school they attended. Students from Vintage High School introduced themselves.

Councilmember Alessio shared that at 10am on the following Sunday at the Napa Valley College, there would be a community event to fill care packages for deployed service members via Operation: With Love From Home.

**17. ADJOURNMENT: 7:30 P.M.**

**Submitted by:**

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**Tiffany Carranza, City Clerk**



**ATTACHMENT 1**

**SUPPLEMENTAL REPORTS & COMMUNICATIONS I  
Office of the City Clerk**

**City Council of the City of Napa  
Regular Meeting**

**December 3, 2019**

**FOR THE CITY COUNCIL OF THE CITY OF NAPA:**

**AFTERNOON SESSION:**

**6. ADMINISTRATIVE REPORTS:**

**6.A. Recruitment and Hiring Incentives Program.**

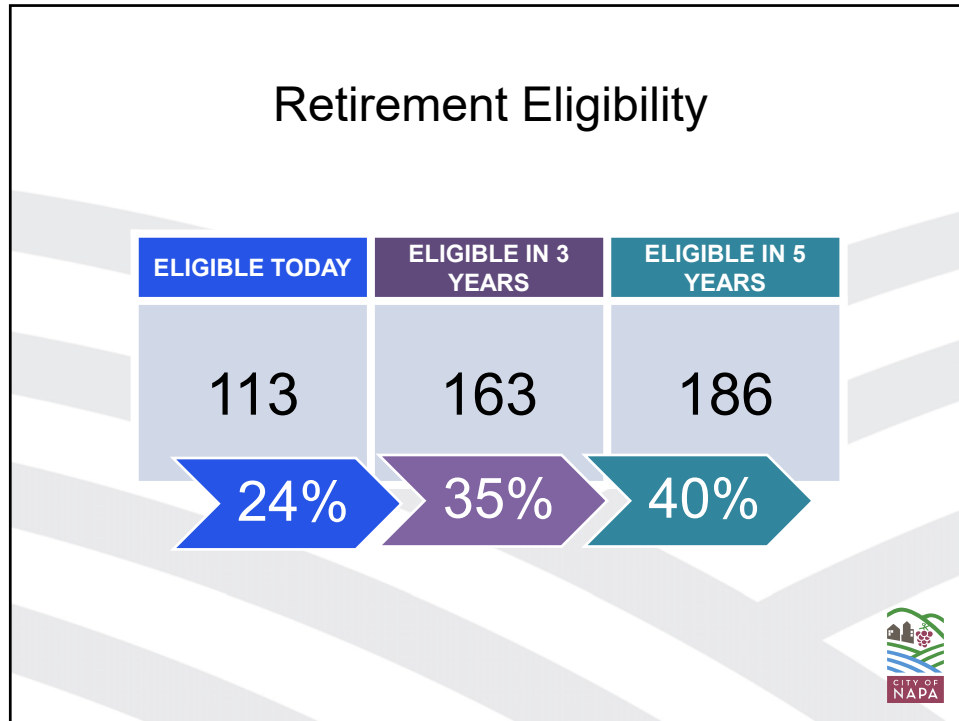
- PowerPoint Presentation by City Staff.



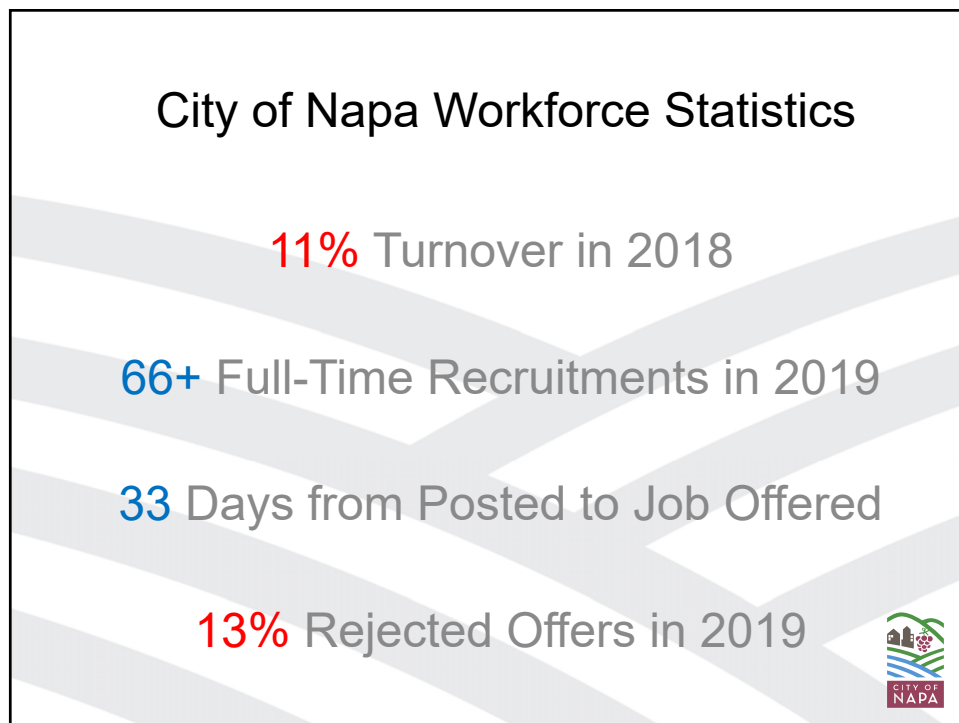
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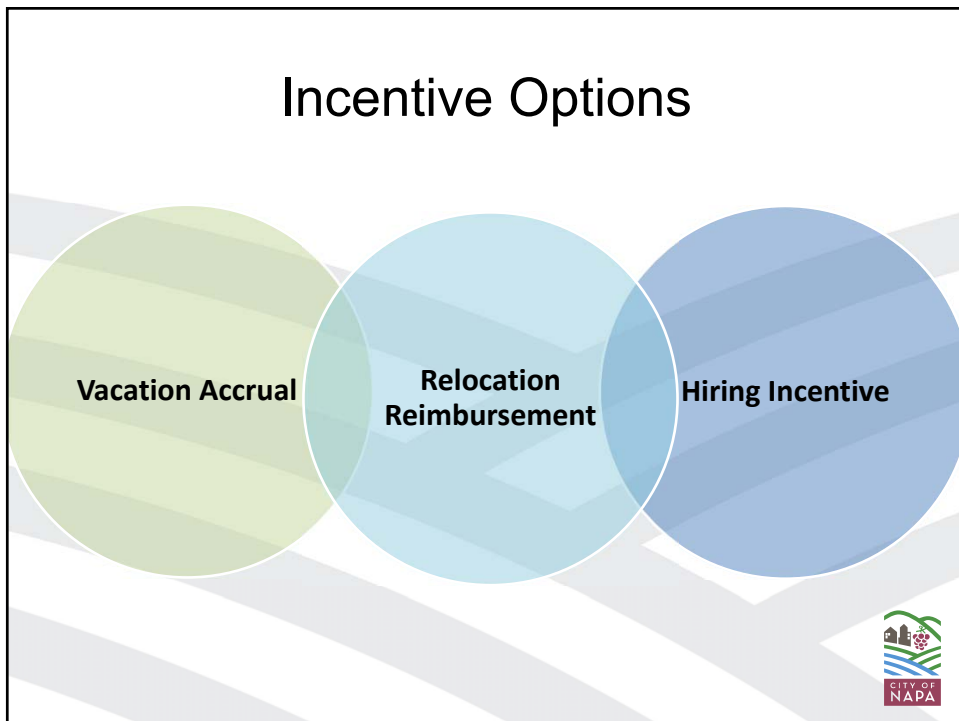
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**ATTACHMENT 2**

