

**REGULAR MEETING MINUTES  
FOR THE CITY COUNCIL OF THE CITY OF NAPA**

**November 20, 2012**

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

City Hall Council Chambers  
955 School Street

**Note: Agenda Items #1 through #9 are shown on the Housing Authority of the City of Napa Regular Meeting Minutes of November 20, 2012.**

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**CITY COUNCIL MEETING: AFTERNOON SESSION 3:30 P.M.**

**10. CALL TO ORDER: 3:30 p.m.**

**Roll Call**

**PRESENT:** Councilmembers Inman, Krider, Mott, Vice Mayor van Gorder and Mayor Techel

**ABSENT:** None

**11. AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

The Clerk reported on the following supplemental reports:

Item 15A: Fiscal Year 2012-2013 First Quarter Report:

- PowerPoint Presentation by Joe Gray, Finance Director.

Item 15B: Citizens United v Federal Election Commission Supreme Court Case:

- Email to Councilmember Juliana Inman from Conchita Marusich on behalf of the Napa County Democratic Central Committee with three attachments.

**12. SPECIAL PRESENTATIONS: None.**

**13. PUBLIC COMMENT: None.**

**14. CONSENT CALENDAR:**

Councilmembers Inman and Mott recused on Item 14 D due to the fact that they both own real property within the project area.

Vice Mayor van Gorder stated he would vote no on Item 14 H noting concerns regarding the City Manager negotiating the CourseCo Inc. contract.

**ACTION:** Moved, seconded and carried (van Gorder/ Krider) to approve the Consent Calendar with the votes as stated above.

**AYES:** van Gorder, Krider, Inman, Mott, Techel

**NOES:** None

- 14.A. Approve City Council Minutes for the Regular City Council Meetings**  
**Action:** Approved City Council Minutes Regular Meetings of October 2, 2012 and October 16, 2012.
- 14.B. City of Napa 2012 Biennial Conflict of Interest Code Update**  
**Action:** Adopted Resolution R2012 136 approving the 2012 City of Napa Conflict of Interest Code as required by the Political Reform Act.
- 14.C. Settlement Agreement with Napa County Transportation and Planning Agency**  
**Action:** Authorized the City Manager to execute a Settlement Agreement and General Release of All Claims between the Napa County Transportation and Planning Agency (NCTPA) and the City of Napa (City) for costs incurred during the construction of the VINE Bus Yard Expansion Project.
- 14.D. Appropriate Funds for the Traffic Study and Analysis of Streets West of Downtown**  
**Action:** Adopted Resolution R2012 137 increasing the project budget and authorizing the appropriation of funds in conjunction with the Traffic Study and Analysis of Streets West of Downtown Napa Project.  
 AYES: Krider, van Gorder, Techel  
 NOES: None  
 RECUSED: Mott, Inman
- 14.E. CDBG Rental Rehabilitation Loan to Housing Authority for Laurel Manor Renovation Project**  
**Action:** Adopt Resolution R2012 138 approving a loan of \$700,000 from the City of Napa CDBG Housing Rehabilitation Loan Program to the Housing Authority of the City of Napa to assist in the rehabilitation of Laurel Manor Senior Apartments.
- 14.F. Housing Rehabilitation Loan Program Guidelines**  
**Action:** Adopted Resolution R2012 139 approving new guidelines for the CDBG Housing Rehabilitation Loan Program.
- 14.G. Consideration of a City of Napa Representative to Local Governing Committee for the Napa Valley Tourism Business Improvement District (TBID)**  
**Action:** Adopted Resolution R2012 140 appointing the Economic Development Manager to the Napa Valley Tourism Business Improvement District (TBID) Local Governing Committee.
- 14.H. Delegate Authority to the City Manager to Negotiate and Execute a Lease Agreement with CourseCo Inc. for the Napa Municipal Golf Course**  
**Action:** Moved, seconded and carried (Mott/Krider) to adopt Resolution R2012 141 to delegate authority to the City Manager to negotiate and execute a lease agreement with CourseCo Inc. to replace the existing management agreement at the Napa Municipal Golf Course.  
 AYES: Mott, Krider, Inman, Techel  
 NOES: van Gorder
- 14.I. Second Reading and Final Adoption of an Ordinance Second Tier**

**Retirement Benefits for Non-Sworn Employees and Elected Officials**  
**Action:** Approved Second Reading and final adoption of **Ordinance O2012 14** to amend the contract between the City of Napa and the Board of Administration of the California Public Employees Retirement System (CalPERS) to provide for reduced retirement benefits for non-sworn employees hired after December 21, 2012, and elected officials first entering office after December 21, 2012.

