



**REGULAR JOINT CITY COUNCIL/FIRE PROTECTION  
DISTRICT BOARD MEETING  
AGENDA**  
City Hall - Council Chambers  
4381 Broadway St., Suite 201, American Canyon  
**August 3, 2021**  
**6:30 PM**



**Mayor/Chair:** Leon Garcia  
**Vice Mayor/Vice Chair:** Mark Joseph  
**Councilmembers/Board Members:** Mariam Aboudamous, David Oro, Pierre Washington

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## **AMENDED AGENDA**

**This Agenda has been amended to add Item 2. in the City of American Canyon Closed Session section.**

In response to Governor's Executive Order N-29-20 and the Resolution Declaring the Existence of a Local Emergency Relating to the COVID-19 Pandemic adopted by the City of American Canyon City Council, City Council and other public meetings are currently Teleconference Meetings Only to align with local and federal guidelines and social distancing recommendations for the containment of the coronavirus. This meeting will be broadcast live to residents on Napa Valley TV at <http://www.cityofamericancanyon.org> and on YouTube at <https://www.youtube.com/user/CityofAmericanCanyon>.

You may submit public comments for any Agenda Item, Non-Agenda Item or make general public comments by one of the following methods:

**Verbal via Webinar:** A Zoom Webinar has been established for public participation during the meeting related to a specific agenda item, or matters not on the agenda. To give your public comment directly to the legislative body during the meeting, connect via Zoom and follow the instructions or by calling 408-638-0968. Please mute all audio devices and do not use the speakerphone to prevent echoing.

**Zoom Meeting Link:** [Click Here](#)  
**Webinar ID:** 841 1286 2352 **Passcode:** 066063

**Via email:** Please use the following link to submit your comment so it can be routed to the appropriate governing body and properly recorded into the meeting record. [Submit your public comment here](#). All comments become part of the permanent record.

The above-identified measures exceed all legal requirements for participation in public comment, including those imposed by the Ralph M. Brown Act and Executive Order N-29-20 and N-33-20. For more information, please call the City Clerk at (707) 647-5337 or email [cityclerk@cityofamericancanyon.org](mailto:cityclerk@cityofamericancanyon.org).

**AGENDA MATERIALS:** City Council agenda materials are published 72 hours prior to the meeting, and are available to the public via the City's website at [www.cityofamericancanyon.org](http://www.cityofamericancanyon.org).

**AMERICANS WITH DISABILITIES ACT:** The City Council will provide materials in appropriate alternative formats to comply with the Americans with Disabilities Act. Please send a written request to City Clerk at 4381 Broadway, Suite 201, American Canyon, CA 94503 or by email to [cityclerk@cityofamericancanyon.org](mailto:cityclerk@cityofamericancanyon.org). Include your name, address, phone number and brief description of the requested materials, as well as your preferred alternative format or auxiliary aid, at least three calendar days before the meeting.

## 4:30 P.M. CLOSED SESSION

### PUBLIC ADDRESS – CLOSED SESSION ITEMS

*The Mayor will call the meeting to order and conduct role call. Council will immediately convene into closed session after hearing any public comment on Closed Session. At 6:30 p.m. the Council will reconvene into Open Session and then resume Closed Session at the end of the meeting to address outstanding items, if necessary.*

### AMERICAN CANYON FIRE PROTECTION DISTRICT CLOSED SESSION

There are no ACFPD Closed Session Items.

### CITY OF AMERICAN CANYON CLOSED SESSION

- 1. Matters Relating to Public Employment Public Employee Performance Evaluations Pursuant to Gov. Code Section 54957.  
Position: Jason Holley, City Manager**
- 2. Conference with Legal Counsel – Anticipate Litigation Pursuant to Government Code Section 54956.9 (d)(1)  
Two Matters.**

## 6:30 P.M. OPEN SESSION - REGULAR MEETING

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION

### CITY CLERKS ANNOUNCEMENT PURSUANT TO GOVT CODE 54952.3

*When the City Council sits jointly, or serially as more than one board it is required that the amount of compensation received for each board be disclosed at the meeting. Tonight, the City Council is sitting jointly as the City Council and the American Canyon Fire Protection District Board. Also, if there is a matter of consideration dealing with water outside the City limits but within the Water District Service Area, the Council will function as the former American Canyon County Water District. For sitting as the Council, a stipend of \$315 monthly is received; for the Fire District Board and as the Water Board, \$206.50 per meeting.*

### PROCLAMATIONS AND PRESENTATIONS

There are no Proclamations or Presentations.

### PUBLIC COMMENT - ITEMS NOT ON THE AGENDA

*This time is reserved for members of the public to address the City Council/American Canyon Fire Protection District Board on items of interest that are not on the Agenda and are within the subject matter jurisdiction of the City Council/American Canyon Fire Protection District Board. It is recommended that speakers limit their comments to 3 minutes each and it is requested that no comments be made during this period on items on the Agenda. Members of*

*the public wishing to address the City Council/American Canyon Fire Protection District Board on items on the Agenda should comment via email prior to the start of the meeting, or to verbally comment on the item during the meeting, click the “raise your hand” button if joining by computer, or press \*9 if joining by phone, when the item is called. The City Council/American Canyon Fire Protection District Board is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the City Council/American Canyon Fire Protection District Board does not respond to public comment at this time. Speakers are asked to please speak clearly, and provide their name. Any handouts for distribution to the City Council/American Canyon Fire Protection District Board must be emailed by 3:00 p.m. on meeting day.*

## **AGENDA CHANGES**

*The Mayor/Council may change the order of the Agenda or request discussion of a Consent Item. A member of the Public may request discussion of a Consent Item by completing a Speaker’s Card and presenting it to the Clerk of the meeting prior to Public Comment.*

## **MATTERS RELATING TO THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD**

### **CONSENT CALENDAR - ACFPD**

There are no ACFPD Consent Calendar items.

### **BUSINESS – ACFPD**

There are no ACFPD Business items.

## **MATTERS RELATING TO THE AMERICAN CANYON CITY COUNCIL**

### **CONSENT CALENDAR**

3. **Minutes of July 20, 2021**

**Recommendation:** Approve the July 20, 2021 Minutes for the Regular Joint City Council/Fire Protection District Board meeting.

4. **Ongoing Authorization for Assignment Agreement - Watson Ranch Specific Plan**

**Recommendation:** Adopt a [Resolution](#) authorizing the City Manager and the City Attorney to consent to a Partial Assignment Agreement by and between AC-1, LLC and Future Assignees, assigning the benefits and burdens of the AC-1 Development Agreement (Watson Ranch Specific Plan).

### **PUBLIC HEARINGS**

There are no Public Hearing items.

### **BUSINESS**

5. **Marin Clean Energy Deep Green Program**

**Recommendation:** Adopt a [Resolution](#) authorizing the City to transition to the Marin Clean Energy Deep Green Program.

