



## 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 23, 2021

3:30 PM

City Hall Council Chambers

## SPECIAL MEETING - 3:30 PM

A Special Meeting for the City Council of the City of Napa was called on Tuesday, March 23, 2021 at 3:30 p.m. to be held at City Hall Council Chambers, 955 School Street, Napa, California, for the purpose identified on this Agenda. This Special Meeting was called by the Mayor in accordance with California Government Code Section 54956.

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

## 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

## 2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental items:

Item 3.A.:

- PowerPoint Presentation from City Staff.
- Memorandum from Deputy City Manager regarding grocery store hazard pay with attached draft ordinance and exhibit A.
- Emails from the following: Carol Whichard, Dylan Miller, Joe Montano, "A Grocery Store Worker," Erin Askim, Donna Laba, Cindy Jewett, Kevin Sarmento, Hank Kaspar, Neil Watter, Joan Foresman, Jennifer Anderson, Brenda Biederman, Shelle Wolfe, Lori Stelling, Ken Frank, Sammy Barloggi, Theodore Beglinger, Marci Reed, Valerie Wolf on behalf of the Napa Neighborhood Association for Safe Technology, Marla Tofle, and Michaela Reed.

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

**3. ADMINISTRATIVE REPORTS:****3.A. [93-2021](#)**

## City Council Priorities

(See Attachment 1 for supplemental documents)

Community Development Director Vin Smith provided the staff report which reviewed the revised priority projects list based on previous Council direction, described anticipated impacts, and reviewed next steps.

Brief Council discussion and questions ensued.

Mayor Sedgley called for public comment.

Staff read submitted email comments from the following:

Carol Whichard - supported grocery and pharmacy worker hazard pay.

Dr. Neil Watter - supported an ordinance regulating small cell antennas.

The following comments were provided via telephone:

Lauren Niehaus, Government Relations Specialist for Harvest Health and Recreation, and member of Cannabis Business Alliance of Napa - spoke in support of expanding adult-use sales of cannabis in Napa.

John Gomez - spoke in support of a Hazard Pay Ordinance.

Pam Danniel, United Food & Commercial Workers Local 5 - spoke in support of a hazard pay ordinance.

John Riley, Executive Director of the Napa and Solano Counties Labor Council - spoke in regard to the treatment of workforce, urged and thanked Council for considering hero pay.

Monty Schacht, Nobb Hill Foods employee - spoke in support of a hazard pay ordinance.

Bill Chadwick - resident - spoke regarding the Gray Haven Mental Health Clinic.

Mario Fernandez, United Food & Commercial Workers Local 5 - spoke in support of a hazard pay ordinance and a recreational cannabis ordinance.

Aimee Henry, on behalf of the Napa Cannabis Collective and the Cannabis

Business Alliance of Napa - spoke in support of an adult use cannabis ordinance and suggested a moratorium on applications for new cannabis adult-use businesses.

Staff read submitted email comment from Jennifer Anderson which supported an ordinance regulating small cell antennas.

The following comments were provided via telephone:

Alfredo Delgado, Union Worker with United Food & Commercial Workers Local 5 - spoke in support of a hazard pay ordinance.

Bambi Ofahengaue, consumer - spoke in support of a hazard pay ordinance.

Micha Malan - spoke in support of adult-use cannabis ordinance.

MV Watson, with National Union of Healthcare Workers - spoke in support of a hazard pay ordinance.

Staff read submitted email comments from the following:

Joan Foresman - supported an ordinance regulating small cell antennas.

Hank Kaspar and Kevin Sarmento - supported an ordinance regulating small cell antennas.

Valerie Wolf, Napa Neighborhood Association for Safe Technology - supported an ordinance regulating small cell antennas.

Lori Stelling - supported an ordinance regulating small cell antennas.

Michaela Reed - supported an adult-use cannabis ordinance.

Amy Martenson, Napa County Progressive Alliance Chair - requested that annexation of large county islands and a protective "small" cell ordinance become a Council priority.

There were no additional public comments. The discussion was brought back to staff and Council.

Deputy City Manager Liz Habkirk provided a brief report outlining a proposed grocery worker hazard pay ordinance. She reviewed the memo that was provided to Council as a supplemental document and requested Council provide additional direction on the following key policy points within

the ordinance: covered employers, covered employees, amount of hazard pay, duration of the pay, and the enforcement by private right of action.

Lengthy Council discussion ensued regarding the policy components of the hazard pay ordinance. During the discussion, Councilmembers posted questions and requested additional information regarding the following: refinements of the definitions of "grocery store" and "covered employer, a list of impacted stores within Napa, the status of labor representation at listed stores, potential for a waiver or opt-out procedure, clarity on enforcement options by any individual, and potential impacts to individuals who may receive public assistance.

**A motion was made by Vice Mayor Alessio, seconded by Councilmember Luros, to approve the top priority project list as presented by City Staff, excluding hazard pay, which would be discussed separately. The motion carried by the following vote:**

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

**A motion was made by Councilmember Luros, seconded by Mayor Sedgley, to proceed with the hazard pay ordinance as drafted by staff. The motion failed by the following vote:**

**Aye: 2 - Luros and Sedgley**

**No: 3 - Narvaez, Painter, and Alessio**

**A motion was made by Councilmember Painter to have staff come back with a draft ordinance that clarified the definition of a grocery store, and clarified the definition of enforcement, either in the ordinance, or in the staff report, so that Council would have more clarity on which stores would be included or excluded. It would be up to staff to determine how grocery store was defined (i.e. by square footage. or number of workers).**

**The motion failed for lack of a second.**

Additional discussion ensued.

City Manager Potter acknowledged that many points of clarification had come up during the discussion, and suggested that staff come back for a follow-up discussion, and to provide additional clarification, on April 6, 2021, with a potential ordinance adoption on April 20, 2021.

Deputy City Manager Habkirk asked Council if there was a desire to broaden the definition of "grocery store" to include other retailers, such as pharmacy, drug, and retail, of a certain size. Discussion ensued.

By a majority consensus, it was determined that primary sales of groceries

would be the intent moving forward, and that staff would come back to Council on April 6 to provide options, and additional clarity, on how "grocery store," and "primary sales," could further be defined, in addition to addressing the various questions posed by Council.

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

Vice Mayor Alessio acknowledged the work of The Napa Valley Community Organizations Active in Disaster (COAD), and asked if Council would support a request to have COAD provide a future presentation to Council to share the organization's good work. The request was supported.

Councilmember Narvaez reminded everyone that the flags flying in Veterans Memorial Park represented Napa Service Members who were serving overseas, and asked the community to keep those members in mind when visiting the park.

**5. ADJOURNMENT: 5:42 P.M.**

**Submitted by:**

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**Tiffany Carranza, City Clerk**

**ATTACHMENT 1**

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

**City Council of the City of Napa  
Special Meeting**

**March 23, 2021**

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

**SUBMITTED PRIOR TO THE COUNCIL MEETING**

**3. ADMINISTRATIVE REPORTS:**

**3.A. City Council Priorities.**

- PowerPoint Presentation from City Staff.
- Memorandum from Deputy City Manager regarding grocery store hazard pay with attached draft Ordinance and Exhibit A.
- 1) Email from Carol Whichard received on March 22, 2021. \*
- 2) Email from Dylan Miller received on March 22, 2021.
- 3) Email from Joe Montano received on March 22, 2021.
- 4) Email from "A Grocery Store Worker" received on March 22, 2021.
- 5) Email from Erin Askim received on March 22, 2021.
- 6) Email from Donna Laba received on March 22, 2021.
- 7) Email from Cindy Jewett received on March 23, 2021.
- 8) Email from Kevin Sarmiento received on March 23, 2021. \*
- 9) Email from Hank Kaspar received on March 23, 2021. \*
- 10) Email from Neil Watter received on March 23, 2021. \*
- 11) Email from Joan Foresman received on March 23, 2021. \*
- 12) Email from Jennifer Anderson received on March 23, 2021. \*
- 13) Email from Brenda Biederman received on March 23, 2021.
- 14) Email from Shelle Wolfe received on March 23, 2021.
- 15) Email from Lori Stelling received on March 23, 2021. \*
- 16) Email from Ken Frank received on March 23, 2021.
- 17) Email from Sammy Barloggi received on March 23, 2021.
- 18) Email from Theodore Beglinger received on March 23, 2021.
- 19) Email from Marci Reed received on March 23, 2021.
- 20) Email from Valerie Wolf on behalf of Napa Neighborhood Association for Safe Technology received on March 23, 2021. \*
- 21) Email from Marla Tofle received on March 23, 2021.
- 22) Email from Michaela Reed received on March 23, 2021. \*

**SUBMITTED DURING OR AFTER THE COUNCIL MEETING**

**3. ADMINISTRATIVE REPORTS:**

**3.A. City Council Priorities.**

- 1) Email from Amy Martenson on behalf of Napa County Progressive Alliance received on March 23, 2021. \*
- 2) Email from Neil Watter received on March 23, 2021.