- 14.J. Resolution Revising Salaries and Benefits for City Unrepresented Management Staff**  
**Action:** Adopted **Resolution R2012 142** revising salaries and benefits for City Unrepresented Management Staff, consistent with that implemented for the Administrative, Managerial and Professional Employees (AMP) per their Memorandum of Understanding expiring December 31, 2013.
- 14.K. Resolution Revising Salaries and Benefits for City Unrepresented Non-Management Staff**  
**Action:** Adopted **Resolution R2012 143** revising salaries and benefits for City Unrepresented Non-Management Staff, consistent with that implemented for the Napa City Employees' Association (NCEA) per their Memorandum of Understanding expiring December 31, 2013.
- 14.L. Class Specifications for Fire Prevention Inspector I, II and III**  
**Action:** Adopted **Resolution R2012 144** amending the class specifications for the classifications of Fire Prevention Inspector I, II and III.
- 14.M. Amend Position Staffing Plan in the Public Works Department**  
**Action:** Adopted **Resolution R2012 145** to amend the Position Staffing Plan of the Public Works Department to delete one Senior Development Project Coordinator position and add one Senior Civil Engineer position.

**15. ADMINISTRATIVE REPORTS:**

**15.A. Fiscal Year 2012-2013 First Quarter Report**

Finance Director Joe Gray reviewed the First Quarter Report; Management Analyst Desiree Brun provided information on the Capital Improvement Projects and the Citizen Relationship Management (CRM) report.

**Action:** Moved, seconded and carried (Mott/Inman) to adopt **Resolution R2012 146** approving amendments to the budget for the 2012-13 fiscal year.  
AYES: Mott, Inman, Krider, van Gorder, Techel  
NOES: None

**15.B. Citizens United v Federal Election Commission Supreme Court Case**

City Clerk Roberts provided brief background information on the case and stated the resolution was to urge a Constitutional Amendment urging the US Congress to overturn the Supreme Court Case "*Citizens United versus the Federal Election Commission*".

The Clerk noted that per City of Napa Policy Resolution 33, if City Council wishes to consider the resolution, they must decide if the matter has a direct effect or no direct effect on the Issue.

Mayor Techel called for public comment.

The following individuals came forward to support the resolution.

Conchita Marusich, Kaye Hall and Alex Shantz.

**ACTION:** Moved, seconded and carried (van Gorder/Inman) that the issue of requesting a Constitutional Amendment to overturn "Citizens United" to end corporate personhood and the ability for corporations to raise and spend unlimited amounts of money on candidates has a direct effect on the local affairs of the City of Napa.

AYES: van Gorder, Inman, Mott, Techel

NOES: Krider

**Action:** Moved, seconded and carried (Inman/van Gorder) to adopt **Resolution R2012 147** to support a constitutional amendment to overturn "Citizens United v. Federal Election Commission".

AYES: Inman, van Gorder, Mott, Techel

NOES: Krider

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

17. **CLOSED SESSION:**

City Attorney Barrett stated the following Closed Session items would be considered:

- 17.A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION: Government Code Section 54956.9(a); Napa Superior Court Case No. 26-53259.
- 17.B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION: Initiation of litigation in one case, pursuant to Government Code Section 54956.9(c).
- 17.C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Title: City Manager, City Attorney, and City Clerk (Government Code section 54957).

**4:35 P.M. to 6:30 P.M. CITY COUNCIL RECESS**

**CITY COUNCIL MEETING: EVENING SESSION 6:30 P.M.**

18. **CALL TO ORDER:** 6:30 p.m.

- 18.A. Roll Call
  - PRESENT: Councilmembers Inman, Krider, Mott, Vice Mayor van Gorder and Mayor Techel
  - ABSENT: None

19. **PLEDGE OF ALLEGIANCE:**

20. **AGENDA REVIEW AND SUPPLEMENTAL REPORTS:**

**Item 26A: Approval of License Agreement and First Reading of an Ordinance Pertaining to a Portion of Caymus Street:**

- Interoffice Memorandum from Jacques LaRochelle, Public Works Director regarding Revised Caymus Street Plan.

