



CITY OF NAPA

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

MEETING MINUTES - Final

CITY COUNCIL

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

Tuesday, October 6, 2020

3:30 PM

City Hall Council Chambers

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

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

3:30 P.M. AFTERNOON SESSION

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

1.A. Roll Call:

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

2. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

City Clerk Carranza announced the following supplemental items:

Item 5.A.: PowerPoint Presentation by City Staff.

Item 6.C.: PowerPoint Presentation by City Staff.

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

3. PUBLIC COMMENT: None.

4. CONSENT CALENDAR:

Approval of the Consent Agenda

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

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

- 4.A. 311-2020** Senior Advisory Commission Membership
- Appointed incumbents, Steve C. Rodriguez, Linda J. Leonard, Mark E. Lucas and Margaret H. Klick to the Senior Advisory Commission for terms effective immediately and ending on September 30, 2022; and designate Margaret H. Klick as Senior Agency Representative.
- 4.B. 312-2020** Housing Authority of the City of Napa Board Membership
- Appointed incumbents, Carol Hamilton and Johanna Moore, to the Board of Commissioners of the Housing Authority of the City of Napa for terms effective immediately and ending on September 30, 2022.
- 4.C. 313-2020** Napa Valley Transportation Authority (NVTa) Citizen Advisory Committee (CAC) Membership
- Approved the recommended appointment of Gary Woodruff as the City of Napa representative to the Napa Valley Transportation Authority (NVTa) Citizen Advisory Committee (CAC) for a two-year term to begin the date of the approval by the Napa Valley Transportation Authority Board of Directors.
- 4.D. 324-2020** Industrial Plumbing Materials for Water Distribution System Operation
- Authorized the Utilities Director to execute contracts for Fiscal Year 2020-2021 with Pace Supply Corp. in an amount not to exceed \$400,000 for various industrial plumbing materials, for use in City of Napa's potable water distribution system, and determine this action is exempt from CEQA.
- 4.E. 325-2020** 43 Bremen Court, a Self-Help Affordable Housing Unit in the Pioneer Village Subdivision
- Adopted Resolution R2020-117 authorizing the Community Development Director to execute a Termination of Agreement terminating the City's right of first refusal to purchase the property located at 43 Bremen Court, Napa (APN: 004-670-011-000), and to execute a new Grant of Right of First Refusal with the new purchasers of the property.
- Enactment No: R2020-117
- 4.F. 326-2020** Asset Forfeiture Funds
- Approved a revenue budget increase of \$98,000 and an expenditure budget increase of \$98,000 in the Non-Recurring General Fund, which represents the receipt and future usage of Civil Asset Forfeiture funds, as documented in Budget Adjustment Form No. BE2110501.

5. ADMINISTRATIVE REPORTS:

5.A. 216-2020 Sidewalk Cost Share Program

(See supplemental document in Attachment 1)

Public Works Director Julie Lucido provided the staff report.

Mayor Techel called for Public comments; there were none.

Brief Council comments and questions ensued.

A motion was made by Vice Mayor Gentry, seconded by Councilmember Alessio, that to adopt Resolution R2020-118 authorizing the City Manager and Public Works Director to establish administrative regulations to implement the City's Sidewalk Cost Share Program, and determining that the actions authorized by this resolution are exempt from CEQA. The motion carried by the following vote:

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

Enactment No: R2020-118

5.B. 272-2020 Proclamation of Local Emergency to Respond to the Coronavirus (COVID-19)

City Manager Potter provided the report.

Council comments and questions ensued.

Community Development Director Vin Smith responded to questions regarding "Al Fresco" dining and the Main Street closure.

There was no submitted public comment on the item.

A motion was made by Councilmember Sedgley, seconded by Councilmember Alessio, to continue the Proclamation of Local Emergency authorizing the City Manager to take actions necessary to respond to the Coronavirus (COVID-19); and ratify actions taken by the City Manager in implementation of the Proclamation of Local Emergency, including the signing of Amendment No. 1 to Sponsorship Agreement C2020-202 to facilitate the additional payment of \$250,000 to the Napa Valley Community Foundation in support of emergency financial programs. The motion carried by the following vote:

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

5.C. 283-2020 COVID-19 Recovery Update

(See supplemental document in Attachment 1)

City Manager Potter opened the report and provided a brief background. Planning and Code Enforcement Manager Erin Morris and Economic Development Project Coordinator Neal Harrison provided the report.

Mayor called for Public comments; there were no requests to speak.

Council comments and questioned ensued.

Received Report.

6. COMMENTS BY COUNCIL OR CITY MANAGER:

City Manager Potter provided an update on how various City departments had provided assistance to the County to aide in the fight of the Glass Fire incident.

Councilmember Sedgley shared an email he received from a local resident applauding the community for taking care of each other and helping the less fortunate.

Mayor Techel shared results from the 2020 Mayor's Challenge for Water Conservation.

CITY COUNCIL RECESS: 4:36 P.M.**6:30 P.M. EVENING SESSION****7. CALL TO ORDER: 6:30 P.M.****7.A. Roll Call:**

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

8. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:

Item 10:

- Email from Jarvis William Peay received on September 29, 2020.*
- Email from Gladys C. and Lilia T. received on October 6, 2020.*
- Email from Nick Gordon received on October 6, 2020. *

Item 11.A.:

- PowerPoint Presentation by City Staff.
- Email from Hibah Shafi received on October 6, 2020.
- Email from Kinnereth Winegarner received on October 6, 2020.
- Email from Cassidy Zook received on October 6, 2020.
- Email and attachment from Thomas Briant, Executive Director of National Association of Tobacco Outlets (NATO) received on October 6, 2020.
- Email from the Napa Youth Council received on October 6, 2020.
- Email from Friday Night Live Chapters in Napa County received on October 6, 2020.
- Email from Gary Mehrok received on October 6, 2020.
- Email and attachment from Val's Liquor received on October 6, 2020.
- Email from Jaime Rojas Jr. received on October 6, 2020.
- Email and attachment from Jivtesh Gill, Chairman of the American Petroleum and Convenience Store Association (APCA), received on October 6, 2020.

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

9. PLEDGE OF ALLEGIANCE:

10. PUBLIC COMMENT:

(See supplemental documents in Attachment 2)

Staff read submitted email comment from Jarvis William Peay.

Comments were provided via telephone from the following:

Larry Green, Chair of Napa County Republican Party Central Committee - voiced a complaint regarding the process by which the the Committee has been attempting to Adopt-A-Park.

Francine Knittell - spoke regarding systemic racism and asked Councilmembers for specific examples of systemic racism in Napa.

Staff continued to read submitted email comments from the following:

Gladys C. and Lilia T. - commented regarding the agreement between the City and Napa Valley Unified School District for School Resources Officers during the 20/21 school year.

Nick Gordon - commented regarding the agreement between the City and Napa Valley Unified School District for School Resources Officers during the 20/21 school year.

Councilmember Sedgley commented that his daughter was a sworn officer with the City of Napa Police Department, but had not been working in the capacity of School Resource Office since March of 2020.

11. PUBLIC HEARINGS/APPEALS:

11.A. 299-2020 Tobacco/Smoking Regulations

(See supplemental documents in Attachment 2)

Deputy City Manager Liz Habkirk provided the staff report.

Mayor called for public comment. Staff read comments from the following:

Hibah Shafi - wrote in support.

Kinnereth Winegarner - wrote in support.

Cassidy Zook - wrote in opposition.

Members of Napa Youth Council - wrote in support.

Members of the Friday Night Live chapters in Napa County - wrote in support.

Gary Mehrok - wrote in opposition.

Val's Liquor - wrote in opposition.

Jaime Rojas Jr. - wrote in opposition.