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



**City Council Special Meeting  
3/23/2021  
Supplemental I - 3.A.  
From: City Staff**

## City Council Priority Projects

*March 23, 2021*

## Purpose & Agenda

- Review revised priority projects based on council direction
- Describe anticipated impacts (schedule, budget & personnel)
- Discuss next steps

# Council Priorities to Include in Workplans

Attachment 4

## Efficient and Stable Organization

- Legislative Advocacy
- Employee Appreciation
- 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
- Housing-Work Proximity Programs Information

## Economic Development

- Parklets and Main Street
- Cannabis

## Community Focused Services

- Climate Action-Countywide Committee
- Grocery Worker Hazard Pay

## Diversity, Equity, and Inclusivity

- Language Plan

# Efficient and Stable Organization

ATTACHMENT 4

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

Council Direction:

- Legislative Advocacy
- Employee Appreciation Event 21/22
- Staffing Restoration Plan

Workshop Topics: Legislative Advocacy, Organizational Stability  
Napa County League of Governments, Expand Revenue

# Efficient and Stable Organization

## ATTACHMENT 4

Project/Program	Funding	Years (Single/ Multi)	Effort/Invest ment (Low, Medium, High)	Internal Only or External Coordination
Legislative Advocacy	C/N	Multi	High	External
Staffing Restoration Plan	C/N	Multi	High	Internal
Employee Appreciation Event FY 21/22	C/F	Single	Low	Internal
ERP Implementation of HCM, Utility Billing, Finance/Budgeting	C/F	Multi	High	Internal
Implementation of Asset Management Software	C/F	Multi	High	Internal
Implementation of Construction Management Software	C/F	Single	Medium	Internal
Implementation of Land Management Software – Trakit Replacement	C/F	Multi	High	External
Records Management System Implementation-PD	C/F	Multi	High	Internal
Implement Deferred Compensation Advisory Board	P/F	Multi	Medium	Internal
Update User Fees - Citywide	P/F	Multi	Medium	External
Upgrade Controlled Substance Hardware and Software	C/F	Single	Low	Internal
Streamline development review process (Management Partners Contract)	C/F	Multi	High	External
DOT Policy Update	C/U	Multi	Medium	Internal
Safety Programs	C/U	Multi	High	Internal
Protocols for ongoing COVID Management	C/U	Multi	Medium	External

High importance to complete

Council Additions to List

Suggest to remove/delay

Project Status

C = Current Priority

P = Programmed Priority

Funding level

F = Funded

U = Under Funded/Under-Staffed

N = Not Funded

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# Streets, Sidewalks, and Infrastructure

ATTACHMENT 4

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

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

- Council Direction:
- Project Labor Agreement and Contractor Qualification Information
  - Traffic Safety All Modes (w/Traffic Calming)-Safe Routes to School Program

Workshop Topics: Project Labor Agreements (PLA)

# Streets, Sidewalks, and Infrastructure

ATTACHMENT 4

Project/Program	Funding	Years (Single/ Multi)	Effort (Low, Medium, High)	Internal Only or External Coordination
Project Labor Agreements (PLA) and Contractor Qualifications Info Presentation	N	Single	Low	External
Traffic Safety All Modes (w/Traffic Calming)-Safe Routes to Schools <sup>1</sup>	U	Multi	High	External
Development of Local Roadway Safety Plan	C/F	Multi	High	External
Update Pavement Management Plan	C/F	Multi	High	Internal
Hazardous Materials Storage/Safety Equipment	C/F	Single	Low	Internal
New State Stormwater Quality Permit	C/U	Multi	High	External

<sup>1</sup>: \$50,000 Donation to Napa Bike Coalition

High importance to complete  
Council Additions to List  
Suggest to remove/delay

Project Status

C = Current Priority

P = Programmed Priority

Funding level

F = Funded

U = Under Funded/Under-Staffed

N = Not Funded

# Where We Live - Housing and Neighborhoods

ADU Center - Staff Support	C/F	<p>High importance to complete</p> <p>On-going priority</p> <p>Possible to delay but impacts expected</p> <p>Possible to delay with less significant impacts</p> <p>Workshop topics</p>
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	<p>Council Direction:</p> <ul style="list-style-type: none"> <li>Homeless Coordinator</li> <li>Housing-Work Proximity Programs Information</li> </ul>
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		

# Where We Live - Housing and Neighborhoods

ATTACHMENT 4

Project/Program	Funding	Years (Single/ Multi)	Effort (Low, Medium, High)	Internal Only or External Coordination
Homeless Services Coordinator	U	Multi	High	External
Housing/Work Proximity Programs Information	U	Single	Low	Internal
ADU Center - Staff Support	C/F	Multi	Medium	External
Housing Element	C/F	Multi	High	External
Housing Law Update	C/F	Multi	High	Internal
General Plan Update	C/F	Multi	High	External
Island Annexations	C/U	Multi	High	External
New dispatch system implementation-fire/ambulance	C/U	Single	High	Internal
New contract with Napa County Ambulance Provider	P/U	Single	Medium	External

High importance to complete

Council Additions to List

Suggest to remove/delay

Project Status

C = Current Priority

P = Programmed Priority

Funding level

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N = Not Funded

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# Economic Development

ATTACHMENT 4

Franklin Station Hotel	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

Council Direction:

- Parklets and Main Street
- Cannabis

# Economic Development

ATTACHMENT 4

Project/Program	Funding	Years (Single/ Multi)	Effort (Low, Medium, High)	Internal Only or External Coordination
Cannabis Ordinance Change & Revenue Discussion	C/U	Multi	High	External
Parklet policy/parking standards and impact fee & Short-term extension to current uses	C/U	Multi	High & Low	External
Franklin Station Hotel	C/F	Multi	Medium	External

High importance to complete

Council Additions to List

Suggest to remove/delay

Project Status

C = Current Priority

P = Programmed Priority

Funding level

F = Funded

U = Under Funded/Under-Staffed

N = Not Funded

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# Community Focused Services

ATTACHMENT 4

ADA Compliance	C/U	High importance to complete On-going priority Possible to delay but impacts expected Possible to delay with less significant impacts Workshop topics
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	Council Direction: <ul style="list-style-type: none"><li>Climate Action-Countywide Committee</li><li>Grocery Worker Hazard Pay</li></ul>
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	
Workshop Topics: Climate Change Resources, Website Improvements, Community Outreach		

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# Community-focused Services

ATTACHMENT 4

Project/Program	Funding	Years (Single/ Multi)	Effort (Low, Medium, High)	Internal Only or External Coordination
Grocery Worker Hazard Pay	C/U	Single	Medium	External
Citywide Communication and website/social media development	C/U	Multi	Medium	Internal
Climate Action Committee - JPA	P/N	Multi	High	External
ADA Compliance	C/U	Multi	High	External
COVID Compliance	C/U	Multi	High	Internal
Redistricting	C/U	Multi	High	External
Hazard Mitigation Plan (HMP) write and re-write every 5 years	C/U	Multi	High	External
Sidewalk/Reproductive Rights	C/F	Single	Medium	External

High importance to complete

Council Additions to List

Suggest to remove/delay

Project Status

C = Current Priority

P = Programmed Priority

Funding level

F = Funded

U = Under Funded/Under-Staffed

N = Not Funded

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# 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

Council Direction:

- Language Equity Plan

# Diversity, Equity & Inclusivity

ATTACHMENT 4

Project/Program	Funding	Years (Single/ Multi)	Effort (Low, Medium, High)	Internal Only or External Coordination
Language Equity Plan	C/U	Multi	High	External
Diversity, Equity & Inclusion Training Program	P/U	Multi	High	Internal
Community Outreach to Address Equity & Systemic Racism	C/U	Multi	High	External

High importance to complete

Council Additions to List

Suggest to remove/delay

Project Status

C = Current Priority

P = Programmed Priority

Funding level

F = Funded

U = Under Funded/Under-Staffed

N = Not Funded

# City Top Priority Projects (45 total)

## ATTACHMENT 4

### Efficient and Stable Organization (15)

- Legislative Advocacy
- Staffing restoration plan
- Employee Appreciation Event FY 21/22
- ERP Implementation of HCM, Utility Billing, Finance/Budgeting
- Implementation of Asset Management Software
- Implementation of Construction Management Software
- Implementation of Land Management Software – Trakit Replacement
- Records Management System Implementation-PD
- Implement Deferred Compensation Advisory Board
- Update User Fees - Citywide
- Upgrade Controlled Substance Hardware and Software
- Streamline development review process (Management Partners Contract)
- DOT Policy Update
- Safety Programs
- Protocols for ongoing COVID Management

### Streets, Sidewalks, and Infrastructure (6)

- Project Labor Agreements (PLA) and Contractor Qualifications Info Presentation
- Traffic Safety All Modes/Safe Routes to Schools
- Development of Local Roadway Safety Plan
- Update Pavement Management Plan
- Hazardous Materials Storage/Safety Equipment
- New State Stormwater Quality Permit

### Where We Live - Housing and Neighborhoods (9)

- Homeless Services Coordinator
- Housing/Work Proximity Programs Information
- ADU Center - Staff Support
- Housing Element
- Housing Law Update
- General Plan Update
- Island Annexations
- New dispatch system implementation-fire/ambulance
- New contract with Napa County Ambulance Provider

### Economic Development (3)

- Cannabis Ordinance Change & Revenue Discussion
- Parklet policy/parking standards and impact fee
- Franklin Station Hotel

### Community Focused Services (9)

- Grocery Worker Hazard Pay
- Citywide Communication and website/social media development
- Climate Action Committee - JPA
- Sidewalk/Reproductive Rights
- ADA Compliance
- COVID Compliance
- Redistricting
- Hazard Mitigation Plan (HMP) write and re-write every 5 years
- Sidewalk/Reproductive Rights

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### Diversity, Equity, and Inclusivity (3)

- Language Equity Plan
- Community Outreach to address equity and systemic racism
- Diversity, Equity & Inclusion Training Program

# City Priority Projects (90 total)

## ATTACHMENT 4

### Efficient and Stable Organization (30)

- Legislative Advocacy
- Staffing restoration plan
- Employee Appreciation Event FY 21/22
- ERP Implementation of HCM, Utility Billing, Finance/Budgeting
- Implementation of Asset Management Software
- Implementation of Construction Management Software
- Implementation of Land Management Software – Trakit Replacement
- Records Management System Implementation-PD
- Implement Deferred Compensation Advisory Board
- Update User Fees - Citywide
- Upgrade Controlled Substance Hardware and Software
- Streamline development review process (Management Partners Contract)
- DOT Policy Update
- Safety Programs
- Protocols for ongoing COVID Management
- Electronic Signature
- Contracting Process
- Fire Record Management System Implementation
- Budget and ongoing financial management
- Equipment Replacement Program/Funding Plan
- Implement Work From Anywhere software and hardware
- Implement enhanced IT security policies and infrastructure
- Performance Evaluation program update
- Civil Service Rules analysis
- Update 5-year Capital Improvement Program (CIP) Plan
- Real Property Transfers with Flood Control
- Fleet Replacement Fund Analysis and right sizing charges
- Continuity of Operations Plan (COOP) write and re-write every 5 years
- Impact Fee Updates After General Plan
- Comprehensive GIS software

