



CITY OF NAPA

955 School Street
Napa, CA 94559
www.cityofnapa.org

MEETING MINUTES - Draft

CITY COUNCIL

Mayor Scott Sedgley
Vice Mayor Liz Alessio
Councilmember Mary Luros
Councilmember Bernie Narvaez
Councilmember Beth Painter

Tuesday, March 16, 2021

3:30 PM

City Hall Council Chambers

3:30 PM Afternoon Session

6:30 PM Afternoon Session

In order to slow the spread of the Coronavirus (COVID-19) pandemic, the City conducted this meeting as a teleconference in compliance with the Governor's Executive Orders N-29-20 and N-63-20.

3:30 P.M. AFTERNOON SESSION

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

1.A. Roll Call:

Present: 5 - Councilmember Luros, Councilmember Narvaez, Councilmember Painter, Vice Mayor Alessio, and Mayor Sedgley

City Manager Potter introduced Heather Ruiz, Human Resources Director; she provided remarks.

2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental items:

Item 3.: Email from Kevin Alfaro.

Item 4.A.: PowerPoint Presentation from City Staff and GovInvest, Inc.

Item 5.D.: Email from Amanda Steiner on behalf of NCEA-SEIU.

Item 6.G.: Email from James B. Henry.

(Copies of all supplemental documents are included in Attachment 1)

3. PUBLIC COMMENT:

(See supplemental document in Attachment 1)

Maureen Trippe, provided comment via telephone on behalf of the Slow Down Napa team - spoke regarding speeding and traffic calming.

Staff read submitted email comment from Kevin Alfaro in which he shared concerns regarding the Gray Haven Mental Health Clinic.

4. ADMINISTRATIVE REPORTS:**4.A. [50-2021](#) Pension Update, March 2021**

(See supplemental document in Attachment 1)

Finance Manager Elizabeth Cabell, and Consultant Dan Matusiewicz of GovInvest, Inc., who both joined via video conference, provided the staff report.

Brief Council questions ensued throughout the report with staff and consultant responding.

There were no requests from the public to comment.

5. CONSENT CALENDAR:

(See supplemental document in Attachment 1)

Before adoption of the Consent Calendar, Mayor Sedgley announced two public comments for item 5.D. and 5.E.

Staff read submitted email comment from Amanda Steiner, on behalf of NCEA-SEIU, for item 5.D. which shared concerns regarding staffing in the Public Works Department.

Patrick Band, Executive Director of the Napa County Bicycle Coalition, provided comment via phone for item 5.E. - shared comments suggestions regarding a comprehensive safety plan.

Vice Mayor Alessio requested that item 5.E. be pulled for discussion.

Approval of the Consent Agenda

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

Aye: 5 - Lueros, Narvaez, Painter, Alessio, and Sedgley

- 5.A.** [87-2021](#) City Council Meeting Minutes
- Approved the February 5, 2021 and February 8, 2021 Special City Council Meeting Minutes and the February 2, 2021 and February 16, 2021 Regular Meeting Minutes.**
- 5.B.** [32-2021](#) Monthly Budget and Investment Statement
- Received the Monthly Budget and Investment Statement as of January 31, 2021.**
- 5.C.** [88-2021](#) Emergency Shoring and Excavation for the 36-inch Water Transmission Main Leak Repair
- Adopted Resolution R202-015 determining: 1) there is no longer a need to take emergency actions for the 36-inch water transmission main leak repair; 2) the authorization to perform the emergency work is terminated, and 3) the actions authorized by this resolution are exempt from CEQA.**
- Enactment No: R2021-015
- 5.D.** [83-2021](#) Budget Staffing Plan for the Engineering Division of the Public Works Department
- Adopted Resolution R20201-016 amending the City-Wide Position Staffing Plan to add one Associate Civil Engineer position; and approving a budget adjustment of \$25,500 from the Public Works Operations Budget to the Public Works Engineering Salaries and Benefits, as documented in Budget Adjustment Form No. BE2103501.**
- Enactment No: R2021-016
- 5.E.** [60-2021](#) Local Roadway Safety Plan
- This item was pulled by Vice Mayor Alessio who asked how comprehensive the plan was; Public Works Director Julie Lucido responded.
- Brief discussion ensued.
- A motion was made by Vice Mayor Alessio, seconded by Councilmember Painter, to adopt Resolution R2021-017 approving a budget appropriation in the amount of \$80,000 for use to develop a Local Roadway Safety Plan for the City of Napa as documented in Budget Adjustment No. BE2103505. The motion carried by the following vote:**
- Aye:** 5 - Luros, Narvaez, Painter, Alessio, and Sedgley
- Enactment No: R2021-017
- 5.F.** [78-2021](#) Westwood Neighborhood Rehabilitation - Bancroft Court and Bremen Court
- Adopted Resolution R2021-018: (1) authorizing the Public Works Director to award and execute a construction contract to Team Ghilotti, Inc. for the Westwood Neighborhood Rehabilitation - Bancroft Court and Bremen Court project in the**

bid amount of \$187,141.07; (2) authorizing the Public Works Director to approve contract amendments and charges for project services up to a total amount not to exceed \$280,070; and (3) determining that the actions authorized by this resolution are exempt from CEQA.

Enactment No: R2021-018

5.G. [76-2021](#)

Milliken Raw Water Pipeline

Authorized the Utilities Director to negotiate and execute an agreement with Mountain Cascade, Inc. for a total contract amount not to exceed \$688,750, to complete repairs to the Milliken Pipeline, and determine the actions are exempt from CEQA.

5.H. [86-2021](#)

State Grant to the City for the Law Enforcement Specialized Units Program

Authorized the City Manager to execute all documents necessary to accept the Law Enforcement Specialized Units Program Grant to fund services provided to survivors of domestic violence and their children from the California Office of Emergency Services, in the amount of \$203,143 with a local match from the City of \$67,714; and approving a transfer of \$67,714 from the General Fund to the Non-Recurring General Fund and increases to the Non-Recurring General Fund revenue and expenditure budgets in the total amount of \$270,857, as documented in Budget Adjustment No. BE2103504.

6. ADMINISTRATIVE REPORTS:

6.A. [24-2021](#)

Proclamation of Local Emergency to Respond to the Coronavirus (COVID-19)

City Manager Potter provided the report which included an update on COVID-19 case numbers, as well as the number of vaccines and tests that had been administered. He also shared that it had been four weeks since a City employee has had to quarantine.

Mayor Sedgley brought the discussion back to Council; brief Council questions and comments ensued regarding vaccinations.

There were no requests from the public to comment.

A motion was made by Councilmember Painter, seconded by Councilmember Luros, that the Continue the Proclamation of Local Emergency authorizing the City Manager to take actions necessary to respond to the Coronavirus (COVID-19); and ratify actions taken by the City Manager in implementation of the Proclamation of Local Emergency. The motion carried by the following vote:

Aye: 5 - Luros, Narvaez, Painter, Alessio, and Sedgley

7. CONSENT HEARINGS:

7.A. [64-2021](#)

Sign Ordinance Amendment

Mayor Sedgley announced the Consent Hearing. There were no requests

to speak; the hearing was opened and closed without comment.

A motion was made by Councilmember Painter, seconded by Councilmember Luros, to approve the first reading and introduction of Ordinance O2021-002 amending Napa Municipal Code Section 17.55.070 "Sign Programs; Variances" and Section 17.55.100 "Permanent Signs" to make minor clarifications and correct the number of permitted permanent signs and number of signs that may be permitted with a Uniform Sign Program and Creative Sign Program. The motion carried by the following vote:

Aye: 5 - Luros, Narvaez, Painter, Alessio, and Sedgley

Enactment No: O2021-002

8. COMMENTS BY COUNCIL OR CITY MANAGER:

CITY COUNCIL RECESS: 4:43 P.M.

6:30 P.M. EVENING SESSION

9. CALL TO ORDER: 6:30 P.M.

9.A. Roll Call:

Present: 5 - Councilmember Luros, Councilmember Narvaez, Councilmember Painter, Vice Mayor Alessio, and Mayor Sedgley

10. PLEDGE OF ALLEGIANCE:

11. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental items:

Item 12:

- Emails from Lil Witten and an anonymous sender.
- Letter received from an anonymous sender.

Item 13.A:

- PowerPoint Presentation from City Staff.
- Emails received from Sharon Macklin, Monty Schacht, Lukas Opps, Isabel Montanez, Saul Chavez, Mario Fernandez, Ines De Luna on behalf of the Napa County Latinx Democratic Club, Jon Riley, and Paola Torres.

(Copies of all supplemental documents are included in Attachment 2)

12. PUBLIC COMMENT:

(see supplemental documents in Attachment 2)

Staff read submitted email comment from Lil Witten which shared concerns with the Gray Haven Mental Health Clinic.

John Gomez, member and representative of UFCW Local 5, provided comment via telephone - spoke in support of Hazard Pay for Grocery workers. He also voiced support of recreational cannabis in Napa.

Staff read two additional email comments submitted by anonymous senders which shared concerns over the Gray Haven Mental Health Clinic.

13. ADMINISTRATIVE REPORTS:

13.A. [84-2021](#) City Council Priorities

(See supplemental documents in Attachment 2)

City Manager Potter, Fire Chief Zach Curren, and Community Development Director Vin Smith provided the staff report which included a recap of the Council Workshop held in February 2021, a review of the City Council core priority areas, staff resources, current City obligations and projects.

Mayor Sedgley posed questions regarding the ADU Center, an ambulance provider agreement, and a paid parking study. Staff responded.

Mayor Sedgley called for public comment.

Staff read submitted email comment from Mario Fernandez - supported hazard pay ordinance and recreational cannabis ordinance.

Valerie Wolf on Behalf of Napa Neighborhood Association for Safe Technology, provided comment via telephone - encouraged Council to adopt an ordinance regulating small cell antennas.

Gary Orton, resident, provided comment via telephone - spoke regarding annexations and requested annexation of the large County islands.

Staff continued and read submitted email comments from the following:

Ines De Luna, on behalf of Napa County Latinx Democratic Club - requested a culturally competent Language Equity Plan.

Jon Riley - supported a hazard pay ordinance.

Jim Wilson - provided comments regarding climate change and encouraged Council to adopt an urgency ordinance imposing a 45-day moratorium on permits for new gas station.

Emily Bit & Alisa Karesh of Napa Schools for Climate Action - provided comments regarding climate change and encouraged Council to adopt an urgency ordinance imposing a 45-day moratorium on permits for new gas station.

Nancy McCoy Blotzke - urged council to adopt a strong wireless ordinance.

Amanda Steiner, on behalf of NCEA-SEIU, provided comment via telephone - asked to prioritize the addition of staff, diversity, equity and inclusion. Noted concerns regarding spending of COVID-19 dollars. Shared support of hazard pay, project labor agreements, and a recreational cannabis agreement.

Mayor Sedgley called for a break at 8:05 P.M.

The meeting reconvened at 8:15 P.M.

The discussion was brought back to Council.

Lengthy discussion ensued in which Council reviewed each core priority area, and it's corresponding list of projects, to gather Council consensus on additional priority projects to be added to the project list.

Following the discussion, there was general consensus support to consider adding the following new priority projects:

Efficient and Stable Organization

- Legislative advocacy
- Employee appreciation/recognition
- Staffing restoration

Streets, Sidewalks, and Infrastructure

- Project Labor Agreement and contractor qualifications - information
- Traffic Safety all modes (including traffic calming) - Safe Routes to School program

Where we Live-Housing and Neighborhoods

- Homeless Coordinator
- Work Proximity Program - information

Economic Development

- Parklets
- Cannabis

Community Focused Services

- Climate Action - Countywide Committee
- Grocery worker hazard pay

Diversity, Equity, and Inclusivity

- Culturally competent language plan

It was determined that staff would further review each project and come back on March 23, 2021 at a Special City Council Meeting to provide recommendations based on available resources to establish a final 2021 priority project list.

14. COMMENTS BY COUNCIL OR CITY MANAGER: None.

15. ADJOURNMENT: 10:24 P.M.

Submitted by:

Tiffany Carranza, City Clerk

ATTACHMENT 1

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

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

March 16, 2021

FOR THE CITY COUNCIL OF THE CITY OF NAPA:

AFTERNOON SESSION:

3. PUBLIC COMMENT:

- Email from Kevin Alfaro received on March 16, 2021. *

4. ADMINISTRATIVE REPORTS:

4.A. Pension Update, March 2021

- PowerPoint Presentation by City Staff and GovInvest, Inc.

5. CONSENT CALENDAR:

5.D. Budget Staffing Plan for the Engineering Division of the Public Works Department

- Email from Amanda Steiner on behalf of NCEA-SEIU received on March 16, 2021. *

6.G. Milliken Raw Water Pipeline

- Email from James B. Henry received on March 15, 2021.

***EMAIL OR HANDWRITTEN COMMENTS THAT WERE READ INTO THE RECORD BY CITY STAFF
DURING THE MEETING***

Dear City Council members,

I am writing you about the Gray Haven project located at 423 Seminary Street. As you know, Gray Haven will be caring for 6 diagnosed severely mentally ill formally incarcerated people very soon. It has been stated that many have some form of addiction issues that have led to their incarceration. As you may know from what has been published in the Napa Register and perhaps discussed with you by Gray Haven, it is their intent to expand this program to serve 30 people. I have personally spoken with Dr. Patricia Gray, executive director of Gray Haven, and Luis Nieves, owner of 423 Seminary Street and President and CEO of Gray Haven. Both have also indicated their intent to expand this program to 30 diagnosed severely mentally ill formerly incarcerated people as early as this summer. You can also find this information on their website.

I implore you, as the process allows, to learn more about Gray Haven and whether this particular location is the ideal spot (or even a marginally decent spot) given its incredibly close proximity to Shearer Elementary School (100 feet), Fuller Garden Apartments (15 feet), Bali Hai Apartments (30 feet), two other apartment complexes (75 feet), Fuller Park including Head Start (100 yards) and numerous residences with small children including single mothers, the elderly, etc. Let's look beyond the beautiful renovations and the considerable amount of money spent to bring this historic building back into commission and understand; why here? Why not a more expansive campus, one with better "isolation" (a word used by Nieves) for the residents, e.g. the 8 acre former Health and Human Services campus. A simple question that has yet to be meaningfully answered.

By their own admission this is a "unique program" and one with an unproven record. Neither of them have run a facility of this type due to its "unique" programing. Also, by their own admission, there is no "plan B". No plan B if they are unable to obtain the needed entitlements or worse, the program is a failure. I asked Mr. Nieves what if, after obtaining a permit to run a 30 person program, it doesn't work out, then what? He stated: "That would be a shame but it is what it is". I ask you all, is this the right location for a "test program"? I think not.

I understand there are no guarantees in life, especially in business. Businesses have risks and proper due diligence reduces risk and helps avoid critical mistakes. If they are allowed to continue, they will affect 100s of lives by forcing a short-sighted business plan on us. Unfortunately Gray Haven didn't do their due diligence, but it is critical that the Planning department and City Council do theirs. This needs to be done slowly, considerately, and properly with full transparency.

Thank you for your time and consideration.

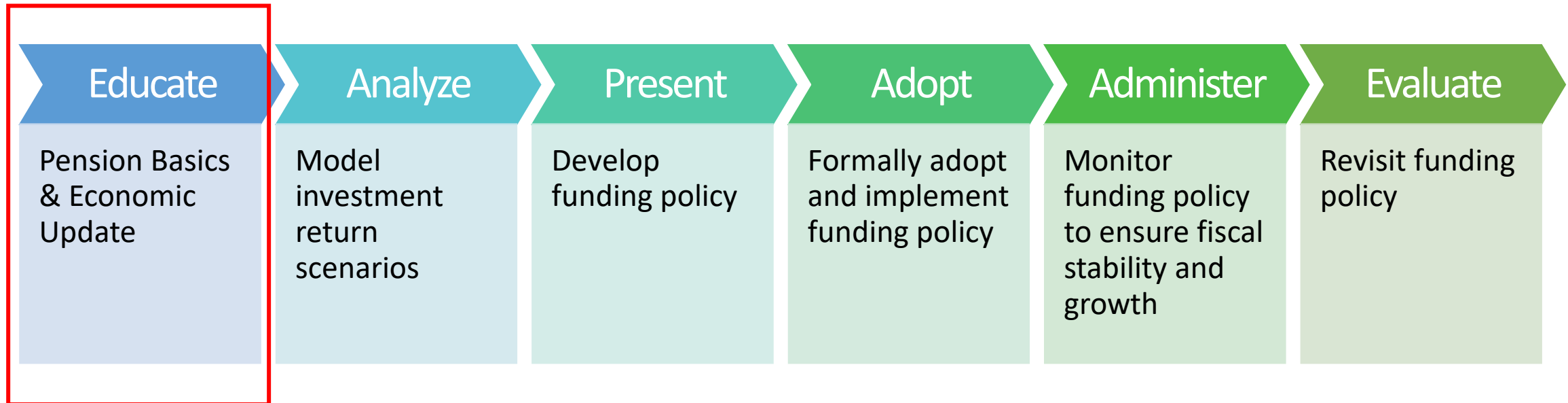
Kevin Alfaro, a very concerned neighbor that resides 30 feet away.

Pension Funding

Napa, CA



Building Blocks of Pension Funding



Understanding Pension Funding



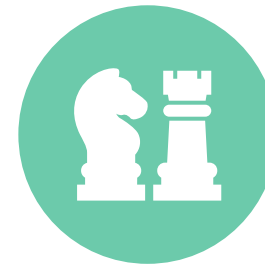
Pension Basics



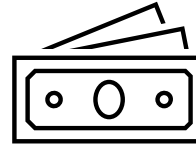
Hurdles and Other Considerations



How are we doing relative to our funding targets?



Potential Strategies



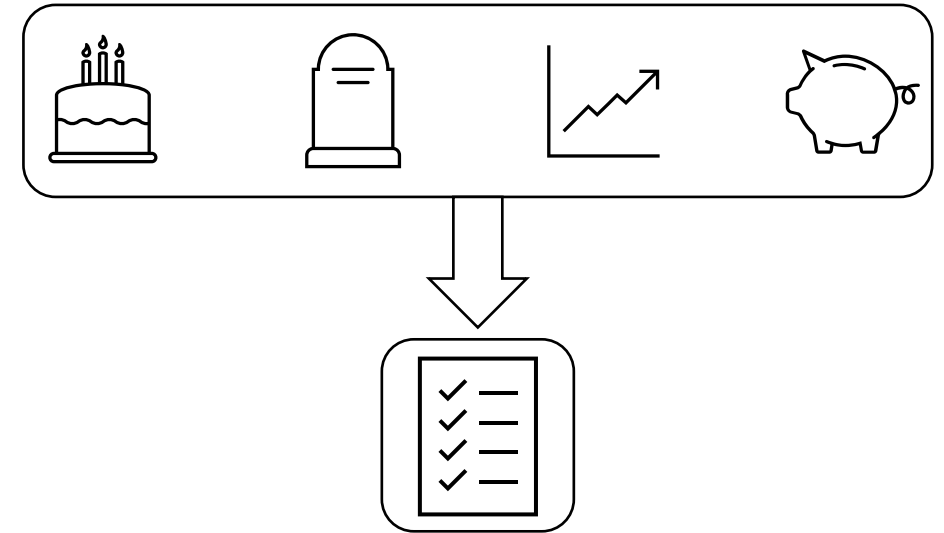
Pension Basics

Pension Funding Concepts are Similar to Other Retirement Plans

Participant or employer set retirement goals:

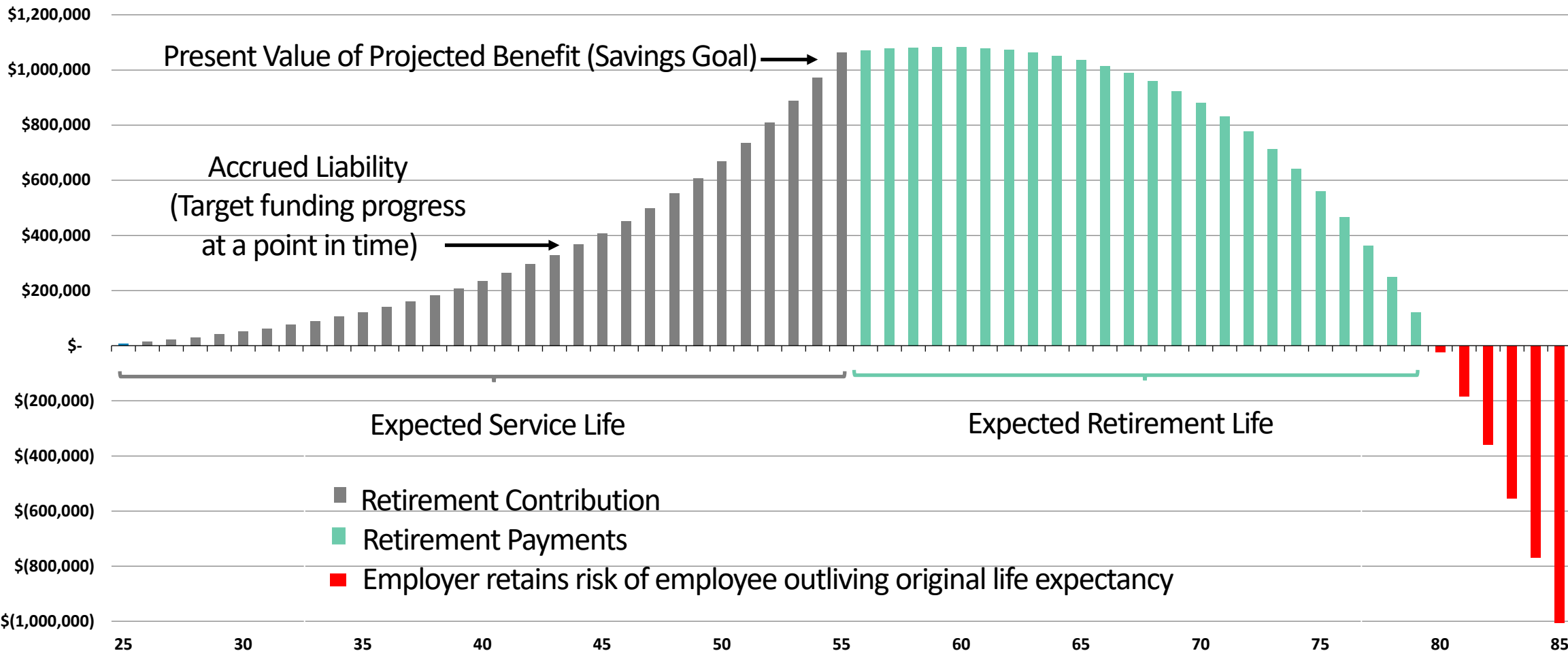
- Expected retirement age
- Life expectancy goal
- Expected investment earnings rate
- Expected savings balance or replacement income goal