Jivtesh Gill - wrote in opposition.

There were no additional comments; Mayor Techel closed public testimony.

Council comments and questions ensued.

A motion was made by Mayor Techel, seconded by Councilmember Sedgley, to approve the first reading and introduction of an ordinance amending the Napa Municipal Code by repealing Chapter 5.20 ("Cigarette Vending Machines"); repealing Chapter 8.20 ("Smoking") and replacing it with a new chapter 8.20 ("Smoking Regulations"); and amending sections 12.36.005 ("Definitions") and 12.36.280 ("Smoking Prohibited in all City Parks") relating to smoking in City parks. The motion carried by the following vote:

Aye: 4 - Alessio, Luros, Sedgley, and Techel

No: 1 - Gentry

12. COMMENTS BY COUNCIL OR CITY MANAGER:

Mayor Techel asked that City Manager Potter review the Adopt-a-Park program with staff.

13. ADJOURNMENT: 7:20 P.M.

Submitted by:

Tiffany Carranza, City Clerk

ATTACHMENT 1

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

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

October 6, 2020

FOR THE CITY COUNCIL OF THE CITY OF NAPA:

AFTERNOON SESSION:

5. ADMINISTRATIVE REPORTS:

5.A. Sidewalk Cost Share Program.

- PowerPoint Presentation by City Staff.

6.C. COVID-19 Recovery Team Update.

- PowerPoint Presentation by City Staff.

Update of Concrete Repair Cost Share Program

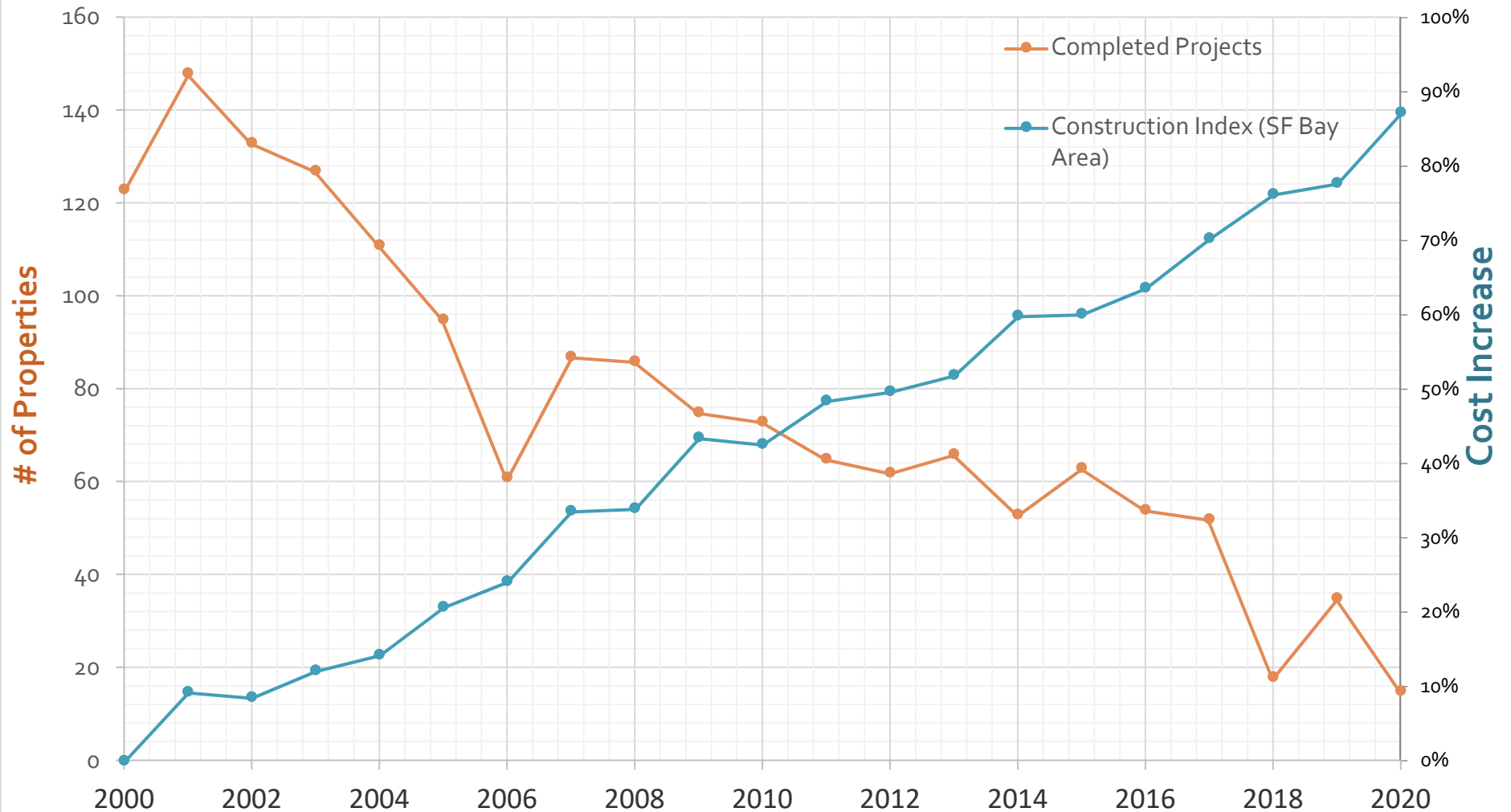




Concrete Repair Program Background

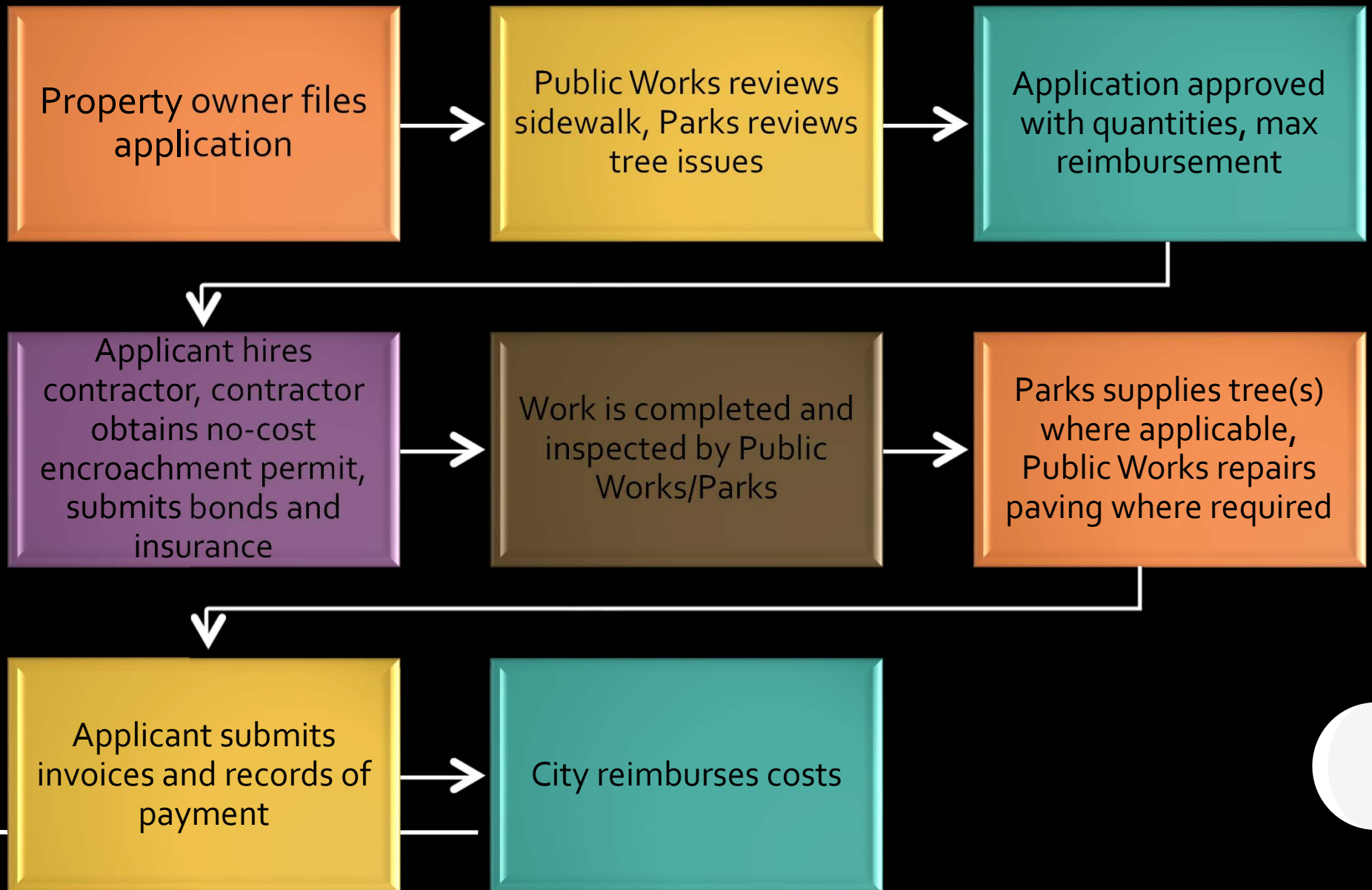
- Approved 1990, \$100,000 annual appropriation
- Cost share set at up to 50% for concrete work and 100% reimbursement for work on street trees
- No substantial changes to program over the years
- 1994: \$3/sf reimbursement and set to terminate by 2004 (and property owners then pay 100%)
- \$4/sf reimbursement level since at least 1999/2000