### Streets, Sidewalks, and Infrastructure (17)

- Project Labor Agreements (PLA) and Contractor Qualifications Info Presentation
- Traffic Safety All Modes/Safe Routes to Schools
- Development of Local Roadway Safety Plan
- Update Pavement Management Plan
- Hazardous Materials Storage/Safety Equipment
- New State Stormwater Quality Permit
- Complete Storm Drain Condition Assessment and Plan
- Street Repair- Citywide Program
- Facilities Conditions Assessment Maintenance/Repairs
- Storm Drain Repair/Replacement
- Standard Plans and Specifications Update
- Parks-Tree/Root Maintenance
- Update Bridge Condition Assessment
- Sidewalk Repair - City Wide Program GF Contribution
- Parking Lot/Garages Assessment, Rehab/Maintenance
- Soscol Bridge over Tulocay Replacement (with Caltrans)
- River Park Property Assessment Review

### Where We Live - Housing and Neighborhoods (14)

- Homeless Services Coordinator
- Housing/Work Proximity Programs Information
- ADU Center - Staff Support
- Housing Element
- Housing Law Update
- General Plan Update
- Island Annexations
- New dispatch system implementation-fire/ambulance
- New contract with Napa County Ambulance Provider
- Zoning Ord Revisions following GP Update
- Forensic Electronic Crimes Team
- Crime Analyst
- Housing Incentives Program - By Right Development
- Housing Creation & Reducing Development Barriers

### Economic Development (9)

- Cannabis Ordinance Change & Revenue Discussion
- Parklet policy/parking standards and impact fee
- Franklin Station Hotel
- Town Center (Kohls Project)
- Code Enforce Ord Modifications - Property Maintenance Fines
- Changing outdoor dining regulations
- Evaluate new revenue sources
- NV Economic Development Network
- Economic Development Partnerships

### Community Focused Services (15)


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

### Diversity, Equity, and Inclusivity (5)

- Language Equity Plan
- Community Outreach to address equity and systemic racism
- Diversity, Equity & Inclusion Training Program
- Wellness Program
- Employee Engagement Survey

# Next Steps

Today: Finalize priority projects/initiatives



April 27<sup>th</sup>: Budget Study Session



End of Presentation



## MEMO

TO: City Council  
FROM: Liz Habkirk, Deputy City Manager  
DATE: March 19, 2021  
SUBJECT: Grocery Worker Hazard Pay Ordinance - Council Priorities Workshop

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### Background

On March 16, 2021, the City Council considered a number of priority areas to help direct staff work over the next fiscal year. Among those items for consideration was a proposed ordinance to provide hazard pay for grocery store staff who have been designated by the California Governor as essential workers during the COVID-19 pandemic. The hazard pay is in consideration for the efforts of grocery store employees in the face of the continuing high-risk nature of their work as a result of the pandemic.

Several cities and counties throughout California have passed or will be passing similar ordinance, and the City Council requested staff bring an urgency ordinance for consideration at the next available meeting.

### Discussion

In the limited time available since the Council meeting on March 16, City staff has assembled a draft ordinance (attached to this memo) based on ordinances adopted by other cities, which will be a topic of discussion during the Council special meeting on March 23, 2021. If Council provides direction to City staff on March 23 to move forward with the ordinance, staff is prepared to schedule the urgency ordinance for action by the Council on April 6, 2021.

In reviewing the draft ordinance, staff requests the City Council focus its attention on several key policy points:

1. What "Grocery Stores" are "Covered Employers": The draft ordinance requires payment by the "Covered Employer" to each "Covered Employee" if the grocery store: (a) has more than 300 grocery workers nationwide, and (b) has more than 200 grocery workers in the State of California.
2. What "Covered Employees" are entitled to "Hazard Pay": The draft ordinance requires payment of Hazard Pay to each "Grocery Worker" (which excludes managers, supervisors, and independent contractors) who work for a grocery store that is a Covered Employer.
3. Amount of Hazard Pay: The draft ordinance requires each Covered Employer to pay each Covered Employee hazard pay of \$5.00 per hour above "Baseline Compensation," with restrictions on the employer adjusting employee hours or "Baseline Compensation" in any manner. The draft ordinance provides a credit (or offset) from the amount of Hazard Pay for specified types of additional compensation that are



“equivalent to Hazard Pay” that are already paid by the employer to the employee above the Baseline Compensation.

4. Duration of Pay: The draft ordinance requires payment beginning immediately on the effective date of the ordinance (which could be April 6, 2021), and the hazard pay continues until 120-days after the effective date (which would be August 4, 2021).
5. Enforcement by Private Right of Action: The draft ordinance provides a right for any aggrieved party to bring their own action to enforce against an alleged violation of the ordinance.

Direction on these policy components will assist staff in returning with a draft ordinance for Council consideration at the April 6, 2021 meeting.

**(DRAFT VERSION 2021-03-19)**

ORDINANCE O2021-\_\_\_\_

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAPA, STATE OF CALIFORNIA, RELATING TO THE PAYMENT OF HAZARD PAY TO GROCERY WORKERS IN SPECIFIED GROCERY STORES, TO TAKE EFFECT IMMEDIATELY

WHEREAS, the Coronavirus 19 (“COVID-19”) disease is caused by a virus that spreads easily from person to person and may result in serious illness or death, and is classified by the World Health Organization (“WHO”) as a worldwide pandemic; and

WHEREAS, COVID-19 has broadly spread throughout the United States and California, and remains a significant health risk to the community, especially members of our most vulnerable populations; and

WHEREAS, on March 4, 2020 California Governor Gavin Newsom proclaimed a state of emergency in response to new cases of COVID-19, directing state agencies to use all resources necessary to prepare for and respond to the outbreak; and

WHEREAS, on March 15, 2020, the City Manager, acting as Director of Emergency Services, issued Proclamation No. P2020-001 to proclaim the existence of a local emergency regarding COVID-19, that was ratified by the City Council on March 16, 2020 (R2020-037); and

WHEREAS, Proclamation No. P2020-001 has been regularly ratified and updated by City Council, and has continuously remained in effect to date; and

WHEREAS, since March 2020, residents and businesses in the City of Napa have been under various forms of stay-at-home orders or other activity restrictions issued by the State of California; and

WHEREAS, various stay-at-home orders excepted individuals participating in essential activities or providing essential business services; and

WHEREAS, a March 19, 2020 proclamation by California Governor Gavin Newsom identified grocery stores as essential business sectors critical to protecting the health and well-being of all Californians and their workers have been designated as essential critical infrastructure workers exempting them from stay-at-home orders and certain other activity restrictions; and

**(DRAFT VERSION 2021-03-19)**

WHEREAS, grocery stores are essential businesses operating in the City during the COVID-19 emergency making grocery workers highly vulnerable to health or safety risks; and

WHEREAS, grocery workers are essential workers who perform services that are fundamental to the economy and health of the community during the COVID-19 crisis. They work in high-risk conditions with inconsistent access to protective equipment and other safety measures; work indoors in public situations with limited ability to engage in physical distancing; and continually expose themselves and the public to the spread of the disease; and

WHEREAS, hazard pay, paid in addition to regular wages, is an established type of compensation for employees performing hazardous duty or work involving physical hardship that can cause extreme physical discomfort and distress; and

WHEREAS, grocery store workers during the COVID-19 emergency merit additional compensation because they are performing hazardous duty due to the significant risk of exposure to the COVID-19 virus. Grocery store workers have been working under these hazardous conditions for months. They are working in these hazardous conditions now and will continue to face safety risks as the virus presents an ongoing threat for an uncertain period, potentially resulting in subsequent waves of infection; and

WHEREAS, the availability of grocery stores is fundamental to the health of City residents and is made possible during the COVID-19 emergency because grocery workers are on the frontlines of this devastating pandemic supporting public health, safety, and welfare by working in hazardous situations; and

WHEREAS, a growing list of cities and counties across California, including the cities of San Mateo, South San Francisco, Daly City, Berkeley, Los Angeles, Palm Springs, Long Beach, San Leandro, and American Canyon began announcing and adopting legislation for premium hazard pay for grocery workers; and

WHEREAS, the City has constitutional home rule authority to enact this ordinance to protect the public health, safety, and welfare, and to regulate the City's municipal affairs, pursuant to California Constitution Article XI, Sections 5 and 7, and City Charter Section 4; and City is authorized by California Labor Code section 1205 to set labor standards regarding the payment of wages that are more stringent than state standards; and

WHEREAS, the adoption of this ordinance will provide for the immediate preservation of the public peace, property, health or safety, pursuant to City Charter Section 62 and Napa Municipal Code 1.04.060.

## (DRAFT VERSION 2021-03-19)

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Napa as follows:

**SECTION 1: Findings.** The City Council hereby finds that the facts set forth in the recitals to this ordinance are true and correct, and establish the factual bases for adoption of this ordinance.

**SECTION 2: Adoption.** The City Council hereby adopts and enacts the uncodedified “Hazard Pay For Grocery Workers Ordinance” as set forth in Exhibit “A,” attached hereto and incorporated herein by reference.

**SECTION 3: Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 4: Effective Date.** This Ordinance shall become effective immediately upon its adoption, upon 4/5 vote of City Council.