Goals determine initial savings rate estimated to achieve retirement goals

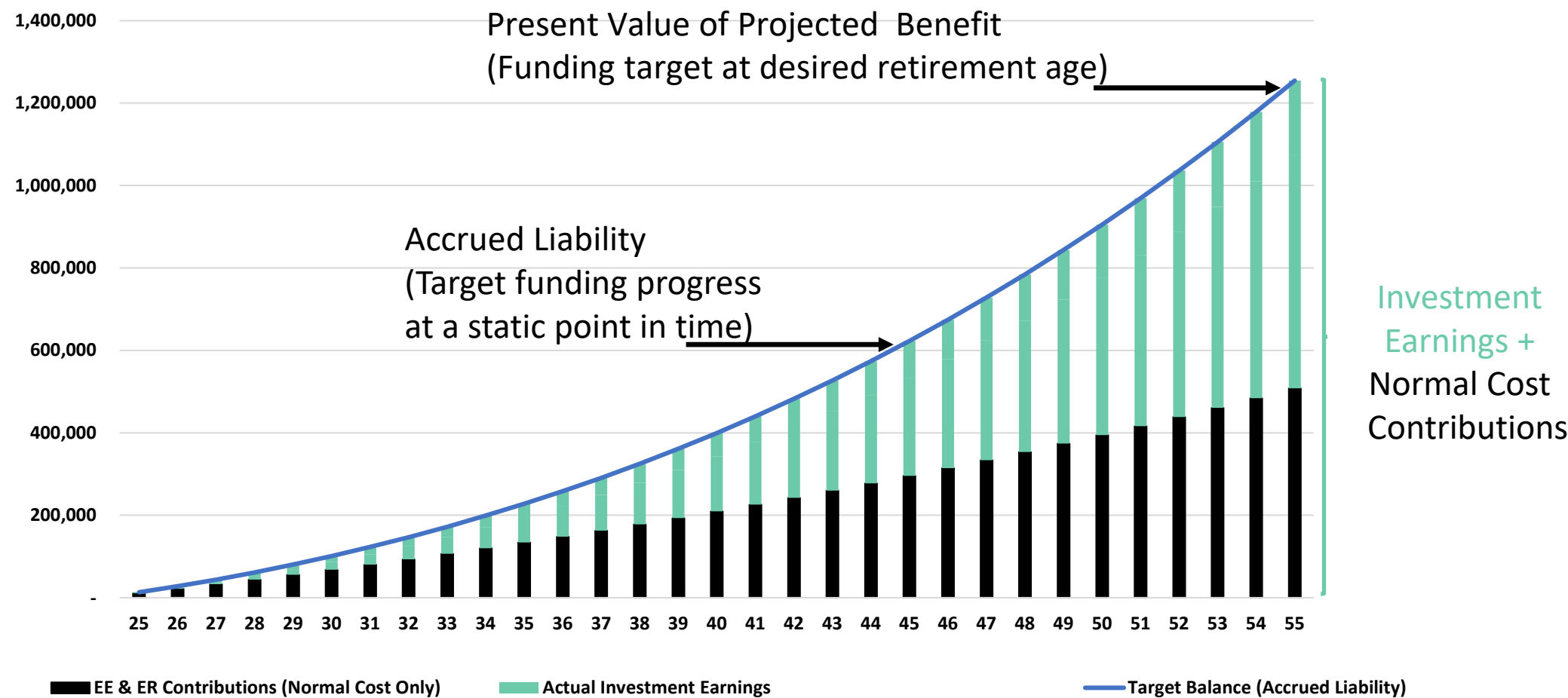


As compared to a defined contribution plan, the key difference with a defined benefit pension plan is who bears the funding risk if assumptions don't hold true.

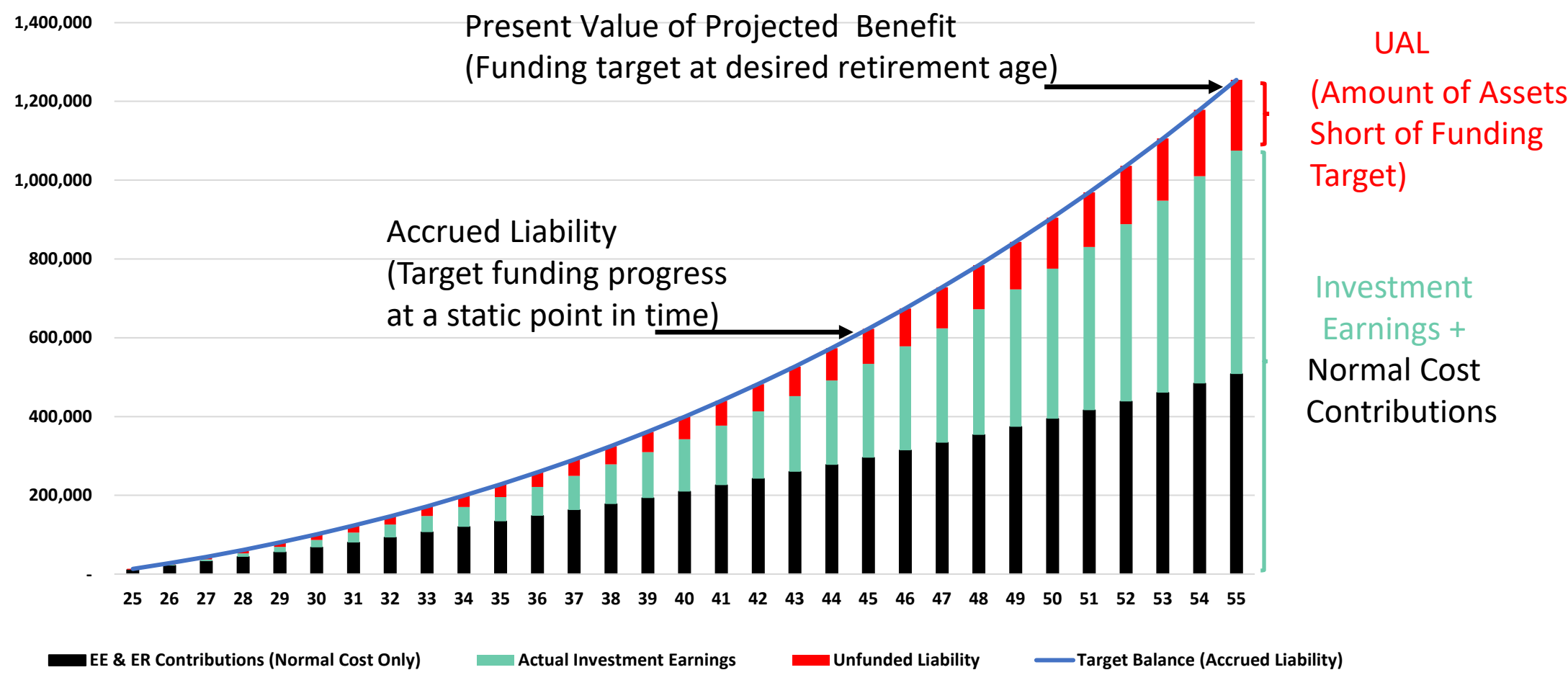
Illustration of Mortality Risk for an Individual Employee



Retirement Plans Are Sensitive to Investment Earnings

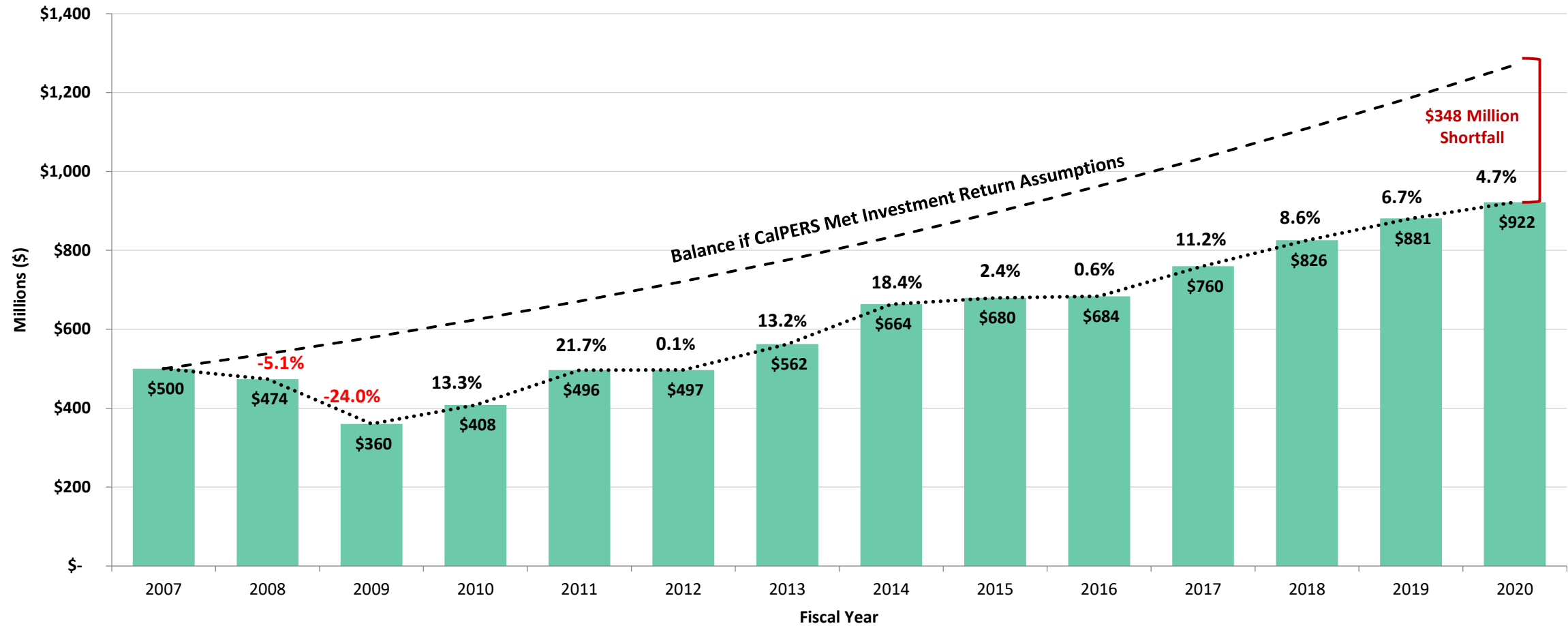


Retirement Plans Are Sensitive to Investment Earnings



Hasn't The Market Already Recovered?

Illustrative Impact of Investment Performance on an Example Plan



Pension Jargon Glossary



- Assumption = Target, Goals or Expected Results
- Experience = Actual Results
- Normal Cost = Initial contribution rate (Employee and Employer contributions)
- Present Value of Projected Benefit (PVPB) = Value of all future benefits in today's dollars
- Accrued Liability (AL) = Target funding progress at a given point of time
- Unfunded Accrued Liability (UAL) = Amount actual savings falls short of funding target
- Amortization of UAL = Additional annual contribution needed to get back on track
- Annual Required Contribution = Normal Cost + Amortization of UAL

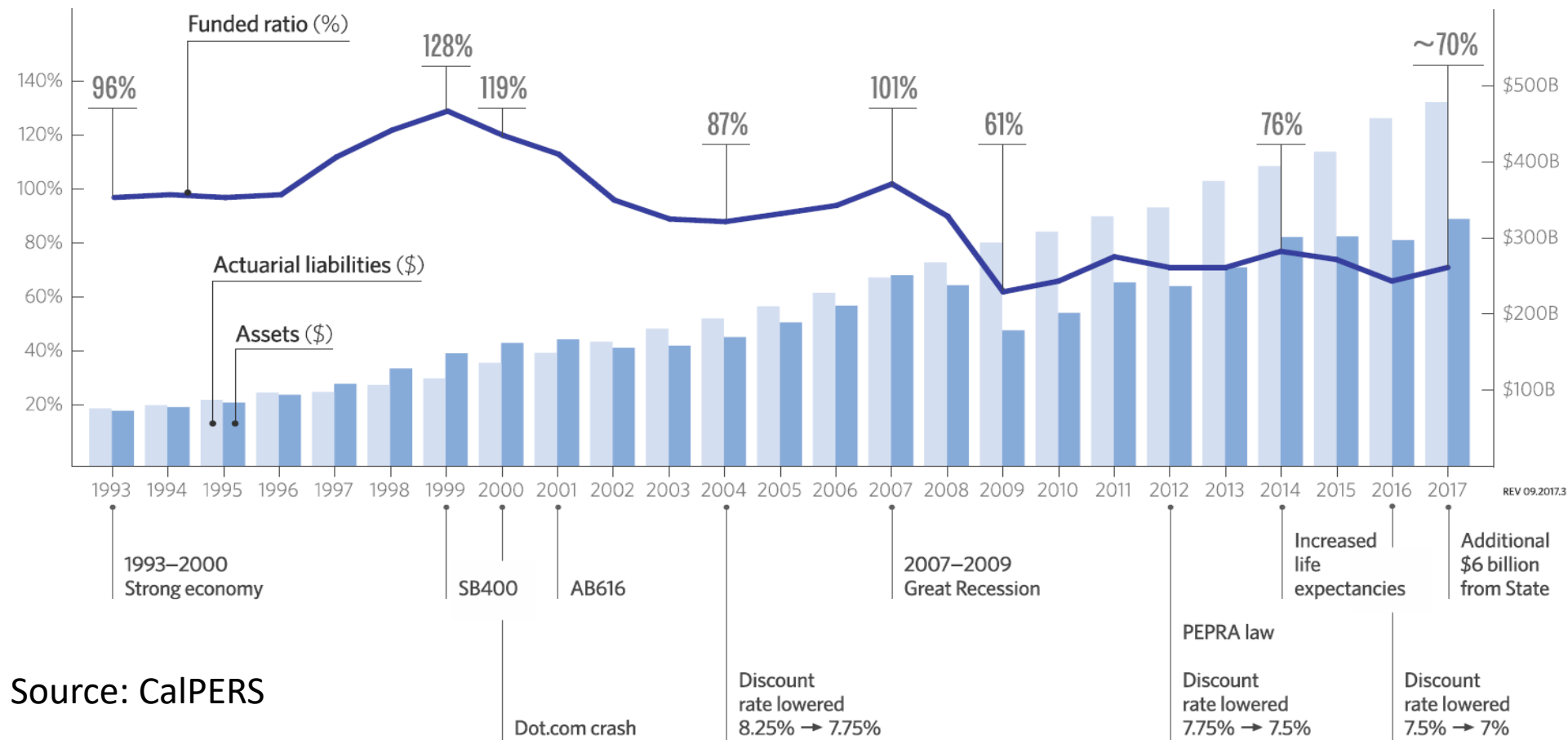


Hurdles & Considerations

Events & Concerns

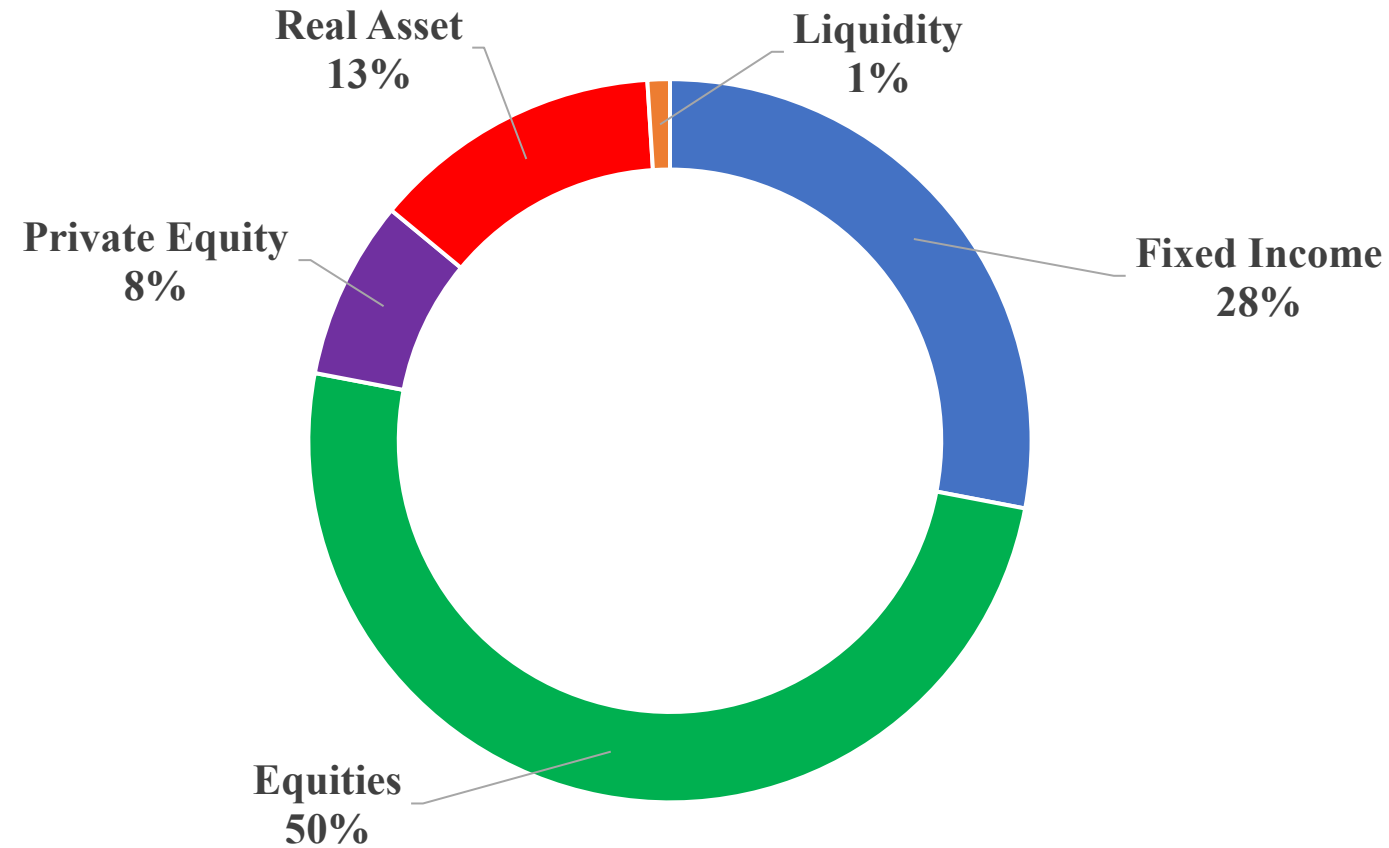
- Still paying off Great Recession losses and changes in assumptions in an increasing payment schedule
- 2019 Investment Experience Loss 6.7% vs 7% ~ \$1,373,000
- 2020 Investment Experience Loss 4.7% vs 7% ~ \$7,339,000
- Projected Capital Market Assumptions (CMA's) on future investment returns projected to underperform 7% Investment Earning Goal both in the near term (10 Years 4.85%) and long-term (30 Years 6.42%)
- Potential further reductions to discount rate November 2021

Historical Factors Impacting Funded Status



Source: CalPERS

New Asset Allocation Effective June 30, 2020

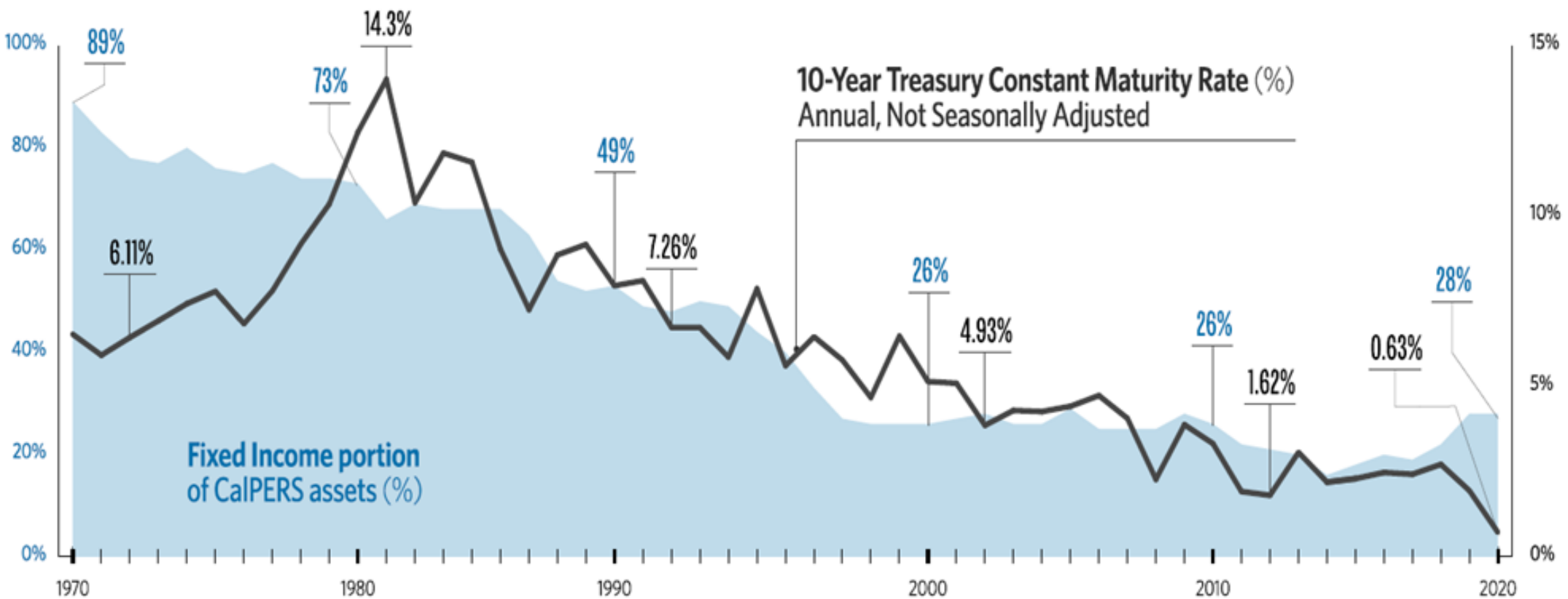


*Source: **CalPERS and Employers: Fiscal Year Returns, Cost Impacts and Our Path Forward", 7/21/2020