**SUPPLEMENTAL REPORTS & COMMUNICATIONS I  
Office of the City Clerk**

**City Council of the City of Napa  
Regular Meeting**

**December 3, 2019**

**FOR THE CITY COUNCIL OF THE CITY OF NAPA:**

**EVENING SESSION:**

**SUBMITTED PRIOR TO THE COUNCIL MEETING**

**15. ADMINISTRATIVE REPORTS:**

**15.A. Streets and Sidewalks Update.**

- PowerPoint Presentation by City Staff.

**SUBMITTED DURING OR AFTER THE COUNCIL MEETING**

**14. PUBLIC COMMENT:**

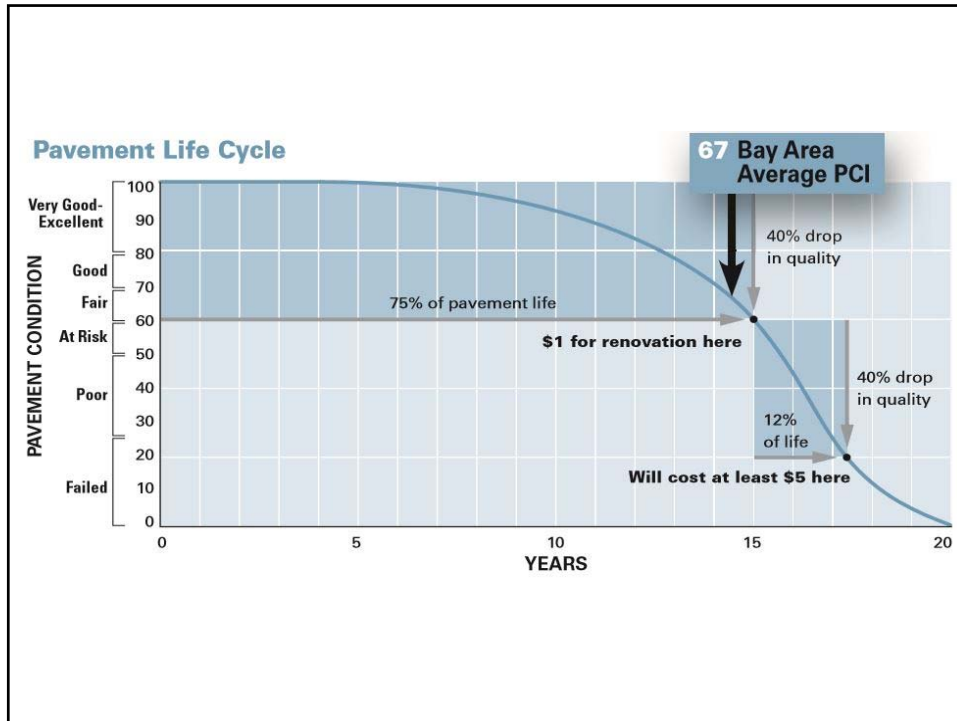
- Email from Amy Martenson dated December 3, 2019 regarding "State Law and CPMRAs".