City of Napa, a municipal corporation

MAYOR: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
CITY CLERK OF THE CITY OF NAPA

STATE OF CALIFORNIA }  
COUNTY OF NAPA } SS:  
CITY OF NAPA }

I, Tiffany Carranza, City Clerk of the City of Napa, do hereby certify that the foregoing Ordinance was adopted and passed as an emergency ordinance during the public meeting of the City Council on the 6<sup>th</sup> day of April, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(DRAFT VERSION 2021-03-19)

ATTEST: \_\_\_\_\_  
Tiffany Carranza  
City Clerk

Approved as to Form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney

## EXHIBIT "A" (DRAFT VERSION 2021-03-19)

## HAZARD PAY FOR GROCERY WORKERS ORDINANCE

- Section 1 Purpose.**
- Section 2 Definitions.**
- Section 3 Applicability.**
- Section 4 Hazard Pay Requirement.**
- Section 5 Notice of Rights.**
- Section 6 Recordkeeping**
- Section 7 Retaliation prohibited.**
- Section 8 Remedies.**
- Section 9 Waiver Through Collective Bargaining.**
- Section 10 Encouragement of more generous policies.**
- Section 11 Other Legal Requirements.**

**Section 1. Purpose.**

This "Hazard Pay for Grocery Workers Ordinance" may be referred to herein as the "Ordinance." The purpose of this Ordinance is to protect and promote the public health, safety, and welfare during the novel coronavirus disease of 2019 ("COVID-19") emergency by requiring certain grocery stores to provide hazard pay for grocery workers performing work in the City of Napa. Grocery workers face magnified risks of catching or spreading COVID-19 because the nature of their work involves close contact indoors with the public and co-workers, including individuals who are not showing symptoms of COVID-19. Hazard pay also ensures the retention of these essential grocery store workers who are the frontlines of this pandemic providing essential services and who are needed throughout the duration of the COVID-19 emergency.

**Section 2. Definitions.**

For purposes of this Ordinance:

**"Adverse Action"** means reducing the compensation to a grocery worker, garnishing gratuities, temporarily or permanently denying or limiting access to work, incentives, or

**EXHIBIT "A" (DRAFT VERSION 2021-03-19)**

bonuses, offering less desirable work, demoting, terminating, deactivating, putting a grocery worker on hold status, failing to rehire after a seasonal interruption of work, threatening, penalizing, retaliating, or otherwise discriminating against a Covered Employee." Adverse action also encompasses any action by the Covered Employer or a person acting on the Covered Employer's behalf that would dissuade a Covered Employee from exercising any right afforded by this Ordinance. a sound augmented by any electronic or other means that increases the sound level or volume beyond that of a conversational speaking voice.

**"Baseline Compensation"** means the hourly compensation paid to Covered Employees as of the effective date of this Ordinance after subtracting any premium compensation used to compensate Covered Employees for working during the pandemic. Baseline Compensation does not include Hazard Pay owed under this Ordinance, but does include premium compensation unrelated to the pandemic, such as holiday premiums paid for performing work during a holiday.

**"Covered Employee"** means a Grocery Worker who is entitled to Hazard Pay pursuant to this Ordinance.

**"Covered Employer"** means any entity that employs more than three hundred (300) Grocery Workers nationwide and employs more than two hundred (200) Grocery Workers in the State of California.

**"Grocery Store"** means an establishment primarily engaged in selling a range of foods including fresh, frozen or canned meats, fish and poultry, fruits and vegetables, bread and/or grain products and dairy products, including, but not limited to, grocery stores, markets, or supermarkets; or produce stores, cheese, uncooked meat/butcher shops and fish markets.

**"Grocery Worker"** means a worker employed to work at a Grocery Store. Grocery worker does not include managers, supervisors, or independent contractors.

**"Hazard Pay"** means additional compensation owed to a Covered Employee that is separate from Baseline Compensation and does not include tips earned from customers.

**"Person"** shall have the meaning set forth in Napa Municipal Code Section 1.04.030.

### **Section 3. Applicability.**

- A. For purposes of this Ordinance, Covered Employers are required to pay Hazard Pay to each Covered Employee who works at a grocery store located in the City of Napa.

**EXHIBIT “A” (DRAFT VERSION 2021-03-19)**

- B. For purposes of this Ordinance, the number of Grocery Workers employed by an employer is the total number of Grocery Workers who worked for compensation during the two-week period immediately preceding the effective date of this Ordinance.
- C. Covered Employers shall provide the Hazard Pay required by this Ordinance to any Covered Employee in the City of Napa beginning on the effective date of this Ordinance, until one-hundred and twenty (120) days from the effective date of this Ordinance.
- D. Unless extended by the City Council, the Hazard Pay requirement set forth in this Ordinance shall only remain in effect for a limited period of one-hundred and twenty (120) days from the effective date of this Ordinance.

**Section 4. Hazard Pay Requirement.**

- A. A Covered Employer shall provide Grocery Workers with Hazard Pay consisting of an additional Five Dollars (\$5.00) per hour above Baseline Compensation for each hour worked within the City of Napa.
- B. All compensation above Baseline Compensation shall be credited against the Hazard Pay requirement, as follows:
  - 1. A Covered Employer that is already providing additional compensation above Baseline Compensation equivalent to Hazard Pay, on an ongoing basis prior to the effective date of this Ordinance may use the hourly rate of that additional compensation to offset the amount due under this Ordinance (e.g., a Covered Employer who is already paying two dollars (\$2.00) per hour above Baseline Compensation owes an additional three dollars (\$3.00) per hour in Hazard Pay).
  - 2. Health insurance premiums may be considered equivalent to Hazard Pay only where those premiums were not a part of Baseline Compensation and only where the cost of the premium can be directly attributed to the particular employee whose Hazard Pay is offset.
  - 3. The Covered Employer bears the burden of proof that the additional compensation is equivalent to Hazard Pay and not Baseline Compensation. No Covered Employer shall be credited prospectively for any past payments. No Covered Employer shall be credited for any hourly premiums already owed to Covered Employees, such as but not limited to, holiday premiums, however there shall be a rebuttable presumption that compensation paid by a Covered Employer at a particular Grocery Store in January 2020 was Baseline Compensation for purposes of calculating

**EXHIBIT "A" (DRAFT VERSION 2021-03-19)**

Hazard Pay at that particular Grocery Store. Nothing herein shall be interpreted to prohibit any employer from paying more than five dollars (\$5.00) per hour in Hazard Pay.

**Section 5. Notice of rights.**

A. A Covered Employer shall provide covered grocery workers with a written notice of rights established by this Ordinance. The notice of rights shall provide information on:

1. The right to Hazard Pay guaranteed by this Ordinance;
2. The right to be protected from retaliation for exercising or assisting in the exercise of the rights set forth in this Ordinance; and
3. The right to bring a civil action for a violation of the requirements of this Ordinance, including a Covered Employer's denial of Hazard Pay as required by this Ordinance and/or retaliation against a Grocery Worker or other person or entity exercising or assisting in the exercise of the rights set forth in this Ordinance.

B. A Covered Employer shall provide the written notice of rights by posting in the same conspicuous location used for other mandatory employment postings such as the State of California Wage Orders and the Federal Family Medical Leave Act and shall also provide the written notice of rights in an electronic format that is readily accessible to all employees. The notice of rights shall be made available in English and Spanish and any other language that the Covered Employer knows or has reason to know is the primary language of the Covered Employees.

**Section 6. Recordkeeping.**

A. Covered Employer shall retain records that document compliance with this Ordinance for Covered Employees for a period of two (2) years after the date of this Ordinance.

B. If a Covered Employer fails to retain adequate records, there shall be a presumption, rebuttable by clear and convincing evidence, that the Covered Employer violated this Ordinance for each Covered Employee for whom records were not retained.

**Section 7. Retaliation prohibited.**

No Covered Employer shall discharge, reduce compensation, take Adverse Action against or otherwise retaliate against any grocery worker for exercising or assisting in the exercise of rights under this Ordinance by any lawful means.

**EXHIBIT “A” (DRAFT VERSION 2021-03-19)****Section 8. Remedies.**

- A. Any person aggrieved by a violation of this Ordinance, any entity a member of which is aggrieved by a violation of this Ordinance, or any other person or entity acting on behalf of the public as provided for under applicable state law, may bring a civil action in a court of competent jurisdiction against the Employer or other person violating this Ordinance and, upon prevailing, shall be awarded reasonable attorneys' fees and costs and shall be entitled to such legal or equitable relief as may be appropriate to remedy the violation including, without limitation:
1. Reinstatement, payment of back wages wrongfully withheld, liquidated damages, civil penalties, penalties payable to aggrieved parties, fines, the payment of an additional sum as a civil penalty in the amount of \$50 to each Covered Employee whose rights under this Ordinance were violated for each day or portion thereof that the violation occurred or continued, and fines imposed pursuant to other provisions of this Code or state law.
  2. Interest on all due and unpaid wages at the rate of interest specified in subdivision (b) of Section 3289 of the California Civil Code, which shall accrue from the date that the wages were due and payable as provided in Part 1 (commencing with Section 200) of Division 2 of the California Labor Code, to the date the wages are paid in full.
- B. A Covered Employer found to have retaliated in violation of this Ordinance shall be subject to any additional remedy at law or equity including, but not limited to front pay in lieu of reinstatement with full payment of unpaid compensation plus interest and punitive damages in an additional amount of up to twice the unpaid compensation.

**Section 9. Waiver Through Collective Bargaining.**

To the extent required or permitted by federal or state law, all or any portion of the applicable requirements of this Ordinance may be waived in a bona fide collective bargaining agreement, provided that such waiver is explicitly set forth in such agreement in clear and unambiguous terms. Any request to an individual Employee by an Employer to waive their rights under this Ordinance shall constitute a violation of this Ordinance.

**Section 10. Encouragement of more generous policies.**

- A. Nothing in this Ordinance shall be construed to discourage or prohibit a Covered Employer from the adoption or retention of premium pay policies more generous than the one required herein.

**EXHIBIT "A" (DRAFT VERSION 2021-03-19)**

B. Nothing in this Ordinance shall be construed as diminishing the obligation of a Covered Employer to comply with any contract or other agreement providing more generous protections to a Covered Employee than required by this Ordinance.

**Section 11. Other legal requirements.**

This Ordinance provides minimum requirements for Hazard Pay while working for a Covered Employer during the COVID-19 emergency and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, policy, or standard that provides for higher hazard pay, or that extends other protections to grocery workers; and nothing in this Ordinance shall be interpreted or applied to create any power or duty in conflict with federal or state law. Nothing in this Section shall be construed as restricting a grocery worker's right to pursue any other remedies at law or equity for violation of their rights.