Challenges to Achieving Target Returns

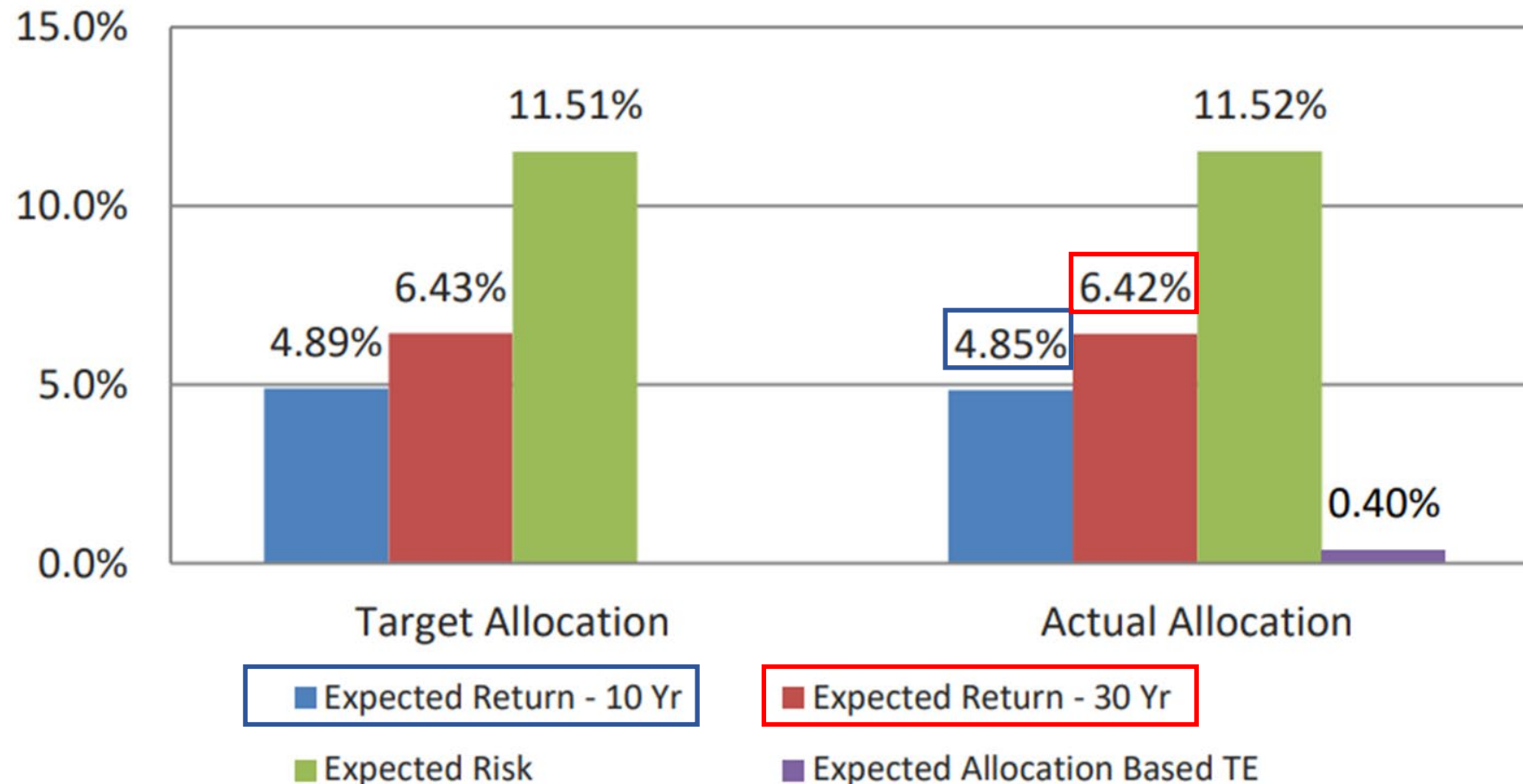
US Treasury Yields Reduced to Near Zero

We Need to Take Risks to Achieve Returns

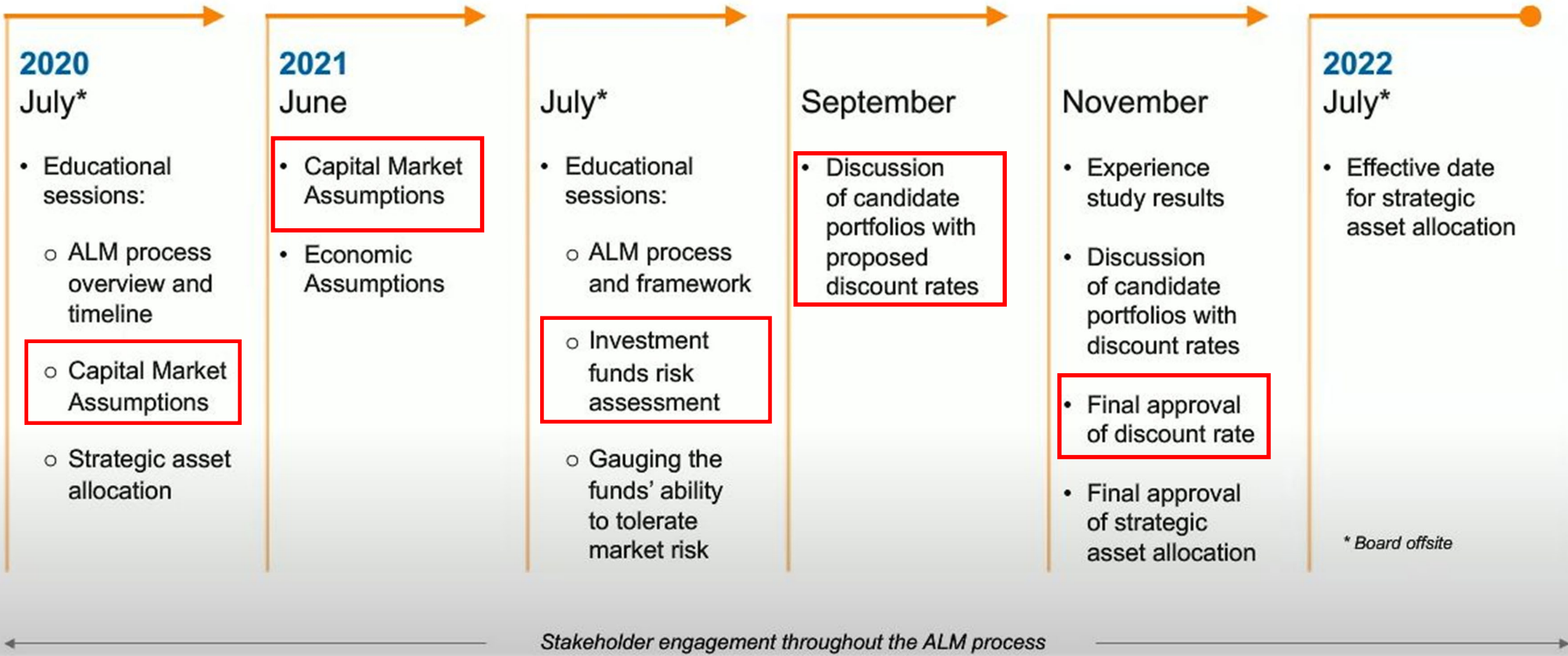


CalPERS Expected Return and Risk Estimates

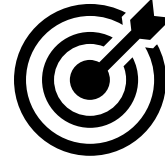
As of December 31, 2020



Asset Liability Management (ALM) – A Disciplined Approach

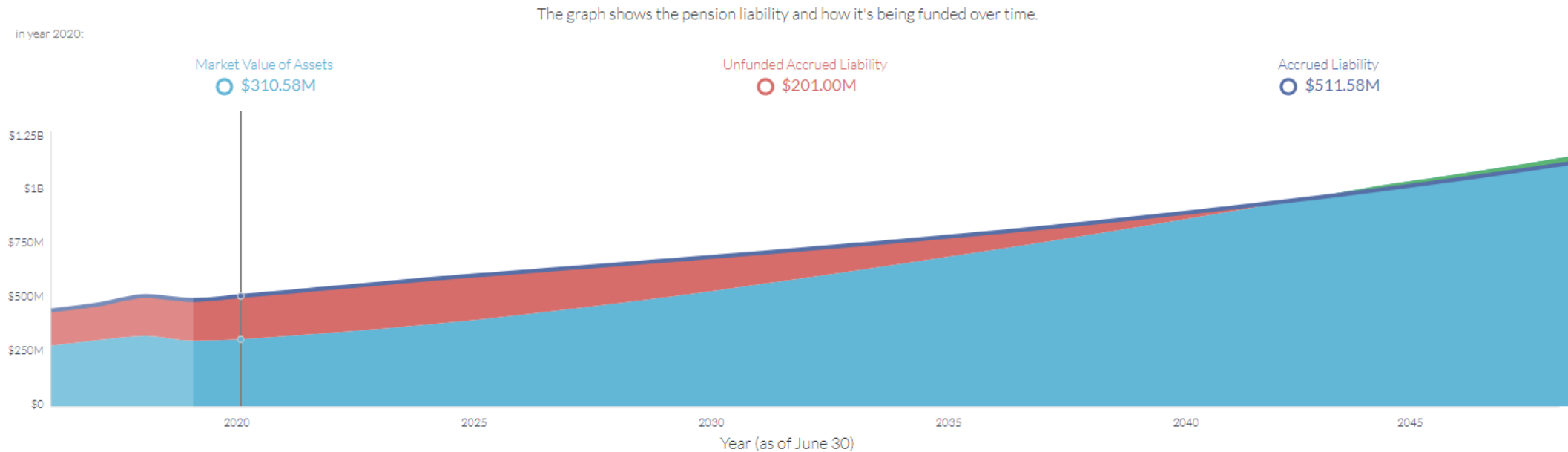


Source: CalPERS



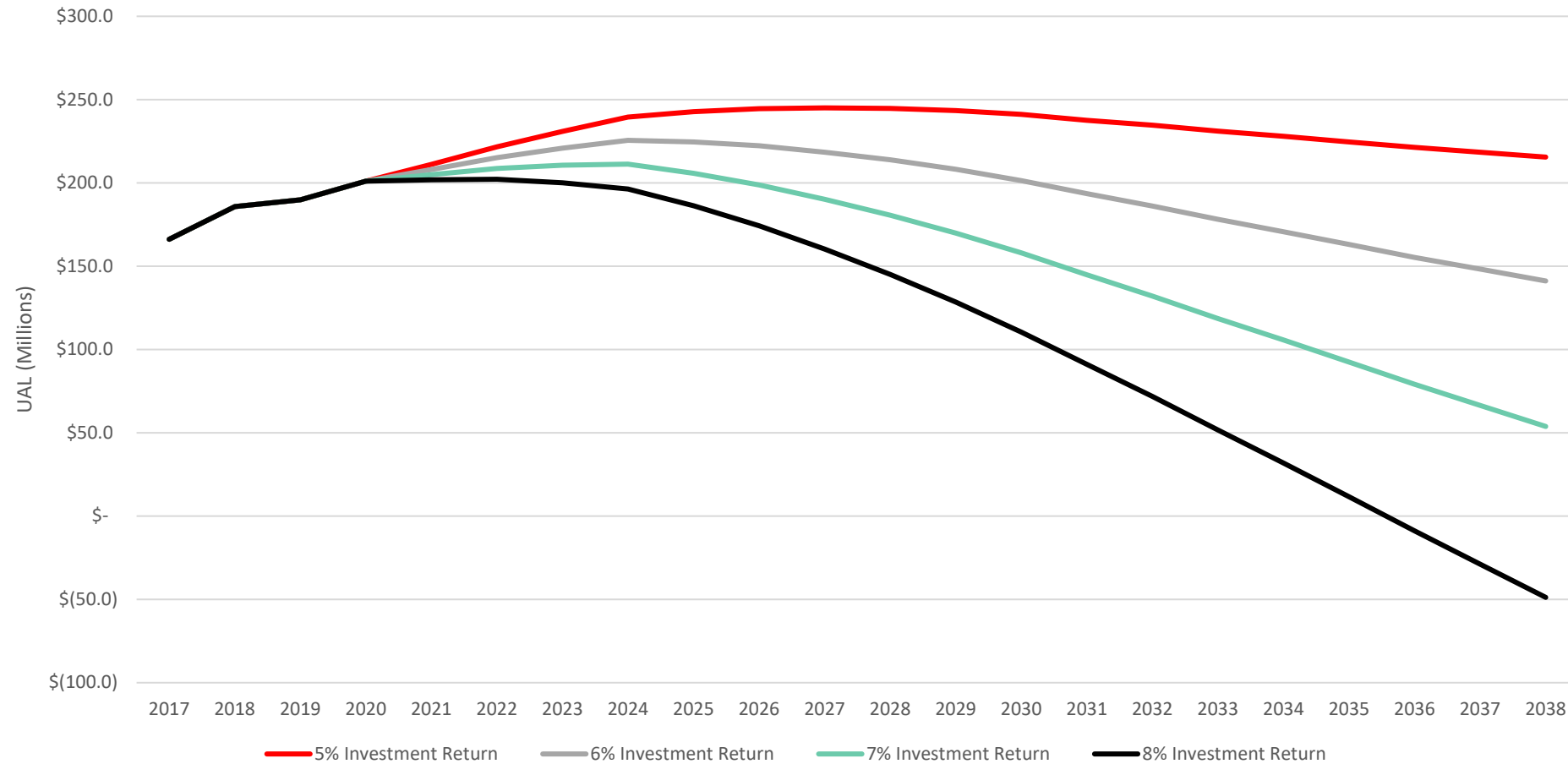
How is Napa Doing?

Unfunded Accrued Liability (UAL)



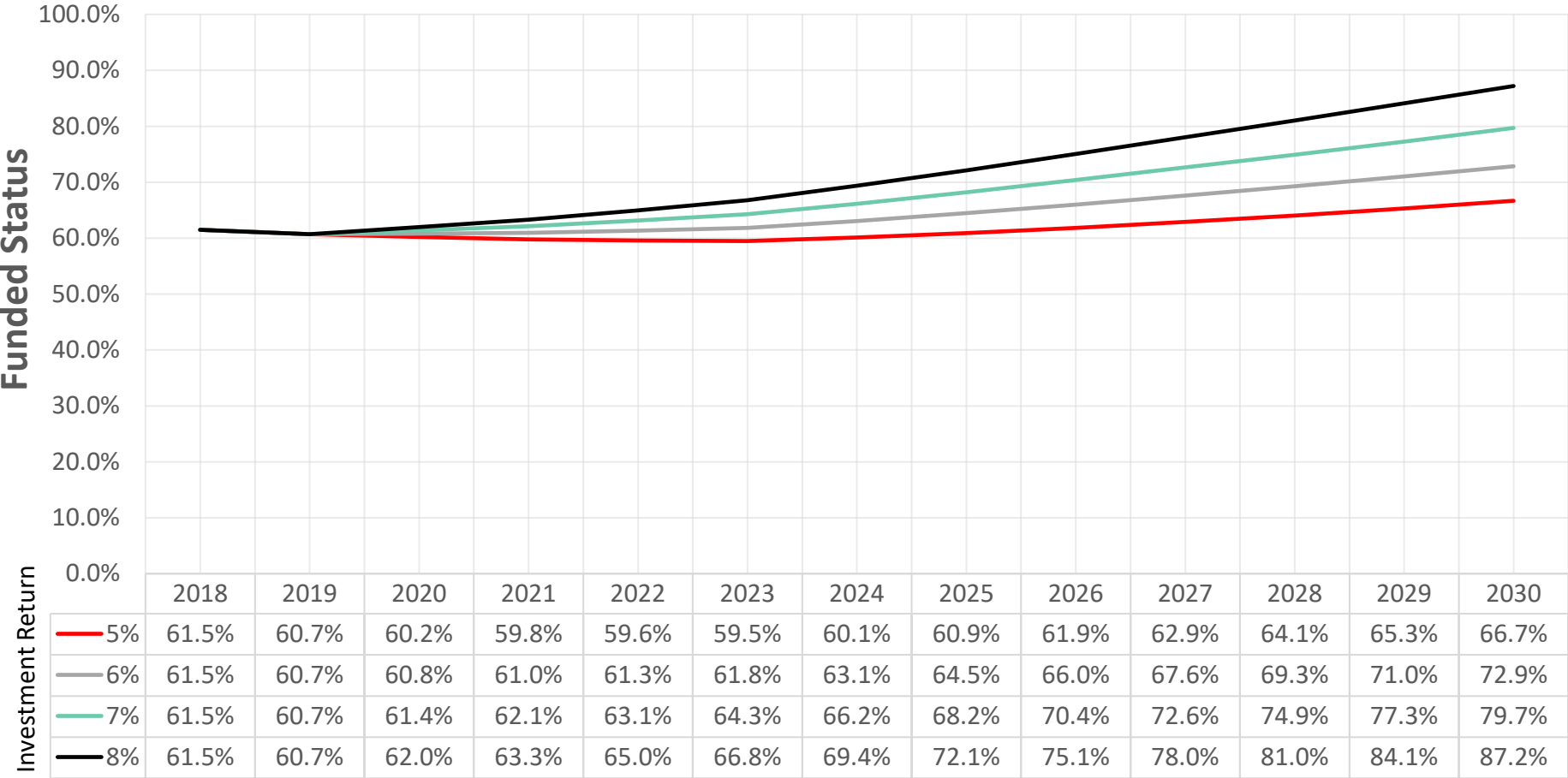
Projected UAL Balance

(Various Investment Return Scenarios)

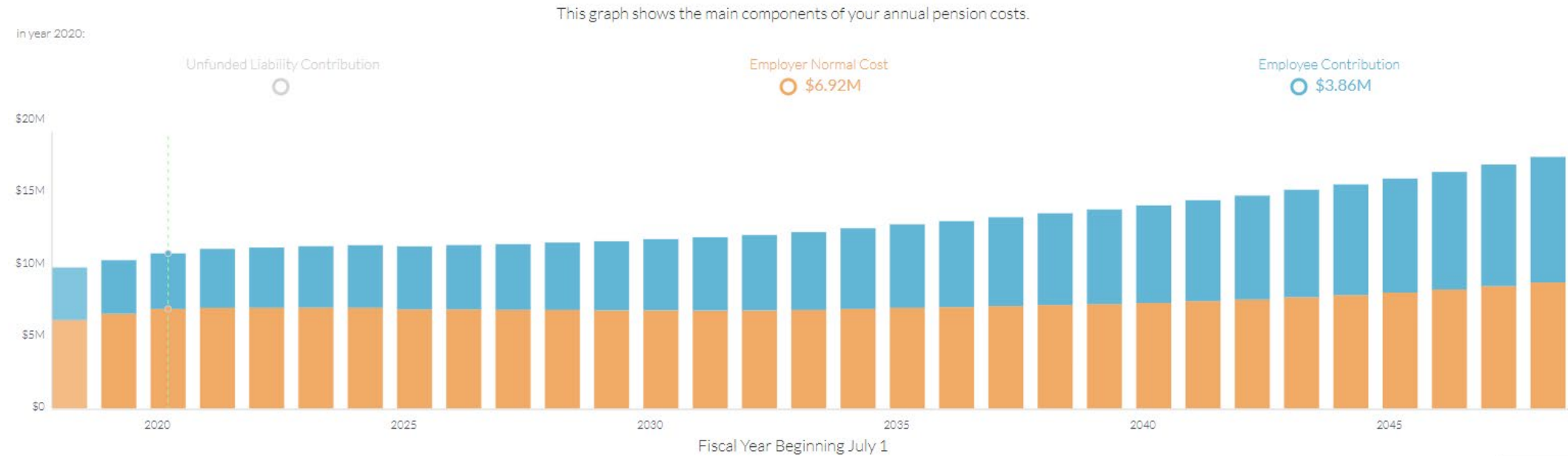


Plan Funded Status

(Various Investment Return Scenarios)