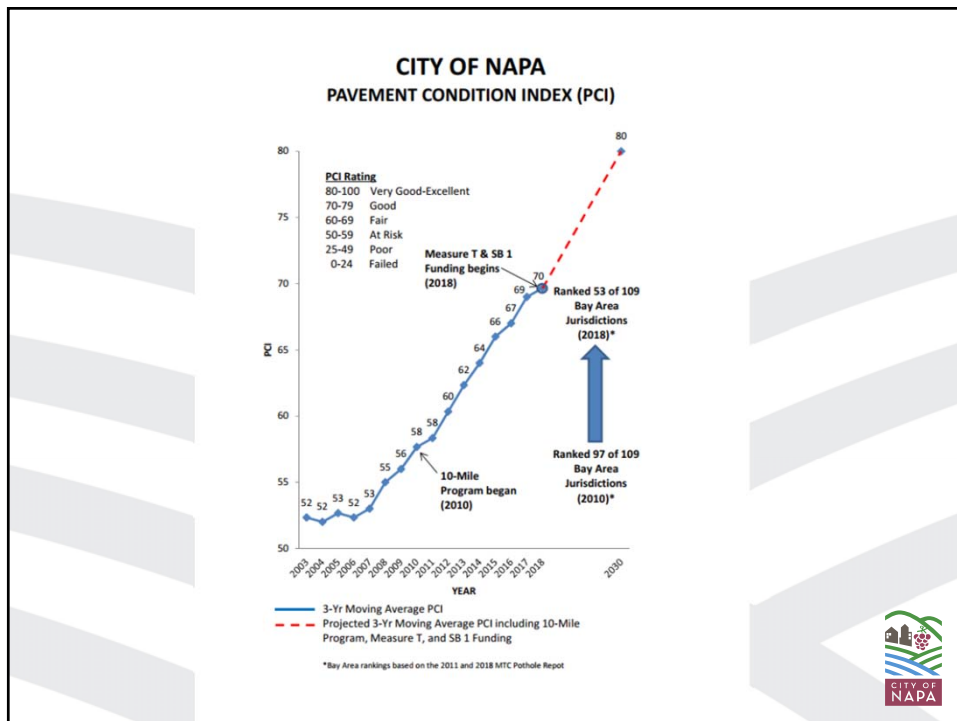
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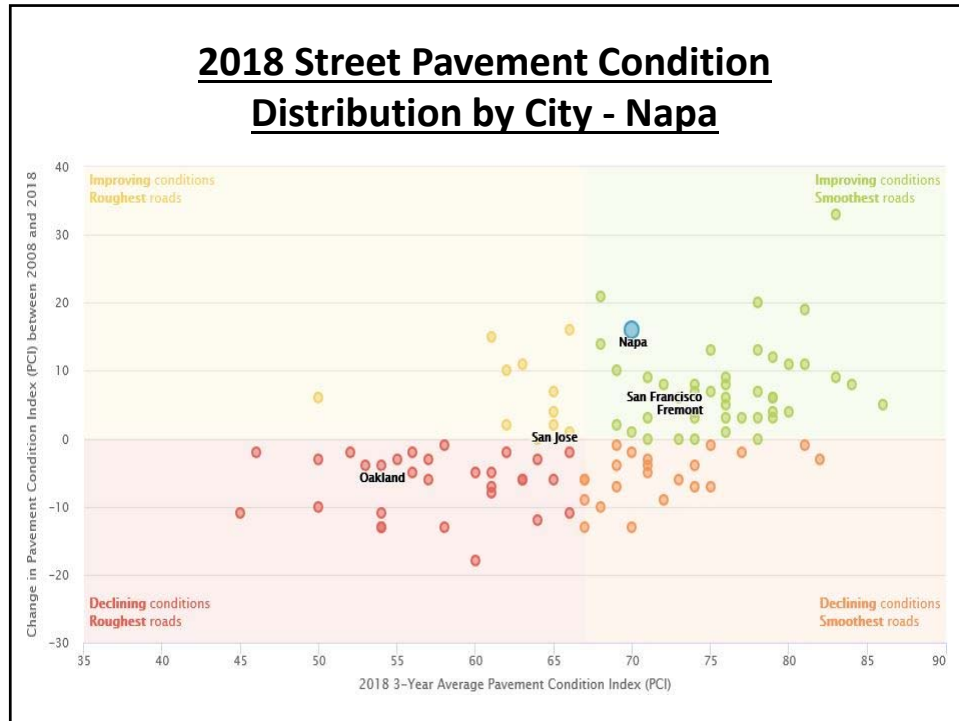


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### Pavement Management Approach

- Prevention/Preservation
- Maintenance
- Rehabilitation/Reconstruction



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## Types of Pavement Treatments

- ➡ • Pothole Repair
- Crack Seal
- ➡ • Fog (Rejuvenating) Seal
- Slurry Seal
- Micro-Surfacing
- Chip Seal
- Cape Seal
- Thin Overlays
- ➡ • Asphalt Overlay
- Cold In-Place Recycling
- Full-Depth Reclamation
- Reconstruction



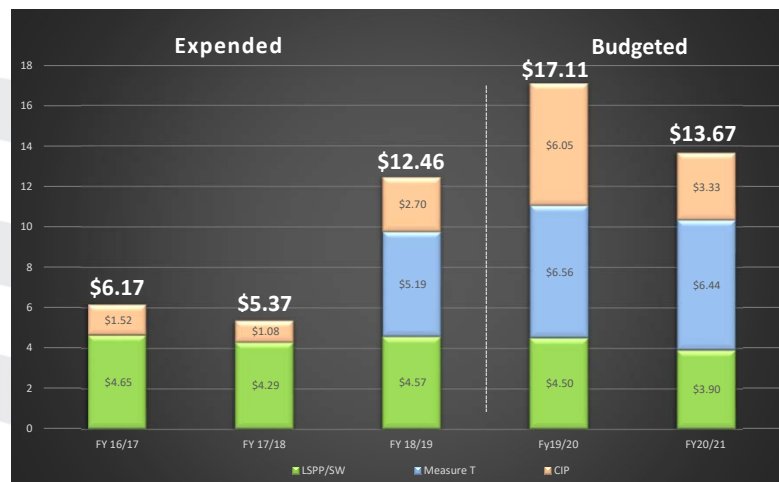
➡ 2400 pothole repairs completed in past 12-months



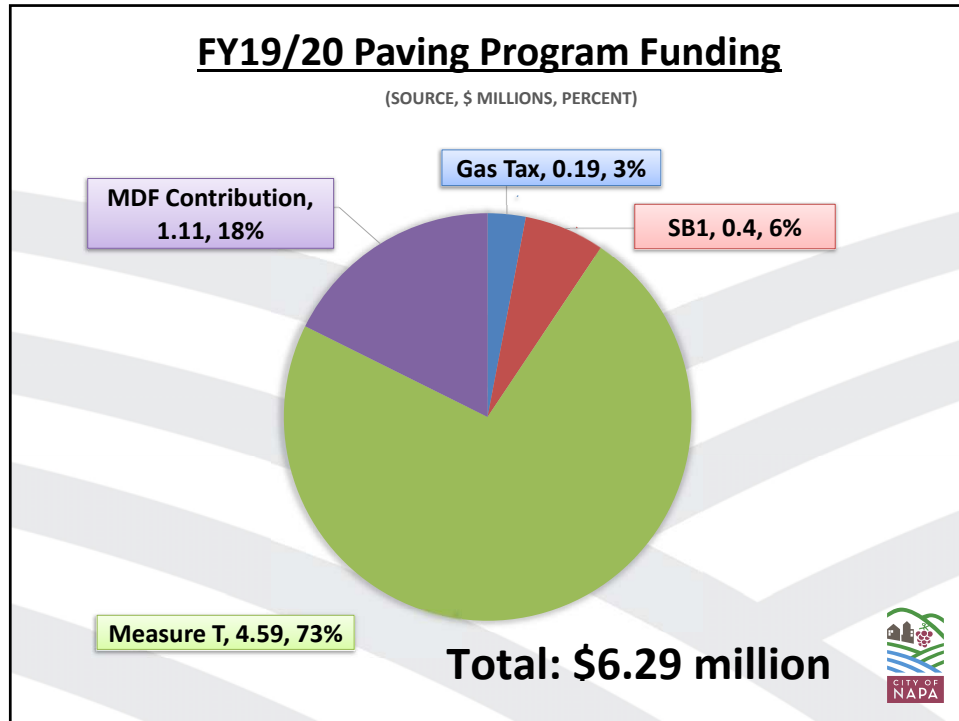
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## Total Annual Expenditures – Streets and Sidewalks