### **MANAGEMENT AND STAFF ORAL REPORTS**

## **MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS**

*The Mayor and Council may comment on matters of public concern and announce matters of public interest; no collective council action will be taken.*

### **6. City Council Committee Report - Vice Mayor Mark Joseph**

**Recommendation:** Receive and file the City Council Committee Report as submitted by Vice Mayor Mark Joseph.

## **ADJOURNMENT**

## **CERTIFICATION**

I, Taresa Geilfuss, City Clerk for the City of American Canyon, do hereby declare that the foregoing Agenda of the City Council/American Canyon Fire Protection District Board was posted in compliance with the Brown Act prior to the meeting date.

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Taresa Geilfuss, City Clerk

**CITY OF AMERICAN CANYON**  
**REGULAR JOINT CITY COUNCIL/FIRE PROTECTION DISTRICT BOARD MEETING**

**ACTION MINUTES**  
**July 20, 2021**

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Consistent with the California Governor’s Executive Order N-29-20 promoting social distancing, there will be no physical or in person meeting location available to the public. Instead, the meeting will be conducted by teleconference. The meeting will be accessible for all members of the public to attend and give public comment via the City’s website, YouTube, and Cable TV Channel 28.

**4:30 P.M. CLOSED SESSION**

The Joint City Council/Fire Protection District Board Meeting was called to order at 4:30 p.m.

**PUBLIC ADDRESS – CLOSED SESSION ITEMS**

**Closed Session Roll Call:**

**Present:** Council Members/Board Members: David Oro, Pierre Washington; Vice Mayor Mark Joseph; Mayor Leon Garcia

**Excused:** Council Member/Board Member Mariam Aboudamous

No Public Comments were received for Closed Session Items. Council adjourned to the American Canyon Fire Protection District Board Closed Session at 4:32 p.m.

**AMERICAN CANYON FIRE PROTECTION DISTRICT CLOSED SESSION**

- 1. Matters Relating to Public Employment – Pursuant to Government Code Section 54957  
Position: Assistant Fire Chief**

The American Canyon Fire Protection District Board Closed Session concluded at 4:52 p.m. The City of American Canyon Closed Session commenced at 4:54 p.m.

**CITY OF AMERICAN CANYON CLOSED SESSION**

- 2. Retention of Special Legal Counsel - Pursuant to Government Code Section 54957(b)(4).**
- 3. Matters Relating to Public Employment Public Employee Performance Evaluations - Pursuant to Gov. Code Section 54957.  
Position: Jason Holley, City Manager**

The City of American Canyon Closed Session concluded at 6:23 p.m.

**6:30 P.M. OPEN SESSION - REGULAR MEETING****CALL TO ORDER**

Open Session was called to order at 6:38 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor Garcia led the Pledge of Allegiance.

**ROLL CALL**

**Present:** Council Members/Board Members David Oro, Pierre Washington; Vice Mayor Mark Joseph; Mayor Leon Garcia

**Excused:** Council Member/Board Member Mariam Aboudamous

**REPORT ON CLOSED SESSION/CONFIRMATION OF REPORTABLE ACTION**

Council received an oral report on Closed Session from City Attorney William Ross. A written report will be provided.

**CITY CLERKS ANNOUNCEMENT PURSUANT TO GOVT CODE 54952.3****PROCLAMATIONS AND PRESENTATIONS****4. Administer the Oath of Office to Taresa Geilfuss, City Clerk**

**Action:** Mayor Garcia administered the Oath of Office to Taresa Geilfuss.

**5. Proclamation - Leadership Transition of Napa County Sheriff's Office and America Canyon Police Department**

**Action:** Mayor Garcia read the Proclamation for retiring Napa County Sheriff John Robertson with additional comments by Police Chief Rick Greenberg and Napa County Sheriff Oscar Ortiz.

**6. Proclamation - Jim Cannon 18+ Years of Public Service**

**Action:** Mayor Garcia read the Proclamation with additional comments by Community Development Director Brent Cooper.

**7. Proclamation - Parks and Recreation Month, July 2021**

**Action:** Mayor Garcia read the Proclamation with additional comments by Parks & Recreation Director Creighton Wright.

**Written Comments:** Clarence Mamaril

**PUBLIC COMMENT - ITEMS NOT ON THE AGENDA**

**Written Comments:** Jason Kishineff

**Oral Comments:** Justin Hamilton Hole, Chris James

## AGENDA CHANGES

City Attorney, William D. Ross, stated that there was a matter that had arisen within seventy-two (72) hours of the Council meeting on which action was needed, consistent with the provisions of Government Code Section 54954.2(b)(2).

The matter was identified as the proposed consent of the City of American Canyon to an agreement for the partial Assignment of Benefits and Burdens of the AC-1 Development Agreement between the City of American Canyon and American Canyon 1, LLC ("AC-1"), which would assign certain benefits and burdens from AC-1 to McGrath Properties, American Canyon, LLC and Napa Valley Ruins & Gardens LLC pertaining to Lots 11, 13, 16 and 20 of the Watson Ranch Specific Plan.

**Action:** Motioned by Vice Chair Joseph, seconded by Councilmember Oro, and carried unanimously (4-0, with Councilmember Aboudamous excused) to add Agenda Consent Calendar as Item No. 15.1.

## MATTERS RELATING TO THE AMERICAN CANYON FIRE PROTECTION DISTRICT BOARD

### CONSENT CALENDAR - ACFPD

**Action:** Motioned by Vice Chair Joseph, seconded by Councilmember Oro and carried unanimously (4-0) to approve the Consent Calendar.

#### 8. Minutes of June 29, 2021

**Action:** Approved the Minutes.

#### 9. District Counsel Closed Session Report

**Action:** Approved the District Counsel Closed Session Report of June 29, 2021.

#### 10. First Responder Fee

**Action:** Adopted a Resolution approving the annual cost-of-living increase to the District First Responder Fee for Emergency Medical Services.

## BUSINESS – ACFPD

There were no ACFPD Business items.

## MATTERS RELATING TO THE AMERICAN CANYON CITY COUNCIL

### CONSENT CALENDAR

**Action:** Motioned by Council Vice Chair Joseph, seconded by Councilmember Oro and carried unanimously (4-0, with Councilmember Aboudamous excused) to approve the Consent Calendar as amended to add Item 15.1.

**11. Minutes of June 15, 2021**

**Action:** Approved the June 15, 2021 Minutes of the Regular Joint City Council/American Canyon Fire Protection District Board.

**12. City Attorney June 15, 2021 Closed Session Report**

**Action:** Approved the City Attorney Closed Session Report of the June 15, 2021 Regular Joint City Council/American Canyon Fire Protection District Meeting.

**13. Notice of Completion for the 2020 Annual Pavement Management Project (TR20-0100)**

**Action:** Adopted Resolution 2021-47 amending the FY21/22 project budget for the 2020 Annual Pavement Management Project (TR20-0100), accepting the project as complete, authorizing the Public Works Director to file a Notice of Completion, and releasing Retention payment to Ghilotti Brothers Inc.