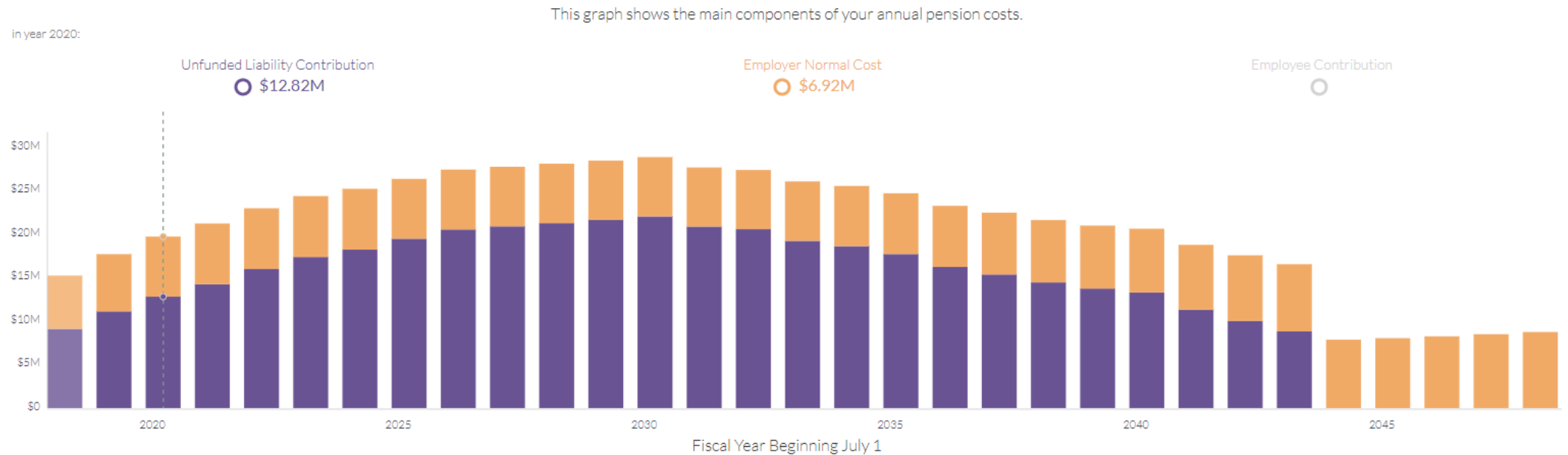
Total Normal Cost



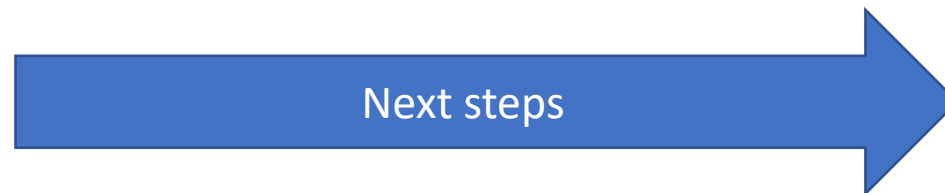
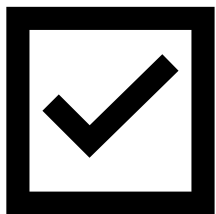
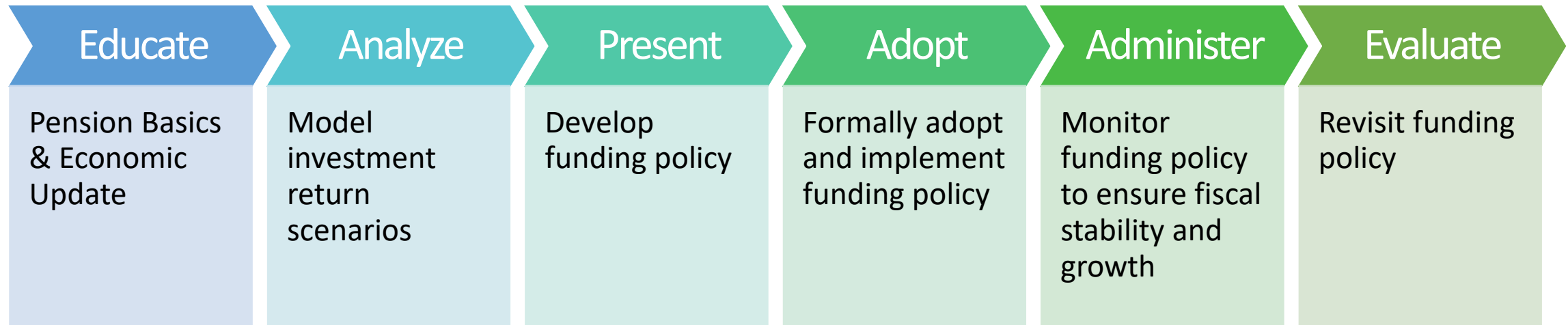
Employer Normal Cost



Required Employer Contribution



Building Blocks of Pension Funding: Next Steps





Questions



Disclaimer

While tested against actuarial valuation results, the software results will not necessarily match actuarial valuation results, as no two actuarial models are identical. The software offers financially sound projections and analysis; however, outputs do not guarantee compliance with standards under the Government Accounting Standards Board or Generally Accepted Accounting Principles. The software and this presentation are not prepared in accordance with standards as promulgated by the American Academy of Actuaries, nor do outputs or this presentation constitute Statements of Actuarial Opinion. GovInvest has used census data, plan provisions, and actuarial assumptions provided by Customer and/or Customer's actuary to develop the software for Customer. GovInvest has relied on this information without audit.

From: Amanda Steiner <[REDACTED]>
Sent: Tuesday, March 16, 2021 1:20 PM
To: Clerk <clerk@cityofnapa.org>
Cc: Terri Ritchie <tritchie@cityofnapa.org>
Subject: COMMENT TO COUNCIL FOR MARCH 16, 2021 MEETING – PLEASE READ

[EXTERNAL]

Hi Ladies,

I am submitting written comment to item 5D: Budget Staffing Plan for the Engineering Division of the Public Works Department

Good afternoon Council Members. Amanda Steiner, on behalf of NCEA-SEIU. As the Council considers a request to transfer \$25,500 from the Public Works Streets Division to fund an Associate Civil Engineer position we request the Council keep in mind that the Streets Crews are down 6 positions over the three crews. Our members have been told vacant frozen positions will not be filled until a Work Study is completed. Moreover, Management has told members in our Street Crews "the goal is not to fill ANY of the frozen vacant positions" and management is currently planning to use "one part time-temporary for 999 hours and they have another part time-temporary ready to go for another 999 hours." NCEA-SEIU sees this as a work around to filling our vacant and funded FTE positions.

The work these crews do is impeccable and of high quality, but when crews are short-handed and you are moving staff between crews who aren't as experienced in a particular skillset, mistakes and accidents are likely to happen. Just yesterday we had a "near miss" among our paving crew, removing concrete... work normally performed by the Concrete Crew.

We understand the Associate Civil Engineer position is important to evaluating and managing the Facilities and Infrastructure of the City, especially in light of the indefinite pause on a City Civic Center. BUT we urge the Council to fill our vacant funded streets positions and to consider the needs of those crews and whether moving \$25,500 from the Public Work Streets Division would impede filling those positions. Using part time temporary staff to do our FTE work is unacceptable.

Thank you for your time and consideration.

Respectfully,

Amanda Steiner
Field-Representative, SEIU Local 1021
[REDACTED]

From: [James Henry](#)
To: [Scott Sedgley](#)
Cc: [Liz Alessio](#); [Beth Painter](#); [Mary Luros](#); [Bernie Narvaez](#); [Joy Eldredge](#)
Subject: Milliken Creek Dam Repairs or Rebuild
Date: Monday, March 15, 2021 1:40:48 PM

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

Mayor Scott:

As we discussed recently for a short time I believe it is time to revisit the decision to bore the five holes in this dam.

At a minimum we should study repairing/rebuilding and or replacing and raising this dam. This is an asset owned by the City of Napa that is not maximized. The City controls the water shed and reservoir. Even though today this stored water is only used in the summer and fall the size can be improved to have water in the dry years.

I believe in wet years this dam still has flood control uses even with the Flood Project.

Funds can be found from various sources such as the Flood District, Other Cities in Napa County as back up water, Various Grants, Fish and Game, Recreation, and as a last resort City water rates.

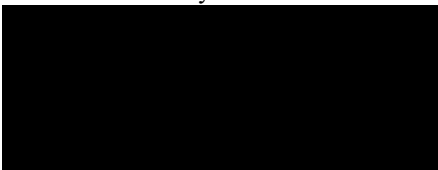
The City must look to the future now before we have many dry years in a row. This asset is here and could never be built today. I know there are little funds today but I strongly feel Napa will be back soon.

So with a study and a plan the effort, with Council support, could be undertaken and completed in a few years. Please give my suggestion some consideration.

Please feel free to contact me.

Jim

James B. Henry



ATTACHMENT 2

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

**City Council of the City of Napa
Regular Meeting
March 16, 2021**

FOR THE CITY COUNCIL OF THE CITY OF NAPA:

EVENING SESSION:

SUBMITTED PRIOR TO THE COUNCIL MEETING

12. PUBLIC COMMENT:

- Email from Lil Witten received on March 9, 2021. *
- Letter from Anonymous received on March 11, 2021. *
- Email from Anonymous received March 16, 2021.*

13. ADMINISTRATIVE REPORTS:

13.A. Discussion of City Council Priorities

- PowerPoint Presentation by City Staff.
- Email from Sharon Macklin received on March 11, 2021.
- Email from Monty Schacht received on March 13, 2021.
- Email from Lukas Opps received on March 15, 2021.
- Email from Isabel Montanez received on March 16, 2021.
- Email from Saul Chavez received on March 16, 2021.
- Email from Mario Fernandez received on March 16, 2021. *
- Email from Ines De Luna on behalf of Napa County Latinx Democratic Club received on March 16, 2021. *
- Email from Jon Riley on behalf of Napa and Solano Central Labor Council received on March 16, 2021. *
- Email from Paola Torres received on March 16, 2021.

SUBMITTED DURING OR AFTER THE COUNCIL MEETING

13. ADMINISTRATIVE REPORTS:

13.A. Discussion of City Council Priorities.

- 1) Email and attachments from Valerie Wolf on behalf of Napa Neighborhood Association for Safe Technology received on March 16, 2021.
- 2) Email from Christina Benz received on March 16, 2021.
- 3) Email from Erin Askim received on March 16, 2021.
- 4) Email from Wyatt Sorenson received on March 16, 2021.
- 5) Email from Jim Wilson received on March 16, 2021. *
- 6) Email from Emily Bit and Alisa Karesh received on March 16, 2021. *
- 7) Email from Nancy McCoy Blotzke received on March 16, 2021. *
- 8) Email from Gary Orton received on March 16, 2021.

****EMAIL OR HANDWRITTEN COMMENTS THAT WERE READ INTO THE RECORD BY CITY STAFF
DURING THE MEETING.***

From: [Cindy Skinner](#)
To: [Clerk](#)
Subject: Please Read
Date: Tuesday, March 9, 2021 1:33:11 PM
Attachments: [Ltr to CC Gray-Haven 3-9-21.pdf](#)

You don't often get email from cindy_skinner@comcast.net. [Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Our home on Pine Street is directly across from the Gray-Haven mansion.

We are a historical area -- Napa Abajo-Fuller Park Historic District. This 1,200-acre historic district contains 295 contributing buildings.

As grandparents and great-grandparents our most concern are the children at Shearer School, plus the pre-school children at Head Start at Fuller Park. Due to Gray-Haven, we understand that nearby apartment residents are moving out, at a time when Napa needs housing.

After much discussion on the phone, Dr. Gray-Haven invited two people from the neighborhood for a tour. In reality we did **not** have a tour, but we were there for a "talk"; she spoke, we listened. We had many questions, mainly having to do with security, usage of the facility, and inappropriate activities given the proximity of the elementary school. We were also concerned about the activities or previous convictions of the proposed residents at Gray Haven. According to her, the patients will be coming directly from a jail or prison **raw**. Without learning re-entry skills at the prison, her program is set up for failure. Told that they were "manageable", we asked, "How would the patients be controlled if they got out of hand, and did they have a psychiatrist on site?" She said that a psychiatrist -- able to administer medication -- would be coming once a week from Marin County. Asked if there was already a program like this in Napa, she said, "No, this was the first time they were going to implement this model." Asked if this model had been used before, she said "Yes", but didn't tell us where. We wanted to know the success rate; she did not give us those statistics. We asked, "What are you going to do in case they walk off?" She replied, "They'd better not."

Security: Cameras on the property and lighting. Asked if there would be fencing and she said, "They were thinking about that, but no taller than 5' because of vehicular traffic." If the neighborhood wanted more security, we'd have to provide and finance it ourselves, i.e., cameras, security patrol, etc.

Although I did not do clinical work, I am a retired social worker and psychologist and I worked in crisis intervention and advocacy in another California community. After speaking to her, I felt that she was a novice and naïve about her potential program. Asked if she had considered other available properties, or had "Plan B." She was surprised and said, "No." We told her that we knew of various properties that would be more suitable for her program.

Last week's City Council meeting indicated that some of the council had been on a tour to the facility, and were impressed with the restoration. The CC has more due diligence homework ahead:

1. The alleged success of her program
2. How other similar facilities have worked in California
3. The security of our neighborhood
4. Local police time/money monitoring, enforcing, jailing

By March 31, we expect City Council to answer these concerns.

Lil Witten,



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Lil Witten, [REDACTED]

500 words or less
Please Read at 3/16
City Council Meeting

Dear City Council:

I apologize for making these points anonymously. I am not ashamed of my words. However, my neighbor who identified himself publicly was quickly made the victim of an anonymous threat from someone saying they would visit his house. I do not want to be threatened or harmed.

Please consider the following:

1. At the March 2 Council meeting, Council members and city staff commented admiringly on the quality of the renovations of the historic building. I hope the Council and staff don't let the appeal of the renovation sway their thinking about Gray Haven's planned expansion. The quality of the renovation is not relevant. The expenditure of money does not give a property owner a free pass from the City on unrelated issues. Yes, it is great that the mansion has been renovated. That is not the point. The point is whether Gray Haven should be allowed to expand beyond the six-person limit.
2. At the March 2 meeting, NOT ONE Council member acknowledged that Gray Haven will be housing mentally ill former inmates. One Council member asked how many other residential care homes are in Napa. There are many residential care homes in Napa, for elderly residents and others. If the Council meant to ask how many other facilities like Gray Haven are operating in Napa, Gray Haven's backers provided the answer on their website. They stated: "Gray Haven is the only organization of its kind in this region."

3. Referring to Gray Haven as a residential care home is misleading. Gray Haven is not intended as a residential home. It is instead envisioned as what has more accurately been described as a “campus.” The Gray Haven campus, if approved by the City, will have multiple buildings, including new construction, to house up to 30 former inmates with criminal histories and possible substance abuse challenges.
4. The Gray Haven operators say that Gray Haven is not a drug treatment facility. However, in the materials they submitted in order to obtain a six-person license from the State, they admitted: “As Gray Haven focuses on clients who have become involved with the justice system, many may have a secondary diagnosis of a co-occurring disorder such as drug or alcohol abuse.”
5. Patricia Gray recently wrote to the neighbors to assure us that Gray Haven will not accept anyone “with a predatory nature, sexual offense, or a history of arson.” These assurances provide little comfort. It would seem that Gray Haven will allow people with anger management issues who might not have a “predatory nature” but could fly off into a violent rage. While arsonists will not be allowed, apparently countless other property crimes might be allowed. Nor does the list exclude gang-related crimes, gun use, robbery, drug dealing, etc., etc. The possibilities are endless.

Gray Haven is the brainchild of well-intentioned people. Good intentions are not enough. Say NO to this experimental campus in the middle of Old Town and just a block from schools and the park.

From: [REDACTED]
To: [Clerk](#)
Subject: Comment to Council For March 16, 2021 Meeting - Please Read [482 words]
Date: Tuesday, March 16, 2021 2:33:49 PM
Attachments: [Comment to Council For March 16.docx](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Comment to Council For March 16, 2021 Meeting - Please Read [482 words]

(attached and below)

Like a great many neighbors near Fuller Park, I am shocked and appalled to read of Gray Haven's proposal to locate a Mental Health Clinic for former convicts close to schools and a public park.

So I pose this question to Patricia Gray and Luis Nieves: *"Can you explain to me why you think this location does any good at all for the neighborhood? Do you have **any regard at all** for the neighbors who live here?"*

When we get to the public hearings I would really like to hear you answer this.

Gray Haven's brochure states: "A new nonprofit serving the Greater Bay Area, Gray Haven supports adults with serious mental health challenges and a history of incarceration." It goes on to describe eligibility: "Adults 18 + of either gender with a **DSM Axis I diagnosis** and incarceration history are eligible." It's important to note that they must meet **both** conditions.

So - since I live nearby - I ask myself: If this goes through, who might my new neighbors be? What kinds of medical diagnoses might Gray Haven residents have?

A quick Google search on "**DSM Axis I diagnosis**" yields a list of some 15+ mental health and substance use disorders that cause significant impairment. On February 19th 2021, Gray Haven sent a self-serving, marginally reassuring letter to some local neighbors. Notably, that letter was **not** sent to the individual apartment renters who live in the shadow of the house.

The letter stated that "residents must have a mental health disorder that is *not related* to substance misuse." That is not comforting - it still leaves another 14+ diagnoses on the list that eligible residents could have. Here are a few that stand out:

- Delirium, Dementia and Amnestic and Other Cognitive Disorders
- Mental Disorders Due to a General Medical Condition

- Schizophrenia and Other Psychotic Disorders
- Mood Disorders
- Anxiety Disorders
- Impulse-Control Disorders Not Else Classified

**

Gray Haven's Program Philosophy states: "The vision of Gray Haven is to provide an integrated suite of housing and outpatient behavioral health services for individuals who have become involved with the justice system **as a result of their mental health problems.**"

So, just to be clear: these folks were incarcerated right up until they join the program. And - importantly - they are STILL seriously mentally ill. They are STILL seriously mentally ill.

**

So, where does that leave us?

The proposed location of the Gray Haven Mental Health Clinic at 423 Seminary is a problem. I have no issue with the idea of providing these services.

- What **troubles** me deeply is the unthinkable poor location.
- What **scares** me is that - if Gray Haven is permitted to build as it proposes - there could be 30 "former inmates who are still mentally ill" walking around.

I feel sick to my stomach. If **you** were faced with this, how would **you** feel?

Name withheld for personal safety reasons



City Council Meeting
3/16/2021
Supplemental I - 13.A.
From: City Staff

City Council Workshop Follow-up

March 16, 2021

Purpose & Agenda

- Brief Review of Council Workshop held in February
- City Council Core Priority Areas
- Recap of Shortlist of Topics Discussed at Workshop
- Review of Current City Obligations and Projects
- Develop Resource Constrained Priorities for 2021
- Future Council Meeting for Overall Priority Project Plan Review (March 23rd)





Workshop Review

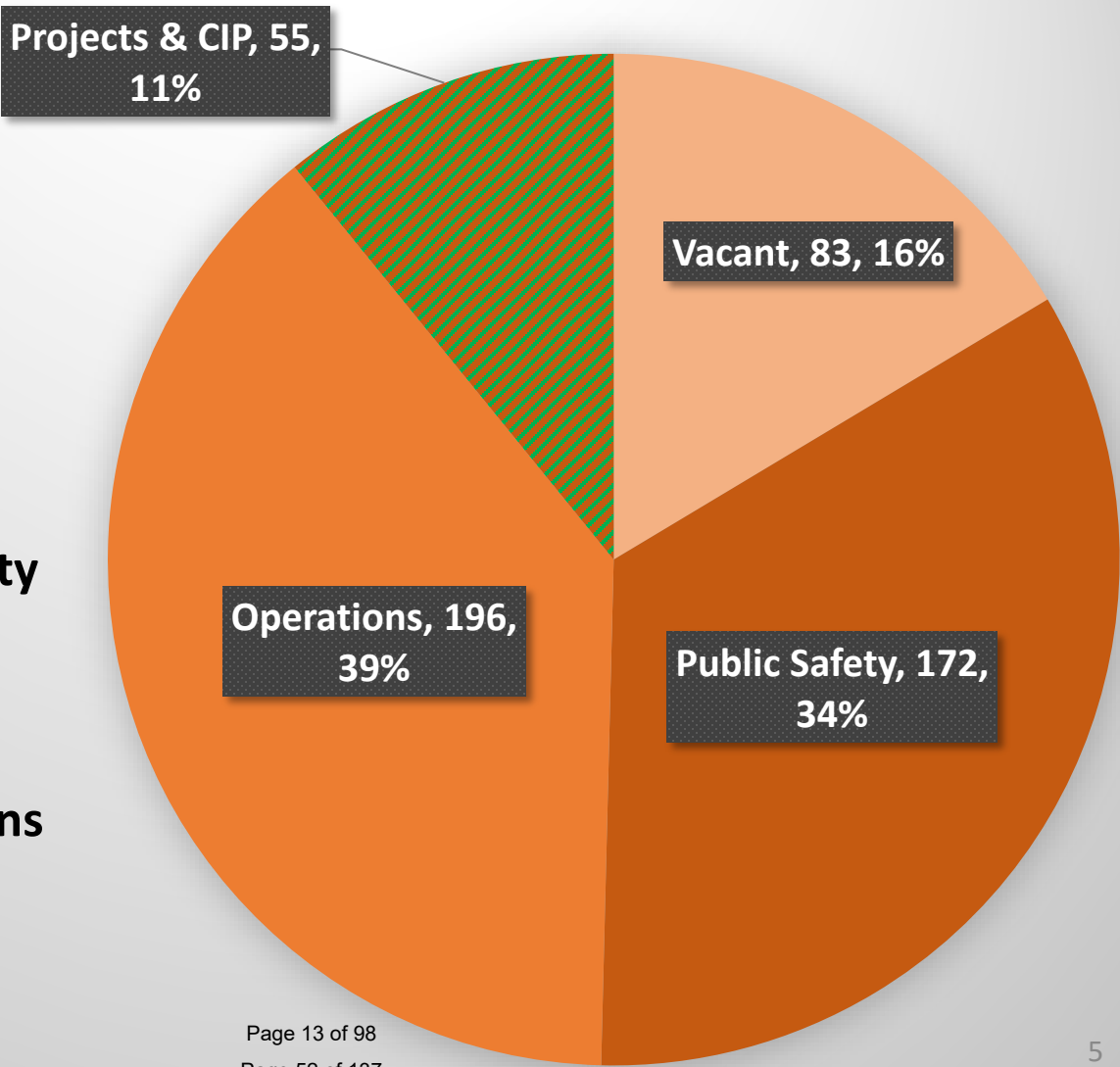
- Council Values, Roles, and Authority
 - Communication Protocols
 - Citywide Governance and District Elections
 - City Budget Update
 - Reference to Current City Projects & Initiatives
 - Capital Improvement Program Presentation
 - Mayor and Council Member Discussion of Important Community Topics
- ❖ This is the starting point for today's presentation

City Council Core Priority Areas

- Efficient and Stable Organization
- Streets, Sidewalks, and Infrastructure
- Where We Live - Housing and Neighborhoods
- Economic Development
- Community Focused Services
- + Diversity, Equity, and Inclusivity



City Positions: Core Services & Project Resources



Core Services (public safety & operations): 73% of positions

Vacancies: 16% of positions

Projects/CIP's: portion of time for 11% of positions

Core Services Examples

(89% of Positions)

- Public Safety Response
- Street, Park, and Utility Maintenance
- Billings, Payroll, etc.
- Building Maintenance & Janitorial
- Development & Building Permits
- Customer Service
- Website Upkeep
- Water Treatment and Distribution

Projects/Initiatives Examples


(Portion of 11% of Positions)

- Ordinance Changes
- Process Improvements
- Technology Upgrades
- Capital Improvement Program
- Safety Related Planning
- Property Negotiations
- Redistricting
- Annexations
- Council Reports & Presentations

+ Other Work

- Presentation will primarily focus on General Fund activities
- Significant efforts in other areas
 - Utilities and Solid Waste Management
 - Housing Division
 - Capital Improvement Program with over 100 approved projects
- All contribute to citywide workloads

TYPICAL DAY IN LOCAL GOVERNMENT ICEBERG – THE DAY TO DAY



The diagram features a stylized iceberg floating in a blue sea. The visible tip of the iceberg is white and jagged, while the much larger submerged portion is blue and also jagged. A dashed blue line extends from the top of the submerged part to the surface. A blue double-headed vertical arrow is positioned to the right of the iceberg, spanning the height of the visible tip. A white double-headed vertical arrow is positioned to the right of the submerged part, spanning its height. To the right of the blue arrow is a text block, and to the right of the white arrow is a list of activities.