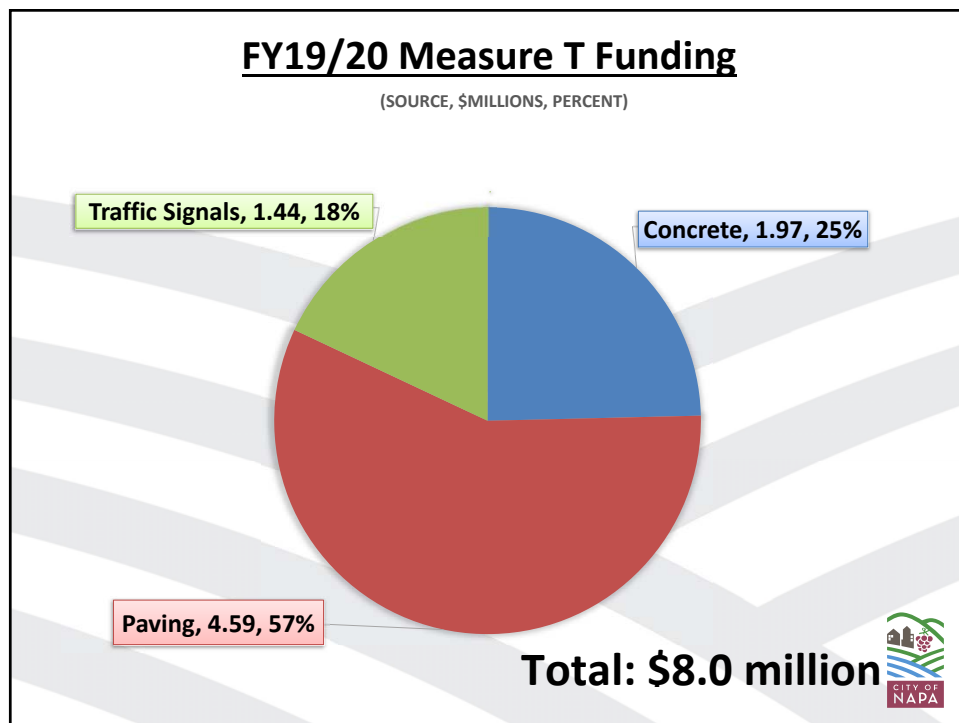
(\$ millions)



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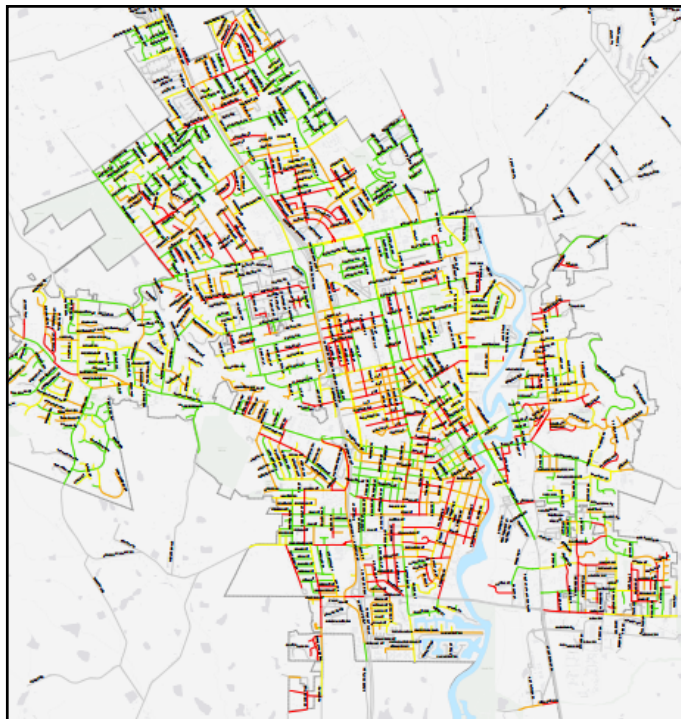
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### Paving Program Elements

- Capital Improvement Program
- Measure T
- LSPP
- Other (Private Development, Utilities, Grants, etc)