Cost of Construction & Cost Share Projects



Max reimbursement constant at \$4 per square foot over last 20+ years

How the Process Works:



General Program Reimbursement (*with proposed changes*)



Updates unit costs substantially

General concrete repair - up to ~~50%~~
60%

ADA Ramps-up to 100%

Trees removal and root pruning-up
to 100%

\$5,000 per non-residential parcel
per year

Program total up to \$150,000 per
year

Effective January 1, 2021

| REIMBURSEMENT RATES | Previous | New 2021 |
|--|------------------|------------------|
| Sidewalk (4" concrete thickness) | Up to \$4.00/SF | Up to \$9.00/SF |
| Driveway Approach (6" concrete thickness) | Up to \$4.00/SF | Up to \$11.25/SF |
| Curb and Gutter | Up to \$10.00/LF | Up to \$24.00/SF |
| Concrete Removal (planter strip area only) | Up to \$1.50/SF | Up to \$2.40/SF |

Summary of Changes

Update of item costs for concrete to current market

Allows Public Works Director and City Manager to develop and update program through Administrative Regulation

Allows update for costs annually up to Construction Cost Index for SF Bay Area

Sidewalk construction reimbursement increased to up to 60%

Effective January 1, 2021





JEFFERSON STREET 2019



MONROE STREET 2019



Recommended Action

Adopt a resolution authorizing the City Manager and Public Works Director to establish administrative regulations to implement the City's Sidewalk Cost Share Program, and determining that the actions authorized by this resolution are exempt from CEQA.

COVID-19 Recovery Team

Council Meeting:
October 6, 2020

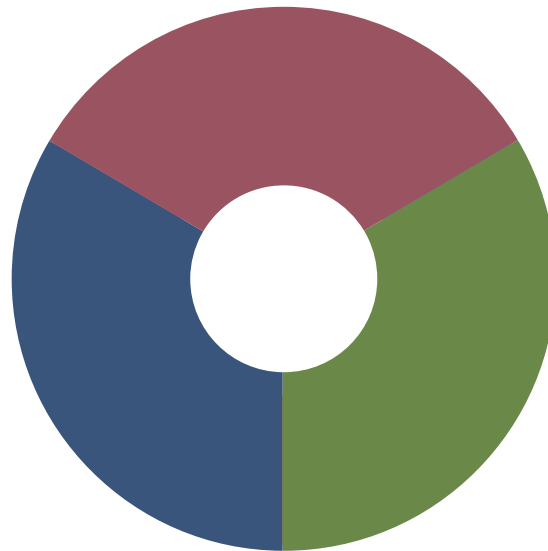


What is the Recovery Team?

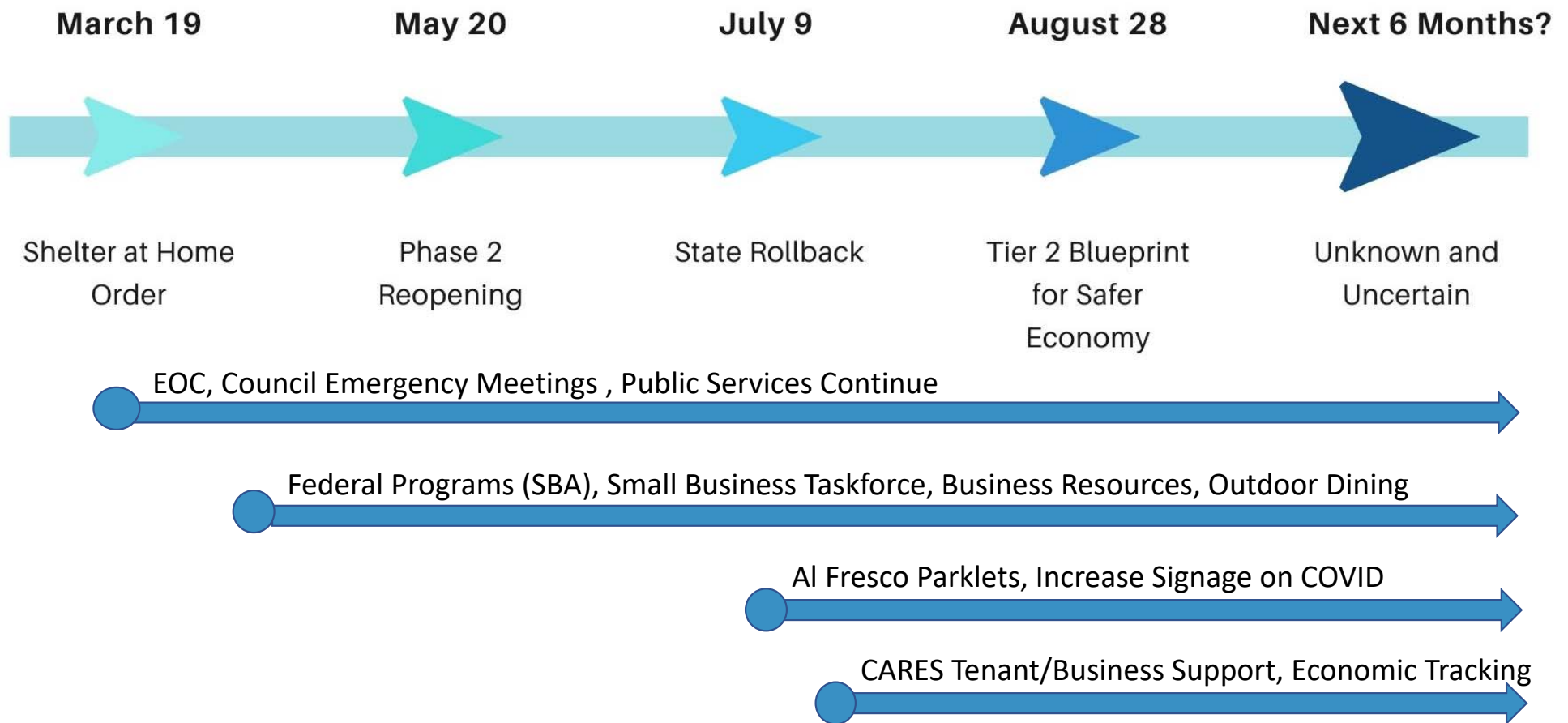
Inter-departmental group formed at the direction of the City Manager in response to COVID-19 Pandemic