**14. Vacation of Utility Easement for Circle K Project**

**Action:** Adopted Resolution 2021-48 vacating 9,440 square feet, more or less, an easement for the purpose of maintaining, constructing and replacing water and sewer mains and appurtenances over, under and across a strip of land shown on the Director's Deed, DC9419, Volume 1247, Page 1, of Official Records recorded July 8, 1982, referred to herein as the "Easement" by Summary Vacation pursuant to Streets and Highways Code Section 8333 et seq.

**15. City Council Chamber Audio Visual Upgrades**

**Action:** Adopted Resolution 2021-49 authorizing the City Manager to execute agreements with Napa Valley Television and Definitive Networks, Inc. in an amount not to exceed \$75,000, to complete City Council Chamber Audio Visual upgrades.

**15.1 Partial Assignment Agreement Authorization**

**Action:** Adopted Resolution 2021-50 Authorizing the Mayor to consent to an agreement for the partial Assignment of Benefits and Burdens of the AC-1 Development Agreement between the City of American Canyon and American Canyon 1, LLC ("AC-1"), which would assign certain benefits and burdens from AC-1 to McGrath Properties, American Canyon, LLC and Napa Valley Ruins & Gardens LLC pertaining to Lots 11, 13, 16 and 20 of the Watson Ranch Specific Plan

**PUBLIC HEARINGS****16. Appeal of SDG Commerce 217 Warehouse Distribution Center Conditional Use Permit**

Applicant Neil Thompson requested a continuance to the August 17, 2021 meeting.

**Action:** Motioned by Councilmember Oro, seconded by Councilmember Washington and carried unanimously (4-0, with Councilmember Aboudamous excused) to continue this item to a date certain of August 17, 2021.

**Written Comments:** Darien Key and Josh Johnson

**17. Citywide Landscaping Lighting and Assessment District Fiscal Year 2021/2022 Annual Engineer's Report**

Council received a presentation from Rick Clark, Harris & Associates, with Public Works Director Erica Ahmann Smithies and Utilities & Maintenance Director Felix Hernandez. Mayor Garcia opened the Public Hearing.

**Written Comments:** None.

**Oral Comments:** None.

Mayor Garcia closed the Public Hearing. City Attorney William Ross announced for the record that there were no conflicts of interest created by Councilmember Oro's participation in this item.

**Action:** Motioned by Councilmember Oro, seconded by Councilmember Washington and carried unanimously (4-0, with Councilmember Aboudamous excused) Council adopted Resolution 2021-51 approving the Fiscal Year 2021/2022 Annual Engineer's Report for the Landscaping and Lighting Assessment District as prepared and filed. Approving the budgets for each of the three zones within the Engineer's Report. Confirming the assessment diagram and assessment as set forth in the Annual Engineer's Report or as modified as allowed by the City Council. Authorizing the levy and collection of annual assessments for Fiscal Year 2021/2022 as set forth in said report for Landscaping and Lighting Assessment District Zone 1 - LaVigne Subdivision, Zone 2 - Vintage Ranch Subdivision, and Zone 3 – Napa Junction Mixed Use Development.

## BUSINESS

**18. Intent to Override Napa County Airport Land Use Commission Determination: Oat Hill Multi-Family Residential Project**

Council received a presentation from Community Development Director Brent Cooper, Associate Planner William He, Nick Johnson of Johnson Aviation and William Ross, City Attorney. Additional Comments from Clark Morris, Attorney for the applicant and Applicant Rick Hess.

**Written Comments:** Napa County Office of County Counsel

**Oral Comments:** Justin Hamilton Hole

**Action:** Motioned by Councilmember David Oro, seconded by Vice Mayor Joseph and carried unanimously (4-0, with Councilmember Aboudamous excused) to adopt Resolution 2021-52 notifying the Napa County Airport Land Use Commission and the State Division of Aeronautics of the City's intention to find that the Oat Hill Multi-Family Residential Project is consistent with the purposes of the State Aeronautics Act and to overrule the Napa County Airport Land Use Commission's determination that the Oat Hill Multi-Family Residential Project is inconsistent with the Napa County Airport Land Use Compatibility Plan.(File Numbers PL20-0022 to -27).

**19. Declaration of a Drought Emergency Stage 2 (Mandatory Compliance—Water Alert)**

Council received a presentation from Maintenance & Utilities Director Felix Hernandez and Water Systems Manager Dominic Patrick. No Public Comments were received.

**Action:** Motioned by Vice Mayor Joseph, seconded by Councilmember David Oro and carried unanimously (4-0, with Councilmember Aboudamous excused) Council adopted Resolution 2021-53 declaring a Drought Emergency Stage 2 (Mandatory Compliance—Water Alert) calling for a 20% reduction of water use by all customers.

**MANAGEMENT AND STAFF ORAL REPORTS****20. Update on Post-Pandemic Council Meetings**

Council received an update on post pandemic Council Meetings from City Manager Jason Holley.

**MAYOR/COUNCIL COMMENTS, COMMITTEE REPORTS, AND FUTURE AGENDA ITEMS****21. City Council Committee Report - Mayor Leon Garcia**

**Action:** Council received the report.

**22. City Council Committee Report - Vice Mayor Mark Joseph**

**Action:** Council received the report.

**23. City Council Committee Report - Councilmember David Oro**

**Action:** Council received the report.

**24. City Council Committee Report - Councilmember Pierre Washington**

**Action:** Council received the report.

**FUTURE AGENDA ITEMS:**

Vice Mayor Joseph requested status reports on the Green Island Road Project and landscaping at the Park & Ride and on James Rd.

Motioned by Vice Mayor Joseph, seconded Councilmember Washington, and unanimously carried to add a future agenda item expanding the number of EV charging stations citywide.

Motioned by Mayor Garcia, seconded by Vice Mayor Joseph and unanimously carried to discuss adding a student representative to City Council in 2022.

**ADJOURNMENT**

Council observed a moment of silence in remembrance of former NVUSD Superintendent John Glaser and adjourned the meeting in his memory at 9:23 p.m.

**CERTIFICATION**

Respectfully Submitted,

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Taresa Geilfuss, City Clerk



## TITLE

Ongoing Authorization for Assignment Agreement - Watson Ranch Specific Plan

## RECOMMENDATION

Adopt a [Resolution](#) authorizing the City Manager and the City Attorney to consent to a Partial Assignment Agreement by and between AC-1, LLC and Future Assignees, assigning the benefits and burdens of the AC-1 Development Agreement (Watson Ranch Specific Plan).

## CONTACT

William D. Ross, City Attorney

## BACKGROUND & ANALYSIS

On July 18, 2019 the City of American Canyon ("City"), and American Canyon I, LLC, a Delaware Limited Liability Company ("AC-1") executed a Development Agreement ("Development Agreement") for the Watson Ranch Specific Plan ("WRSP") (Ordinance 2019-06, Agreement 2019-A107). AC-1 has, and will periodically wish to sell a portion of the WRSP to a qualified company to be determined in the future ("Qualified Company").

The Development Agreement provides that Assignor may, in its sole and exclusive discretion, assign, all, part, or none of the benefits and/or burdens of the Development Agreement to future Assignee(s). Through these Assignment Agreements, AC-1's partial assignment to a Qualified Company as it relates to the Subject Property will be determined and bind the Parties. Prior to approval the proposed Qualified Company will present a proposal for development of portions of the WRSP.