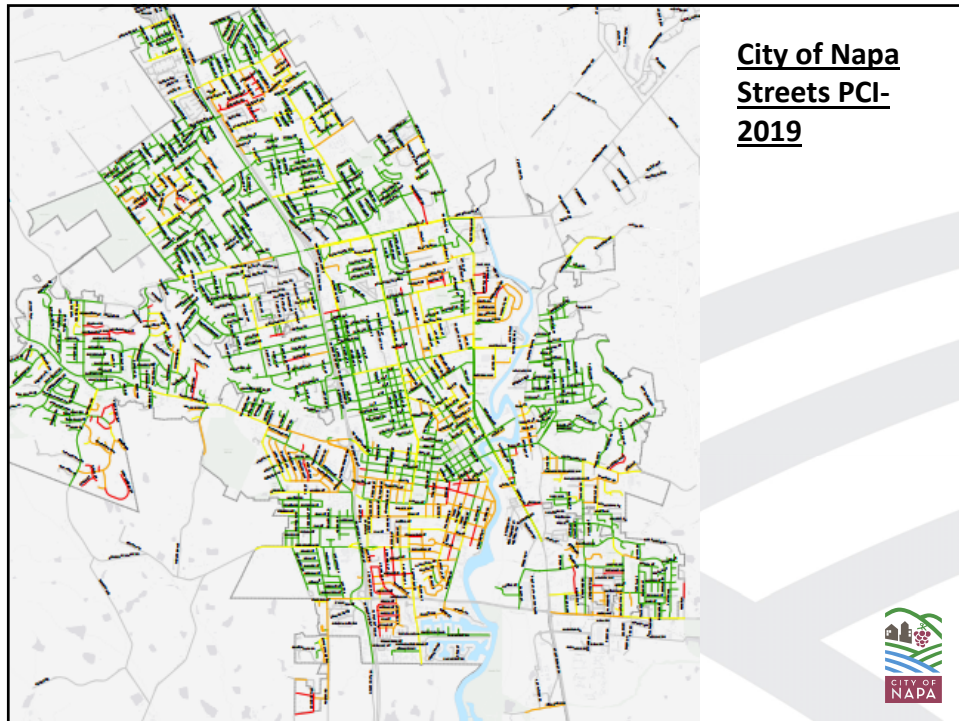
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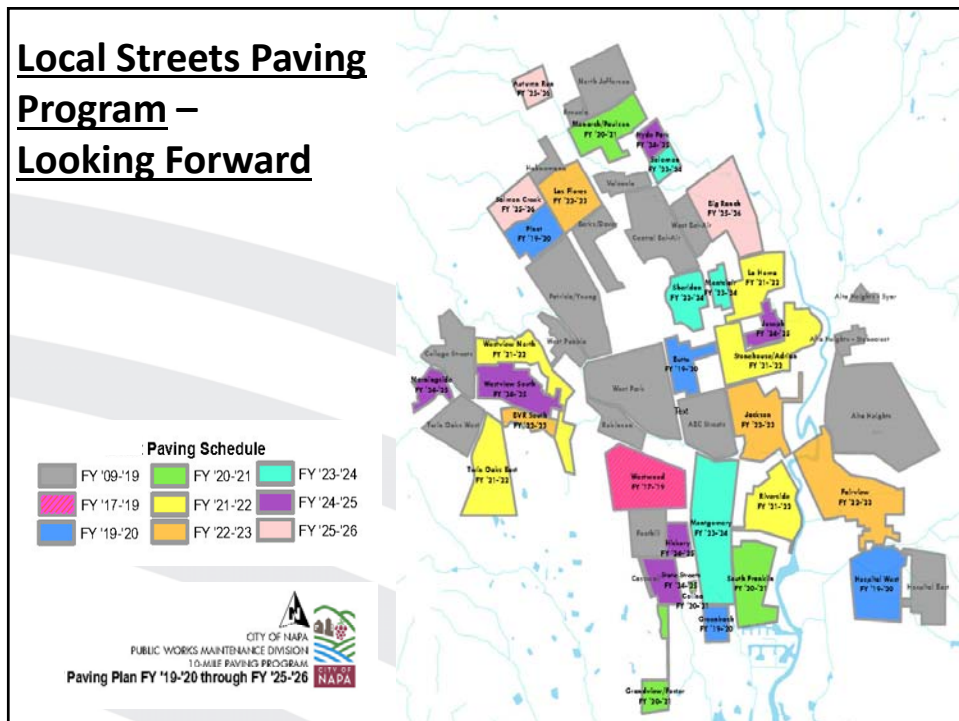
City of Napa  
Streets PCI-  
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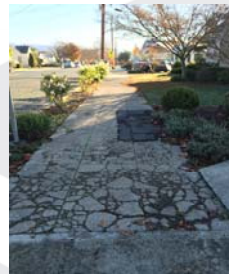
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### **Sidewalk Repair Program**

- No annual rating (similar to PCI)
- Video condition survey
- Calls/emails/service center
- LSPP/concrete program planning



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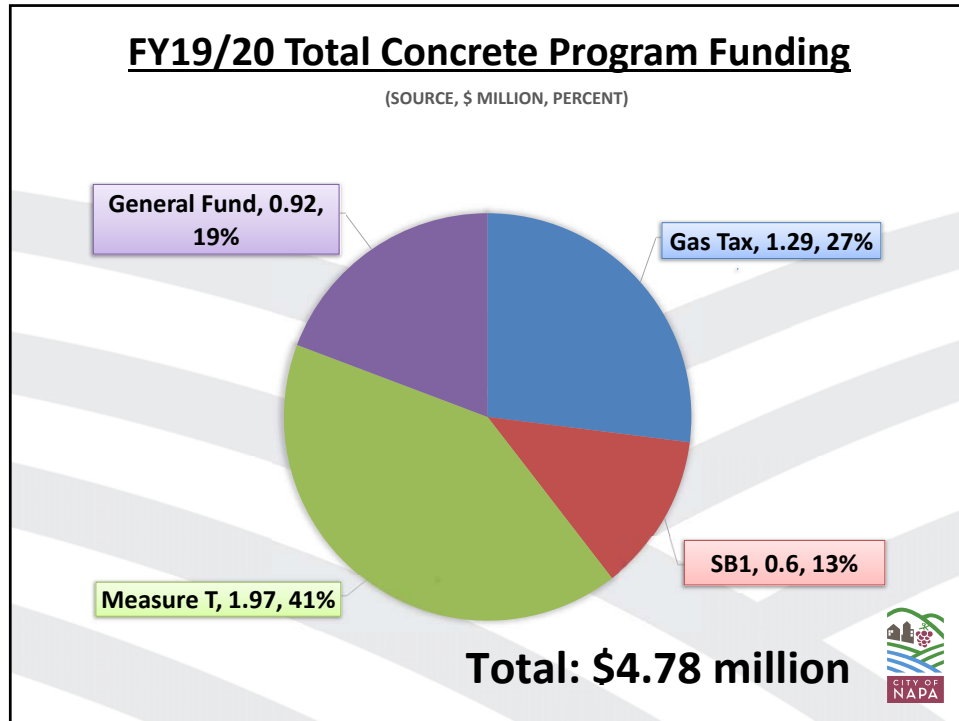
### **Concrete Repair Program Approach**