Capacity for additional projects, newly identified priorities, disaster management, etc.

Day to Day activities:

- Administrative Support
- Public Safety Response
- Water & Solid Waste Services
- Streets and Sidewalks Maintenance/Improvement
- Development/Application Review
- Issue Permits & Licenses
- Manage Finances & Budget
- Manage Benefits & Recruiting
- Manage Parks, Open Spaces, Recreation Services
- Facilities & Fleet
- Existing Economic Development Efforts
- **Management of Employees, Projects and Operations**

Then
2020
Happened

COVID-19 Pandemic

83 Vacant Positions (16%
workforce)

City Executive Team Changes
(Police, Fire, HR, P&R)


Economic Uncertainty

Restructuring

District-based Elections

Social Justice Reform

ICEBERG – IN 2021



Reduced capacity for additional projects, newly identified priorities, disaster management, current and programmed priorities, etc.

2020 : COVID-19 Pandemic, District-based Elections, 83 Vacant Positions (16% workforce), Economic Uncertainty, Social Justice Reform, City Executive Team Changes (Police, Fire, HR, P&R), Restructuring

Day to Day activities:

- Administrative Support
- Public Safety Response
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- Facilities & Fleet
- Existing Economic Development Efforts
- **Management of Employees, Projects and Operations**

Current City Obligations and Projects

ATTACHMENT 2

- Review current major projects and initiatives by:
 - Council Core Priority Areas
 - Status and importance to continue
 - Must complete (near completion and/or significant regulatory, liability, or other consequences)
 - On-going priorities (most under resourced but underway and have potentially significant consequence if not completed)
 - Projects that could be delayed/cancelled but impacts expected
 - Projects that could be delayed/cancelled with less significant near-term City impacts
 - Topics listed by the Mayor or Council Member(s) for focus
- Priority level as part of current workloads
 - C = Current Priority
 - P = Programmed Priority
- Funding level
 - F = Funded
 - U = Under Funded/Under-Staffed
 - N = Not Funded

Shortlist of Topics Discussed by the Mayor or Council Member(s)

Efficient and Stable Organization

- Legislative Advocacy
- Organizational Stability
- Napa County League of Governments
- Expand Revenue

Streets, Sidewalks, and Infrastructure

- Project Labor Agreement
Informational Report

Where We Live-Housing and Neighborhoods

- Housing Creation & Reducing
Development Barriers
- Traffic Safety for All Travel
Modes
- Homeless Service Resources

Economic Development

- Cannabis Revenue and
Ordinance Change
- Economic Development
Partnerships

Community Focused Services

- Climate Change Resources
- Website Improvements
- Community Outreach

Diversity, Equity, and Inclusivity

- Language Equity

City Council Core Priority Areas

- **Efficient and Stable Organization**
- Streets, Sidewalks, and Infrastructure
- Where We Live - Housing and Neighborhoods
- Economic Development
- Community Focused Services
- + Diversity, Equity, and Inclusivity

Current Work Supporting Workshop Topics: Efficient and Stable Organization

ATTACHMENT 2

- Legislative Advocacy
 - recent activities have been subject specific
 - key example of need for increased resourcing is to ensure continued VLF funding
- Organizational Stability
 - 21 projects listed in top two high priority tiers with focus on improved systems, programs, and technology
- Napa County League of Governments
 - Yountville is lead agency this year, staff communicated with Yountville on Napa's interest to restart
- Expand Revenue
 - fee update underway
 - development impact fee update planned
 - preparing study on infrastructure funding/financing mechanism
 - examining several City-owned properties for potential repurposing

Efficient and Stable Organization

ATTACHMENT 2

ERP Implementation of HCM, Utility Billing, Finance/Budgeting	C/F
Implementation of Asset Management Software	C/F
Implementation of Construction Management Software	C/F
Implementation of Land Management Software – Trakit Replacement	C/F
Records Management System Implementation-PD	C/F
Implement Deferred Compensation Advisory Board	P/F
Update User Fees - Citywide	P/F
Upgrade Controlled Substance Hardware and Software	C/F
Streamline development review process (Management Partners Contract)	C/F
DOT Policy Update	C/U
Safety Programs	C/U
Protocols for ongoing COVID Management	C/U
Electronic Signature	C/U
Contracting Process	C/U
Fire Record Management System Implementation	C/U
Budget and ongoing financial management	C/U
Equipment Replacement Program/Funding Plan	C/U
Implement Work From Anywhere software and hardware	C/U
Implement enhanced IT security policies and infrastructure	C/U
Performance Evaluation program update	C/U
Civil Service Rules analysis	C/U
Update 5-year Capital Improvement Program (CIP) Plan	P/N
Real Property Transfers with Flood Control	C/F
Fleet Replacement Fund Analysis and right sizing charges	C/U
Continuity of Operations Plan (COOP) write and re-write every 5 years	C/U
Impact Fee Updates After General Plan	P/N
Comprehensive GIS software	C/N

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

City Council Core Priority Areas

- Efficient and Stable Organization
- **Streets, Sidewalks, and Infrastructure**
- Where We Live - Housing and Neighborhoods
- Economic Development
- Community Focused Services
- + Diversity, Equity, and Inclusivity

Current Work Supporting Workshop Topics: Streets, Sidewalks, and Infrastructure

- Project Labor Agreement Informational Report
 - Presentation was planned as part of City Hall Project but put on hold when project was suspended

Streets, Sidewalks, and Infrastructure

ATTACHMENT 2

Development of Local Roadway Safety Plan	C/F
Update Pavement Management Plan	C/F
Hazardous Materials Storage/Safety Equipment	C/F
New State Stormwater Quality Permit	C/U
Complete Storm Drain Condition Assessment and Plan	C/U
Street Repair- Citywide Program	C/U
Facilities Conditions Assessment Maintenance/Repairs	C/U
Storm Drain Repair/Replacement	C/N
Standard Plans and Specifications Update	P/F
Parks-Tree/Root Maintenance	P/U
Update Bridge Condition Assessment	C/U
Sidewalk Repair - City Wide Program GF Contribution	C/U
Parking Lot/Garages Assessment, Rehab/Maintenance	C/U
Soscol Bridge over Tulocay Replacement (with Caltrans)	P/N
River Park Property Assessment Review	P/N
Workshop Topics: Project Labor Agreements (PLA)	

High importance to complete
 On-going priority
 Possible to delay but impacts expected
 Possible to delay with less significant impacts
 Workshop topics

City Council Core Priority Areas

- Efficient and Stable Organization
- Streets, Sidewalks, and Infrastructure
- **Where We Live - Housing and Neighborhoods**
- Economic Development
- Community Focused Services
- + Diversity, Equity, and Inclusivity

Current Work Supporting Workshop Topics: Where We Live-Housing and Neighborhoods (1 of 2)

- Housing Creation & Reducing Development Barriers
 - Completing development services process changes focusing on improving the project approvals, specifically through entitlements (i.e. approval by Commission/Council)
 - Initiated staff level Development Services Committee, focused on improving customer service, efficiencies and troubleshooting the Building Permit Issuance and Management process
 - Replacing the Trakit Land Management Software (2021 commencement) to improve efficiencies, allow for better customer interface, and provide more useful and timely reports for permitting and building activity
 - Housing Division is in regular communication with affordable and for-profit developers on various housing sites throughout the City
 - CDD Staff support of ADU Center
 - Final construction approvals for 383 residential units in 2020

Current Work Supporting Workshop Topics?

Where We Live-Housing and Neighborhoods (2 of 2)

- Traffic Safety for All Travel Modes:

- Local Roadway Safety Plan will be developed by mid 2022
- program to install two pedestrian beacons per year continues
- grant will support installation of six pedestrian beacons at the Vine Trail crossings
- projects to upgrade signal equipment for traffic synchronization is underway
- Vine Trail Gap Closure (Vallejo Street to Third Street) construction this summer
- funding to advance Imola Corridor improvements likely

- Homeless Service Resources:

- In 2020 the resources for homeless clean up were increased and has resulted in improved conditions along Napa River Trail and around City bridges
- City and County reached agreement to fund (through a grant) an additional Park Ranger to patrol the area around the existing South County shelter
- City and County meet regularly to discuss homeless encampment cleanup coordination, homeless shelter expansion/improvement, other homeless shelter possibilities
- Council approved a transitional housing project
- County is remodeling the homeless shelter to increase capacity for sheltering
- Current Homeless Outreach Coordinator, working with Abode (non-profit homeless services) focusing efforts on getting individuals to move from encampments to shelter

Where We Live - Housing and Neighborhoods

ADU Center - Staff Support	C/F
Housing Element	C/F
Housing Law Update	C/F
General Plan Update	C/F
Island Annexations	C/U
New dispatch system implementation-fire/ambulance	C/U
New contract with Napa County Ambulance Provider	P/U
Zoning Ord Revisions following GP Update	P/N
Forensic Electronic Crimes Team	C/U
Crime Analyst	C/U
Housing Incentives Program - By Right Development	P/N
Workshop Topics: Housing Creation & Reducing Development Barriers, Traffic Safety All Modes, Homeless Service Resources	

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

City Council Core Priority Areas

- Efficient and Stable Organization
- Streets, Sidewalks, and Infrastructure
- Where We Live - Housing and Neighborhoods
- **Economic Development**
- Community Focused Services
- + Diversity, Equity, and Inclusivity

Current Work Supporting Workshop Topics: Economic Development

ATTACHMENT 2

- Cannabis Revenue and Ordinance Change
 - no current resources programmed, a workplan would need to be developed to move this initiative forward that would require voter approved measure and ordinance/zoning modifications, this is a significant amount of work and resources to move forward
 - this effort cannot be split into a phased approach, as the new revenue would be required to offset impacts
- Economic Development Partnerships
 - Business Alliance created by Econ Dev staff during COVID
 - WANB, SBDC, Chamber, Hispanic Chamber, Downtown Association and Econ Staff meets regularly
 - CDD Director on the WANB Board and PBID Board
 - Econ Dev Staff on Hispanic Chamber Board
 - weekly check-ins with Chamber and Downtown Association
 - twice per month Napa Restaurant Coalition meeting hosted by CDD Director
 - regular participation at Chamber GAP Committee meetings
 - CDD Director attends Downtown Association Board meetings
 - Econ Staff to TID and PW Director on Board

Economic Development

ATTACHMENT 2

Post Office	C/F
Town Center (Kohls Project)	C/F
Code Enforce Ord Modifications - Property Maintenance Fines	P/N
Changing outdoor dining regulations	C/U
Parklet policy/parking standards and impact fee	C/U
Evaluate new revenue sources	C/N
NV Economic Development Network	C/N
Workshop Topics: Cannabis Revenue and Ordinance Change, Economic Development Partnerships	

High importance to complete
On-going priority
Possible to delay but impacts expected
Possible to delay with less significant impacts
Workshop topics

City Council Core Priority Areas

- Efficient and Stable Organization
 - Streets, Sidewalks, and Infrastructure
 - Where We Live - Housing and Neighborhoods
 - Economic Development
 - **Community Focused Services**
- + Diversity, Equity, and Inclusivity

Current Work Supporting Workshop Topics: Community Focused Services

ATTACHMENT 2

- Climate Change Resources
 - staff and council time have been spent participating in the countywide committee
 - recently evaluated a draft Joint Powers Agreement and provided input to County Staff on direction
- Website Improvements
 - Limited, or no resources programmed for overhaul or significant changes to website at this time
 - refresh and look update anticipated for summer 2021 through existing contract
- Community Outreach
 - recent increased efforts in social media (English & Spanish), City Manager open letters, and optimizing content for community with efforts planned to continue

Community Focused Services

ATTACHMENT 2

ADA Compliance	C/U
COVID Compliance	C/U
Redistricting	C/U
Hazard Mitigation Plan (HMP) write and re-write every 5 years	C/U
Recreation Cost Recovery	C/F
Emergency Operations Plan (EOP) re-write every 5 years	C/U
Recreation-Re-evaluate Subsidies	P/U
Recreation- Create focus on specific programs	P/U
Parking-Assessment/Examine/Study Paid System	P/U
Citywide Communication and website/social media development	C/U
Sidewalk/Reproductive Rights	C/U
Climate Action Committee - JPA	P/N

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

Workshop Topics: Climate Change Resources, Website Improvements, Community Outreach

City Council Core Priority Areas

- Efficient and Stable Organization
- Streets, Sidewalks, and Infrastructure
- Where We Live - Housing and Neighborhoods
- Economic Development
- Community Focused Services
- + **Diversity, Equity, and Inclusivity**

Current Work Supporting Workshop Topics: Diversity, Equity, and Inclusivity

ATTACHMENT 2

- Language Equity:
 - improvements are being made with written community communications including social media and press releases translated
 - added translation tools to City website content
 - added translation tool add for on-line council agendas
- Generally, not specific to language equity:
 - internal diversity and equity training through Circle Up to commence in Q2 2021
 - external communication, stakeholder input and community meetings to commence in Q2 2021
 - membership in GARE for long-term support and assistance in Diversity/Equity improvements

Diversity, Equity, and Inclusivity

Community Outreach to address equity and systemic racism	C/U
Diversity, Equity & Inclusion Training Program	C/U
Wellness Program	C/U
Employee Engagement Survey	C/N
Workshop Topics: Language Equity	

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

ICEBERG – IN 2021

Current and Programmed City Priorities

2020 : COVID-19 Pandemic, District-based Elections, 83 Vacant Positions (16% workforce), Economic Uncertainty, Social Justice Reform, City Executive Team Changes (Police, Fire), Restructuring

Day to Day activities:

- Administrative Support
- Public Safety Response
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- Streets and Sidewalks Maintenance/Improvement
- Development/Application Review
- Issue Permits & Licenses
- Manage Finances & Budget
- Manage Benefits & Recruiting
- Manage Parks, Open Spaces, Recreation Services
- Facilities & Fleet
- Existing Economic Development Efforts
- **Management of Employees, Projects and Operations**

Next Steps

- Today
 - Determine Council consensus support in order to consider adding new priority projects
- This Week
 - For a project with consensus support, staff will develop a workplan and determine resources available and necessary for project
- March 23, 2021
 - Staff will come back with recommendations based on available resources for the 2021 final priority project list

Efficient and Stable Organization

ATTACHMENT 2

ERP Implementation of HCM, Utility Billing, Finance/Budgeting	C/F
Implementation of Asset Management Software	C/F
Implementation of Construction Management Software	C/F
Implementation of Land Management Software – Trakit Replacement	C/F
Records Management System Implementation-PD	C/F
Implement Deferred Compensation Advisory Board	P/F
Update User Fees - Citywide	P/F
Upgrade Controlled Substance Hardware and Software	C/F
Streamline development review process (Management Partners Contract)	C/F
DOT Policy Update	C/U
Safety Programs	C/U
Protocols for ongoing COVID Management	C/U
Electronic Signature	C/U
Contracting Process	C/U
Fire Record Management System Implementation	C/U
Budget and ongoing financial management	C/U
Equipment Replacement Program/Funding Plan	C/U
Implement Work From Anywhere software and hardware	C/U
Implement enhanced IT security policies and infrastructure	C/U
Performance Evaluation program update	C/U
Civil Service Rules analysis	C/U
Update 5-year Capital Improvement Program (CIP) Plan	P/N
Real Property Transfers with Flood Control	C/F
Fleet Replacement Fund Analysis and right sizing charges	C/U
Continuity of Operations Plan (COOP) write and re-write every 5 years	C/U
Impact Fee Updates After General Plan	P/N
Comprehensive GIS software	C/N

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

Streets, Sidewalks, and Infrastructure

ATTACHMENT 2

Development of Local Roadway Safety Plan	C/F
Update Pavement Management Plan	C/F
Hazardous Materials Storage/Safety Equipment	C/F
New State Stormwater Quality Permit	C/U
Complete Storm Drain Condition Assessment and Plan	C/U
Street Repair- Citywide Program	C/U
Facilities Conditions Assessment Maintenance/Repairs	C/U
Storm Drain Repair/Replacement	C/N
Standard Plans and Specifications Update	P/F
Parks-Tree/Root Maintenance	P/U
Update Bridge Condition Assessment	C/U
Sidewalk Repair - City Wide Program GF Contribution	C/U
Parking Lot/Garages Assessment, Rehab/Maintenance	C/U
Soscol Bridge over Tulocay Replacement (with Caltrans)	P/N
River Park Property Assessment Review	P/N
Workshop Topics: Project Labor Agreements (PLA)	

High importance to complete
On-going priority
Possible to delay but impacts expected
Possible to delay with less significant impacts
Workshop topics

Where We Live - Housing and Neighborhoods

ADU Center - Staff Support	C/F
Housing Element	C/F
Housing Law Update	C/F
General Plan Update	C/F
Island Annexations	C/U
New dispatch system implementation-fire/ambulance	C/U
New contract with Napa County Ambulance Provider	P/U
Zoning Ord Revisions following GP Update	P/N
Forensic Electronic Crimes Team	C/U
Crime Analyst	C/U
Housing Incentives Program - By Right Development	P/N
Workshop Topics: Housing Creation & Reducing Development Barriers, Traffic Safety All Modes, Homeless Service Resources	

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

Economic Development

ATTACHMENT 2

Post Office	C/F
Town Center (Kohls Project)	C/F
Code Enforce Ord Modifications - Property Maintenance Fines	P/N
Changing outdoor dining regulations	C/U
Parklet policy/parking standards and impact fee	C/U
Evaluate new revenue sources	C/N
NV Economic Development Network	C/N
Workshop Topics: Cannabis Revenue and Ordinance Change, Economic Development Partnerships	

High importance to complete
On-going priority
Possible to delay but impacts expected
Possible to delay with less significant impacts
Workshop topics

Community Focused Services

ATTACHMENT 2

ADA Compliance	C/U
COVID Compliance	C/U
Redistricting	C/U
Hazard Mitigation Plan (HMP) write and re-write every 5 years	C/U
Recreation Cost Recovery	C/F
Emergency Operations Plan (EOP) re-write every 5 years	C/U
Recreation-Re-evaluate Subsidies	P/U
Recreation- Create focus on specific programs	P/U
Parking-Assessment/Examine/Study Paid System	P/U
Citywide Communication and website/social media development	C/U
Sidewalk/Reproductive Rights	C/U
Climate Action Committee - JPA	P/N

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

Workshop Topics: Climate Change Resources, Website Improvements, Community Outreach

Diversity, Equity, and Inclusivity

Community Outreach to address equity and systemic racism	C/U
Diversity, Equity & Inclusion Training Program	C/U
Wellness Program	C/U
Employee Engagement Survey	C/N
Workshop Topics: Language Equity	

High importance to complete

On-going priority

Possible to delay but impacts expected

Possible to delay with less significant impacts

Workshop topics

Recap

Summary of Follow-up
Actions



Framework for March
23rd Meeting



End of Presentation

From: [Sharon Macklin](#)
To: [Clerk](#)
Subject: Heroes Act
Date: Thursday, March 11, 2021 3:27:26 PM
Attachments: [Heros act - city council - draft.docx](#)

You don't often get email from sharonmacklin80@gmail.com. [Learn why this is important](#) [Feedback](#)

[EXTERNAL]

Please share the attached with the City Council Members and Mayor.

Thank you.

Sharon Macklin

March 11, 2021

Napa Mayor and City Council Members

Re: HERO pay for frontline workers

Dear Mayor and Councilmembers,

The Covid 19 pandemic has made clear the importance of certain industries deemed essential, including grocery and drug retail employees. Since the beginning of the epidemic these workers have continued to show up at their jobs despite the inherent dangers of being exposed to the virus. There has been an ever increasing number of outbreaks in grocery stores, placing additional stress on these employees when they fear they cannot consistently maintain distance from crowds of customers at work.

Analysis shows that several retail chains, WalMart, Amazon, Target, Safeway, CVS, Walgreens, etc. are thriving, showing a 40% increase in profits in 2020, while their workers who keep the stores open are struggling economically. These are, in large part, low wage workers who have reported struggling to pay their bills, paying their rent and who have seen an increase in child care costs during the pandemic.

We ask that you mandate those companies who employ more than 300 employees raise their pay by \$5 per hour until the county can maintain/sustain a pandemic level yellow.