Members:

- **Ali Koenig**, Project Manager, Parks and Recreation
- **Bret Prebula**, Finance Director, Finance Department
- **Erin Morris**, Planning Manager, Community Development
- **Julie Lucido**, Public Works Director, Public Works
- **Liz Habkirk**, Deputy City Manager, City Manager's Office
- **Neal Harrison**, Economic Development Coordinator, Community Development
- **Steve Brassfield**, Fire Chief, Fire Department



COVID Timeline & Response



Focus Areas



Budget and Cost
Recovery



Organizational and
Process Efficiencies



Partnerships



Workforce
Infrastructure



Workforce Support

Budget and Cost Recovery Initiatives



**Communicate Cost Recovery
Benefits**



**Improve Customer Service
through Department Efficiency
Goals**

Organizational and Process Efficiencies Initiatives



**E-Signature and Streamline
Contract Review and Approval
Process**



**Improved Online Services for
Community & Businesses**



**Streamline Development
Review Process**

Partnerships Initiatives



**Outreach Series Engaging
Businesses and Community**



**Partnerships to Improve City
Services**



Business Attraction Strategy

Workforce Support Initiatives



**Celebrate Workforce
Adaptation and Transition**



**Flexible Workforce and
Successful Work From Home
Norms**

Questions and Discussion



ATTACHMENT 2

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

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

October 6, 2020

FOR THE CITY COUNCIL OF THE CITY OF NAPA:

EVENING SESSION:

10. PUBLIC COMMENT:

- Email from Jarvis William Peay received on September 29, 2020.*
- Email from Gladys C. and Lilia T. received on October 6, 2020.*
- Email from Nick Gordon received on October 6, 2020. *

11.A. Tobacco/Smoking Regulations.

- PowerPoint Presentation by City Staff.
- 1) Email from Hibah Shafi received on October 6, 2020. *
- 2) Email from Kinnereth Winegarner received on October 6, 2020. *
- 3) Email from Cassidy Zook received on October 6, 2020. *
- 4) Email and attachment from Thomas Briant, Executive Director of National Association of Tobacco Outlets (NATO) received on October 6, 2020.
- 5) Email from the Napa Youth Council received on October 6, 2020. *
- 6) Email from Friday Night Live Chapters in Napa County received on October 6, 2020. *
- 7) Email from Gary Mehrok received on October 6, 2020. *
- 8) Email and attachment from Val's Liquor received on October 6, 2020. *
- 9) Email from Jaime Rojas Jr. received on October 6, 2020. *
- 10) Email and attachment from Jivtesh Gill, Chairman of the American Petroleum and Convenience Store Association (APCA), received on October 6, 2020. *

**** EMAILED COMMENTS THAT WERE READ INTO THE RECORD BY CITY STAFF DURING
THE MEETING.***

[EXTERNAL]

Page 2 of 32

From: [strong residente](#)
To: [Clerk; Jill Techel](#)
Subject: PLEASE READ- Public Comment to Council for 6:30 PM session of Oct. 6, 2020 Mtg.
Date: Tuesday, October 6, 2020 10:34:04 AM

[EXTERNAL]

Dear Clerk of City of Napa,

We are requesting that what is stated below be read during the public comment session of **tonight's 6:30 pm session of the City Council meeting (October 6, 2020)**. Please feel free to forward this message to all of the City Council Members as this email message was sent to only you and Mayor Techel. Thank you for your attention.

G.C.

Dear Mayor Techel and Napa City Council Members,

On August 18, 2020, all of the members of the City Council and the Mayor voted to approve the agreement between Napa Valley Unified School District and City of Napa in sharing the costs of services for school resource officers for the 2020 thru 2021 school year.

From our understanding of Government code 81705, an elected official such as a City Council member should not only disclose about oneself if the official has an existing conflict of interest with voting on an item, but also should make a consideration with or without the government agency's legal counsel to disqualify oneself from voting on the item if the elected official has even a *potential* conflict of interest (source is League of California Cities: Providing Conflict of Interest Advice pages 32, 34, 35 and 41).

Some of us community members are aware that there is a city council member who holds a seat at this dais, has a family relationship with a school resource officer that had provided services at our local high schools this past year 2019, and on August 18, this same city council member went ahead and voted on this specific item. Even if it was found there is no legal basis of this city council member having had an existing conflict of interest, some of us nevertheless think that it would have been appropriate and ultimately fair for the City Council member to disclose about this to the public at the meeting BEFORE having made any action at the dais on an agreement which stated that the shared total cost is up to \$494,284 to have 3 school resource officers for this school year.

This comes at a time after earlier this year about 100 or so full time instructors were laid off and when the school district continued to lay off those such as those in food

services, in maintenance, with office positions etc. due to the school district's budget deficits. The public- the community of Napa County at large- deserves transparency especially from all our elected officials at all levels.

Respectfully,
Gladys C. and Lilia T.

From: [Nick Gordon](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR OCTOBER 6, 2020 MEETING: EVENING SESSION--PLEASE READ
Date: Tuesday, October 6, 2020 12:39:32 PM

[EXTERNAL]

October 6, 2020

Dear Napa City Council,

I wanted to revisit an item from August 18th that I feel is still relevant at this time. On August 18th, the Napa City Council and Mayor approved an agreement between the City of Napa and Napa Valley Unified School District on sharing costs for School Resource Officers to be present at various upper/middle grade school sites for the 2020-2021 school year.

It is clear to me and many within the community that our schools do not need police. We are woefully understaffed in key positions such as nurses, counselors, psychologists, and academic specialists. Layoffs have been numerous recently amongst administration personnel, teachers, staff, and operations. This is the harsh reality. And all this as schools prepare to open later this month in the middle of a pandemic. I would like to state that again. In the middle of a pandemic!

Maintenance/custodial staff are spread thin and are tasked with cleaning and sanitizing to keep our school communities safe. I wonder if hundreds of thousands of dollars would have been better spent truly addressing the needs of our students? Meanwhile, I am struggling to find many members of the community that support having police in our schools. Numerous teachers think they are not needed. Parents and community members are increasingly surprised and opposed to having them when presented with the facts. Numerous scientific studies have pointed to serious issues with having School Resource Officers in schools:

-This paper linked shows the presence of police negatively impacts both graduation rates of students and a decrease in college enrollment.

<https://drive.google.com/file/d/1XbO7qyNWB4Fz54nGXJuej-yRhvTa5kMF/view>

-This national study found that "arrest rates of children increased substantially after schools received federal grants to hire police officers, starting in 1999."

<https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.21954>

Are the police bringing safety to the school or are they simply entering more students, most often needlessly, into the justice system? People do not realize how much potential and

needless harm is caused when school discipline escalates into arrestable offenses when officers are involved.

-This study shows “aggressive policing can thus lower educational performance for some minority groups. These findings provide evidence that the consequences of policing extend into key domains of social life, with implications for the educational trajectories of minority youth and social inequality more broadly.”

<https://osf.io/preprints/socarxiv/rdchf/>

There are numerous more studies, all showing that low-income students and BIPOC students experience the highest rate of discipline and negative consequences.