- Maintenance
- Rehabilitation/Reconstruction

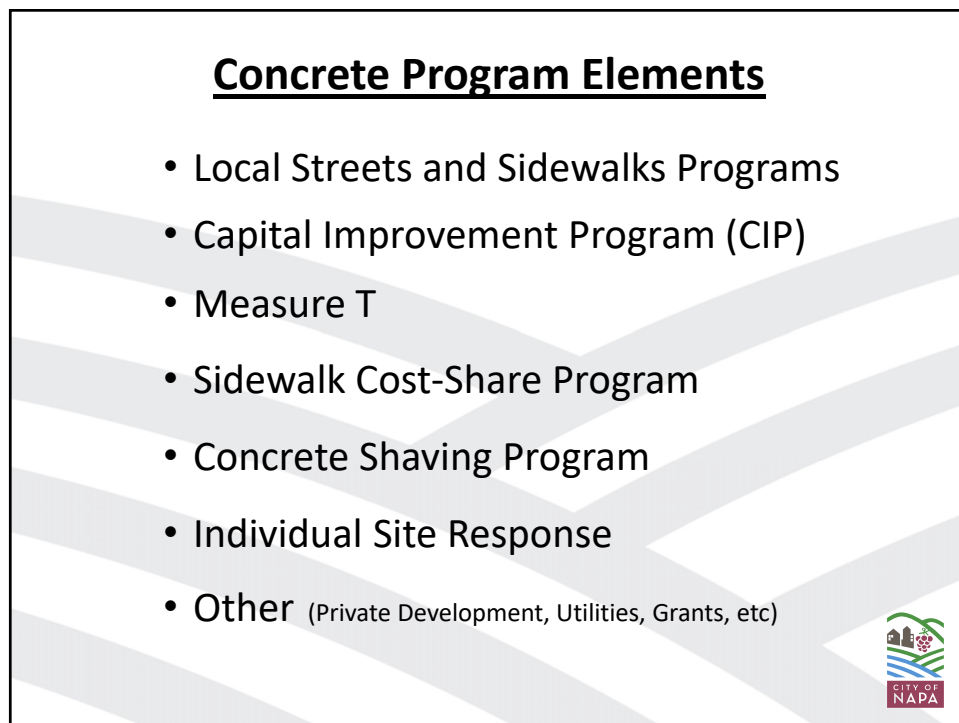


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### Historical Concrete Repairs

	Fiscal Year					
Program Elements	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019	Totals
Local Streets Program	107	426	657	484	395	2069
Measure T	n/a	n/a	n/a	29	35	64
Sidewalk Cost Share	65	56	52	19	32	224
Concrete Grinding	n/a	n/a	n/a	250	450	700
Individual Site Response	33	39	29	22	10	133
Development	16	14	13	5	8	56
<b>Totals</b>	<b>221</b>	<b>535</b>	<b>751</b>	<b>809</b>	<b>930</b>	<b>3246</b>

n/a – program was not operating at that time



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### Neighborhood Streets and Sidewalk

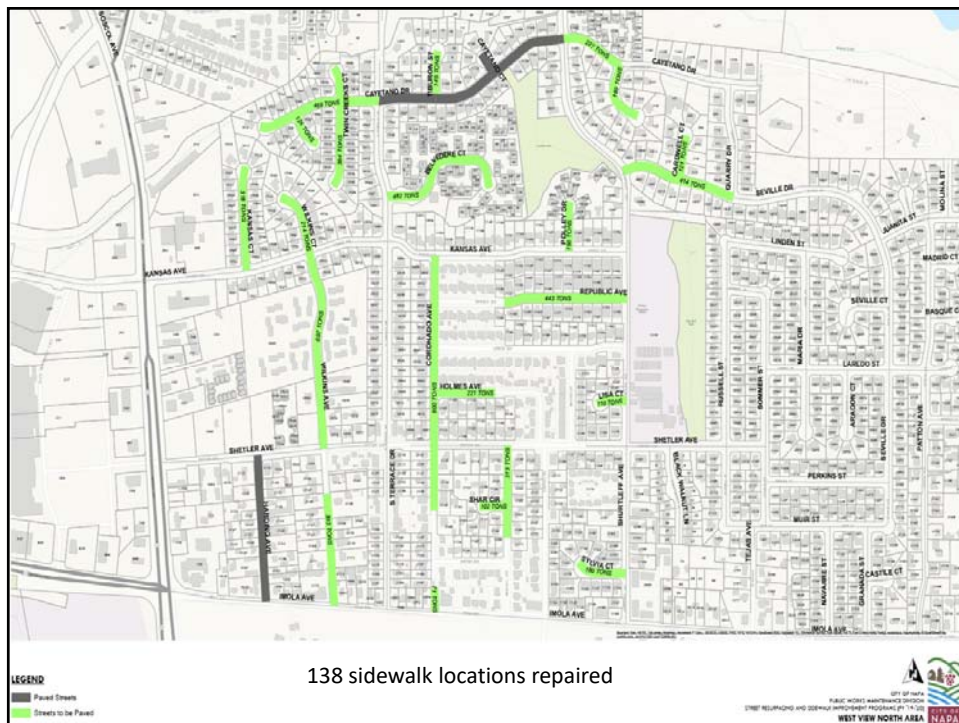
- Butte St Area – Completed
- Hospital West Area – To be completed Dec 2019
- Greenbach Area – To Be completed Spring 2020
  - City crew and contractor partnership
- Pinot Area – To be Completed Spring 2020
  - By CIP contractor