Under the Development Agreement, Section 4.01 (h)(ii), the transfer of the Development Agreement to a new owner is contingent upon the City consenting to the transfer based on the following considerations:

City's consideration of the proposed Assignment shall be limited to the proposed Assignee's experience, financial resources and access to credit and capability to successfully carry out the development of the Portion of the Project (Property) to completion that is the topic of the proposed Assignment.

Under the Development Agreement, the final Assignment Agreement between AC-1 and the

Qualified Company must also be approved as to form by the City Attorney.

Upon receipt of a future proposed Assignee's development proposal, the City will determine if the proposed assignment to the Qualified Company is acceptable, based on its reputation, experience, financial resources and access to credit, capability to successfully carry out the development of the portion of the Property to completion, and conformance to the Development Agreement. City Staff also will receive and review the initial proposed development proposals from the Qualified Company and confirm that the uses depicted in the conceptual development plans are consistent with the authorized development approved under the WRSP Project approvals.

Under the Development Agreement, a standard final Assignment Agreement form between AC-1 and a future Qualified Company has been approved as to form by the City Attorney. This form has already been used for several assignments approved by this Council.

Authorizing the City Manager and City Attorney to consent to future WRSP Development Agreement assignments will expedite the approval process under the form Assignment Agreement. The City Council retains the right to recall any delegated authority.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Not applicable.

## **FISCAL IMPACT**

Not applicable. AC-1 and existing and future Qualified Companies would be responsible for carrying out the obligations of the Development Agreement for the future assigned Properties and the remaining portion of the WRSP.

## **ENVIRONMENTAL REVIEW**

This Project has been reviewed under the California Environmental Quality Act ("CEQA") through the Final Environmental Impact Report ("Final EIR") for the Watson Ranch Specific Plan Project (State Clearinghouse No. 2015022030) certified by the City October 16, 2018. The Final EIR anticipated and analyzed development of the proposed assigned properties. Pursuant to CEQA Guidelines, Section 15162, no further environmental review is necessary because there are no changes in the project, changes in project circumstances or new information which would result in significantly increased or new environmental impacts, or changes in the feasibility of project alternatives or mitigation measures.

## **ATTACHMENTS:**

[1. Resolution - DA Partial Assignment](#)

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO CONSENT TO A  
PARTIAL ASSIGNMENT AGREEMENT BY AND BETWEEN AC-1, LLC AND FUTURE  
ASSIGNEES, ASSIGNING THE BENEFITS AND BURDENS OF THE AC-1 DEVELOPMENT  
AGREEMENT (WATSON RANCH SPECIFIC PLAN)**

**WHEREAS**, on July 18, 2019 the City of American Canyon ("City"), and American Canyon I, LLC, a Delaware Limited Liability Company ("AC-1") executed a Development Agreement ("Development Agreement") for the Watson Ranch Specific Plan ("WRSP") (Ordinance 2019-06, Agreement 2019-A107); and

**WHEREAS**, AC-1 will periodically wish to sell a portion of the WRSP to a qualified company to be determined in the future ("Qualified Company"); and

**WHEREAS**, the Development Agreement provides that Assignor may, in its sole and exclusive discretion, assign, all, part, or none of the benefits and/or burdens of the Development Agreement to the Assignee(s). Through these Assignment Agreements, AC-1's partial assignment to a Qualified Company as it relates to the Subject Property will be determined and bind the Parties; and

**WHEREAS**, The Qualified Company will present a proposal for development of approximately of portions of the WRSP; and

**WHEREAS**, under the Development Agreement, Section 6.01 (b)(ii), the transfer of the Development Agreement to a new owner is contingent upon the City consenting to the transfer based on upon the proposed Assignee's reputation, experience, financial resources and access to credit, and capability to successfully carry out the development of the Property to completion; and

**WHEREAS**, the City will determine if the proposed assignment to the Qualified Company is acceptable, based on its reputation, experience, financial resources and access to credit, capability to successfully carry out the development of the Property to completion, and conformance to the Development Agreement; and

**WHEREAS**, City Staff will receive and review the initial proposed development proposals from the Qualified Company and confirm that the uses depicted in the conceptual development plans are consistent with the authorized development approved under the WRSP Project approvals; and

**WHEREAS**, under the Development Agreement, the final Assignment Agreement between AC-1 and the Qualified Company must be approved as to form by the City Attorney; and

**WHEREAS**, under the Development Agreement, a standard final Assignment Agreement form between AC-1 and a future Qualified Company has been approved as to form by the City Attorney.

**NOW, THEREFORE, BE IT RESOLVED** the City Council of the City of American Canyon hereby authorizes the City Manager and the City Attorney to consent to a Partial Assignment Agreement by and between AC-1 and future Qualified Company(ies) of the Benefits and Burdens of the AC-1 Development Agreement,

subject to the approval as to form of the Partial Assignment Agreement by the City Attorney if it varies from the standard final Partial Assignment Agreement and subject to the City Manager's and City Attorney's determination that the proposed Qualified Company is acceptable, based on its reputation, experience, financial resources and access to credit, capability to successfully carry out the development of the Property to completion, and conformance to the Development Agreement.

**PASSED, APPROVED and ADOPTED** at a meeting of the City Council of the City of American Canyon held on the 3rd day of August, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Leon Garcia, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Taresa Geilfuss, City Clerk

\_\_\_\_\_  
William D. Ross, City Attorney



## **TITLE**

Marin Clean Energy Deep Green Program

## **RECOMMENDATION**

Adopt a [Resolution](#) authorizing the City to transition to the Marin Clean Energy Deep Green Program.

## **CONTACT**

Lincoln Bogard, Finance Director

## **BACKGROUND & ANALYSIS**

The City currently participates in the Marin Clean Energy (MCE) Light Green program in partnership with PG&E for electric services citywide. The Light Green program supplies 60% of electric consumption from renewable sources. Upgrading to Deep Green will reduce the City's carbon footprint by approximately 247,000 pounds of carbon dioxide per year and supply 100% of our electric needs from renewable sources. All of the renewable energy is produced in California and 50% will be from wind generation and 50% will be from solar. MCE has already established a solar farm in American Canyon and it is Pollinator-Friendly Certified. PG&E will remain our electric delivery provider. This results in no installation costs.

## **COUNCIL PRIORITY PROGRAMS AND PROJECTS**

Community and Sense of Place: "Build on the strength of our local community to develop a clear 'sense of place' and establish our unique identity."

## **FISCAL IMPACT**

The result of the Recommended Action will result in an additional cost of \$27,700 this fiscal year. Sufficient funds exist within the FY 2021-22 Budget to implement the Recommended Action.

It worth noting, the nearly completed Citywide Energy Efficiency and Resiliency Project is anticipated to save the City a net \$332,000 in electrical costs in FY 2021-22 and is anticipated to grow each year thereafter (after taking into consideration the additional MCE Deep Green costs).