Where was the community input aspect to your decision making? Where was the critical thinking, and was research based science used to help inform your decision?

Now, couple this with the fact that it recently came to light that one council member has a familial relationship with a School Resource Officer. It is disappointing and concerning to me that this was not disclosed to the public or a vote abstained. In any Democracy, transparency is so very important. We must do better.

Thank you for hearing out my comment and concerns.

Sincerely,

Nicholas Gordon



Smoking Ordinance Updates

City Council
Presentation

October 6, 2020

Recommended Code Changes

- Broadens Napa Municipal Code's (NMC) purpose statement on smoking regulations to include the protection of public health, safety and welfare
- Introduce definitions that identify the wide variety of tobacco products covered by this section
- Identify 21 as the minimum age for purchase of tobacco products (California Penal Code Requirement)
- Updates other chapters of NMC to consolidate smoking regulations and clarify language

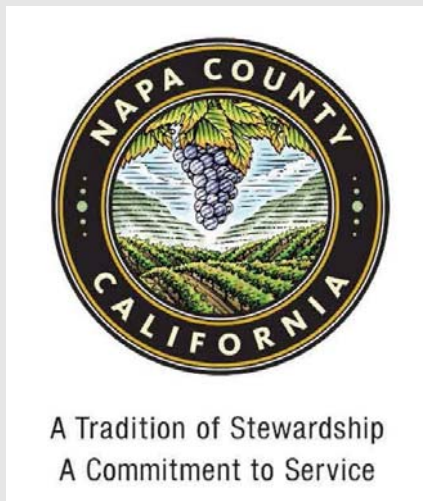


Recommended Code Changes, con't.

- Recent State Law Changes
 - SB 793 – Governor Newsom signed
 - Effective 1/1/21
 - Bans the sale of flavored tobacco products **with exceptions** for flavored pipe tobacco, premium flavored cigars and hookah products
- Recommendation to City Code mirror the state law changes



Partnerships



End of Presentation



From: [Hibah Shafi](#)
To: [Clerk](#)
Subject: COUNCIL FOR (10/6) – PLEASE READ
Date: Tuesday, October 6, 2020 12:53:29 AM

[EXTERNAL]

Dear Mayor and Members of the Napa City Council,
I am writing in support of the City of Napa passing an ordinance to ban flavors. Quite frankly speaking, this is an ordinance that is well overdue for the City of Napa considering several other cities, 25% of California, have already passed flavor bans and are taking or have already taken further measures such as adding a tobacco retail license.

Nonetheless, I am so excited that Napa will hopefully be joining that list and that city officials are prioritizing the health of their youth and are addressing the vaping epidemic especially in the midst of a pandemic since vaping increases the symptoms and severity of COVID-19. It is time for Napa to take action.

Thank you for your time,
Hibah Shafi

From: [Kinnereth Winegarner](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR 10/6/20 – PLEASE READ
Date: Tuesday, October 6, 2020 6:37:50 AM

[EXTERNAL]

Hello,

I am writing in support of the city of Napa passing an ordinance to ban flavors (agenda item 11A).

According to the American Journal of Health Behavior, 97% of kids who vape use flavors. In California, 1 in 8 high school students currently uses a tobacco product. Of those, 86 percent of them use a flavored tobacco product through electronic smoking devices (California Tobacco Facts and Figures of 2019). As a local high school teacher, I saw first hand this problem on the school campus.

Thank you for banning flavors in the city of Napa, we hope this is the beginning of ordinances to protect our community

Kinnereth Winegarner, M.Ed.
Spanish Teacher
New Technology High School
kwinegarner@nvusd.org
@ProfeWinegarner
Preferred pronouns: She/Her/Ella



“One language sets you in a corridor for life. Two languages open every door along the way.”

– Frank Smith

From: [Cass Zook](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR OCTOBER 6, 2020 MEETING – PLEASE READ
Date: Tuesday, October 6, 2020 10:44:28 AM

[EXTERNAL]

I am a Napa resident, a former vape user and a parent of young children and I strongly oppose flavor based regulations and bans of nicotine containing products such as vapes. My personal experience with quitting nicotine was simple and painless due to the variety of flavors and nicotine strengths offered in vapor products. I do feel that something should be done to reduce the problem of youth vaping but flavors are not the problem. As someone intimately familiar with the world of vaping I can say with absolute certainty that the best way to reduce underage abuse of nicotine is to regulate the amount of nicotine in vape products. Teens chase the nicotine rush that comes with high concentrations. People actually trying to quit do not need 6% nicotine, 3% is more reasonable but 2% concentration is where I would cap what is available in my community if I were to have any say. Highly restrictive regulations on vape flavors are only going to send people back to cigarettes. Please do not fall in to the hysteria of the current witch hunt and listen to people who have lived through nicotine addiction and come out the other side. 2% (20mg/ml) should be enough to get any smoker off cigarettes. **Regulate nicotine strength, not flavors.** Please, for the health of smokers and vapers everywhere.

Thank you.
-Cassidy Zook

From: [Jaime Rojas Jr](#)
To: [Clerk](#)
Subject: City Council Public Comments - Agenda Item #11.A
Date: Tuesday, October 6, 2020 12:19:42 PM
Attachments: [FDA survey results Napa CA accessed 072020.xlsx](#)
[Letter to Napa City Council \(October 6 2020\).pdf](#)

[EXTERNAL]

Good Afternoon City Clerk,

Please find attached public comments for tonight's city council meeting regarding agenda item #11.A. Should you have any questions, please feel free to contact me anytime.

Thank you for your assistance and consideration.

Regards,

Jaime Rojas

--

National Association of Tobacco Outlets
Legislative Consultant



18653 Ventura Blvd., Suite 115
Tarzana, CA 91356
Tel: 213.400.8664
www.RCGcommunications.com



October 5, 2020

Mayor Jill Techel
Vice-Mayor Doris Gentry
Councilmember Liz Alessio
Councilmember Mary Luros
Councilmember Scott Sedgley
City of Napa
955 School Street
Napa, CA 94559

RE: Proposed Flavored Tobacco Products Ban

Dear Mayor Techel, Vice-Mayor Gentry, and Councilmembers Alessio, Luros and Sedgley:

As the Executive Director of the National Association of Tobacco Outlets (NATO), a national retail trade association that represents more than 60,000 retail stores throughout the country including several Napa retail store members, I am writing to submit our comments and concerns regarding the proposed tobacco products flavor ban on your October 6, 2020 agenda. These changes would prohibit the sale of all flavored tobacco products, excluding only shisha, premium cigars, and loose-leaf pipe tobacco.

Federal and State Actions on Tobacco Make Proposed Ordinance Unnecessary: Congress and the State have responded to increased use of electronic cigarettes by underage persons. These actions are broad in scope and should be allowed to work to reduce tobacco product usage before an outright local ban on flavored tobacco products is considered and include:

- The FDA published a Guidance in February 2020 banning the sale of flavored electronic cigarettes with a removable cartridge or pod in response to increased use of such products by underage individuals.
- In 2016, California became the second state to raise the legal age to purchase tobacco products from 18 to 21. This law addressed access to and use of tobacco products by 18 to 20-year olds.
- The Legislature passed and the Governor signed SB793, which, effective January 1, 2021, prohibits the sale of all flavored tobacco products, excepting shisha, premium cigars and loose-leaf pipe tobacco, items that are not used by youth to any significant degree.
- The Vapor PACT bill moving through Congress would restrict online sales of electronic cigarettes to prevent underage individuals from obtaining these products over the Internet.
- Manufacturers were required to file Pre-Market Tobacco Applications with the FDA by September 9, 2020, or their products can no longer be sold, removing many products from retailers' shelves.