Respectfully Submitted,

Sharon Macklin

Progressive Women of Napa Valley

From: [Monty](#)
Sent: Saturday, March 13, 2021 11:08 PM
To: [Clerk](#)
Subject: Hazard pay for Napa grocery workers

Categories: Unverified Contact

You don't often get email from [REDACTED] [learn why this is important](#) [Feedback](#)

[EXTERNAL]

Sent from [Mail](#) for Windows 10

I have been employed by Nob Hill Foods for the past 45 years and have worked in Napa for 31 years. It is a stressful job, but rewarding to serve Napa residents. Unfortunately, the past 12 months have meant dealing with employees and customers who have either tested positive or have been around people who have been exposed to others. There have been at least 15 employees at my store who have tested positive. The only barrier we have in the checkstand are the plexiglass shields. If I am headed for the breakroom or restroom anybody could walk up and ask a question and not know whether this has tested positive or not. Raleys along with every grocery in Napa is only concerned about profit and loss, not the well being of their employees. It is not too late to ensure the well being of all essential workers in Napa just like other cities in the Bay Area have done such as San Leandro, Oakland, San Jose and Santa Clara County as well as Berkley and San Francisco along with Seattle and Long Beach. Thanks for considering this subject. We literally have put our lives on the line.

From: [Lukas Opp](#)
To: [Clerk](#)
Subject: Hazard pay
Date: Monday, March 15, 2021 9:05:06 PM

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

My name is Lukas and I work at the napa nob hill on trancas street and I feel that we should receive hazard pay for what we do for our community.

Sent from my iPhone

From: [Isabel Montanez](#)
To: [Clerk](#)
Subject: Hazard pay
Date: Tuesday, March 16, 2021 1:14:48 PM

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

I support the extra \$5 hazard pay because we risk our lives so everybody else can have food handy.

From: saul.chavez751
To: [Clerk](#)
Subject: Hassard pay
Date: Tuesday, March 16, 2021 1:19:36 PM

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[Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Yes this increase on pay is way overdue so many people had passaway and sicken because of the negligence of certain businesses like grocery stores and maby others help us in the front essential workers than you

Sent from my Boost Mobile Phone.

From: [Mario Fernandez](#)
Sent: Tuesday, March 16, 2021 3:45 PM
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR MARCH 16, 2021 MEETING – PLEASE READ

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[Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Public Comment on Item 13.A

Good Evening, councilmembers and mayor.

My name is Mario Fernandez, and I'm an organizer/researcher with United Food and Commercial Workers Local 5.

During your February council priorities workshop, you briefly discussed two topics of interest: "hero pay" (or Hazard Pay) for certain industry workers, and cannabis.

First, thank you for having these discussions; it is important to consistently revisit one's position and re-evaluate the progress.

Second, pass a Hazard Pay ordinance for grocery and retail drug workers. Grocery workers have a 1 in 5 chance of contracting COVID 19 according to a study published by the journal of Occupational & Environmental Medicine; these are not workers who can work from home. We recognize that some national grocers provided a small window of economic relief to their workforce in the form of hero pay last year for anywhere between 2-3months it all dried up as summer ended, grocers and some retailers continued record profits, and our COVID numbers became worse throughout the winter and the start of 2021. While staff has stated that there are some stores that have been "bucking it" all those stores have been unsuccessful in their civil judicial attempts.

It will be months before the vaccine becomes widely available to the extent of each grocery worker having an opportunity to receive it (with the shortages and inaccessibility we currently experience), and while it would not alleviate the risk it would reflect the essential quality of the work they have performed sometimes with inadequate access to personal protective equipment during this pandemic.

Lastly, expanding Napa's current cannabis ordinance to include recreational cannabis would be a boon for the city given the current industry projections and the growth during the pandemic. The idea is not necessarily for unlimited expansion in Napa rather for deliberate sector growth in cannabis to curb black market sales. Between the start of legalization in 2018 and its second quarter sales of 2020, Santa Rosa has brought in \$1.9 billion in industry taxes which includes 35% increase between fiscal year 2019 and fiscal year 2020. My suggestion is to talk with your north bay neighbor and expand your local market and reap the tax benefits that would allow for continued funding of city maintenance and public projects.

Mario Fernandez
Organizer/Researcher
United Food & Commercial Workers

Local 5



From: [Napa County LDC](#)
Sent: Tuesday, March 16, 2021 4:21 PM
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR MARCH 16, 2021 MEETING - PLEASE READ
Attachments: NCLDC_City Council Letter 3.16.21.pdf

Categories: Unverified Contact

You don't often get email from napacountyldc@gmail.com. [Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Hello,

Please find attached a letter from the Napa County Latinx Democratic Club regarding Item 13A - City Council Priorities.

Please let me know if you have any trouble opening the document.

In community,

Ines De Luna
NCLDC President



napacountyldc@gmail.com

Napa City Council
City of Napa
955 School Street
Napa, CA 94559

Subject: 3.16.2021 Napa City Council Meeting Agenda Item 13.A., City Council Priorities

Dear City Council and Staff,

The Napa County Latinx Democratic Club would like to address the pressing need for a comprehensive culturally competent Language Equity Plan to ensure that monolingual Latinx community members can properly access and engage in city services and resources.

Please consider the following statistics:

- 41.3% of the City of Napa's population is Latinx
- 15.4% of Napa's population identifies as non-English Speaking, which is almost exclusively Spanish-speakers (2014-2018 5-year American Community Survey)
- the Latinx community accounts for 49% of the county's total COVID-19 infection rates
- 56% of K-12 public school system
- At 33%, Napa County has the highest concentration of Latinx community members among the bay area counties, most of which reside in the City of Napa

Although we are encouraged that the City of Napa has made a commitment to Equity and Inclusion, we were disheartened when we heard the Spanish Language video of the General Plan Update. The translation was coarse, not culturally competent or sensitive, seemed ill-thought, and disparaging. Cultural competency goes beyond simply translating and reading off a script, it merits more thought to respectfully engage the community. This further emphasized the pressing need for this request.

We want to stress the need to allocate the appropriate resources to bring this work to fruition. We ask that resources be allocated to the following:

- Culturally Competent Staffing for externally facing staff roles
- Culturally Competent in-person translation and interpretation services for council meetings, committee meetings, and town halls
- Culturally Competent written and online translation and interpretation services for materials and website content



napacountyldc@gmail.com

As part of the American Rescue Plan Act, the City of Napa will receive a portion of the \$350 billion for states, territories, tribal governments, cities, and counties to mitigate the fiscal effects stemming from the public health emergency. We ask that the City Council prioritize a culturally competent Language Equity Plan and allocate funding from that resource to meet this pressing goal for the Latinx Community.

Thank you for considering this immediate need. We welcome any opportunity to work in collaboration with City staff to support this request.

In community,

Ines De Luna

NCLDC President

From: [Jon Riley](#)
Sent: Tuesday, March 16, 2021 4:13 PM
To: [Scott Sedgley](#); [Liz Alessio](#); [Bernie Narvaez](#); [Mary Luros](#); [Beth Painter](#); [Clerk](#)
Subject: Consideration of placing a Hero/ Hazard Ordinance on a future agenda.

Categories: Unverified Contact

You don't often get email from [REDACTED]

[Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Councilmembers, I wanted to thank you all for considering the need in your community to ensure that your workforce in the grocery and retail drug industry are being compensated for the risks they take while providing essential services during the National Pandemic.

The Napa and Solano Central Labor Council and our affiliated unions are in total support of the proposed Hazard Pay ordinance and feel that if faced with a similar situation in the future that we have a roadmap to ensure that we correct the mistakes made during this emergency relating to protecting our workforce and compensating them for the risk they and their families take to provide the essential services we rely on.

While we realize that you have a considerable amount of work to do setting your priorities, the timeliness factor of this item is a valid reason to direct staff to agenda this item and we hope you will consider doing so.

Thank you for your consideration.



Jon Riley
Executive Director
Napa/Solano CLC
Cell- 707-373-5250
www.napasolanoclc.org
One Vision One Voice
Working People Standing Together

From: [Paola Torres](#)
To: [Clerk](#)
Subject: Importance of hazardous pay
Date: Tuesday, March 16, 2021 5:45:16 PM

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

We're all working hard and risking their lives to put food on the table for families. Plenty of customers come into the store and spread germs daily. We're lucky to still have our jobs but were even luckier to still have our lives. Corona is no joke thousands of people have died. I get paid \$14 an hour I don't think that's worth my life. Please consider helping us out.

From: [Napa Neighborhood Association for Safe Technology](#)
Sent: Tuesday, March 16, 2021 6:11 PM
To: Scott Sedgley; Liz Alessio; Mary Luros; Beth Painter; Bernie Narvaez
Cc: [Steve Potter](#); [Clerk](#)
Subject: Written Public Comment for 3-16-21 Napa City Council Meeting: Item 13A, City Council Priorities (Please place in written public record)
Attachments: model-ordinance-americans-for-responsible-technology-2019.pdf; Ordinance- strong provisions.pdf; Petaluma-Ordinance-2662-N.C.S.-09_10_2018.pdf

Categories: Unverified Contact

[EXTERNAL]

Good evening, Napa City Council:

As you discuss priorities tonight, we ask that you make the adoption of an ordinance regulating small cell antennas a top one. Such an ordinance will cost the City absolutely nothing yet will go a long way toward protecting public health and safety, privacy, and property values. Public health and safety should always be a top priority but especially now given the pandemic; and, protecting homeowners' property values is an investment in our local economy as property taxes are the City's largest and most stable revenue source, reliable even during a natural disaster when room-tax dollars dry up.

The City was taken off guard when Verizon put in permit requests to install 64 small cell antennas in the public right of way in close proximity to schools and homes. Despite two public hearings with a combined three hours of public comment opposing the agreement, in a 2-3 vote the City agreed to allow Verizon to install 28 of them with the others either "pending" or "delayed," with those voting in favor claiming their hands were tied.

During the first meeting, then Vice Mayor Sedgley stated, "We need an updated ordinance" and that the precautionary principle should be

placed into the municipal code. We agree.

We feel fortunate that, for whatever reason, to date Verizon has not sought to install the 28 antennas the City approved. However, we are concerned that despite repeated requests the City has not updated its ordinance to get ahead of this issue.

We know from the pointed questions raised by Councilmember Alessio that while these antennas are higher frequency and higher intensity they are vulnerable to obstructions from trees and buildings and for that reason industry seeks to place them every 350 to 500 feet, which would mean 510 for Verizon alone. We also know that AT&T would not be far behind seeking its share.

We implore you to make an updated telecom ordinance your highest priority tonight as many cities have done throughout the state, country, and world. Such an ordinance should include required data showing a significant gap in telephone service, public notice (of a public hearing) of residents living near proposed sites via certified mail, evidence of NEPA compliance, a science-based setback from homes and schools, random, third party RF radiation testing at the telecom companies' expense, no cutting of trees to facilitate 5G signals, undergrounding of radio equipment, and more. These are all legal provisions a City can and should require.

We are attaching a model ordinance developed by Americans for Responsible Technology. We are also attaching a list of elements of a strong ordinance put together by Physicians for Safe Technology that indicates which cities have included these provisions in their ordinances. Finally, we are including Petaluma's ordinance as a specific example. Others have done the work for you. We simply ask that you reflect the will of your constituents and act on our behalf by making an updated telecom ordinance a priority tonight.

Thank you.

Valerie Wolf

Napa Neighborhood Association for Safe Technology

**MODEL WIRELESS TELECOMMUNICATIONS ORDINANCE
for Siting of "Small Cell" Telecommunication Infrastructure
in Public Rights-Of-Way**

This document is intended for use by towns and villages that have existing code for cell towers and other wireless communications infrastructure developed and adopted prior to the introduction of "small cell" wireless equipment and its widespread deployment on public rights-of-way.

We note that the proposed deployment of small cell infrastructure for 5G will result in the installation of a large number of additional wireless antennas in every community, many of which could be located in close proximity to homes and apartments, impacting many more residents and resulting in greater citizen concern about placement and potential impact on property values.

Moreover, as technology improves, the need for locating antennas in close proximity to homes and apartments may decline; therefore, municipalities should retain the flexibility to limit, to the extent possible, the deployment of small cells in close proximity to residential dwellings.

DISCLAIMER: This draft document is provided for informational purposes only, and is not intended to substitute for legal advice regarding zoning regulations or code compliance with local, state or federal law. Americans for Responsible Technology makes no assurances or guarantees regarding the applicability or suitability of this language for any municipality, and shall not be held responsible for any legal action arising from the use of language or concepts contained herein. Local municipalities should be aware that sample ordinances offered by wireless telecommunications companies, their subcontractors or the organizations they sponsor are generally not protective of the rights, welfare and property of local municipalities, their homeowners and other residents.

Section 1: FINDINGS

The Town of _____ hereby finds:

1.1 The wireless telecommunications industry has expressed interest in submitting applications to place antennas and associated equipment on new or existing structures in the Town's public rights-of-way for deployment of "small cell" wireless telecommunications facilities (hereinafter "small cell installations").

1.2 The deployment of small cell installations may have both positive and negative impacts on our community. Multiple small cell installations within the public right-of-way can impact property values; pose a threat to the public health, safety and welfare; create traffic and pedestrian safety hazards; impact trees where proximity conflicts may require trimming of branches or require removal of roots; create visual and aesthetic blights and potential safety

concerns from excessive size, height, weight, noise or lack of camouflaging which negatively impact the quality and character of the Town.

1.3 The Town currently regulates all wireless telecommunications facilities in the public right-of-way through a zoning and permit process. The Town's existing code has not been updated to reflect current telecommunications trends or necessary legal requirements. Further, the existing code provisions were not specifically designed to address the unique legal and practical issues that arise in connection with multiple small cell installations deployed in the public rights-of-way.

1.4 Federal regulations have changed substantially since the Town last updated its code regarding wireless telecommunications facilities. A recent FCC Order suggests that all local jurisdictions comply with various rules and recommendations on the exercise of local aesthetic, zoning, public works, and fee schedules when dealing with small cell installations. Thus the Town is in clear need of its own updated regulations for small cell installations in the public right-of-way given the number of anticipated applications and new legal timelines during which the Town must act.

1.5 The Town recognizes its responsibilities under the federal Telecommunications Act of 1996 and state law, and believes that it is acting consistent with the current state of the law in ensuring that development activity does not endanger public health, safety, or welfare. The Town intends this Ordinance to ensure that the installation, augmentation and relocation of small cell installations in the public rights-of-way are conducted in such a manner as to lawfully balance the legal rights of applicants under the federal Telecommunications Act and (*insert applicable State code*) with the rights, safety, privacy, property and security of residents of the Town.

1.6 This chapter is not intended to, nor shall it be interpreted or applied to: (1) prohibit or effectively prohibit any wireless telecommunications service provider's ability to provide wireless services; (2) prohibit or effectively prohibit any entity's ability to provide any interstate or intrastate telecommunications service; (3) unreasonably discriminate among providers of functionally equivalent services; (4) deny any request for authorization to place, construct or modify wireless telecommunications service facilities on the basis of environmental effects of radio frequency emissions so long as such wireless facilities comply with the FCC's regulations concerning such emissions; (5) prohibit any collocation or modification that the Town may not deny under federal or state law; or (6) otherwise authorize the Town to preempt any applicable federal or state law.

1.7 Based on the foregoing, the Town (*Board, Selectmen or other governing body*) finds and determines that the preservation of public health, safety and welfare requires that this Ordinance be enacted and be effective immediately upon adoption.

NOW, THEREFORE, the Town of [*insert name of municipality*] does ordain as follows:

Section 2: DEFINITIONS

"Co-Located Small Cell Installation" means a single telecommunication tower, pole, mast, cable, wire or other structure supporting multiple antennas, dishes, transmitters, repeaters, or similar devices owned or used by more than one public or private entity.

"Exempted Telecommunications Facility" includes, but is not limited to, the following unless located within a recognized Historic District:

- a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;
- b. A ground or building mounted citizens band radio antenna, including any mast, if the height (post and antenna) does not exceed thirty-five feet;
- c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;
- d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
- e. Mobile services providing public information coverage of news events of a temporary nature.
- f. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar personal-use devices.
- g. Government-owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.
- h. Town-owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.
- i. Telecommunication facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the Town and utilized for public and/or quasi-public uses where it is found by the Town Board to be compatible with the existing uses of the property and serving the public interest.
- j. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use

and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.

"Major Telecommunications Facility" means telecommunication towers, poles or similar structures greater than 50 feet in height, including accessory equipment such as transmitters, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, as well as support structures, equipment buildings and parking areas.

"Public Right of Way" means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, alley or similar purpose, and for purposes of this Chapter shall include Public Utility Easements, but only to the extent the Town has the authority to permit use of the area for this purpose. The term does not include a federal interstate highway or other areas that are not within the legal jurisdiction, ownership or control of the Town.

"Small Cell Installation" means all equipment required for the operation and maintenance of so-called "small cell" wireless communications systems that transmit and/or receive signals but are not "Major Telecommunications Facilities," including antennas, microwave dishes, power supplies, transformers, electronics, and other types of equipment required for the transmission or receipt of such signals.

Section 3: PERMITTING PROCESS

3.1 Permit Required. No small cell installation shall be constructed, erected, modified, mounted, attached, operated or maintained within the Town on or within any public right-of-way without the issuance of a permit. No approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the Town for delivery of telecommunications services or any other purpose.

3.2 Application Content. All permit applications must include:

- A. Detailed site and engineering plans for each proposed small cell installation, including all associated equipment necessary for its operation;
- B. A master plan showing the geographic service area for the proposed small cell installation(s), and all of applicant's existing, proposed and anticipated installations in the Town;
- C. Photographs of proposed facility equipment;
- D. Visual impact analyses with photo simulations;
- E. Certification by a certified radio-frequency engineer that the small cell installation will be in compliance with the FCC standards for RF emissions as they relate to the general public, including aggregate emissions for all co-located equipment;

- F. Certification that the applicant has a right under state law to install wireless telecommunications facilities in the public right-of-way;
- G. Documentation demonstrating a good faith effort to locate the small cell installation in accordance with the preferred provisions of this chapter;
- H. Documentation that owners of all properties within 500 feet of the proposed small cell installation have been notified in writing via certified mail of the proposed installation, including its exact location;
- I. An executed indemnification agreement as set forth in section 3.6 hereof.

3.3 Application Fee. The Town shall assess a per-installation fee of _____ (*See Note 1*) to cover the Town's costs of processing, reviewing, evaluating, conducting a public hearing, and other activities involved in consideration of the application, and conducting oversight of the construction of the small cell installation to ensure compliance with zoning requirements.

3.4 Consultant Fee. The Town shall have the right to retain an independent technical consultant to assist the Town in its review of the application. The reasonable cost of the review shall be paid by the applicant.

3.5 Compliance Bond. Upon approval of the application, the Permittee shall be required to post a bond in the amount of \$50,000 for each small cell installation, such bond to be held and maintained during the entire period of Permittee's operation of each small cell installation in the Town as a guarantee that no such installation, including any co-located equipment, exceeds or will exceed the allowable FCC limits for RF radiation exposure to the general public as determined by a qualified independent RF engineer under Section 3.7.2 hereof.

3.6 Indemnification. Permittee shall provide an executed agreement in the form provided by the Town, pursuant to which Permittee agrees to defend, hold harmless and fully indemnify the Town, its officers, employees, agents, attorneys, and volunteers, from (i) any claim, action or proceeding brought against the Town or its officers, employees, agents, or attorneys to attack, set aside, void, or annul any such approval of the Town or (ii) a successful legal action brought against the Town for loss of property value or other harm caused by the placement or operation of a small cell installation. This indemnification agreement shall be in a form acceptable to the Town Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the Town, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Permittee, the Town and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the Permittee to indemnify the Town for all of the Town's costs, fees and damages which the Town incurs in enforcing the indemnification provisions of this Section.

3.7 Annual Re-certification.

3.7.1 Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that (1) each active small cell installation is covered by liability insurance in the amount of \$2,000,000 per installation, naming the Town as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits.

3.7.2 The Town shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee.

3.7.3 In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Town shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest.

3.7.4 Any small cell wireless installation which is no longer in use shall be removed by the Permittee within 30 days of being taken out of use.

3.7.5 Any small cell wireless installation which is not removed within 30 days after being listed as no longer in use in the annual re-certification affidavit shall be subject to a fine of \$100/day until such installation is removed.

3.7.6 Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid.

3.8 Non-Permitted Installations Any small cell installation constructed, erected, modified or enhanced prior to the issuance of a site-specific permit from the Town shall be removed prior to the submission of any other application. No application for a small cell installation shall be considered, and no so-called "shot clock" for approval shall commence, while such unauthorized installations remain.

Section 4: LOCATION AND CONFIGURATION PREFERENCES

4.1 Siting Guidelines. The purpose of this section is to provide guidelines to applicants and the reviewing authority regarding the preferred locations and configurations for small cell installations in the Town, provided that nothing in this section shall be construed to permit a small cell installation in any location that is otherwise prohibited by this ordinance or any other section of the Town code.

4.2 Order of preference - Location. The order of preference for the location of small cell installations in the Town, from most preferred to least preferred, is:

1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone
4. Residential zone

(See Note 2)

Section 5: INSTALLATION SPECIFICATIONS

5.1. The Permittee must construct, install and operate the small cell installation in strict compliance with the plans and specifications included in the application.

5.2. Where feasible, as new technology becomes available, the Permittee shall replace larger, more visually intrusive facilities with smaller, less visually intrusive facilities, after receiving all necessary permits and approval required by the Town.

5.3. The Permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the Town. The Permittee shall notify the Town of any changes to the information submitted within seven days of any change, including the name or legal status of the owner or operator.

5.4. At all times, all required notices and signs shall be posted on the site as required by the FCC and state law, and as approved by the Town. The location and dimensions of a sign bearing the emergency contact name and telephone numbers shall be posted pursuant to the approved plans.