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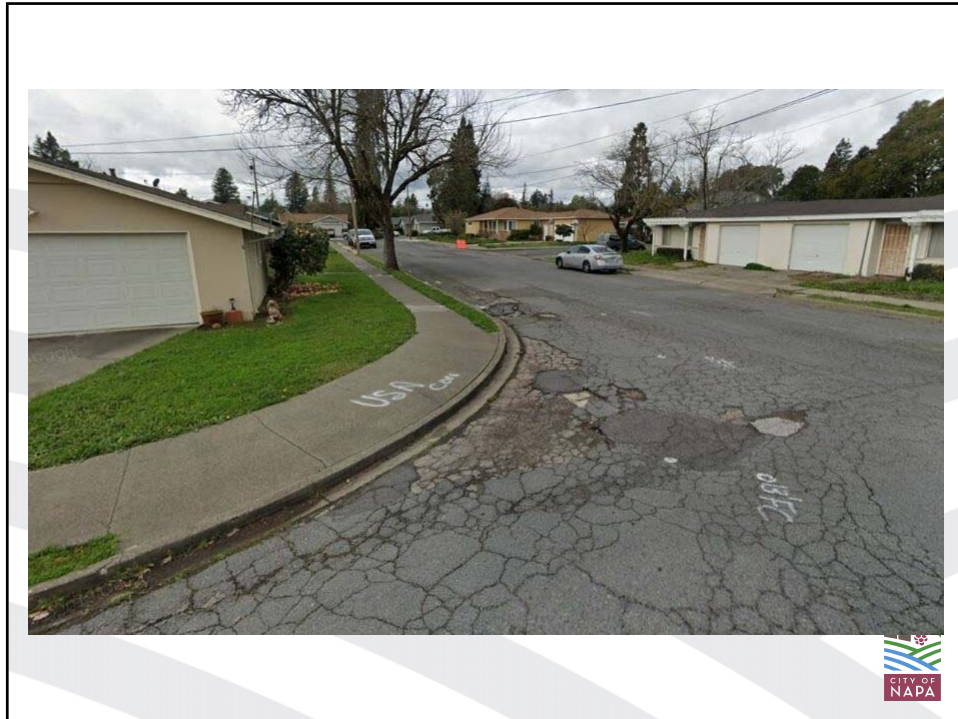


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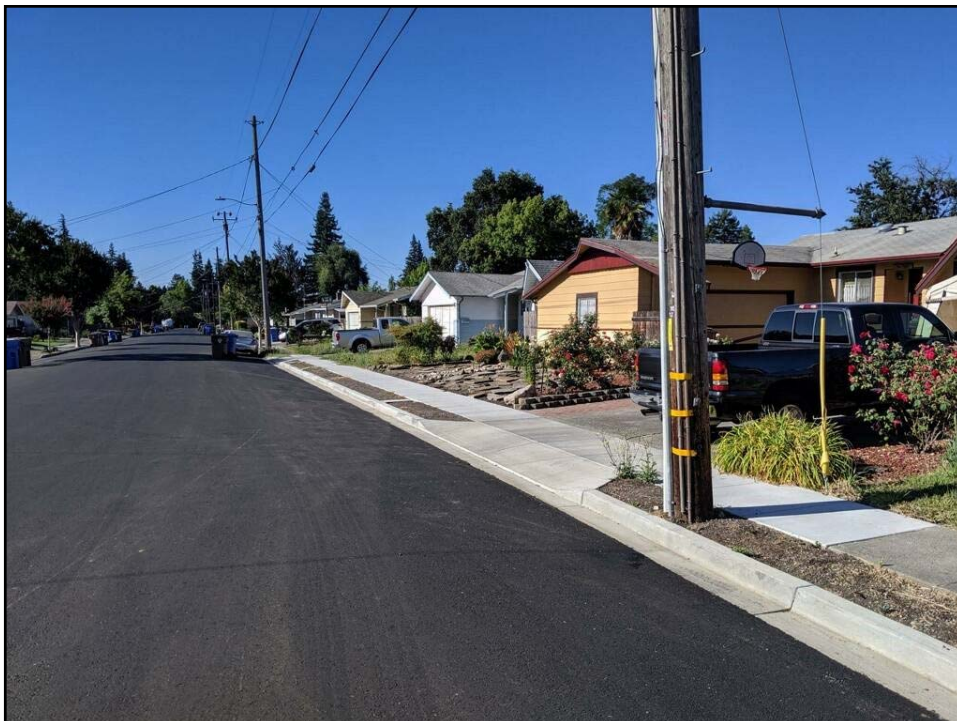
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### **Sidewalk Cost Share**

- Annual Budget \$125,000
- FY14/15 – FY18/19
  - 224 addresses
- FY19/20
  - 18 addresses currently



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### **Concrete Shaving Program**

- Cost effective approach
- Eliminates smaller sidewalk displacements



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### **Individual Site Repairs**

- Single address repairs
- Typically related to trees
- FY14/15 – FY18/19
  - 133 Locations Repaired



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## Asset Management -Concrete Program

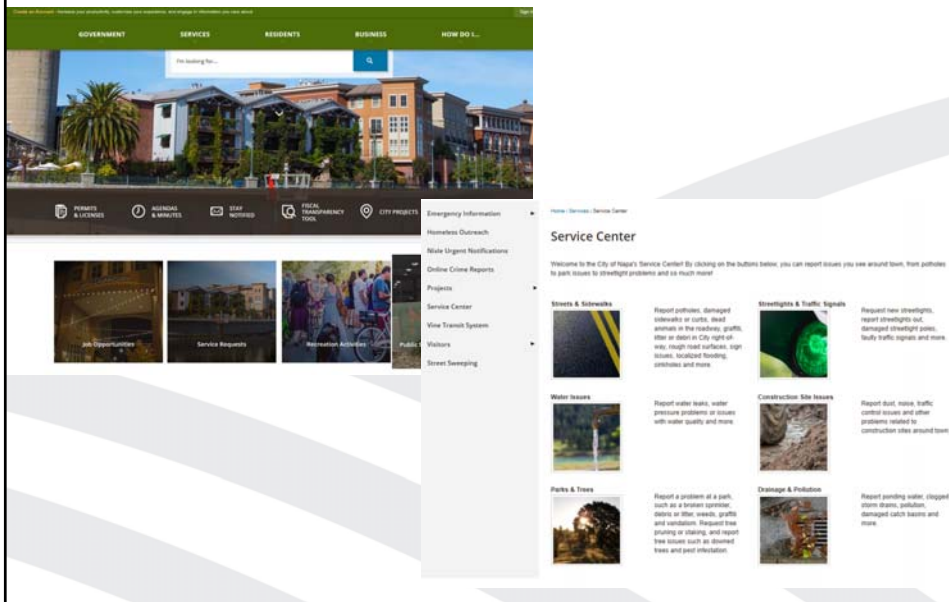


- Organization of data to one location
  - Sidewalk condition information currently kept on 3 active lists
- Analyze and develop solutions to meet entire City needs
  - Temporary verse permanent fix
  - New approaches to handle problems more efficiently
- Prioritize areas to efficiently remove problem areas
  - Maximize impact of repairs