Pandemic Impact and Economic Crisis Will Be Magnified by a Flavored Tobacco Product Ban:

During the current Coronavirus emergency caused is not the time for the City to consider prohibiting the sale of legal products. Our convenience store members have experienced losses of 45% in gasoline sales and 20% or more in grocery, snack, beverage, and tobacco product sales, significant numbers because convenience stores usually rely on tobacco product sales, including the three products exempted by the State, for approximately 36% of in-store sales. These retailers have done everything possible to survive the pandemic, but this would require the removal of even more products than the State law requires.

The Ban Does Not Consider All the Facts: We ask that the City Council consider these facts:

- Based on the California Healthy Kids Survey of 11th Graders in the Napa Valley Unified School District, use of tobacco products are at historic lows and, in two categories, almost zero:
 - 93% had never smoked a cigarette and only 1% said they had smoked any cigarettes or smoked regularly in the past 30 days
 - 95% had never used smokeless tobacco, only 1% reported having used any smokeless tobacco in the previous 30 days and none reported using smokeless tobacco regularly
 - Cigar and pipe tobacco are not even surveyed, suggesting their usage is even less
- Napa retailers have a near perfect 99% compliance check passing rate in retail tobacco compliance checks conducted from 2012 to 2019 according to the Food and Drug Administration (see accompanying FDA retail compliance check report).

NATO and its Napa retail members share everyone's interest in keeping tobacco products out of the hands of persons under 21 years old, but the ordinance overreaches by banning virtually all flavored tobacco products when these products are almost entirely used by adults 21 and over.

We urge the Napa City Council not to move forward with any attempt to impose a ban on flavored tobacco products, and to certainly not even consider making any such changes under the existing state of emergency in which we find ourselves.

Sincerely,

Thomas A. Briant

NATO Executive Director

Compliance Check Inspections of Tobacco Product Retailers Through 6/30/20 - Search Results

You searched for:

City contains: napa

State is CA

| Retailer Name | Street Address | City | State | Zip | Minor Involved | Sale to Minor | Product Type | Brand | Inspection Date | Decision Date | Inspection Result | Link | Charges |
|---------------------------------|------------------------|------|-------|-------|----------------|---------------|-----------------|-------|-----------------|---------------|------------------------|------|---|
| NAPA SMOKE N VAPE | 1700 WEST IMOLA AVENUE | NAPA | CA | 94559 | Yes | Yes | ENDS / E-liquid | Other | 6/13/2019 | 7/18/2019 | Warning Letter Issued | | 1140.14(b)(1)-Sale to a Minor; 1140.14(b)(2)(i)-Failure to verify age |
| NAPA SMOKE N VAPE | 1700 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 12/26/2018 | No Violations Observed | | N/A |
| CHEVRON STATION #1541 | 800 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/20/2018 | No Violations Observed | | N/A |
| USA PETROLEUM #68169 | 385 SILVERADO TRL | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/20/2018 | No Violations Observed | | N/A |
| USA PETROLEUM #68172 | 1800 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/20/2018 | No Violations Observed | | N/A |
| IMOLA CHEVRON | 1775 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/20/2018 | No Violations Observed | | N/A |
| A-1 FOOD STORE | 75 COOMBS ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| 7-ELEVEN STORE 2211-14152 E | 1136 IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| RITE AID #5928 | 1203 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| ARCO SMOG PRO | 198 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| A & B MARKET | 1855 OLD SONOMA RD | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| STAR BUZZ SMOKE SHOIP | 668 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| CIGARETTES & MORE | 1441 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| ECONOMY MARKET | 1100 IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| LA TAPATIA MARKET | 504 BROWN ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| VALS LIQUOR | 132 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| VALS LIQUOR | 1531 THIRD ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 7/19/2018 | No Violations Observed | | N/A |
| LA MARIPOSA & C - TRUCKING CO. | 1514 PINE ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 6/15/2017 | No Violations Observed | | N/A |
| NAPA GAS AND GROCERY | 2500 LAUREL ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/15/2017 | No Violations Observed | | N/A |
| HOUSLEYS RANCH MARKET INC. | 4215 SOLANO AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/15/2017 | No Violations Observed | | N/A |
| RITE AID #5928 | 1203 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 6/14/2017 | No Violations Observed | | N/A |
| BILLCOS BILLIARDS AND DARTS LLC | 1234 3RD ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 6/14/2017 | No Violations Observed | | N/A |
| BROWNS VALLEY CHEVRON | 2896 1ST ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/14/2017 | No Violations Observed | | N/A |
| DOWNTOWN JOES | 902 MAIN ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 6/14/2017 | No Violations Observed | | N/A |
| 7-ELEVEN 14129A | 1925 SIERRA AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/13/2017 | No Violations Observed | | N/A |
| 7-ELEVEN 14138B | 2906 1ST ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/13/2017 | No Violations Observed | | N/A |
| CHEVRON STATION INC. #1774 | 630 TRANCAS ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/13/2017 | No Violations Observed | | N/A |
| SALVADOR CHEVRON | 1895 SALVADOR AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 6/13/2017 | No Violations Observed | | N/A |
| GALAXY | 1811 OLD SODOMA ROAD | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 4/5/2017 | No Violations Observed | | N/A |
| A & B MARKET | 1855 OLD SONOMA RD | NAPA | CA | 94559 | No | No | N/A | N/A | Not available | 11/8/2012 | No Violations Observed | | N/A |
| STAR BUZZ SMOKE SHOIP | 668 SOSCOL AVE | NAPA | CA | 94559 | No | No | N/A | N/A | Not available | 11/8/2012 | No Violations Observed | | N/A |
| LA TAPATIA MARKET | 504 BROWN ST | NAPA | CA | 94559 | No | No | N/A | N/A | Not available | 11/8/2012 | No Violations Observed | | N/A |
| A-1 FOOD STORE | 75 COOMBS ST | NAPA | CA | 94559 | No | No | N/A | N/A | Not available | 10/19/2012 | No Violations Observed | | N/A |
| 7-ELEVEN STORE 2211-14131 A | 1670 SILVERADO TRL | NAPA | CA | 94559 | No | No | N/A | N/A | Not available | 10/19/2012 | No Violations Observed | | N/A |
| THE MARKET | 932 COOMBS ST | NAPA | CA | 94559 | No | No | N/A | N/A | Not available | 10/19/2012 | No Violations Observed | | N/A |
| CVS/PHARMACY #07141 | 291 S COOMBS ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| 7-ELEVEN STORE 2211-14152 E | 1136 IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| CHEVRON STATION #1541 | 800 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| RALEYS #319 | 217 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| RITE AID #5928 | 1491 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| USA PETROLEUM #68169 | 385 SILVERADO TRL | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| USA PETROLEUM #68172 | 1800 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| LUCKYS #730 | 2355 CALIFORNIA BLVD | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| SAFEMART STORE 913 | 1620 CLAY ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| ARCO SMOG PRO | 198 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| MIKES FOREIGN CAR SERVICE | 2303 JEFFERSON ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| IMOLA CHEVRON | 1775 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| CIGARETTES & MORE | 1441 W IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| DOC OF ROCK | 1811 OLD SONOMA RD | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| ECONOMY MARKET | 1100 IMOLA AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| JEFFERSON MARKET | 1704 JEFFERSON ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| LAWLER LIQUOR | 2232 JEFFERSON ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| VALS LIQUOR | 132 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| VALS LIQUORS | 1531 3RD ST | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| THE MIGHTY QUINN | 110 SOSCOL AVE | NAPA | CA | 94559 | Yes | No | N/A | N/A | Not available | 3/23/2012 | No Violations Observed | | N/A |
| CVS/PHARMACY #09214 | 1558 TRANCAS ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| 7-ELEVEN STORE 2231-14135 G | 2010 REDWOOD RD | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| 7-ELEVEN STORE 2231-18813 C | 985 LINCOLN AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| SAFEMART #2449 | 3375 JEFFERSON ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| WAL-MART STORE #2925 | 681 LINCOLN AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| USA PETROLEUM #68171 | 603 LINCOLN AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| LUCKYS #731 | 1312 TRANCAS ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| AMIGOS MARKET | 2877 SOLANO AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| REDWOOD AUTO SERVICE CENTER | 2005 REDWOOD RD | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| LINCOLN AVENUE CHEVRON | 695 LINCOLN AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| BELLAIRE SHELL | 1491 TRANCAS ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| REDWOOD ROAD CHEVRON | 2008 REDWOOD RD | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| FLYERS | 1300 TRANCAS ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| MOLLER INVESTMENT GROUP INC | 3001 JEFFERSON ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| LA MORENITA MARKET INC | 2434 JEFFERSON ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| KWIKEE MART | 2984 JEFFERSON ST | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| PRIMO MARKET & LIQUOR | 719 LINCOLN AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| PUEBLO MARKET | 2107 W PUEBLO AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |
| NAPA SHELL | 300 LINCOLN AVE | NAPA | CA | 94558 | Yes | No | N/A | N/A | Not available | 3/12/2012 | No Violations Observed | | N/A |