**From:** [Carol Whichard](#)  
**To:** [Clerk](#)  
**Subject:** Comment to be read at special meeting 3/23/21  
**Date:** Monday, March 22, 2021 11:58:49 AM

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[EXTERNAL]

Re: Agenda item 93-2021

Dear Mayor Sedgley and City Council,


I stand in support of passing the proposed ordinance to include grocery and pharmacy workers as essential workers during the covid pandemic. These workers have kept our grocery stores and pharmacies open throughout the past year with no additional compensation. They are true heroes!

By compelling these employers to raise their workers' pay by \$5/hour is absolutely the right thing to do. I would add that the pay be retroactive to some past date.

I appreciate you taking action on this very important issue and know that you'll all do the right thing for these workers by passing this ordinance.

Respectfully submitted,

Carol

Carol Whichard  


Please excuse the brevity. I'm typing from a very small device. Have a wonderful day!

**From:** Neil Watter <neilh2o@gmail.com>  
**Sent:** Tuesday, March 23, 2021 3:26 PM  
**To:** Clerk  
**Cc:** Bernie Narvaez  
**Subject:** Hero Pay

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**Categories:** Unverified Contact

[EXTERNAL]

Dear City Council,

I have a simple question. What is the legal authority for the city to impose a requirement on private businesses to pay their workers a certain wage? This is from someone who thinks that grocery and other essential workers should get increased hazard or "hero" pay. Is there a law that allows this, federal or state?

Neil Watter, Napa

Sent from my iPhone

**From:** [Dylan Miller](#)  
**To:** [Clerk](#)  
**Subject:** Hazard pay  
**Date:** Monday, March 22, 2021 4:20:32 PM

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[EXTERNAL]

The covid has really impacted the community cause alot of people don't have extra money and having this extra pay will have more in the pocket

**From:** [Joe Montano](#)  
**Sent:** Monday, March 22, 2021 5:24 PM  
**To:** [Clerk](#)  
**Subject:** Hazard Pay for Napa City Council

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**Categories:** Unverified Contact

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[EXTERNAL]

Hello, my name is Joe & I currently work at a grocery store here in the city of Napa. I'd like to take this opportunity to inform you that as an essential worker who's working around hundreds (if not thousands) of people each day, my fellow colleagues & I are in desperate need of hazard pay. Not just to help keep food on our tables, but to help us stay safe & keep enough personal protective equipment (PPE) supplies stocked at home & so we can our part in slowing the spread of Covid-19. Please from the bottom of our hearts, we ask you out of respect that you pass the Hazard pay for us essential workers. We are trying our hardest to serve our beautiful community, I kindly ask for your support in passing this. Thank you so much for your help.

- Joe

**From:** [arely soriano](#)  
**Sent:** Monday, March 22, 2021 7:36 PM  
**To:** [Clerk](#)  
**Subject:** Hazard Pay for Grocery Workers

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**Categories:** Unverified Contact

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[EXTERNAL]

Hello,

I just wanted to extend my voice about the Hazard Pay for Grocery Workers. I work at Nob Hill Foods in Napa, CA and I have been working through this pandemic, risking myself and my family daily without knowing what I will be confronted with as I simultaneously serve my community. I see myself and my co-workers trying our best as frontline workers. We have dealt with various situations since we are the faces of the company. We offer the best service together with smiles, making everyone feel welcome, even in the worst circumstances. We have been through a lot: Fires, a Pandemic, Earthquakes, etc. and it has not been easy but we want to serve to our community and make it a safe place, where community members can shop comfortably and feel secure. I have also experienced many uncomfortable situations where people do not want to wear facemasks or shields in a pandemic. Their hostility makes it difficult especially when we are trying our best to keep everyone safe. When you decide to give us **Hazard Pay**, it will help families have more financial security, emotional stability, and hope, that is important to us. **Please Pass Hazard Pay for Essential Grocery and Retail Drug Workers.**

Sincerely,  
A Grocery Store Worker

**From:** [Erin Askim](#)  
**Sent:** Monday, March 22, 2021 8:18 PM  
**To:** [Clerk](#)  
**Subject:** Hazard Pay

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**Categories:** Unverified Contact

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[EXTERNAL]

I work at Nob Hill 623, I am at high risk due to asthma and a very important essential employee. I would feel comfortable with hazard pay because back in December I was really scared about getting Covid with everyone out. Please pass hazard pay for essential grocery and retail drug workers thanks for your time and have a good day

Sent from my iPhone

**From:** [Donna Laba](#)  
**Sent:** Monday, March 22, 2021 10:54 PM  
**To:** [Clerk](#)  
**Subject:** 5G cell towers

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**Categories:** Unverified Contact

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[Feedback](#)

[EXTERNAL]

Good afternoon, Napa City Council:

As you discuss priorities, 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 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.

Thank you.

Sincerely,

Donna Laba

Sent from my iPhone

**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- update 8/31/20

(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 although they state they do not
- **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 (or other) 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) This includes surveillance equipment for privacy and security protections.
- **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](#))
- **Insurance:** In order to protect the city from liability (and bankruptcy) from harm to humans or the environment cities have a legitimate right to require proper health protective insurance on their master license or emergency ordinance. Without proper city insurance **that does not have a pollution exclusion** the cities can be sued for damages by individuals. **All of the major insurance companies including Lloyds of London since 2011 exclude RF radiation or electromagnetic frequencies from coverage- it is an exclusion.** There are a few companies who can cover pollution liability and this should be required. Scarsdale, New York has apparently included a provision in their ordinance to require pollution free exclusion in their policies. Cities also have the right to regulate the operation of the WTF facility.

**Note:** The risk manager for the city needs to require **a copy** of the insurance policy from both the operator and installer of the telecom equipment that includes the **Board of Directors and Assets of the Corporation** to be clear about which entity you are signing the agreement with. Telecom companies can offer indemnity insurance from another entity which can potentially be a shell company with few or no assets and thus leave cities bare with regards to insurance coverage or adequate defense of a lawsuit. After signing the master license agreement the telecom company requesting the permit would be required to produce the certificate of liability along with the actual policy and insurance clause that shows coverage **without a pollution exclusion**. A one page list of the certificate of liability is not enough to protect a city. Careful scrutiny and legal input is necessary in reviewing insurance.

See **Interplay of Insurance, Indemnity and Limits of Liability** by Safety National.  
<https://www.safetynational.com/conferencechronicles/interplay-of-insurance-indemnity-and-limits-of-liability/>

**“Pollutant” Exclusions in Property Insurance Policies**, Part 3. June 19, 2014.  
<https://www.propertyinsurancecoveragelaw.com/2014/06/articles/insurance/pollutant-exclusions-in-property-insurance-policies-part-3/>

**Electromagnetic Field Insurance Policy Exclusion Are the Standard-** Includes names of insurance companies who do cover pollution liability.  
<https://ecfsapi.fcc.gov/file/10906001218058/Electromagnetic%20Field%20Insurance%20Policy%20Exclusions.pdf>

- **General Liability Insurance \$ 2-5 million without a pollution exclusion clause 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 without a pollution exclusion. 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...

- **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/cm<sup>2</sup>) 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)

#### Reference:

**Radiofrequency (RF) Radiation Awareness Guide for the Construction Industry.** Useful information clearly written. [https://www.cpwr.com/wp-content/uploads/publications/RF\\_Radiation\\_Awareness\\_Program\\_Guide\\_8\\_2016.pdf](https://www.cpwr.com/wp-content/uploads/publications/RF_Radiation_Awareness_Program_Guide_8_2016.pdf)

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PETALUMA AMENDING  
THE TEXT OF CHAPTER 14.44 OF THE PETALUMA MUNICIPAL CODE TO ADD A  
DEFINITION FOR SMALL CELL FACILITIES AND IMPLEMENTING ZONING  
ORDINANCE, ORDINANCE 2300 N.C.S., CHAPTER 7 SECTION 7.090 –  
TELECOMMUNICATIONS FACILITIES TO ADD A DEFINITION AND TABLE  
COLUMN FOR SMALL CELL FACILITIES**

**WHEREAS**, California Public Utilities Code Section 7901.1 gives the City the right to control, in a reasonable manner, the time, place, and manner, when applied equally, where telecommunications facilities can be located; and

**WHEREAS**, Petaluma Municipal Code Chapter 14.44 and the Implementing Zoning Ordinance Chapter 7.090 both govern telecommunications facilities within Petaluma; and

**WHEREAS**, as telecommunications facilities are increasingly used, there is a request for the addition of Small Cell facilities within Petaluma from existing telecommunications companies to offload data from existing telecommunications infrastructure; and

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

**WHEREAS**, by precedent set in a Public Utilities Commission case (*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 right-of-way; and

**WHEREAS**, under California Public Utilities Code Section 7901, the City may not ban such small cell facilities; and

**WHEREAS**, in order to protect the general welfare of citizens of Petaluma, updates will be made to the Petaluma Municipal Code and Implementing Zoning Ordinance to limit the siting of small cell facilities within the scope of existing laws; and

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

**WHEREAS**, the City Council found that due to the negligible environmental impacts anticipated from enactment of the edits to Chapter 14.44 of the Petaluma Municipal Code Ordinance 2634 N.C.S. was exempt from CEQA pursuant to Sections 15061(b)(3), 15183 and 15301;

**WHEREAS**, the text amendments contained in Exhibit A to this resolution to modify the City’s Municipal Code Chapter 14, Section 14.44 and Implementing Zoning Ordinance, Chapter 7, Section 7.090 – Telecommunications Facilities implements, consistent with applicable state laws, the precise requirements, including location, for Small Cell facilities; and

**WHEREAS**, on June 12, 2018, the Planning Commission held a duly noticed public hearing in accordance with Chapter 25 of the Implementing Zoning Ordinance to consider the amendments.