5.5. The Permittee shall maintain current at all times liability and property insurance for each small cell installation in the Public Right of Way in the amount of \$2,000,000 (Two Million dollars) naming the Town as additional insureds.

5.6. The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining properties.

5.7. Every effort shall be made to locate small cell installations no less than 1500 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within _____ feet of any permanent residential dwelling. *(See Note 3)*

5.8. Single or co-located small cell installations must be mounted on an existing structure such as a utility or lighting pole that can support its weight and the weight of any existing co-located equipment. All new wires needed to service the small cell installation must be located within the width of the existing structure so as to not exceed the diameter and height of the existing utility pole.

5.9. All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.

Section 6: APPLICABILITY

This chapter shall apply to all small cell installations and co-located small cell installations in the Town, and shall not apply to any Exempted Telecommunications Facility or Major Telecommunications Facility.

* * *

Note 1: In its *Declaratory Ruling and Third Report and Order* issued in September, 2018, the FCC suggests (but does not require) that application fees be no more than \$500 per application, which can include up to five small cell installations, with an additional \$100 per installation after five. The FCC also suggests a fee limitation of \$270 per year for each small cell installation to cover any recurring fees, including rights-of-way. However, municipalities may charge whatever are their actual costs for processing such applications.

Note 2: The town may also wish to include preference for the *configuration* of small cell installations, from most-preferred to least-preferred. Configuration preferences might be:

- (1) Co-located with existing wireless facilities,
- (2) Mounted on existing utility poles,
- (3) Mounted on new poles or towers.

Considerations include the structural integrity of existing utility poles, the fact that mandating co-located equipment could result in an unfair esthetic burden on some residents or neighborhoods, and the possibility that new poles might be bigger, heavier and more obtrusive than existing poles.

Note 3: Every effort should be made to avoid placement of small cell installations in close proximity to residences, particularly from sleeping and living areas. Viable and defensible setbacks will vary based on zoning.

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PHYSICIANS FOR SAFE TECHNOLOGY

Key Elements of Strong Local Ordinances

(Combination of ordinances passed and suggested. Please consult an attorney for questions)

- **FCC Clause:** Have a clause voiding the agreement or requiring its modification in the event of a regulatory change (overturning the FCC Order), according to a report by [Next Century Cities](#)
- **Conditional Use Permit:** Maintain that all wireless facilities both small cells and cell towers require a Conditional Use Permit by the planning department followed by an encroachment permit. (remove Minor wireless permit section 18.41.050 and add all wireless communications facilities to section 18.41.060) which is reopened every 3 to 5 years- [Sonoma City, California](#)
- **Significant Gap in coverage:** Maintain requirement for significant gap in coverage to be identified for approval of both small cells and cell towers. **Note:** Telecom still needs to show this.
- **Proof of NEPA Review:** Provide information showing this installation has received any required review (e.g., environmental assessment and review) by the FCC pursuant to the National Environmental Policy Act (NEPA), or is exempt from such requirements. If exempt, please state what the basis is for the exemption and provide proof, including supporting documents that establish that this installation meets such exemption.
- **Least Intrusive Methods:** Maintain requirement for the least intrusive methods to fill the gap for both small cells and cell towers. A justification study which includes the rationale for selecting the proposed use; if applicable, a detailed explanation of the coverage gap that the proposed use would serve; and how the proposed use is the least intrusive means for the applicant to provide wireless service. Said study shall include all existing structures and/or alternative sites evaluated for potential installation of the proposed facility and why said alternatives are not a viable option. **Note:** Telecom still needs to follow this. (Old-Palos Verdes)
- **Americans with Disabilities Act (ADA) Compliance.** All facilities shall be in compliance with the Americans with Disabilities Act (ADA). (New Palos Verdes)
- **Setbacks:**
 - **1500 Foot Setback** from other small cell installations: Every effort shall be made to locate small cell installations no less than 1500 feet away from the Permittee's or any Lessee's nearest other small cell installation, or within _____ feet of any permanent residential dwelling. (ART Ordinance) Setbacks Between Small

Cells: Calabasas, Petaluma, Fairfax, Mill Valley, and San Ramon (all California) require 1,500 feet between SCFs. (Boulder, CO Recommendation-[Boulder Colorado Small Cell Ordinance Legal Opinion Policy Report](#)). ([Los Altos Ordinance](#))

- **Setback From Roads or Property Lines:** No new tower shall be constructed without a setback from the tower's base of at least 1.5 times the tower height to a public or private road and at least 2.5 times the tower height to the nearest property line. ([Scenic America Model](#))
- **Setbacks from Schools:** 500-1500 foot setback from schools. ([Palo Alto Unified School District Cell Tower Policy](#)) ([Palo Alto 300 foot setback](#))
- **500 (to 1500) Meter setback recommended around schools, hospitals and homes.** The setback for Calabasas, CA is 1,000 feet (Boulder, CO Report), 500 ft Setback from residences (Petaluma). Engineering Article - "Limiting liability with positioning to minimize negative health effects of cellular phone towers." (2019) Pearce M. Environmental Research, Nov 2019; <https://www.sciencedirect.com/science/article/abs/pii/S0013935119306425>
- **Location Prohibition, Disfavored or Favored Locations**
 - **Preferred or Disfavored Locations:** In addition to residential areas, designate areas where cell towers are **disfavored** and not permitted, i.e. near schools, residential areas, city buildings, sensitive habitats, on ridge lines, public parks, Historic Overlay Districts, in open spaces or where they are **favored**. i.e. commercial zoning areas, industrial zoning areas. (Boulder, CO Report [Boulder Colorado Small Cell Ordinance Legal Opinion Policy Report](#)). ([Los Altos Ordinance](#))
 - **Disfavored Location:** Every effort should be made to avoid placement of small cell installations in close proximity to residences, particularly from sleeping and living areas. Viable and defensible setbacks will vary based on zoning. (ART ordinance) ([Los Altos Ordinance](#))
 - **Prohibited Zones for Small Cells:** Prohibits small cell telecommunication facilities in residential zones and multi-family zoning districts (Mill Valley) ([Los Altos Ordinance](#))
 - **Drip line of tree/heritage trees:** No facility shall be permitted to be installed in the drip line of any tree in the right-of-way.... (Old-Palos Verdes)- 15ft in Los Altos ([Los Altos Ordinance](#))
 - **Order of Preference – Location:** The order of preference for the location of small cell installations in the Town, from most preferred to least preferred, is: 1. Industrial zone
2. Commercial zone
3. Mixed commercial and residential zone 4. Residential zone (ART Ordinance and New Palos Verdes). ([Los Altos Ordinance](#))
 - **Fall Zone:** The proposed small cell installation shall have an adequate fall zone to minimize the possibility of damage or injury resulting from pole collapse or failure, ice fall or debris fall, and to avoid or minimize all other impacts upon adjoining property

- **Require Mock-up:** Require full-size mock-up of proposed SCFs and other pertinent information in order to adequately consider the same potential impacts. It also may want to adopt Larkspur's approach to require construction drawings, a site survey, and photo simulations. (Boulder, CO Report)
- **Notification of Property Owners:**
 - **Public notifications** of planning commission hearings; Either in newspaper, website no less than 14 days prior to the date of the hearing.
 - **Notification of all property owners** within 500 feet of the proposed installation within X timeframe
- **Speculative Equipment Prohibited.** The city finds that the practice of “pre- approving” wireless equipment or other improvements that the applicant does not presently intend to install but may wish to install at some undetermined future time does not serve the public's best interest. The city shall not approve any equipment or other improvements in connection with a Wireless Telecommunications Facility (Old-Palos Verdes)
- **Transfer of Permit:** The **permittee shall not transfer the permit** to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument required by section 12.18.080(B)(5). (Palos Verdes)
- **Authorization from Property Owner:** If the facility will be located on or in the property of someone other than the owner of the facility (such as a street light pole, street signal pole, utility pole, utility cabinet, vault, or cable conduit), the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property. (Palos Verdes)
- **Community Meeting:** The applicant would be **required to hold a community meeting** at least two weeks prior to the planning commission hearing on the use permit. (San Anselmo)
- **Noise**
 - **Noise Complaints:** If a nearby property owner registers a noise complaint, the city shall forward the same to the permittee. Said complaint shall be reviewed and evaluated by the applicant. The permittee shall have ten (10) business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the city determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the city may hire a consultant to study, examine and evaluate the noise complaint and the permittee shall pay the fee for the consultant if the site is found in violation of this chapter. The matter shall be reviewed by the director. If the director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the director may impose conditions on the project to achieve said objective. (Old- Palos Verdes)
 - **Noise Restrictions:** Each wireless telecommunications facility and wireless telecommunications collocation facility shall be operated in such a manner so as to minimize any possible disruption caused by noise.
 - Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 5:00 p.m. and 7:00 a.m.

- At no time shall any facility be permitted to exceed 45 DBA and the noise levels specified in Municipal Code XXX. ([Los Altos Ordinance](#))
- **General Liability Insurance \$ 2-5 million to protect the City:** The permittee shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an **insurance policy or policies of commercial general liability insurance**, with minimum limits of **Two Million Dollars (\$2,000,000)** for each occurrence and Four Million Dollars (\$4,000,000) in the aggregate, that fully protects the city from claims and suits for bodily injury and property damage. The insurance must name the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers as additional named insureds, be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best's Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced except with thirty (30) days prior written notice to the city, except for cancellation due to nonpayment of premium.... (Old- Palos Verdes)
- **Endangerment, Interference:** No person shall install, use or maintain any facility which in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, the use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location.
- **Annual Recertification:** Each year, commencing on the first anniversary of the issuance of the permit, the Permittee shall submit to the Town an affidavit which shall list all active small cell wireless installations it owns within the Town by location, certifying that (1) each active small cell installation is covered by liability insurance in the amount of \$2,000,000 per installation, naming the Town as additional insured; and (2) each active installation has been inspected for safety and found to be in sound working condition and in compliance with all federal safety regulations concerning RF exposure limits. (ART Ordinance)
- **Radiofrequency Testing and Monitoring**
 - **Radiofrequency: RF Compliance Report and RF Data Request Sheet (Attachment A):** Require all applicants to submit an **RF Compliance Report** signed by a registered Professional Engineer, together with a completed form **RF Data Request Sheet (Attachment A)** that provides technical information sufficient for power density verification. The **RF Compliance Report** should provide power density calculations in microwatts per centimeter squared (uW/cm²) as well as percent of FCC standard; and power density calculations should be provided in tabular form showing power density at 10' increments out to a distance of 1000 feet at ground level (6') and to second-story building level (16'). [Attachment A - RF Data Request Sheet](#)
 - **Independent Expert:** The director is authorized to retain on behalf of the city an independent, qualified consultant to review any application for a permit for a

wireless telecommunications facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall address any or all of the following: xxxx (Old- Palos Verdes)

- **Random Testing for RF Compliance:** The Town shall have the right to employ a qualified RF engineer to conduct an annual random and unannounced test of the Permittee's small cell wireless installations located within the Town to certify their compliance with all FCC radio-frequency emission limits as they pertain to exposure to the general public. The reasonable cost of such tests shall be paid by the Permittee. (ART Ordinance)
- **Violation of Compliance Notification:** In the event that such independent tests reveal that any small cell installation or installations owned or operated by Permittee or its Lessees, singularly or in the aggregate, is emitting RF radiation in excess of FCC exposure guidelines as they pertain to the general public, the Town shall notify the Permittee and all residents living within 1500 feet of the small cell installation(s) of the violation, and the Permittee shall have forty-eight (48) hours to bring the small cell installation(s) into compliance. Failure to bring the small cell installation(s) into compliance shall result in the forfeiture of all or part of the Compliance Bond, and the Town shall have the right to require the removal of such installation(s), as the Town in its sole discretion may determine is in the public interest. (ART Ordinance)
- **Non- acceptance of Applications:** Where such annual re-certification has not been properly or timely submitted, or equipment no longer in use has not been removed within the required 30-day period, no further applications for small cell wireless installations will be accepted by the Town until such time as the annual re-certification has been submitted and all fees and fines paid. (ART ordinance)
- **Aesthetics and Undergrounding:** All equipment not to be installed on or inside the pole must be located underground, flush to the ground, within three (3) feet of the utility pole. Each installation is to have its own dedicated power source to be installed and metered separately.
- **Aesthetic Requirements:** "Law firm Baller Stokes & Lide highlighted the following aesthetic considerations that local governments can consider: "Size of antennas, equipment boxes, and cabling;
 - Painting of attachments to match mounting structures;
 - Use of shrouds, stealth techniques, or other camouflage;
 - Flush-mounting of antennas;
 - Placement of equipment in the pole base rather than on the outside of the pole;
 - Consistency with the character of historic neighborhoods;
 - Minimum spacing between attachments;" and
 - Aesthetic standards for residential neighborhoods, including "any minimum setback from dwellings, parks, or playgrounds and minimum setback from dwellings, parks, or playgrounds; maximum structure heights; or limitations on the use of small, decorative structures as mounting locations." (Boulder, CO Report)

EFFECTIVE DATE OF ORDINANCE
--

October 11, 2018

ORDINANCE NO. 2662 N.C.S.

Introduced by

Seconded by

Gabe Kearney

Kathy Miller

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING
CHAPTER 14.44 OF THE PETALUMA MUNICIPAL CODE AND CHAPTER 7,
SECTION 7.090 OF THE IMPLEMENTING ZONING ORDINANCE TO ADD A
DEFINITION FOR SMALL CELL FACILITIES, TO OUTLINE REGULATIONS FOR THE
INSTALLATION AND LOCATION OF SMALL CELL FACILITIES IN PETALUMA
AND ADDING A COLUMN FOR SMALL CELL FACILITIES TO THE ZONING TABLE**

WHEREAS, Section 332(c)(7) of Title 47 of the U.S. Code, part of the Telecommunications Act of 1996, provides that nothing in the chapter shall limit or affect the authority of a state or local government over decisions regarding the placement, construction and modification of personal wireless service facilities, so long as such decisions do not unreasonably discriminate among providers of equivalent services and do not prohibit or have the effect of prohibiting the provision of personal wireless services; and

WHEREAS, California Public Utilities Code Section 7901.1 gives the City the right to control, in a reasonable manner, the time, place, and manner where telecommunications facilities can be located in City rights of way, so long as the controls are applied to all entities in an equivalent manner; and

WHEREAS, the Petaluma Municipal Code (PMC), in Chapter 14.44 and the City's Implementing Zoning Ordinance (IZO), Ordinance 2300 N.C.S, in Chapter 7.090 both regulate telecommunications facilities within Petaluma; and

WHEREAS, existing telecommunications companies have requested the addition of Small Cell Facilities within Petaluma to offload data from existing telecommunications infrastructure; and

WHEREAS, the City, at this time, and within its absolute right as owner of City property, declines to add or permit the adding of small cell telecommunications facilities to existing City infrastructure; and

WHEREAS, by precedent set in *GTE Mobilnet of Cal. Ltd. P'ship v. City & Cty. of San Francisco*, 440 F. Supp. 2d 1097 (N.D. Cal. 2006), Small Cell Facilities may be located on existing privately-owned infrastructure in the public right-of-way; and

WHEREAS, under 47 U.S. Code Section 332(C)(7) and California Public Utilities Code Section 7901, the City may not ban such Small Cell Facilities; and

1 **WHEREAS**, in order to protect the general welfare of citizens of Petaluma, the City Council
 2 intends to update the PMC and IZO to limit the siting of small cell facilities within the scope of
 3 existing laws; and
 4

5 **WHEREAS**, Section 25.010 of the City's IZO provides in pertinent part that no amendment
 6 that regulates matters listed in Government Code Section 65850, which matters include the use of
 7 buildings and structures, shall be made to the IZO unless the Planning Commission and City Council
 8 find the amendment to be in conformity with the City's General Plan and consistent with the
 9 public necessity, convenience and general welfare in accordance with Section 25.050(B) of the
 10 IZO; and
 11

12 **WHEREAS**, on June 12, 2018, the Planning Commission held a duly noticed public hearing
 13 in accordance with Chapter 25 of the IZO to consider the proposed amendments to the PMC and
 14 IZO concerning small cell sites; and
 15

16 **WHEREAS**, after the conclusion of said public hearing, the Planning Commission adopted
 17 Resolution No. 2018-19, recommending that the City Council adopt the amendments; and
 18

19 **WHEREAS**, the City Council finds that the proposed edits to Chapter 14.44 of the PMC and
 20 to the IZO, Ordinance 2630 N.C.S. are exempt from the California Environmental Quality Act
 21 ("CEQA") pursuant to Sections 15061(b)(2), 15183 and 15301 because the project is exempt due
 22 to a categorical exemption and the application of that categorical exemption is not barred by
 23 one of the exceptions set forth in Section 15300.2, the proposed amendments will direct Small Cell
 24 Facilities to appropriate business and industrial zones; and because the proposed zoning
 25 amendments will allow Small Cell Facilities with a City of Petaluma Conditional Use Permit and
 26 Encroachment Permit that: 1) add Small Cell Facilities to existing public utilities designed to support
 27 such uses and 2) modify existing public utilities with a new ancillary structure, without interfering
 28 with the principle use and adding utility to the community, and there are no cumulative impacts,
 29 unusual circumstances or other factors that would make the exemption inapplicable; and
 30

31 **WHEREAS**, the amendments contained in this ordinance to modify Chapter 14, Section
 32 14.44 of the PMC and Chapter 7, Section 7.090 - Telecommunications Facilities of the IZO
 33 implement, and, consistent with applicable state and federal laws, address the precise
 34 requirements, including location, for Small Cell Facilities in the City; and
 35

36 **WHEREAS**, on July 5, 2018, a public notice of the July 16, 2018 public hearing before the
 37 City Council to consider the proposed PMC and IZO amendments was published in the Petaluma
 38 Argus-Courier; and,
 39

40 **WHEREAS**, on July 16, 2018, the City Council held a duly noticed public hearing to consider
 41 the amendments;
 42

43 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PETALUMA AS FOLLOWS:**
 44

45 **Section 1. FINDINGS.** The City Council of the City of Petaluma hereby finds:
 46

- 47 1. In accordance with Sections 25.010 and 25.050(B) of the City's IZO, Ordinance No. 2300
 48 N.C.S., the proposed amendments to the IZO in Chapter 7, Section 7.090 -
 49 Telecommunications Facilities contained in this ordinance are in general conformity with the
 50 Petaluma General Plan 2025 in that these changes do not change the general character
 51 and impacts of current zoning regulations.
- 52 2. In accordance with Section 25.050(B) of IZO, the proposed amendments are consistent with
 53 the public necessity, convenience and welfare in that they:

- a. Ensure Petaluma's land use and zoning regulations provide safe and appropriate locations where installation of Small Cell Facilities is appropriate;
 - b. Comply with 47 U.S.C. Section 332(C)(7) and California Public Utilities Code sections 7901 and 7901.1 which permit local regulation of telecommunication facilities; and
 - c. Provide for buffers to prevent Small Cell Facilities from having negative visual impacts on residential land uses.
3. This ordinance is exempt from CEQA pursuant to Sections 15061(b)(3), 15183 and 15301 of the CEQA Guidelines because the project is exempt due to a categorical exemption and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2, the proposed amendments will direct Small Cell Facilities to appropriate business and industrial zones; and because the proposed zoning amendments will allow Small Cell Facilities with a City of Petaluma Conditional Use Permit and Encroachment Permit that: 1) add Small Cell Facilities to existing public utilities designed to support such uses and 2) modify existing public utilities with a new ancillary structure, without interfering with the principle use and adding utility to the community, and there are no cumulative impacts, unusual circumstances or other factors that would make the exemption inapplicable.

Section 2. Sections 14.44.020 and 14.44.090 of Chapter 14.44 - Telecommunications Facility and Antenna Requirement of the PMC are hereby amended to read as follows:

14.44.020 Definitions.

- S. "Telecommunication facility" means a facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.
1. "Telecommunications facility - exempt" includes but is not limited to, the following unless located within a recognized Historic District:
 - a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet;
 - b. A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed thirty-five feet;
 - c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed thirty-five feet;
 - d. A ground or building mounted receive-only radio or television satellite dish antenna, which does not exceed thirty-six inches in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
 - e. All citizens band radio antenna or antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service which existed at the time of the adoption of this chapter (September 1996).
 - f. Mobile services providing public information coverage of news events of a temporary nature.

- g. Hand-held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless telephones, garage door openers and similar devices as determined by the planning director.
 - h. City government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding thirty-five feet.
2. "Telecommunications facilities - major" are all telecommunication facilities not clearly set forth and included in the definition of exempt, minor or mini facilities.
3. "Telecommunications facility - mini" is an attached wireless communication facility consisting, but not limited to, the following unless located on a structure recognized as a historic landmark:
- a. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the tenant occupying the parcel on which the radio or television antenna is located; with an antenna height not exceeding fifty feet;
 - b. A ground or building mounted citizens band radio antenna including any mast, if the height (tower, support structure, post and antenna) does not exceed seventy feet;
 - c. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, if the height (post and antenna) does not exceed seventy feet.
 - d. A ground or building mounted receive-only radio or television satellite dish antenna, with diameter exceeding thirty-six inches but less than eight feet in diameter, for the sole use of the resident occupying a residential parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridgeline of the primary structure on said parcel.
 - e. Exempt telecommunication facility located within a recognized historic district.
 - f. City owned and operated antennae used for emergency response services, public utilities, operations and maintenance if the height does not exceed seventy feet.

If a facility does not meet these criteria then it is considered either an "exempt", "minor" or "major" telecommunication facility.

4. "Telecommunications facility - minor" means any of the following:
- a. Antenna which meet the definition of "mini" with the exception of the height limit.
 - b. Telecommunications facilities less than thirty-five feet in height and that adhere to Section 14.44.090 of Chapter 14.44 of the Petaluma Municipal Code.
 - c. A single ground or building mounted whip (omni) antenna without a reflector, less than four inches in diameter whose total height does not exceed thirty-five feet; including any mast to which it is attached, located on commercial and/or industrial zoned property.
 - d. A ground or building mounted panel antenna whose height is equal to or less than four feet and whose area is not more than four hundred eighty square inches in the aggregate (e.g., one-foot diameter parabola or two feet by one and one-half foot panel) as viewed from any one point, located on commercial or industrial zoned property. The equipment cabinets shall be designed, placed and screened to be unobtrusive and effectively unnoticeable.