**Item 27A: Amendment to Residential Office Zoning District:**

- PowerPoint Presentation by Karlo Felix, Assistant Planner.

**21. COMMISSION INTERVIEWS AND APPOINTMENTS: None.**

**22. REPORT ACTION TAKEN IN CLOSED SESSION: None.**

**23. SPECIAL PRESENTATIONS:**

**23.A. Commissioners Appreciation**

Mayor Techel and Councilmembers presented Certificates of Appreciation to outgoing Commission Members:

Disability Access Board of Appeals Member April Marie Wick; Community Development Block Grant (CDBG) Citizens' Committee Member Grania Lindberg; and Tree Advisory Commission Member Paul Rogers.

Parks and Recreation Advisory Commission Member Asher Green was not present to accept his Certificate.

**24. PUBLIC COMMENT:**

Ryan Gregory, with Spencer's Reich and Associates, came forward and thanked outgoing Councilmembers van Gorder and Krider for their service to the City.

**25. ADMINISTRATIVE REPORTS: None.**

**26. CONSENT HEARINGS:**

**ACTION:** Moved, seconded and carried (Krider/Mott) to approve the Consent Hearing Calendar as presented.

**AYES:** Krider, Mott, Inman, van Gorder, Techel

**NOES:** None

**26.A. Approval of License Agreement and First Reading of an Ordinance Pertaining to a Portion of Caymus Street**

**Action:** Adopted Resolution R2012 148 approving a License Agreement with The Roman Catholic Bishop of Santa Rosa and first reading and introduction of an ordinance amending Sections 10.24.010 and 10.36.140 of the Napa Municipal Code to designate the section of Caymus Street between Main and Yajome Streets as a one-way street with angled parking.

**26.B. An Ordinance to Amend Municipal Code Chapter 2.73 Pertaining to the Bicycle and Trails Advisory Commission Qualifications and Appointment**

**Action:** Approved first reading and introduction of an ordinance amending Napa Municipal Code Section 2.73.010 and 2.73.020 regarding the qualifications and appointment of commissioners to the Bicycle and Trails Advisory Commission.

**26.C. Materials Diversion Facility Pre-zone and Annexation**

**Action:** Approved the Materials Diversion Facility Pre-zone and Annexation to include: (1) first reading and introduction of an ordinance Pre-rezoning certain lands at 820 Levitin Way to the PQ-P:AC, Public Quasi Public:Airport Compatibility Overlay Zoning District; and (2) adopted Resolution R2012 149 adopting a Negative Declaration and requesting the Local Agency

Formation Commission (LAFCO) take proceedings for the annexation of the Material Diversion Facility at 820 Levitin Road.

**27. PUBLIC HEARINGS/APPEALS:**

**27.A. Amendment to Residential Office Zoning District**

Karlo Felix, Assistant Planner, provided information on the ordinance amending the Residential Office Zoning district regulation to include tattoo parlors as a conditionally permitted land use.

Paul Rogers came forward and asked about limitations regarding foot traffic.

Grady Siebert, representing Garage Ink Studios and Gallery stated the goal is to allow for the possibility for tattoo parlors to operate in the future in the RO District as a conditionally permitted land use.

Council discussion ensued.

**Action:** Moved, seconded and carried (Mott/Krider) adopting first reading and introduction of an ordinance amending the Residential Office (RO) Zoning district regulations to include tattoo parlors as a conditionally permitted land use.

AYES: Krider, Krider, Inman, Techel

NOES: van Gorder

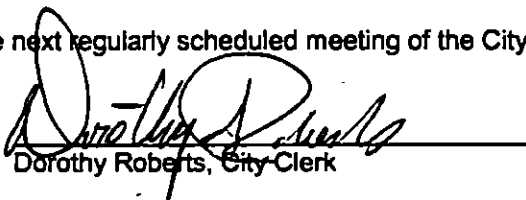
**28. COMMENTS BY COUNCIL OR CITY MANAGER:**

Mayor Techel and Councilmembers Inman and Mott provided special thanks to outgoing Councilmembers Krider and van Gorder.

It was noted that both Councilmembers would be attending the December 4th, City Council meeting.

**29. ADJOURNMENT: 7:17 p.m.**

The next regularly scheduled meeting of the City of Napa City Council is December 4, 2012.

  
Dorothy Roberts, City Clerk