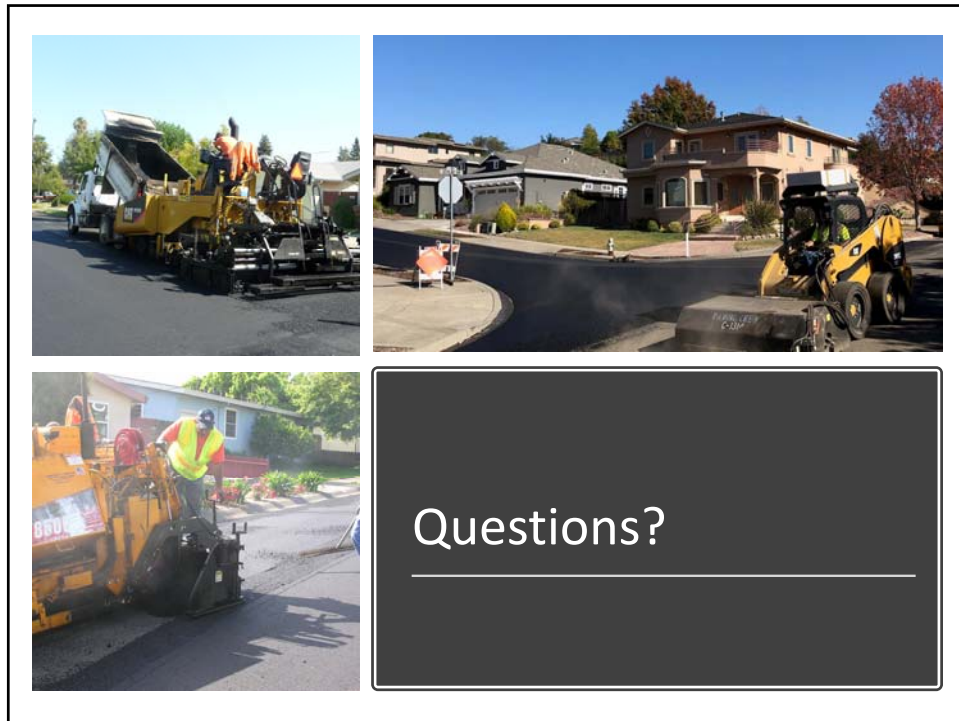
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## Service Center Information



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**From:** Amy Martenson

**Sent:** Tuesday, December 3, 2019 9:33 PM

**To:** Clerk <clerk@cityofnapa.org>

**Subject:** State law and CPMRAs: Please place in the public record, including the application file at Public Works

**Warning:**

The sender of this message could not be fully validated. The message may not be from the sender/domain displayed.

[EXTERNAL]

Dear City Council,

I recently listened to the October 15, 2019 Napa City Council meeting and was struck by two slides presented by attorney, Tripp May, from the staff presentation on the close proximity microwave radiating antennas the City recently approved. The first slide was called "California Law." It referenced Public Utilities Code Section 7901, which "grants telephone corporations a state-wide franchise to access and use the public right-of-way to the extent necessary to provide telephone services." It is important to note that state law does not give telephone companies the right to use the public rights of way for internet data services. This is important, because as you know community members demonstrated that telephone calls can be made at all of the proposed sites. The second slide was called "Deemed Approvals, California Government Code 65964.1." That slide discussed how state law backed up the the new FCC regulations in terms of shock clocks where if City staff fail to accept or deny a permit within a certain time frame it is deemed approved, which happened in this case. However, there are caveats in the law— one of them being that "all public notices for the application were given." One of the emails I received from a public records request was from former Public Works Director Eric Whan from September 2018. In it, he said, "Verizon will also be required to mail out notifications to the businesses within 150 feet of the installations." I know from another records request, and it was confirmed by staff at the October and November meetings that Verizon never mailed any notification to those living or working near the proposed sites, and the idea that they walked them out is ludicrous and cannot be verified. In addition, as I stated before what they supposedly walked out was not a description of the application. It was merely an invitation to a meeting about their application. This omission provided the City with a legal basis under state law to fight those deemed approvals had it had the will to do so. While I understand that there is some conflict between the new FCC rules and state law, a 2019 case DC Circuit Case No. 18-1051: Mozilla et al. v FCC determined that the FCC cannot preempt state law. Although we still recommend it, it is more difficult for the City to use these laws and this court case and other court cases that have been referenced again and again by citizens now that the Accommodation Agreement has been signed without getting sued for breach of contract. However, we all know that Verizon will be coming back for more, and we know from other emails I saw that ATT will be right there behind Verizon. So, I urge one of the City Council members, perhaps Liz Alessio or Doris Gentry, to request that the City's outdated telecommunications regulations be put on the next City Council agenda so that they can be updated, using existing state law to develop objective standards that could be applied fairly to all future permit requests to protect public health and property values. We would then hope to work with that City Council member to develop those suggested changes to the regulations.

Sincerely,

Amy Martenson

# California Law

## PUC Section 7901

- grants telephone corporations a **state-wide franchise** to access and use the public rights-of-way to the extent necessary to provide telephone services
- preserves **aesthetic control** over ROW facilities

## PUC Section 7901.1

- preserves reasonable **time, place and manner** regulations over facilities construction in ROW

## *T-Mobile v. San Francisco (Cal. 2019)*

TELECOM  
LAW FIRM PC

## Deemed Approvals (Cal. Gov't Code § 65964.1)

### Applicability

- all new small cells submitted prior to Jan. 14, 2019
- not applicable to any facilities on fire stations
- not applicable to Section 6409 modifications

### Elements

- failure to approve or deny application within applicable FCC shot clock;
- all public notices for the application given
- written notice from the applicant

TELECOM  
LAW FIRM PC