- e. More than three antennas, satellite dishes (greater than three feet in diameter), panel antennas, or combination thereof, are proposed to be placed on the commercial or industrial parcel, including existing facilities.
- f. Building mounted antennas which, in the opinion of the planning director, are unobtrusive or undetectable by way of design and/or placement on the building, regardless of number, when located on commercial or industrial zoned property.
- g. Telecommunications facilities less than fifty feet in height, in compliance with the applicable sections of this chapter, located on a parcel owned by the city of Petaluma and utilized for public and/or quasi-public uses where it is found by the planning director to be compatible with the existing city uses of the property.
- h. Telecommunication facilities, including multiple antennas, in compliance with the applicable sections of this chapter, located on an industrial parcel and utilized for the sole use and purpose of a research and development tenant of said parcel, where it is found by the planning director to be aesthetically compatible with the existing and surrounding structures.
- i. Telecommunication facilities located on a structure recognized as a historic landmark.

If a facility does not meet these criteria then it is considered a "major" telecommunication facility.

- 5. "Telecommunication facility - co-located" means a telecommunication facility comprised of a single telecommunication tower or building supporting one or more antennas, dishes, or similar devices owned or used by more than one public or private entity.
- 6. "Telecommunication facility - commercial" means a telecommunication facility that is operated primarily for a business purpose or purposes.
- 7. "Telecommunication facility - multiple user" means a telecommunication facility comprised of multiple telecommunication towers or buildings supporting one or more antennas owned or used by more than one public or private entity, excluding research and development industries with antennas to serve internal uses only.
- 8. "Telecommunication facility - noncommercial" means a telecommunication facility that is operated solely for a non-business purpose.
- 9. "Telecommunications facility - small cell" means a telecommunications facility that is pole mounted to existing public utility infrastructure.

14.44.095 Small Cell facilities - Basic Requirements.

Small Cell facilities as defined in Section 14.44.020 of this chapter may be installed, erected, maintained and/or operated in any commercial or industrial zoning district where such antennas are permitted under this title, upon the issuance of a minor conditional use permit, so long as all the following conditions are met:

- A. The Small Cell antenna must connect to an already existing utility pole that can support its weight.
- B. All new wires needed to service the Small Cell must be installed within the width of the existing utility pole so as to not exceed the diameter and height of the existing utility pole.

- C. All ground-mounted equipment not installed inside the pole must be undergrounded, flush to the ground, within three (3) feet of the utility pole.
- D. Each Small Cell must be at least 1,500 feet away from the nearest Small Cell facility.
- E. Aside from the transmitter/antenna itself, no additional equipment may be visible.
- F. Each Small Cell must be at least 500 feet away from any existing or approved residence.
- G. An encroachment permit must be obtained for any work in the public right-of-way.

Section 3. Section 7.090 of the IZO, Ordinance 2300 N.C.S., is amended to read as follows:

7.090 - Telecommunications Facilities.

The following requirements apply to Telecommunications Facilities as defined in the City's Telecommunications Ordinance, Petaluma Municipal Code Chapter 14.44.

- A. Definitions. The types of facilities regulated by this section are defined in the City's Telecommunications Ordinance, Petaluma Municipal Code Chapter 14.44.
- B. Telecommunications facilities are allowed only as described in Table 7.090(B).

Table 7.090B

Zoning District	Type of Telecommunications Facility				
	Exempt	Mini	Minor	Major	Small
OSP	A	A	CUP	CUP	CUP
AG	A	A	-	-	-
RR	A	A	-	-	-
R1	A	A	-	-	-
R2	A	A	-	-	-
R3	A	A	-	-	-
R4	A	A	-	-	-
R5	A	A	-	-	-
C1	A	A	CUP	CUP	CUP
C2	A	A	CUP	CUP	CUP
MU1A	A	A	CUP	CUP	CUP
MU1B	A	A	CUP	CUP	CUP
MU1C	A	A	-	-	-
MU2	A	A	CUP	CUP	CUP
BP	A	A	CUP	CUP	CUP
I	A	A	CUP	CUP	CUP
CF	A	A	CUP	CUP	CUP

- C. Where a telecommunications facility is permitted by Table 7.090B, the approval(s) required prior to the commencement of the operation of a Telecommunications Facility are as prescribed in subsections 1-4 below.
1. Exempt Facility. An Exempt facility is an Accessory Use and no special permit is required, except when an Exempt facility is located in a Historic District. An Exempt facility located in a Historic District or on the site of a designated landmark is considered a Mini Facility subject to administrative Historic and Cultural Preservation approval as prescribed in Section 15.050.

2. Mini Facility. A Mini Facility is an Accessory Use subject to administrative site plan and architectural review approval as prescribed by Section 24.010. When a Mini facility is located in a Historic District or on the site of a designated landmark, the following special permits are required:
 - a. A Minor conditional use permit as prescribed in Section 24.030; and
 - b. Administrative Historic and Cultural Review as prescribed in 15.030.
 3. Minor Facility. A Minor facility requires approval of a minor conditional use permit as prescribed in Section 24.030 and administrative site plan and architectural review approval as prescribed in Section 24.010. When a Minor facility is located in a Historic District or on the site of a designated landmark, approval of a major conditional use permit as prescribed in Section 24.030 and Historic and Cultural Preservation Committee approval as prescribed in Section 15.030 are required.
 4. Major Facility. A major facility requires approval of a major conditional use permit as prescribed in Section 24.030 and Planning Commission approval as prescribed in Section 24.101.
 5. Small Facility. A Small Cell Facility requires approval of a minor conditional use permit as prescribed in Section 24.030 and administrative site plan and architectural review approval as prescribed in Section 24.010. An encroachment permit for public right-of-way work is also required. The right-of-way shall be subject to the designation of the zone adjacent to the right-of-way, for purposes of the Table 7.090(B) designation.
- D. A Telecommunication facility shall comply with the development standards (Tables 4.6 – 4.13) for the zoning district in which the facility is located, the City's Telecommunications Ordinance, and all other applicable City requirements.

Section 4. Except as amended herein, the PMC and the IZO, Ordinance No. 2300 N.C.S., remain unchanged and in full force and effect.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Petaluma hereby declares that it would have passed and adopted this ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption by the Petaluma City Council.

Section 7. Posting/Publishing of Notice. The City Clerk is hereby directed to publish or post this ordinance or a synopsis for the period and in the manner provided by the City Charter and other applicable law.

INTRODUCED, and ordered posted/published, this 6th day of August 2018.

ADOPTED this 10th day of September 2018, by the following vote:

Ayes:	Albertson, Barrett, Vice Mayor Healy, Kearney, King, Miller
Noes:	None
Abstain:	Mayor Glass

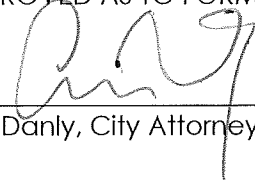
Absent: None


Mike Healy, Vice Mayor

ATTEST:

APPROVED AS TO FORM:


Claire Cooper, City Clerk


Eric Danly, City Attorney

From: [Mary Luros](#)
Sent: Tuesday, March 16, 2021 6:23 PM
To: [Clerk](#)
Subject: Fwd: Support for agendizing Hero Pay Ordinance

Sent from my iPad

Begin forwarded message:

From: Christina Benz [REDACTED]
Date: March 16, 2021 at 6:22:25 PM PDT
To: Scott Sedgley <SSedgley@cityofnapa.org>, Bernie Narvaez <bnarvaez@cityofnapa.org>, Mary Luros <mluros@cityofnapa.org>, Liz Alessio <lalessio@cityofnapa.org>, Beth Painter <bpainter@cityofnapa.org>
Subject: **Support for agendizing Hero Pay Ordinance**

[EXTERNAL]

Dear Mayor and City Council members,

I am writing in support of putting the discussion of a Hero Pay Ordinance for grocery store workers on the Council's agenda. Anything and everything that can be done to help working families during the pandemic should be done.

I am also writing to express my support for using government COVID relief funding to increase City staff and to support staff's efforts with all of the prioritized actions.

Thank you all for the work you are doing to get through this difficult time.

Chris Benz
[REDACTED]

Napa

From: [Erin Askim](#)
Sent: Tuesday, March 16, 2021 6:34 PM
To: [Clerk](#)

Categories: Unverified Contact

[You don't often get email from [REDACTED]. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

The importance of hazard pay to me help me feel protected if I get sick, also we should be able to receive extra pay for getting the vaccine and also to help me pay my bills.

Sent from my iPhone

From: [Wyatt Sorenson](#)
Sent: Tuesday, March 16, 2021 6:37 PM
To: [Clerk](#)
Subject: Hazard pay

Categories: Unverified Contact

[You don't often get email from [REDACTED] Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

[EXTERNAL]

Iv been working with nob hill store 623 since August as a checker on the very front line and multiple people in my store got stick. At one point there was over 1/3 of our staff out. Dealing with all the stresses of covid and the front end for money that doesn't even cover the cost of living no less. It would make the biggest difference to everyone who has been working threw this even longer then myself to get any kind of hazardous pay ! I think with how much every store has made across the board from covid prices and people rushing in there to buy way more then they need. We as the people provide them the ability to do so along with the company making gross amounts of money. I don't feel bad for these big corporations I feel bad for the small people working under them. Please help out

Wyatt sorenson

Sent from my iPhone

From: [Jim Wilson](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR MARCH 16 MEETING - AGENDA ITEM 13A - PLEASE READ
Date: Tuesday, March 16, 2021 7:06:34 PM
Attachments: [image004.png](#)

You don't often get email from [REDACTED] [Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

THANK YOU, PAULETTE.
 HERE IS MY COMMENT FOR READING FOR 13A.
 JIM WILSON
 [REDACTED]

Dear Mayor Sedgley and Napa City Councilmembers,

Thank you for your service. You and staff have done some good in your February retreat by recognizing climate change as a core priority area. On reflection, I return to the question as to whether the action planned is commensurate with the scope of the emergency, and fast and thorough enough. It is an awkward and disorienting subject, to be sure, beating back fossil fuel addiction and making excuses for one last fix. But with the emerging realization that climate breakdown is more and more a destructive tragedy, not just a challenge here in Napa, how are we supposed to feel?

The old custom of going along to get along is making me live a life I don't want to live. Dire situations require courageous solutions far from historic norms. On a positive note, two gas stations won't be built for the good of American Canyon and the ultimate good of the Earth. At their last meeting, the American Canyon City Council passed an urgency ordinance imposing a 45d moratorium on permits for new gas stations.

We're in a crisis of existential proportions. If we have a vision this year of a just and orderly society, today and long into the future, we can use the crisis as an opportunity to get traction in a new direction. Here in Napa, we can help the cause by coming together, admitting our mistakes, implementing protective ordinances and zoning overlays, sharing the news that we are in an acute emergency and advocating for our only option - full-scale mobilization, and encouraging others who are starting to make the same loving choices for their communities.

As we say in [350.org](#): Winning slowly is the same as losing. If you want to be successful you have to be fast and sometimes you have to be first. There are a lot of good people in your position who don't understand that, or can't bring themselves to understand that in all humility. The day you do is the day you take an *emergency stance* and say it out loud from the dais, no more. That should be the easy part, doing no further harm to clean air and a livable climate.

Putting a cap on expansion is just the first step in reversing the damage caused by fossil fuels. And then, starting this year, we need 10% reduction each year for the next 9 years. That's the terrifying math. When it comes to expanding gas stations, we need a plan for pulling out pumps now, not building and maintaining them for some change in leadership down the road. That kind of time.... does not exist. According to NOAA data, Napa County is already at 1.3

degress C mean temperature anomaly. We are already in overshoot, meaning that even if our carbon emissions went to zero today, the Earth's energy imbalance would drive heating to 1.8 degrees C. That is, another +0.5 degress C is baked in by the end of this decade. There is basically no carbon budget left for 2 degrees C. 2 degrees C is not a point of system stability. No one wants to talk about that. 1.5 is not a safe target and 2 degrees C is very dangerous. Does that register with you and your staff? Can I help?

American Canyon is right to champion EV charging stations in all new parking lots from residential to business and commercial. There's grant money and legislation to help accelerate the transformation.

Petaluma has the ban ordinance. Please have your staff take a look. No more gas stations and - importantly - they say no more gas pumps in the existing gas stations.

Thank you for your care in putting firm dates on stopping doing wrong.

Jim Wilson

On Tue, Mar 16, 2021 at 6:49 PM Clerk <clerk@cityofnapa.org> wrote:

Good evening Jim,

It is too late to register for a phone call public comment, however you may still email in your comments. City staff will read it on your behalf. Below are the instructions that are posted in our agenda for the March 6th City Council meeting.

PROVIDING WRITTEN COMMENTS VIA EMAIL TO BE READ AT THE MEETING

Any member of the public may provide a written comment to the City Council before or during the meeting by sending it to the City Clerk via email at:

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Printed on 3/11/2021

CITY COUNCIL

REGULAR MEETING AGENDA

March 16, 2021

clerk@cityofnapa.org. Comments are requested by 3:00 p.m. on the day of the meeting, but may be submitted until the close of the Agenda Item for which the comment is submitted. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comment of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes "COMMENT TO COUNCIL FOR MARCH 16, 2021 MEETING – PLEASE READ"; and (2) it is received by the City Clerk prior to the time for public comment during the meeting for that agenda item. Please be aware that any public comments received that do not specify a particular agenda item number will be read aloud during the general public comment portion of the agenda. Due to potential technological delays in transmission, the public is encouraged to submit any comments to the City Clerk early, in order to ensure they are received in time to be read into the record.

Please let me know if you have any questions. Thank you.

Best regards,

Paulette

Paulette Cooper

Office Assistant II

City Clerk's Office, City of Napa

955 School Street, Napa, CA 94559

Phone (707) 257-9474

Email pcooper@cityofnapa.org

Website www.cityofnapa.org

Social www.facebook.com/CityOfNapa · [@CityOfNapa](https://twitter.com/CityOfNapa)



From: Jim Wilson <jplaudatosi@gmail.com>
Sent: Tuesday, March 16, 2021 6:44 PM
To: Clerk <clerk@cityofnapa.org>
Cc: Emily Bit <emily.bit04@nvusd.org>; Alisa Karesh <alisa.karesh03@nvusd.org>
Subject: comment on 13a tonight's meeting, please?

You don't often get email from jplaudatosi@gmail.com. [Learn why this is important](#)

[Feedback](#)

[EXTERNAL]

Hi,

Do we have time to request comment on 13a?

thank you, and apologies for the confusion. I thought we could call in during the meeting like we do at Calistoga, St. Helena, American Canyon and Napa County BOS... (!)

I have two students who wish to make public comment too, on 13a

Thanks again,

Jim Wilson



From: [Emily Bit](#)
To: [Clerk; Alisa Karesh](#)
Subject: COMMENT TO COUNCIL FOR MARCH 16 MEETING - AGENDA ITEM 13A - PLEASE READ
Date: Tuesday, March 16, 2021 7:15:48 PM

[EXTERNAL]

Hello Napa City Council Staff,

We are hoping to comment on agenda item 13A at today's city council meeting, if possible we would like to ask that this be read into the record. Thank you!

Hello Napa City Council,

We are two juniors, Emily Bit from American Canyon High School and Alisa Karesh from Napa High School, representing Napa Schools for Climate Action. On the behalf of our group, we would like to thank the city council for all their hard work! We know how much effort you put into our wonderful community! It came to our attention that during today's meeting you are going to be discussing the City Council priorities. Although we are aware that some actions to combat climate change are already going underway, we would like to make a few suggestions that will speed up this process because according to the IPCC special report from 2018, "limiting global warming to 1.5°C would require very drastic and fast changes." We do not have a lot of time to decrease the impact of climate change; in fact, this is the reason why Napa Schools for Climate Action has a goal of net zero emissions by or before the year 2030.

Our first suggestion is to keep climate change as one of your top priorities, since it is a health hazard to our community. The yearly extreme wildfires are the obvious example of how climate change will affect our city. Another suggestion that we would like to purpose is to contretate on the fossil fuel industry and moving away from the non-renewable energy sources and gas powered vehicles as fast as we can because not only will it create a healthier environment with less emissions, but also will decrease our total output of emission into the atmosphere, as a result slowing down climate change.

We completely understand that this is not an easy task; fossil fuels have become so intertwined within our daily lives that it is hard imagining a world without using the dirty fuel; however, this must be done in order to avoid the effects of climate change. Finally, our last suggestion is to support any proposed climate initiatives that are in need of funding or city's support.

If you haven't seen already, in recent local news, the city of Petaluma is mobilizing to ban all new gas stations and gas infrastructure in their city in effort to combat climate change and the severe effects we will undoubtedly experience in the coming years. Closer to home, the city council of American Canyon has just passed a 45 day moratorium on all new gas station development within the city, driving away two new proposals that were in the works. We believe that these are prime examples of strong leadership and show that climate change is a relevant topic in our current society. We hope that Napa city council takes this opportunity to get involved and find solutions to combat the climate crisis! Thank you for your time.

Emily Bit & Alisa Karesh
Napa Schools for Climate Action

From: [Nancy McCoy Blotzke](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR MARCH 16, 2021 MEETING Item 13A – PLEASE READ and place written in public record
Date: Tuesday, March 16, 2021 7:50:47 PM

You don't often get email from [REDACTED]

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[Feedback](#)

[EXTERNAL]

Thank you for the opportunity to provide the Council with information about the necessity for a strong wireless ordinance to protect the City's liability and the well-being of your residents and workers—an issue that should be high Napa City's list of priorities.

Legitimate insurers refuse to cover wireless radiation because they are aware of more than 1000 studies verifying health and environmental dangers. Even Lloyds of London and Swiss Re consider the telecoms—especially 5G—too risky to insure. Swiss Re Institute classifies 5G networks as “Off-the-leash” “HIGH” risk.

The name of the insured on the Certificate of Liability Insurance provided with the Verizon small cell agreement is questionable at best; however, even if the name on the CLI is legal, it is highly unlikely to assure the necessary coverage unless an ordinance demands more information.

Wireless radiation is a timebomb comparable to asbestos.

The asbestos industry, along with many of its insurers, went bankrupt. Insurers now realize wireless radiation is another such timebomb and are therefore writing exclusions for wireless radiation—often disguised as a “pollution exclusion” --into their policies.

A Strong Protective Ordinance is Needed:

A strong protective ordinance can assure, not only safer liability coverage for the City, but also help protect the residents from the dangers that cause liability issues in the first place. The points below are some that should be included in such an ordinance.

--Require that all Wireless Transmission Facility (WTF) applicants

provide sufficient insurance--without a pollution (RF) exclusion—so that the policy will cover claims of injury, illness, or death from any RF emissions from the WTFs.

--Require all WTF applicants to provide full financial information and list the full board of directors of the applicant's firm to ensure which entities will be accountable and liable for potential future claims.

--Require the placement and power levels of WTFs to be such that they will prevent any possible health and liability consequences.

From: [Gary Orton](#)
To: [Clerk](#)
Subject: Text of verbal statement, Gary Orton, item 13.A
Date: Tuesday, March 16, 2021 8:20:15 PM

[EXTERNAL]

For the record, the following is the text of the verbal statement I made tonight. Thank you for your help tonight with the phone call.

Napa City Council, March 16, 2021, meeting, agenda item 13.A—City Council Priorities

Statement of Gary Orton

Mr. Mayor, Council Members

The US has had a worldwide reputation as a beacon of democratic ideals—certainly, it did in 1972 when I was stationed in Kwang Ju, Korea, and invited to write articles for the province's largest newspaper, the *Chonam Ilbo*, and hold seminars for local attorneys and judges. Those leaders wanted information about fulfilling those democratic ideals: about their need for government leaders who would respect the rule of law, who would promote public participation through full and fair elections, and who would commit to transparency and facilitate the electorate's ability to agree on objective truths.

As a blatant example of such need in Korea at the time, our air base information officer asked me, once, to go into the city and look at the most recent issue of *Time* magazine on display. Sure enough, an article had been razor-bladed out by national censors. The gaping hole on the page was emblematic of the disdain for democracy and, coincidentally, the neglect of local infrastructure by national leadership. You see, other provinces had new roads; agriculturally productive Cholla Nam Do had only one paved road to get their products to market and no democratic way to correct this inequity.

We have our own long-standing, gaping holes of neglect here in Napa—both infrastructure and governance. Fortunately, Napa LAFCO provides open and objective truths we can rely on when it comes to the history, purpose, and need of island annexations. LAFCO reports use the same phrase over and over: island annexations are quote “the right thing to do” close quote. That same precise phrase was used by several LAFCO commissioners in response to my request a year ago on behalf of the Napa County Progressive Alliance that LAFCO again implore the City of Napa to initiate island annexations. And, why use the words “the right thing to do,” instead of the words “the efficient thing to do”? Because it acknowledges the basic benefit of island annexations: the democratic right of islanders to vote.

LAFCO has pointed out another truth: since counties were not established to provide urban-level services, further delay to annex may cause any island problems to become worse. LAFCO's warning gives fair notice of the city's complicity in any infrastructure problems it may now suddenly discover.

In 2009, LAFCO hesitated in approving a three-quarter-acre annexation unless the city annexed the entire island. The final sentence of the staff report reads, quote, “The City's written commitment to working on an island annexation program provides sufficient assurances the Commission's interest in annexing the remaining island parcels associated with the affected territory will be addressed in the near future.” Close quote.

That was over twelve years ago. It is time to say, “No more polls or focus groups. No more delays or excuses. No more gaping holes or neglect. No more denied right to vote.” Island annexations before the 2022 redistricting should be the city's highest priority.

Thank you.