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

**WHEREAS**, on XXXX XX, 2018, a public notice of the XXXX XX, 2018 public hearing before the City Council to consider the amendments was published in the Argus-Courier; and,

**WHEREAS**, on XXXX XX, 2018, the City Council of the City of Petaluma held a duly noticed public hearing to consider the amendments; and

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

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

1. In accordance with Sections 25.010 and 25.050(B) of the City’s Implementing Zoning Ordinance, Ordinance no. 2300N.C.S., (“IZO”), the proposed amendments to the IZO in Chapter 7, Section 7.090 –Telecommunications Facilities contained in Exhibit A are in general conformity with the Petaluma General Plan 2025 in that these changes do not change the general character and impacts of current zoning regulations. In accordance with Section 25.050(B) of IZO, the proposed amendments are consistent with 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 are appropriate;
  - b. Comply with California Public Utilities Code sections 7901 and 7901.1 which regulate telecommunication facilities; and
  - c. Provide for buffers to assure that Small Cell facilities are a safe distance from residential land uses.
2. The text amendments contained in Exhibit 1 to this ordinance, which exhibit is hereby made a part of this resolution for all purposes, are exempt from CEQA pursuant to Sections 15061(b)(3), 15183 and 15301 of the CEQA Guidelines in that Small Cell facilities will be limited in a consistent manner and permitted in locations consistent with the Telecommunications chapter and state law without creating any additional impacts.

Section 2.     Section 14.44 – Telecommunications Facility and Antenna Requirement of the

Petaluma Municipal Code is 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. "Telecommunication 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. "Telecommunication facility - minor" means any of the following:

- a. Antenna which meet the definition of "mini" with the exception of the height limit.
- b. Telecommunication 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. Telecommunication 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. "Telecommunications 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.

AND

**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 to be installed inside the pole must be undergrounded, flush to the ground, within three (3) feet of the utility pole.
- D. Each pole is to have its own, dedicated power source to be installed and metered separately.
- E. Each Small Cell is to be no less than 1,500 feet away from the nearest Small Cell facility.
- F. Aside from the transmitter/antenna itself, no additional equipment shall be visible.
- G. No Small Cell shall be within 200 feet of any residence.
- H. An encroachment permit must be obtained for any work in the right-of-way.

Section 3. Section 7.090 of the Implementing Zoning Ordinance is amended to read as follows:

**7.090 - Telecommunications Facilities**

The following requirements apply to Telecommunications Facilities as defined by the City's Telecommunications Ordinance (Municipal Code 14.44).

- A. Definitions. The types of facilities regulated by this section are defined in the City's Telecommunications Ordinance (Municipal Code 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 areas 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 right-of-way work is also required. The right-of-way shall carry the designation of the zone adjacent to the right-of-way, for purposes of 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 City of Petaluma Municipal Code and the Implementing Zoning Ordinance, 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.

**From:** [Cindy Jewett](#)  
**Sent:** Tuesday, March 23, 2021 5:07 AM  
**To:** [Clerk](#)  
**Subject:** Comment to council re: March 23 meeting item 3A

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**Categories:** Unverified Contact

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[EXTERNAL]

I am forwarding this well composed and pointed letter as it represents my concerns regarding 5G deployment in Napa. I urge the council to heed these recommendations and become a model for citizen responsive local government and to be on the right side of history.

---

Good afternoon, Napa City Council:

As you discuss priorities, 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 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.

Thank you,

Cindy Jewett



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Napa Neighborhood For Safe Technology · [389 Franklin St # 2](#) · [Napa, CA 94559-3837](#) · [USA](#)



**From:** [Kevin Sarmento](#)  
**Sent:** Tuesday, March 23, 2021 7:39 AM  
**To:** [Clerk](#)  
**Subject:** COMMENT TO COUNCIL FOR MARCH 23, 2021 MEETING – PLEASE READ”

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**Categories:** Unverified Contact

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[EXTERNAL]

Good morning Napa City Council:

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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.

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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 We implore you to make an updated telecom ordinance your highest priority 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 ask that you reflect the will of your constituents and act on our behalf by making an updated telecom ordinance a priority.

Thank you.

Kevin Sarmento



**From:** [Hank Kaspar](#)  
**To:** [Clerk](#)  
**Subject:** COMMENT TO COUNCIL FOR MARCH 23, 2021 MEETING (on Item 3A) – PLEASE READ  
**Date:** Tuesday, March 23, 2021 8:44:16 AM

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[EXTERNAL]

Good afternoon, Napa City Council:

As you discuss priorities, 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

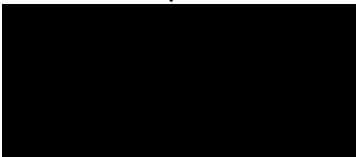
alone. We also know that AT&T would not be far behind seeking its share.

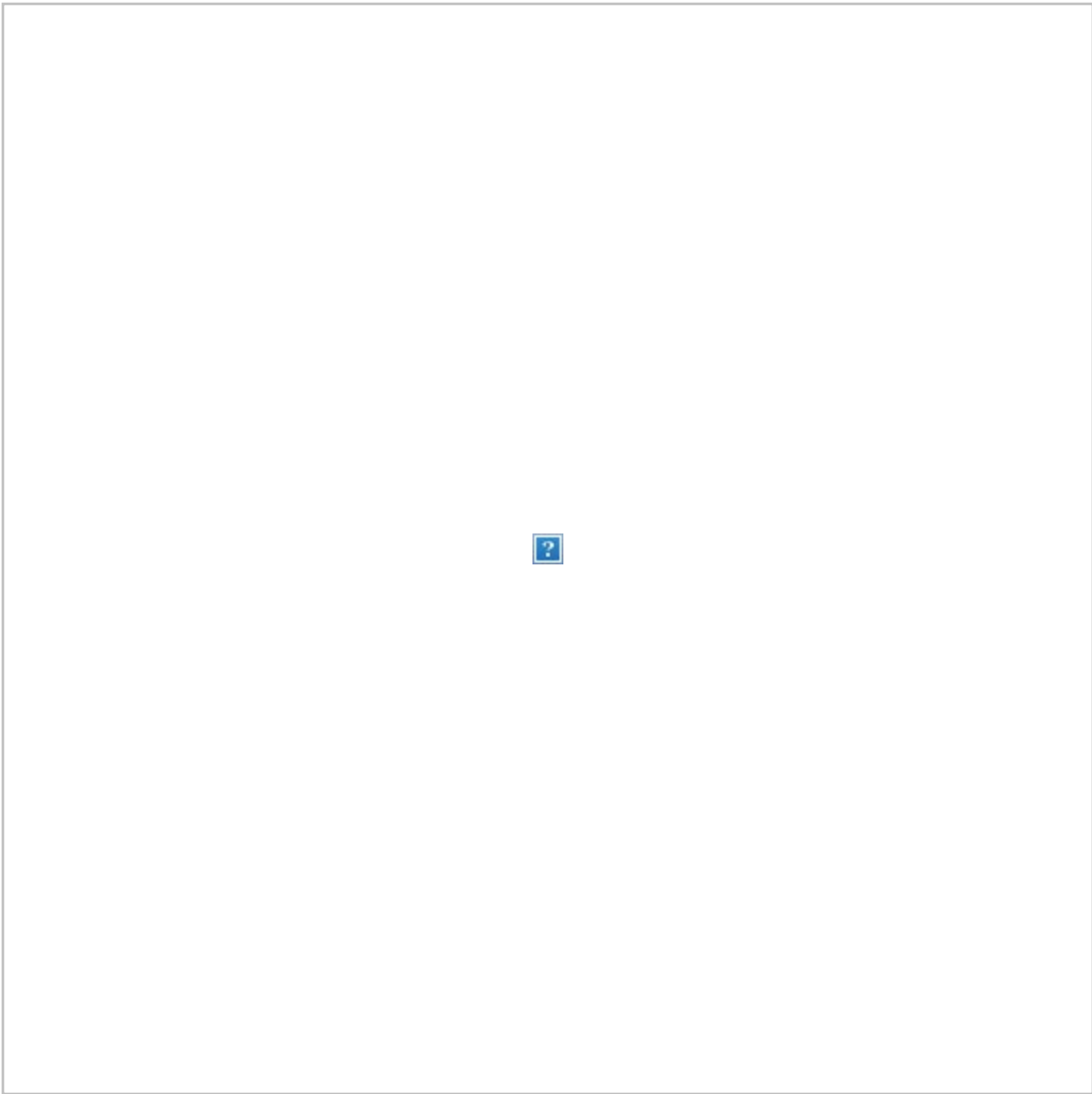
We implore you to make an updated telecom ordinance your highest priority as many cities have done throughout the state, country, and world. Such an ordinance should include required data showing a significant gap in telephone service, public notice (of a public hearing) of residents living near proposed 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.

Thank you.

Hank Kaspar





**From:** [Neil Watter](#)  
**To:** [Clerk](#)  
**Subject:** Comment to Council for March 23,2021 Meeting (on item 3A)-Please read  
**Date:** Tuesday, March 23, 2021 8:52:27 AM

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[EXTERNAL]

Good afternoon Napa City Council,

As you discuss priorities, we ask that you make the adoption of an ordinance regulating small cell antennas a top one. Many cities across the country and state including our neighbor Petaluma have passed an ordinance regular these small cell antennas such as limiting them to commercial areas only. More and more citizens of Napa are now demanding an ordinance. It is your responsibility to pass one.

Thank you

Neil Watter MD

Napa Neighborhood Association for Safe Technology

Sent from my iPhone

**From:** [Joan Foresman](#)  
**To:** [Clerk](#)  
**Subject:** COMMENT TO COUNCIL For March 23, 2021 MTG Item 3A – PLEASE READ  
**Date:** Tuesday, March 23, 2021 9:07:01 AM

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[EXTERNAL]

Last week individuals and the Napa Neighborhood Association for Safe Technology submitted public comments and asked you to make a protective ordinance regulating close proximity microwave radiating antennas (AKA "small" cell antennas) a priority. Because there's much evidence that this is necessary in "advance", in order to protect the well-being of communities! We've already experienced the powerful and sneaky ways that Verizon entered our community for their intended financial big gains at the high potential risk of our well-being in health and property values.