From: [Napa Youth Council](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR OCTOBER 6, 2020 – ITEM 11 A PLEASE READ
Date: Tuesday, October 6, 2020 12:45:14 PM

[EXTERNAL]

Dear Mayor and Members of the Napa City Council,

We are looking forward to the application of SB793 to Napa County. As the state government bans the sale of flavored tobacco products in California, we are pleased with Deputy City Manager Liz's work in bringing this ordinance to the council. In the upcoming months, we will see the positive effects of this ban towards youth. As we know, vaping has negatively impacted our community especially in the last few years - according to the Journal of the American Medical Association, "In the last 2 years, vaping has increased by 218% among middle schoolers and 135% among high schoolers."

Policies that restrict the sale of flavored tobacco have the potential to curb youth tobacco use in as few as six months. A study from Massachusetts Department of Public Health compared the impact on youth tobacco use between two towns with similar demographics, one that had a flavored tobacco ban and one that did not. Data was gathered before the policy was implemented and approximately six months after the ban. The results found that current use of both flavored and non-flavored tobacco decreased among teens in the community with the ban.

We are looking forward to this first step towards a healthier community. This is only the beginning. We can't wait to get back to work with you in the near future as we hope the results inspire implementing more restrictions.

Sincerely,

Members of the Napa Youth Council

From: [FNL Napa](#)
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR OCTOBER 6, 2020 – ITEM 11 A PLEASE READ
Date: Tuesday, October 6, 2020 3:23:37 PM

[EXTERNAL]

We are members of Friday Night Live chapters here in Napa County and we want to share with you some information

- Disposable flavored e-cigarettes use among high school students increased 1,000% over last year.
- Flavored e-cigarettes are continuing to drive the youth vaping epidemic with more than eight in 10 young users (82.9%) reporting they use flavored e-cigarettes, according to the 2020 National Youth Tobacco Survey.
- People claimed they use vapes to quit smoking, but only 3% of adult smokers used JUUL to quit in the past year.
- Nicotine is poison for the adolescent brain. It changes the way connections form in the brain, which can interfere with kids' attention and learning. It can increase anxiety, mood swings, and irritability at a developmental time when life is hard enough.
- Youth and young adult vaping is associated with 5-7 times greater risk of testing positive for COVID-19
- 99 California jurisdictions have passed ordinances to ban flavors, this is 25% of the State of California, we are hoping the city of Napa finally can be added to this list

We are looking forward to work with you in the future and continue this work to make a healthier community for all

Sincerely,

Members of the Friday Night Live chapters in Napa County

From: [Gary mehrok](#)
To: [Jill Techel](#); [Clerk](#); [Doris Gentry](#); [Scott Sedgley](#); [Liz Alessio](#); [Mary Luros](#)
Subject: Agenda Item #11A
Date: Tuesday, October 6, 2020 3:52:05 PM

[EXTERNAL]

October 6, 2020

The Honorable Jill Techel

Mayor of Napa

955 School Street

Napa, California 94559

Dear Mayor Jill Techel and Members of the City Council,

Thank you for including my comments in your meeting today. I want to introduce myself. I'm Gary Mehrok, owner of Cigarettes and More in Napa. As you consider a ban on flavored tobacco, I'd like for you to consider how this will impact retailers, their employees, and the community.

If the goal of this amendment is to stop kids from vaping, you are misguided. If you ban the sale of vape products in the city, adult users will go to another town, another county, or go online to purchase these legal products. Why are our small businesses being targeted instead of focusing on online sales? The ban would increase the criminal market, and the city council should not be taking actions that promote more crime in the community. If any action needs to be taken I think it has to be against the kids who doesn't follow the law. They have to be punished so they don't break the law again. We are suffering as it is due to Covid and other taxes. restrictions by the state and Fed.

Since the federal government increased the age limit to 21 for tobacco sales, many credible studies show that teens' and even adults' tobacco use is down. Those of us positioned at the cash register day in and day out work hard, taking time to check IDs and follow these new guidelines. I ask you to please give these updated regulations, along with education programs, an opportunity to work. Because from what we see at the retail level, and recent studies show, tobacco use is at historically low levels. We all want to protect our children from harm. My employees are parents too and all of us take the importance of our role at the point of sale seriously.

Why do you want to reach beyond the current laws to create regulations that will directly impact small businesses and our employees? Tobacco sales account for around 27% of total sales, and even more if you consider the additional products sold simultaneously. How can this move not have an impact on retailers' staff hiring levels? And during a time when the economy is struggling, and Covid has impacted everyone's revenues, why do you want to make a move that will lower tax revenue and kill jobs?

I appreciate all the work you do serving the community in this role. I also ask you not to pick on

Napa small businesses and employees with this governmental overreach. Banning sales of these adult products at convenience stores will not stop teens from trying to buy nicotine products online, from older friends and family members, or the black market. However, it will hurt local businesses and our employees, who are desperately trying to survive during this difficult time. Please look for other solutions.

Sincerely,

Gary Mehrok

[REDACTED]

Owner, Cigarettes & More

707-256-3905

1441 W Imola Ave

Napa, CA 94559

From: [California Wholesale](#)
To: [Clerk](#)
Cc: [Jill Techel](#); [Doris Gentry](#); [Scott Sedgley](#); [Liz Alessio](#)
Subject: TALKING POINTS
Date: Tuesday, October 6, 2020 4:07:42 PM
Attachments: [TALKING POINT.pdf](#)

[EXTERNAL]

COMMENT TO COUNCIL FOR OCTOBER 6, 2020 MEETING - PLEASE READ

VAL'S LIQUOR

Talking Points to Oppose a Total Flavored Tobacco Product Sales Ban:

- If retailers are forced to stop selling certain tobacco products, then customers will simply drive to another store in a neighboring city or purchase their preferred products on-line.
- Customers may also turn to the black market who will readily supply smuggled flavored and electronic tobacco products to anyone of any age. Elected officials should not enact a law that would promote more crime in a community.
- Retailers are the first line of defense when it comes to preventing underage individuals from purchasing tobacco products.
- The city council should not pass this ordinance and instead allow responsible retailers to continue to sell products in a law-abiding manner rather than creating an unregulated marketplace.