Annual debt service payments total approximately \$364,000 per year for principal and interest. The

breakeven point when considering all savings and costs, including debt service will occur around the end of FY 2024-25. The Citywide Energy Efficiency and Resiliency Project is expected to produce increasing savings each year through 2040.

## **ALTERNATIVES**

The Council could decide to remain with the MCE Light Green program and save \$27,700 this fiscal year, but this would not achieve the same level of GHG reduction as the MCE Deep Green program.

## **ENVIRONMENTAL REVIEW**

The proposed action is exempt from the California Environmental Quality Act ("CEQA") under the "common sense exemption" set forth in CEQA Guidelines Section 15061(b)(3). Further, the action is exempt under CEQA Guidelines Section 15307 (actions for the protection of natural resources) and Section 15308 (actions for the protection of the environment).

## **ATTACHMENTS:**

- [1. Resolution - Implement MCE Deep Green Program](#)
- [2. MCE Deep Green Presentation](#)

**RESOLUTION NO. 2021-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
AUTHORIZING THE CITY TO TRANSITION TO THE MARIN CLEAN ENERGY DEEP  
GREEN PROGRAM**

**WHEREAS**, the City currently participates in the Marin Clean Energy (MCE) Light Green program in partnership with PG&E for electric services citywide; and

**WHEREAS**, the Light Green program supplies 60% of electric consumption from renewable sources; and

**WHEREAS**, upgrading to Deep Green will reduce the City's carbon footprint by approximately 247,000 pounds of carbon dioxide per year and supply 100% of our electric needs from renewable sources; and

**WHEREAS**, all of the renewable energy is produced in California and 50% will be from wind generation and 50% will be from solar; and

**WHEREAS**, PG&E will remain our electric delivery provider and no installation costs will be incurred;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of American Canyon hereby *approves the transition from the MCE Light Green program to the MCE Deep Green Program.*

**PASSED, APPROVED and ADOPTED** at a regularly scheduled meeting of the City Council of the City of American Canyon held on the 3<sup>rd</sup> day of August, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Leon Garcia, Mayor

ATTEST:

\_\_\_\_\_  
Taresa Geilfuss, City Clerk

\_\_\_\_\_  
William D. Ross, City Attorney

CITY OF  
AMERICAN  
CANYON



# MCE Deep Green Analysis

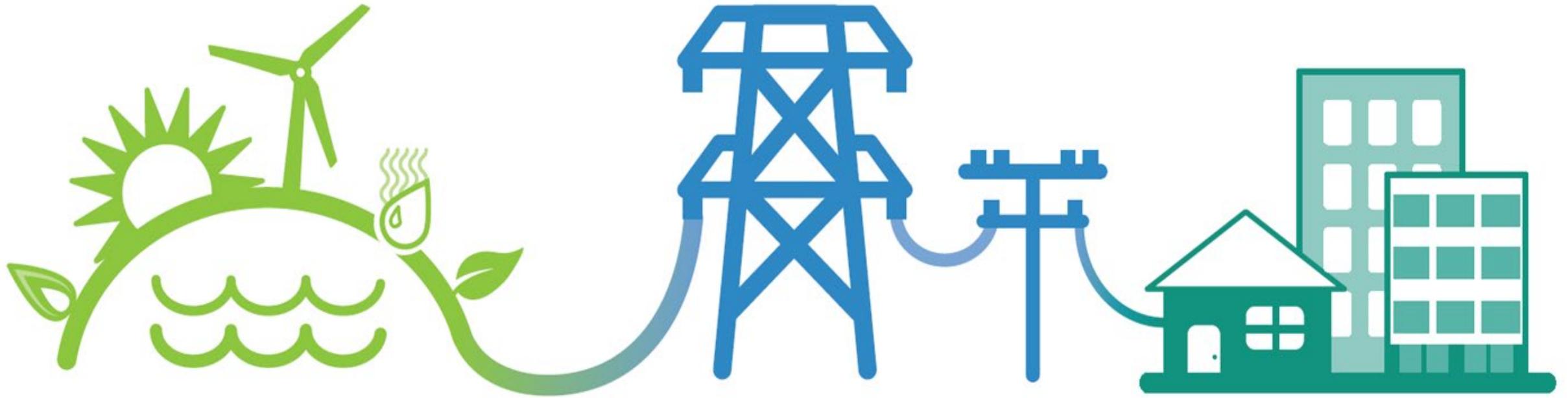
August 3, 2021

# Tonight's Objectives

- Review impact of implementing MCE's Deep Green Program.
- Move to Deep Green transitions all City electric use to renewable sources.
- Illustrate savings over previous years when combining Engie savings with Deep Green.