And Vice Mayor Sedgley stated, "We need an updated ordinance" and that the precautionary principle should be placed into the municipal code. We agree and so it should be in your current plans of priorities.

This is a newer, but gigantic potential threat to communities and even on an international scale. And many are now so sorry they did not have an "advance protective ordinance" in place. And the local gov't could have avoided unnecessary, and even very costly litigations etc.

Please do your job well in this arena by giving us a good protective ordinance now. You've been provided with wonderful, well researched and condensed resources.

We're awaiting your response.

Thank you.

**From:** [Jennifer Anderson](#)  
**Sent:** Tuesday, March 23, 2021 9:21 AM  
**To:** [Clerk](#)  
**Subject:** COMMENT TO COUNCIL FOR MARCH 23, 2021 MEETING (on Item 3A) – PLEASE READ

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**Categories:** Unverified Contact

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[EXTERNAL]

**Dear Napa City Council Members,**

**I follow the Napa Neighborhood Association for Safe Technology on social media because they reflect my concerns as a longtime citizen of Napa with planning for any proposed deployment of small cell antennas in our community.**

**I am writing today as a winemaking family echoing the need for the City of Napa to make a top priority of creating an ordinance to regulate small cell antennas. Such an ordinance would give the City the right to control the time, place, & manner in which telecom facilities can be located.**

**I believe it would be a grave mistake to turn our beautiful Agricultural Preserve into a SmartCity, with myriad cell antennas placed in close proximity, due to a mistaken & provincial notion that Smart infrastructure is “green” or that citizens of Napa will be deprived of their ability to compete in a digital marketplace if we don’t have faster mobile data upload & download speeds, when in fact this new infrastructure is only a means to lining the pockets of billionaires who stand to profit further from satellite technology. People travel to Napa from all over the world precisely to escape urban gridlock & electro-smog pollution.**

**In any event, decisions about the future of our world-famous city should be proactive & based on communication with citizens, as opposed to passively arrived at, and creating an ordinance is a good first step towards this goal. The FCC is in the process of expanding its “Over the Air Reception Devices” (OTARD) rule to allow wireless providers to install small cell antennas on private homes, potentially impacting property values & creating legal**

concerns over health and personal & property rights. On a national level, citizens are irate over small cell antennas placed within 20 feet of their homes. I believe it is imperative to lay the groundwork for navigating new legal issues brought about by the 5G rollout by creating a telecom ordinance for the City of Napa as soon as possible. Thank you for your consideration of my request.

Respectfully,

Jennifer Anderson

KNA Wines



**From:** [brenda biederman](#)  
**Sent:** Tuesday, March 23, 2021 9:30 AM  
**To:** [Clerk](#)  
**Subject:** Grocery Worker's Hazard pay

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**Categories:** Unverified Contact

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[EXTERNAL]

Hello -

My name is Brenda Biederman. I would like to make a few comments regarding the \$5/hr. Hazard Pay for grocery workers.

1. Although we are not 'as essential' as maybe police, firemen and hospital workers, we ARE essential to the lives of everyone that wants to put food on the table for their family!
2. Grocery workers have been working 24-7 to provide everything possible, including groceries, toilet paper, sanitizing products, fresh meat and produce and coffee at Starbucks (when all other coffee places had to shut down), for us to get through this past year.
3. Most importantly, we have come into contact with thousands of customers who may or may not have been infected. While we have all tried to maintain the proper distance required I can tell you that it is almost impossible at any grocery retail store. With that being said, even with our best efforts we were still in danger of possible infection.
4. Imagine how we feel when we hear of all the other professions that I previously mentioned getting hazard pay and we did not. While we aren't the professional people that they are, we are still a vital part of our community!!

Thank you for hearing my opinion. I have been in the grocery business for 34 years, have retired and went back to help out during the pandemic. Please show us that we matter too by voting YES to the pay increase.

Sincerely, Brenda Biederman

Sent from my iPhone

**From:** [Shelle Wolfe](#)  
**Sent:** Tuesday, March 23, 2021 9:43 AM  
**To:** [Clerk](#)  
**Subject:** Safe Telecom

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[EXTERNAL]

Dear City Council,

As a Napa resident, I am strongly urging you to review the need for safe telecom technology. Homeowner's right and public health should be YOUR priority... not the requests of Verizon or any other telecom company making potentially unsafe entrees into our neighborhoods!

Follow the lead of other cities such as Petaluma... and keep our neighborhoods safe!

For once... please put the Napa citizens ahead of corporate needs and requests.

Thank you,  
Shelle Wolfe

**From:** [Lori Stelling](#)  
**To:** [Clerk](#)  
**Subject:** COMMENT TO COUNCIL FOR MARCH 23, 2021 MEETING (on Item 3A) – PLEASE READ  
**Date:** Tuesday, March 23, 2021 10:47:45 AM

---

[EXTERNAL]

Dear Napa City Council,

I am taking a moment today to share comment on behalf of myself and my family. As I have shared with several of you by e-mail and in-person over the past 3 years, I urge you to adopt a protective ordinance regulating close proximity microwave radiating antennas (small cell antennas) to ensure that Napa gets ahead of this important issue.

As I have shared in the past, my experience is that Verizon coverage is excellent in Napa. Better video streaming may be a preference for some but it is NOT a need. I strongly urge you to do all you can to put in place a protective ordinance that will help to ensure that property values and the health of the community (especially children, the elderly, families of lower income, POC, and those with health conditions that are worsened by environmental toxins) are protected.

From my perspective, technology has been a blessing, in many ways, but can also be a curse. As a meditation teacher I understand some of the ways in which our use of technology can increase the addictive tendencies of the mind and I wonder whether our failure to ensure that we protect our families from small cell antennas (out of our preference for faster video streaming vs. our need for healthy bodies and protected property values), points to the fact that we are losing our clarity of mind around what is safe use of technology and what is not.

If we are able to take a step back and see clearly what will lead to greater community well-being and what will lead to greater harm, I do believe that we can and will work together to create safe technology for the benefit of everyone in our community.

Thank you for your time and consideration.

Sincerely,  
Lori Stelling  
20+ year Napa Resident

**From:** [Mary Luros](#)  
**Sent:** Tuesday, March 23, 2021 10:58 AM  
**To:** [Clerk](#)  
**Subject:** Fwd: priorities

---

Mary Luros

Begin forwarded message:

**From:** Ken Frank <chefkenfrank@latoque.com>  
**Date:** March 23, 2021 at 10:31:23 AM PDT  
**To:** Mary Luros <mluros@cityofnapa.org>  
**Subject:** priorities

[EXTERNAL]

Mary,

I want you to know that I am concerned by the push to get Napa to follow in the path of American Canyon and designate grocery store workers as heroes who get a \$5 per hour bonus. The past year has been brutal for our community (and the entire planet) and there have been plenty of heroes in many sectors. There is lots of work to do to foster our recovery from the pandemic, deciding who is or isn't a hero is ridiculous. More concerning to me is that it would indicate our leaders are not focused on serious governing. We have lots to work on, lots of it is going to be hard. Let's get our priorities straight and move this community forward. We are all in this together and I am ready to help.

I'm delighted to have you on the council and would love the opportunity to catch up with you at some point soon.

Stay positive  
Test negative  
Take care  
Ken

Ken Frank  
**Executive Chef - Owner**  
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**BANK Café and Bar**  
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Begin forwarded message:

**From:** Ken Frank <[chefkenfrank@latoque.com](mailto:chefkenfrank@latoque.com)>  
**Subject:** priorities  
**Date:** March 23, 2021 at 10:27:12 AM PDT  
**To:** "[bpainter@cityofnapa.org](mailto:bpainter@cityofnapa.org)" <[bpainter@cityofnapa.org](mailto:bpainter@cityofnapa.org)>

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[Feedback](#)

[EXTERNAL]

Beth,

I want you to know that I am concerned by the push to get Napa to follow in the path of American Canyon and designate grocery store workers as heros who get a \$5 per hour bonus. The past year has been brutal for our community (actually the entire planet) and there have been plenty of heros in many sectors. There is lots of work to do to foster our recovery from the pandemic, deciding who is or isn't a hero is ridiculous. More concerning to me is that it would indicate our leaders are not focused on serious governing. We have lots to work on, lots of it is going to be hard. Let's get our priorities straight and move this community forward. We are all in this together.

I'm delighted to have you on the council and would love the opportunity to catch up with you at some point soon.

Stay positive

Test negative

Take care

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Wine Spectator

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**From:** [Sammy Barloggi](#)  
**To:** [Clerk](#)  
**Subject:** Hazard Pay meeting public comment  
**Date:** Tuesday, March 23, 2021 11:27:43 AM

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[EXTERNAL]

Hello!

My name is Sam Barloggi and I work at Safeway here in Napa.

I believe we need hazard pay because I personally ended up getting covid and I know I got it since I work here.

I was gone for 2 weeks, and very worried because I was about to move out on my own for the first time. If we would've been getting the extra pay I definitely would've felt more comfortable.

We deserve the hazard pay because we see hundreds of people per day. I wouldn't want someone that works here that gets covid now to have to go through what I did when I got it.

Thank you.

**From:** [Terry Beglinger](#)  
**To:** [Clerk](#)  
**Subject:** SMALL ANTENNA ORDINANCE  
**Date:** Tuesday, March 23, 2021 12:25:31 PM

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[Feedback](#)

[EXTERNAL]

Dear Napa City Council:

I am asking that you make the adoption of an ordinance regulating small cell antennas a priority. Although many people, including yourselves, may not recognize or understand the health implications of wireless technology, I assure you they are real. As representatives of our community, with its health and safety included, I believe it is important and critical that you develop and put into effect an ordinance that will protect our community.

Verizon has used its corporate might to influence its will within our community and possibly to the detriment of our health and safety.