From: [Jaime Rojas Jr](#)
To: [Clerk](#)
Subject: Comment to Council for October 6, 202 Mtg - PLEASE READ - Agenda #11.A
Date: Tuesday, October 6, 2020 5:11:03 PM

[EXTERNAL]

Dear Mayor and Councilmembers:

We are asking the city council tonight to hold off from making a decision tonight on Agenda Item #11.A on behalf of your city's retailers. The council and staff have taken multiple private meetings with Tobacco Control and various anti-tobacco groups in the past few months to develop multiple times a draft flavor tobacco ban.

Many cities in California have invited retailers to a workshop (online or in person) to work with retailers on finding solutions together to prevent youth tobacco usage before drafting and voting on an ordinance with the input of the retailer community. The City of Napa has ignored its own business community and has met with only one group of stakeholders. This is not democratic!

We ask the council to direct staff to meet with the retail community at least once and to get their feedback on solutions to stopping youth vaping usage and hear about current retailer "best practices" that are working and supported by the State and FDA. Napa retailers have been 99% successfully compliant on youth sting operations in the past 7 years as reported by the FDA.

Please do not ignore your own Napa business community who have invested its livelihood to the community of Napa for decades. We have been protecting our community's youth and want to continue protecting our youth. Allow us to continue being part of the solution!

Thank you!

--



18653 Ventura Blvd., Suite 115
Tarzana, CA 91356
Tel: 213.400.8664
www.RCGcommunications.com

From: kewal@apca.us
To: [Clerk](#)
Subject: COMMENT TO COUNCIL FOR OCTOBER 6, 2020 MEETING – PLEASE READ – Agenda Item #11A
Date: Tuesday, October 6, 2020 5:30:39 PM
Attachments: [image003.png](#)
[APCA Letter to Napa \(3\)2.pdf](#)

[EXTERNAL]

Good Afternoon, Mayor Techel and members of the City Council,

Please find attached a letter from Jivtesh Gill, chairman of the American Petroleum and Convenience Store Association (APCA), urging you to oppose the ban on sales of flavored tobacco products.

Don't hesitate to reach out to me if you have any questions.

With Warm Regards

[Kewal Krishan](#)

Executive Director

Dir. 916-627-1170



Email: admin@apca.us

Web: www.apca.us



October 6, 2020

The Honorable Jill Techel

Mayor of Napa
955 School Street
Napa, California 94559

Dear Mayor Jill Techel and Members of the City Council:

I am writing to you today on behalf of the American Petroleum and Convenience Store Association (APCA) representing owners of 1,400 businesses who are providing jobs, essential services, and products to Californians. Each day, 165 million people visit their favorite neighborhood market resulting in sales that allow the average convenience store to collect \$1.28 million in property, payroll, and sales taxes for local, state, and federal governments every year. Here in Napa, our members are investing in the community and have recently delivered much-needed masks to coronavirus frontline workers and donate to nonprofits like Tri City Volunteer Food Pantry and Second Harvest Silicon Valley who are providing [healthy food](#) to Bay Area residents.

The sale of tobacco and e-cigarettes products is a critical part of our retailers' business model, driving the ancillary sales and if we lose the ability to sell tobacco and e-cigarettes products, our customers will go elsewhere. These significant income drops would lead to necessary staffing adjustments and closures of essential neighborhood markets. The ban would take away an entire category of products from our shelves that adults in this country have the right to buy and enjoy.

Banning legal products at licensed retail locations undermines the city's and the state's tobacco and e-cigarettes retail licensing program, which has successfully limited youth access to tobacco and e-cigarettes, protected consumers from altered products, and given local government the enforcement tools they need. Moreover, local bans on tobacco and e-cigarettes products create an illicit market and an enormous profit margin driving illegal sales in those locales.

The current COVID-19 crisis is unprecedented, but California has seen its fair share of catastrophes. Whether it was the Camp Fire in 2018 or the Valley fire in 2015, our stores have always been there. We continued to provide fuel, bottled water, and other essential items to those who needed it most. If cities like Napa continue to attack our ability to remain profitable, there will be a day when no one is left at neighborhood markets to provide much-needed supplies to meet critical needs.

Because California's SB 793 passed, it created a level playing field for all retailers statewide. The ordinance you are proposing is unnecessary, goes too far, and it will hurt hard-working, law-abiding business owners and employees in Napa who are on your side of this issue.

We appreciate your consideration of our comments on this issue and urge you to oppose any ordinance that would restrict our ability to sell flavored tobacco and e-cigarettes products and devices in our stores to adults over the age of 21. We are responsible retailers who provide jobs and essential goods.

Sincerely



Jivtesh Gill
Chairman, APCA

Attachment

C Store Decisions

<https://cstoredecisions.com/2020/05/15/american-petroleum-and-convenience-store-association-provides-masks-food-and-funds-to-frontline-workers/>

May 15, 2020

APCA Provides Masks, Food and Funds to Frontline Workers

The organization donated over \$20,000 in collective funds and distributed 12,000 masks to frontline workers, nonprofit staff and volunteers across California in response to the COVID-19 pandemic.

By Isabelle Gustafson | May 15, 2020



Pictured from Left to Right: Jaswinder Singh, Bay Area Chapter Member, APCA; Tracy Weatherby, Vice President of Strategy and Advocacy, Second Harvest of Silicon Valley; Sam Liccardo, Mayor, San Jose; Sanjiv Patel, National Board Member, APCA; Inderjit Sidhu, Bay Area Chapter Vice President, APCA; Khushvinder Singh, Bay Area Chapter President, APCA

Members of the American Petroleum and Convenience Store Association (APCA) delivered masks, food and donations to frontline workers, nonprofit staff and volunteers across California in response to the COVID-19 pandemic.

The industry group found that, besides health care workers, police officers and food bank staffers were in desperate need of gear to help prevent transmission of the virus.

“During our conversations with these organizations, we heard supplies of masks were extremely low or nonexistent. We recognized that we were in a unique position to identify alternative sources for some of these supplies, and we got to work,” said Jivtesh Gill, chairman, APCA. “Deemed ‘essential businesses’ by the Department of Homeland Security, our members’ 1,400 convenience stores and gas stations have remained open, and they’ve maintained access to suppliers. Despite catastrophically low fuel sales and an inside sales decline, our members displayed their resilience and desire for community wellbeing and were able to distribute much-needed supplies to meet critical needs.”



The organization distributed 12,000 masks to the Catholic Charities Family Support Center in Santa Rosa, Sonoma County Sheriff’s Office, Solano County Emergency Services, Sacramento Police Department, Tri-City Food Pantry and Thrift Store in Fremont, Second Harvest Silicon Valley, and the Modesto Police Department.

Additionally, members of the association collected funds to donate \$12,500 to the Central California Food Bank in Fresno, \$5,000 to the Sacramento Food Bank and Family Services, \$5,000 to Second Harvest Food Bank serving San Joaquin and Stanislaus counties, and \$1,000 to the Twin Lakes Food Bank in Folsom.

Every day, 165 million people visit their favorite neighborhood market. This activity results in sales that allow the average store to collect \$1.28 million in taxes for local, state and federal governments every year.

“The COVID-19 crisis is unparalleled, but just like during the Camp Fire in 2018 and the Valley Fire in 2015, APCA members and our employees remain committed to serving our customers and our communities,” said Gill.







Pictured from Left to Right: Inderjit Sidhu, Bay Area Chapter Vice President, APCA; Sanjiv Patel, Bay Area Chapter Champion, National Board Founding Member, APCA; Faisal Gowani, Bay Area Chapter Ex-President, APCA; Taylor Johnson, Executive Director, Tri-City Volunteers Food Bank and Thrift Store; Phani Yadavalli, Bay Area Chapter Board Member, APCA; Raj Salwan, Council Member, City of Fremont