# How Electric Service Works



MCE Generation  
AMERICAN  
CANYON

PG&E Delivery

Same Service



# Deep Green Benefits

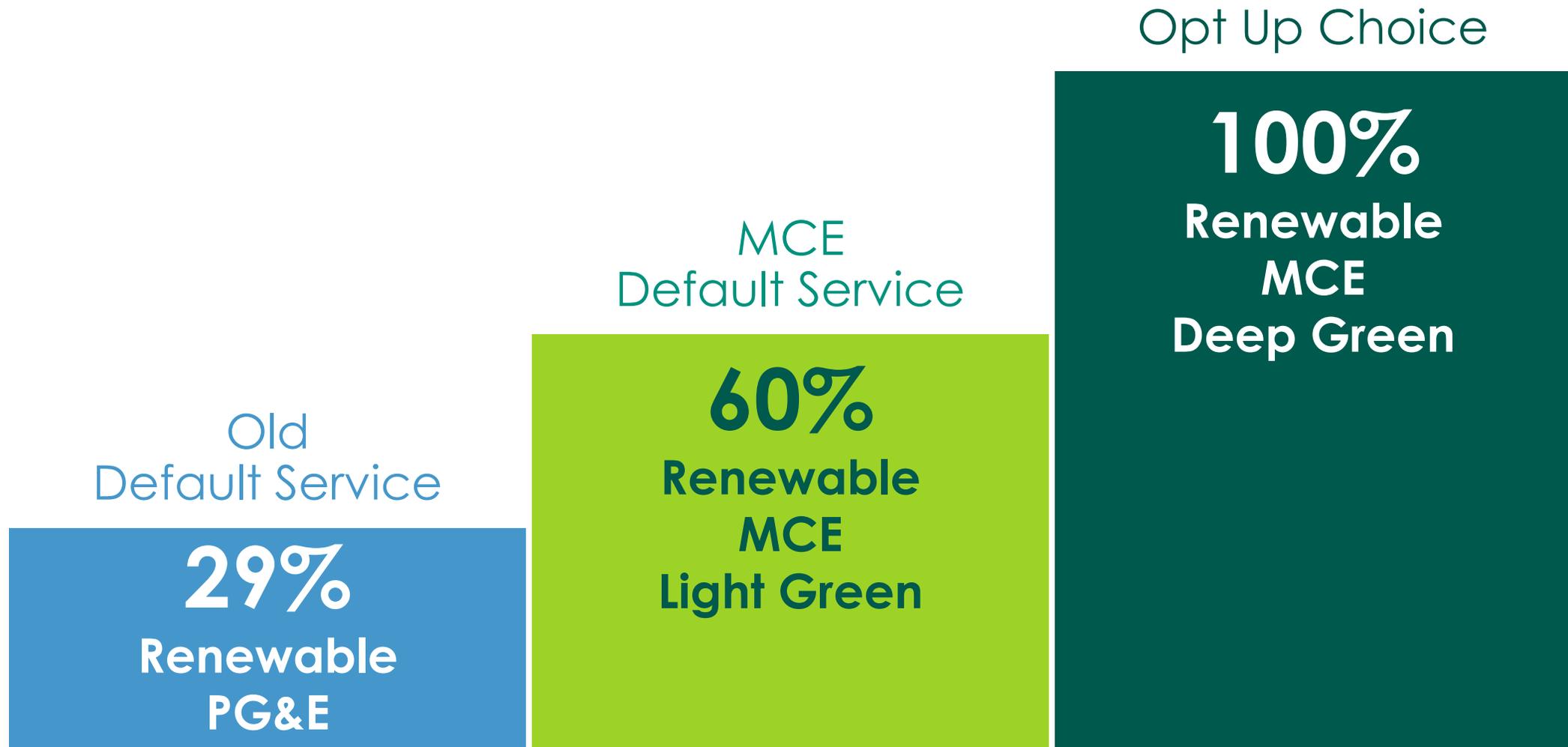
Simple, Installation-Free, Low Cost

Zero Carbon Footprint

Keeps Your Dollars Local

Why choose  
Deep Green?

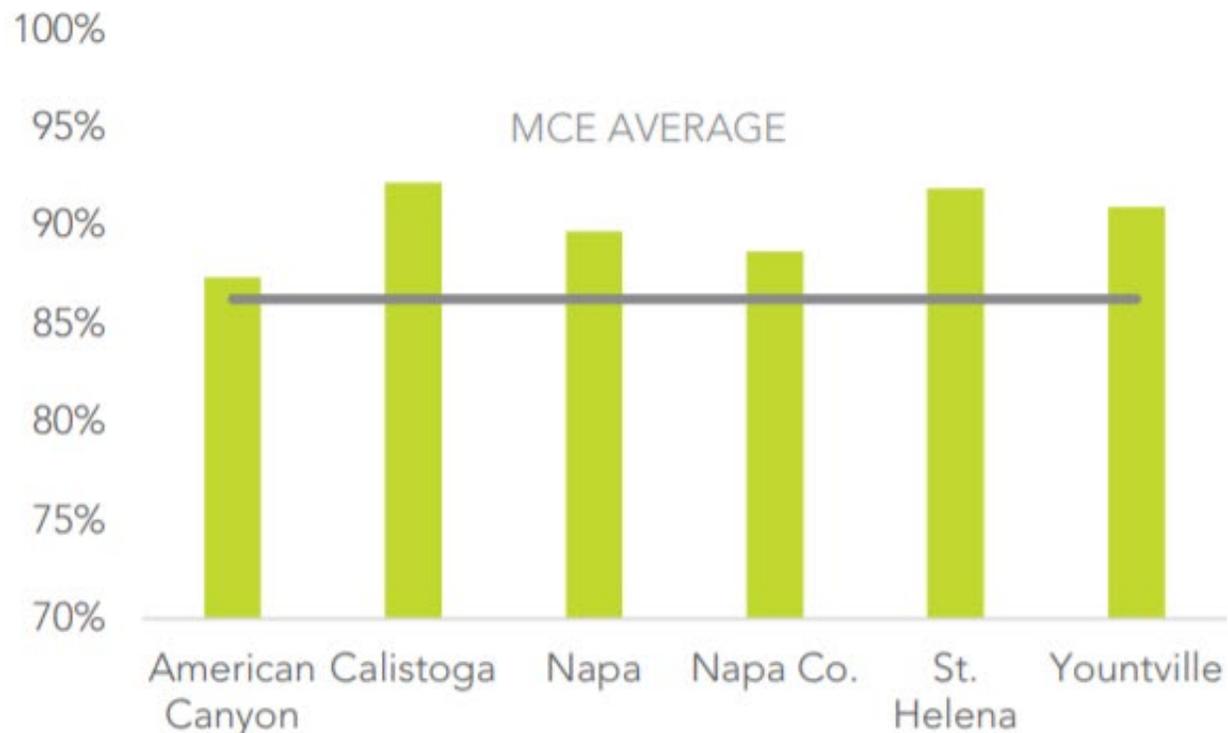
# Choice Is Power



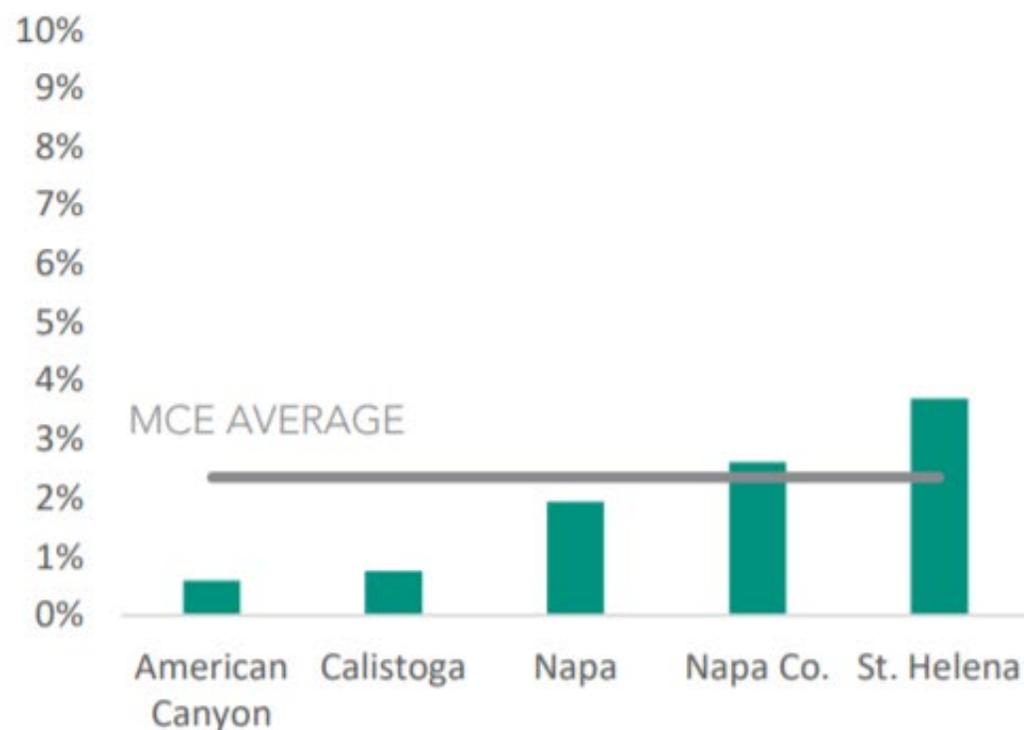
# Participation Rates

Community	Joined MCE	MT CO <sub>2</sub> Reduced <sup>1</sup>	Participation Rate	Deep Green Rate	Deep Green <sup>2</sup>
American Canyon	2016	5,850	87.2%	0.6%	N/A