There are differing opinions on the impact of this technology on our health. I'm sure that where there is money to be made the science provided by the entity, always falls in line with their agenda. For many years, cigarette companies provided scientific studies that suggest cigarette smoking did not cause cancer, or at least could not be proven to cause cancer. We all know the truth now!

You can also look at what is going on in the E-cigarette industry as another example. There are also many issues relating to our food production as well. So I think it is important that you take the necessary steps to protect our community and listen to those of us have done a great deal of research and are very concerned about our community's health and well-being.

I believe an ordinance should be put in place to protect all of us, but especially our youth. I feel it is best to proceed with caution with new technology and at the very least it is best to err on the side of health and safety, if there is a dispute about the science.

I hope that you will prioritize and begin work on this ordinance right away.

Best regards,  
Theodore Beglinger

**From:** [Marci Reed](#)  
**To:** [Clerk](#)  
**Subject:** Grocery store worker's  
**Date:** Tuesday, March 23, 2021 2:30:55 PM

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

[EXTERNAL]

To whom it may concern,

I'm writing in regards to hazard pay for grocery workers . I've been employed for almost 23 years in Napa, and have seen a lot through the years . I have worked through stressful remodels, earthquakes , strikes and many other things , but never have we worked through a pandemic. A pandemic " Sudden outbreak that effects the whole region" We were working in an unknown territory and putting our health on the line to meet people's needs. We were busier than I have ever seen our store. Busier than any holiday, we were working to keep shelves full with limited product. People were scared , they were panicking , trying to get what they needed for fear of running out , but especially fear of getting Covid 19. Everyone was working overtime, with limited staff because some employees were afraid to come to work. We had no choice but to come to work and be in contact with thousands of people, on a daily basis. I myself contacted Covid in December and other co workers as well. We also lost an employee of over 20 years due to Covid. You never truly know where you contracted it but none the less it happens. On behalf of all my co workers , and all of my fellow grocery workers there's know question in my mind that " hazard pay" should be made available to us. It would mean so much to us after all we have given by working through this and dedicating ourselves to helping people feel safe to shop in our stores, while then going home and trying to keep our families safe. Please pass Hazard pay for essential grocery and drug store workers. Thank you

Sent from my iPhone

**From:** [Napa Neighborhood Association for Safe Technology](#)  
**To:** [Clerk](#)  
**Cc:** [Steve Potter](#); [Scott Sedgley](#); [Liz Alessio](#)  
**Subject:** "COMMENT TO COUNCIL FOR MARCH 23, 2021 MEETING – PLEASE READ" (Item 3A on City Priorities)  
**Date:** Tuesday, March 23, 2021 2:50:10 PM

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[EXTERNAL]

Dear Napa City Council:

We were disappointed, especially given the significance of the issue, that not a single council member even acknowledged our request last week that the City make perhaps one of the biggest threats to public health, the environment, local property values, and our town's charm and character— unregulated densification of 4G/5G close proximity microwave radiating antennas in the public right of way throughout Napa— a priority.

During the meeting, council members repeatedly used a peanut and elephant metaphor, stating that "peanuts" or low cost items should be given priority over higher cost items given the state of the City budget. As we mentioned, much work has already been done on this issue by non-profit organizations and other local governments. A model "small" cell protective ordinance has already been developed and is available online. In addition, other local jurisdictions have already adopted ordinances that could be used as examples, making this item a "peanut" in cost, while enormous in importance, and the Council's dismissal of the item last week the elephant in the room.

Council member Alessio already voted against an accommodation agreement with Verizon due to the omission of ongoing, independent RF radiation testing, the kind of provision that should be in a protective ordinance. Mayor Scott Sedgley already acknowledged the need for an updated telecom ordinance. Most of these proposed sites are in central Napa, making the district Council member Narvaez represents particularly vulnerable with regards to this issue. We would appreciate any of these council members stepping up at today's meeting and initiating the discussion.

If this issue is not addressed now, then when? After Verizon begins installing the 28 cell antennas the City already approved and other telecom companies start putting in their permit requests, if they have not already? Please, be proactive and address this issue immediately on behalf of the public you have been elected to serve.

Valerie Wolf  
Napa Neighborhood Association for Safe Technology

**From:** [Marla Tofle](#)  
**To:** [Clerk](#)  
**Subject:** Comment to Council for March 23, 2021 Meeting (on Item 3A)  
**Date:** Tuesday, March 23, 2021 2:59:08 PM

[EXTERNAL]

Good afternoon, Councilmembers:

Please prioritize the adoption of an updated telecommunications ordinance that regulates small cell antennas. It's an investment in our community's health and safety. It would help protect our property values and, therefore property taxes, the City's largest and most stable revenue source.

Mayor Sedgley was prescient when he was Vice Mayor, and called for needing an updated telecommunications ordinance when Verizon came to seek permits for installing small cell antennas.

That was a few years ago. It's time to act. Our City's ordinance is outdated and does not address issues related to the look and feel of our neighborhood streets, or trees in our public spaces. These are just some of the issues that are impacted by small cell antennas.

For example, Councilmember Alessio's astute and thorough examination of the issue has pointed to the issue of density. Meaning, even though small cell antennas are higher frequency and higher intensity, they are vulnerable to obstructions from trees and buildings. For this reason, the telecom industry seeks to place them every 350 to 500 feet. In our city, that would mean 510 of these antennas just for Verizon. It's very likely that AT&T will not be far behind seeking its share.

Many cities in our state have updated their telecommunications ordinances. These ordinances protect our community's interests by requiring: data that demonstrates a significant gap in telephone service; public notice (of a public hearing) of residents living near proposed sites via certified mail; 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. These are all legal provisions a City can and should require.

Petaluma is a similar community to ours in many ways. They've adopted an ordinance. Here's a link to [Petaluma's ordinance as a specific example](#). Petaluma and other cities have done this work already, making blueprints available for our City to work from. Please take action, on behalf of your constituents, and make updating our telecommunications ordinance a priority.

Thank you.

Marla Tofle

Napa, CA

**From:** [Michaela Reed](#)  
**To:** [Clerk](#)  
**Subject:** COMMENT TO COUNCIL (3A) FOR MARCH 23, 2021 MEETING – PLEASE READ  
**Date:** Tuesday, March 23, 2021 3:00:24 PM

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[EXTERNAL]

Hello,

My name is Michaela Reed and I am writing to request my public comment to the City of Napa's Council for today's meeting to be read aloud in regards to prioritizing an adult use cannabis ordinance to benefit our city in trying times. Please Read the following:

Hello City Council and City Staff, thank you for your time and consideration of my comment in support of amending our current Cannabis Ordinance to include Adult Use. My name is Michaela Reed, I am a small business co-owner and operator to a recently opened (during the pandemic) business, Napa Cannabis Collective. I am also an active member of the **Cannabis Business Alliance of Napa**. I am writing to thank you all for your urgent consideration in assisting business owners who have chosen to set up shop in Napa by expanding the City's Cannabis Ordinance to allow Adult Use.

The benefits of expanding our current cannabis ordinance to support adult use in the City of Napa will absolutely deliver both positive outcomes for our community's health and financial bolstering, which we are in dire need of. Currently, under the medical only ordinance we are losing business to neighboring cities everyday who do allow Adult Use. As the State of California's constituents, we have voted to have adult use access to cannabis.

Furthermore, today Senators Jeff Merkely (D-OR) and Steve Daines (R-MT) introduced the Secure and Fair Enforcement (SAFE) Banking Act in the U.S. Senate. This important legislation would provide state-legal cannabis businesses with the broad access to traditional banking and financial services afforded to all other legal businesses in the country — lets act swiftly and intelligently, we have the opportunity to be current with the times. Ultimately, Cannabis is a viable and highly regulated business, it is safe and has demonstrated to provide a positive impact on States as a whole.

I respectfully thank you and urge you to advocate for your constituents for an amendment to the current ordinance for Cannabis to include Adult Use. Cheers.

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Michaela Reed



**From:** [Napa County Progressive Alliance](#)  
**Sent:** Tuesday, March 23, 2021 3:23 PM  
**To:** [Clerk](#); [Steve Potter](#); [Vincent Smith](#); [Erin Morris](#); [Julie Lucido](#)  
**Subject:** "COMMENT TO COUNCIL FOR MARCH 23, 2021 MEETING (on Item 3A) – PLEASE READ"

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**Categories:** Unverified Contact

[EXTERNAL]

First,  
the Napa County Progressive Alliance would like to thank City staff for leading the way on and for its stated commitment to county island annexation. As we have said before, this item is time sensitive as island residents have paid more to get less and have been disenfranchised for far too long. They should be included, both in terms of their population and community input, in the districting process, and they should vote in the 2022 election, so they are not disenfranchised yet again and can better advocate for the needs of their neighborhoods.

Second,  
the Napa County Progressive Alliance supports the Napa Neighborhood Association for Safe Technology's request that a protective "small" cell ordinance also be made a priority; it is likewise urgent, since the telecom industry is attempting to roll out 5G infrastructure as quickly as possible over the objection of local communities and before that opposition grows larger. It is in the City's interest to retain as much control over these wireless installations as possible, and it is the City's duty to regulate them to protect public health and safety, local property values, public privacy, and the environment. The City's telecom ordinance should have been updated two years ago and should certainly be updated now before it's too late. Please make this a priority at today's meeting.

Amy  
Martenson  
Napa  
County Progressive Alliance Chair

**From:** Neil Watter [REDACTED]  
**Sent:** Tuesday, March 23, 2021 3:26 PM  
**To:** Clerk  
**Cc:** Bernie Narvaez  
**Subject:** Hero Pay

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**Categories:** Unverified Contact

[EXTERNAL]

Dear City Council,

I have a simple question. What is the legal authority for the city to impose a requirement on private businesses to pay their workers a certain wage? This is from someone who thinks that grocery and other essential workers should get increased hazard or "hero" pay. Is there a law that allows this, federal or state?

Neil Watter, Napa

Sent from my iPhone