MCE Electric Account Participation Rate by Community



MCE Deep Green Account Participation Rate by Community



# MCE Energy Service Options For All American Canyon City Accounts

**Price Premium for MCE's Deep Green**

**MCE's Emissions with Default Light Green Service (60% renewable):**

**Deep Green Equivalent number of Houses electric use\***

\$0.01/kWh

247,088.3 lbs of CO2

~20

## **Total Cost Estimate for Opting-up All City Accounts to Deep Green**

**Annual Estimated Cost\*\* with Deep Green (All City Accounts)**

**Monthly Estimated Cost\*\* with Deep Green (All City Accounts)**

\$21,674.41 annual

\$1,806.20 monthly

\*Data from <https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>

\*\*Based on 2019 usage data

# America Canyon Solar Project



Located on approximately 21 acres, the American Canyon Solar Project is MCE's first [Feed-In Tariff](#) project in Napa County.

The annual output from the project is estimated to generate enough clean, locally-produced electricity to power approximately 1,000 homes per year [American Canyon Solar Video](#).

 3 MW

 1,000  
annually

 American  
Canyon **26**



# Pollinator-Friendly Solar Requirements

- Required on all new MCE solar projects
- Pollinator-friendly groundcover throughout the project
- Must submit a pollinator scorecard every three years with a score of 70+

Pollinator-Friendly Solar  
at Clif Family  
is used to create  
Solar Grown™ Honey

Photo Credit: Center for Pollinators  
in Energy

# Deep Green Power Mix

*100% Renewable*

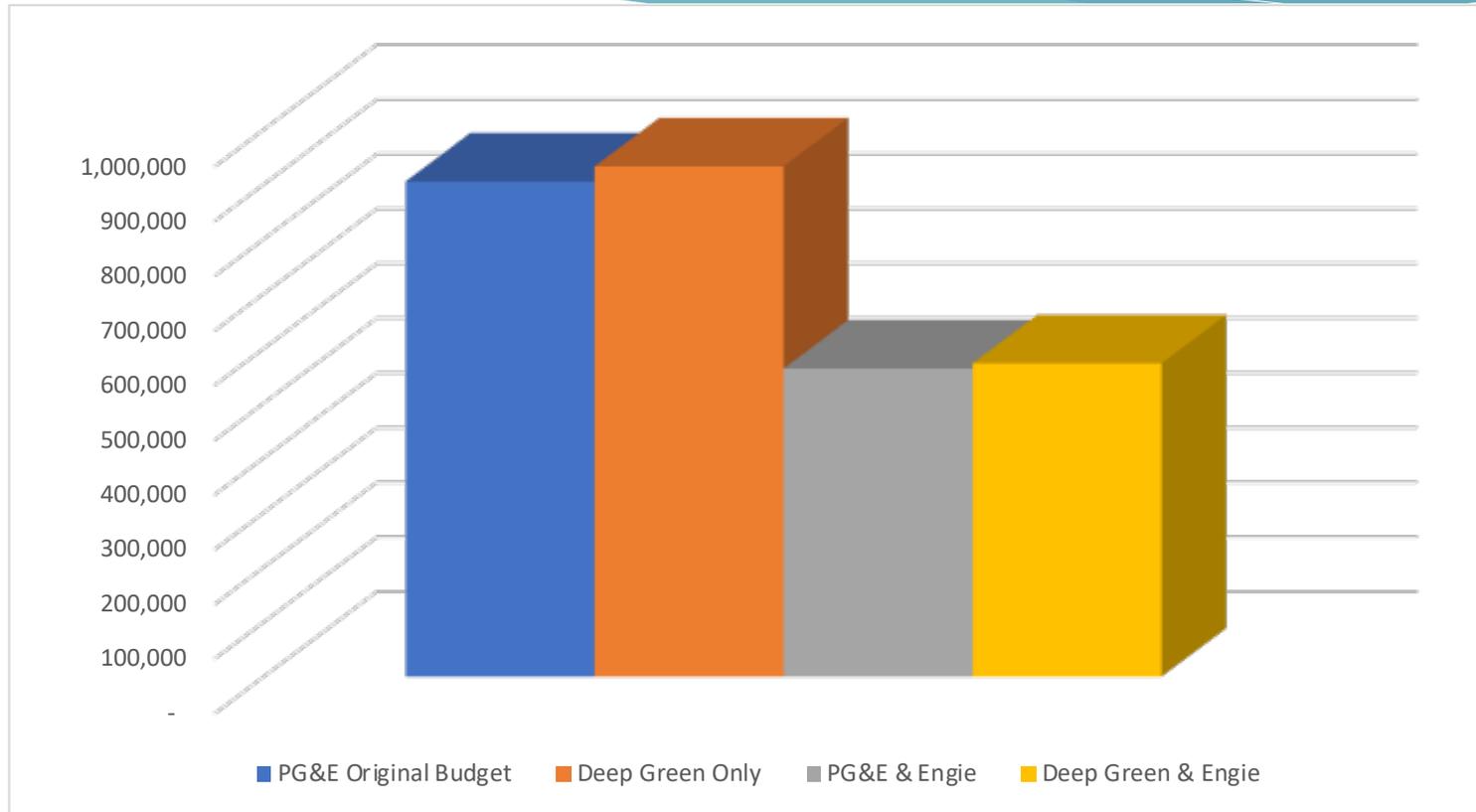
50% CA Solar



50% CA Wind



# Overall Impact



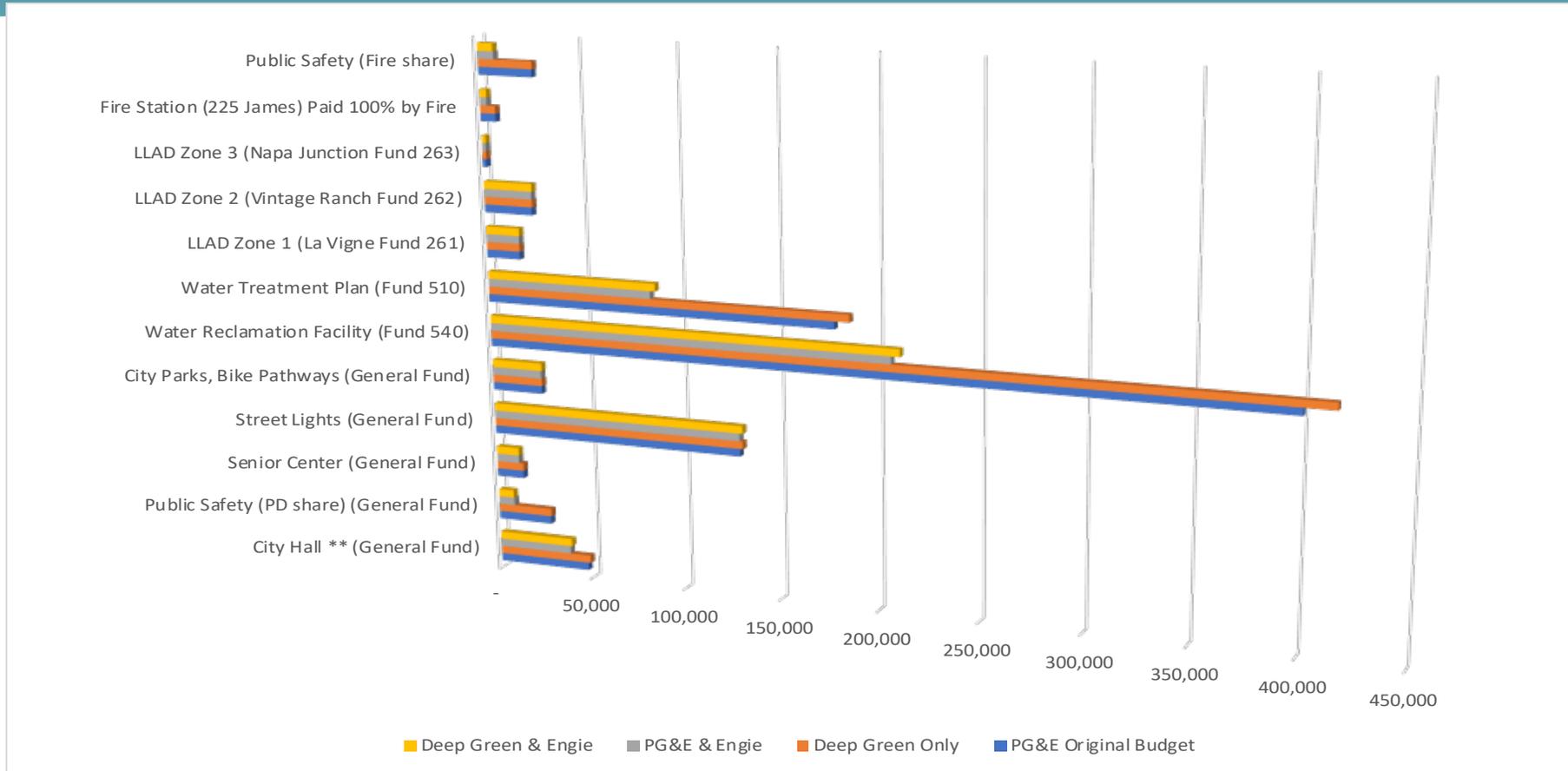
# Comparison By The Numbers

Location	PG&E Original Budget	Deep Green Only	PG&E & Engie	Deep Green & Engie
City Hall ** (General Fund)	47,500	48,872	38,105	38,938.69
Public Safety (PD share) (General Fund)	28,000	28,343	8,359	7,956.99
Senior Center (General Fund)	14,000	14,172	11,823	11,856.43
Street Lights (General Fund)	130,000	131,594	130,000	131,594.22
City Parks, Bike Pathways (General Fund)	26,000	26,319	26,000	26,318.84
Water Reclamation Facility (Fund 540)	400,000	415,514	206,943	211,240.11
Water Treatment Plan (Fund 510)	179,000	186,581	85,573	88,147.05
LLAD Zone 1 (La Vigne Fund 261)	17,465	17,598	17,465	17,597.91
LLAD Zone 2 (Vintage Ranch Fund 262)	25,000	25,293	25,000	25,293.19
LLAD Zone 3 (Napa Junction Fund 263)	2,000	2,008	2,000	2,007.82
Fire Station (225 James) Paid 100% by Fire	8,000	8,000	3,580	3,580.00
Public Safety (Fire share)	28,000	28,343	8,359	7,956.99
	<b>904,965</b>	<b>932,638</b>	<b>563,207</b>	<b>572,488</b>

Cost Deep Green Pre	27,673	Cost Deep Green Post	9,281
		Engie Savings	(341,758)
		Net Savings	(332,477)



# A Visual Representation



CITY OF  
AMERICAN  
CANYON



Thank You  
Questions & Review



## CITY COUNCIL COMMITTEE REPORT

Meeting Date: August 3, 2021

Submitted By: Mark Joseph, Council member

Committee Name: Napa Valley Transportation Authority (NVTA) Board Meeting

The big event was approving the financing for the new Bus Maintenance Facility. We will borrow approximately \$19 million in a low interest loan plus another \$5 million in a short-term bank loan; with the balance coming from grants and ongoing revenues. The total is approximately \$35.7 million in construction costs, but the projected savings in building maintenance and fuel savings exceed that amount. And the project is clearly needed to accommodate the size of the fleet and that it will go all electric (the new site has space for solar energy). We also received roughly \$100k to build the Eucalyptus Sidewalk Gap by Theresa. We approved a 5-year contract with TransDev (the bus service provider) and a salary adjustment for staff, based on a salary survey.

Committee Name: Climate Action Committee

We heard a very interesting presentation on a potential Food Waste & Recycling Ordinance—it would prioritize reusable cups and plates over disposables; and compostable products over plastic, which would be banned. It also offers incentives and disincentives. The Committee agreed we should review it in greater detail and explore the experience of other, similar communities. We had a lengthy discussion over whether to have weighted voting or not, and in the end, we agreed to leave it with “one person, one vote” for now. This means we finally approved our Bylaws! But we had to forego a discussion on EV Charging Stations, due to a lack of time.

Committee Name: City Events/Activities

Attended the **North Bay Division zoom call for CalCities**. The topic was Public Safety and several bills that tackle issues such as limited immunity. The bills are still in a state of flux, but there doesn't appear to be a lot of support for the more extreme positions. I also attended **the Fil Am Picnic**, in which there was a changing of the guard—Anthony Quicho has stepped down after 16 years as president. Elmer Manaid is now the new President. I was also excited to attend (and sponsor) the **Central Labor Council's Spring Salute at The Ruins**. There was a very large turnout, and it is always good to show off the Ruins and all its potential.

Committee Name: Community Events and Activities

Attended the **Kiwanis Board Meeting** and helped with the Pantry; attended the **Napa Working Families meeting**—discussed several issues, from the Governor's Recall to Napa City's General Plan update and efforts to combine Labor and the Climate movement. Hosted **the local Democrat Club's program on Climate change**, including Council member Washington and ACHS student, Emily Bit, as speakers. Very informative and it is good to get this club moving again. Attended the **Napa Dem's monthly program on housing**. Very informative. A lot of the discussion related to Pacaso, a company that buys up/manages luxury homes and sells shares to up to 8 other owners. I was particularly impressed by a discussion on Condo's and the ways we can get around the 10-year warranty, which discourages making them available for sale (Two options noted: offer a lease to



## CITY COUNCIL COMMITTEE REPORT

own option; and purchase an insurance policy to cover any claims—which is very expensive). I hope to bring them to the Council for consideration. And lastly, I served on a jury trial this week, and we found the person not guilty.