



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 3/8/2016  
Agenda Placement: 10D

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Steven Lederer - Director of Public Works  
Public Works  
**REPORT BY:** Liz Habkirk, DEPUTY DIR OF PW-GEN SERVICES - 259-8321  
**SUBJECT:** Discussion related to Renting County Parking Lots

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### **RECOMMENDATION**

Director of Public Works request discussion and direction to staff regarding the potential use by the Napa Farmer's Market of a county owned parking area located at 933 Water Street in Napa every Tuesday (6:00 am - 2:00 pm) and Saturday (6:00 am - 2:00 pm) from May 3, 2016 through October 29, 2016.

### **EXECUTIVE SUMMARY**

The County has been approached by Napa Farmer's Market requesting use of County owned property on Water Street in Napa on Tuesday and Saturday each week from May through October 2016. No ordinance currently exists for this type of use of County owned space, particularly space that is actively used for ongoing County operations. Chapter 10.12 et. seq. of Napa County Code articulates parking restrictions at various County owned or operated parking lots. While this code clarifies the restrictive use of County owned or operated parking lots, it does not specifically provide for their permissive use (i.e. a process for allowing non-county uses on these properties). With very few exceptions, all previous requests (we get about 10-25 a year) have been rejected, partly due to a lack of established process, but also because of significant liability and legal concerns raised by the Risk Manager and County Counsel.

The requested site is more appropriately classified as a working "Yard" rather than a parking lot and is used by several County Departments for operations, including Communications, Purchasing and surplus warehouses, Custodial offices and supplies, Property Maintenance supplies and waste disposal and vehicle storage. On Tuesdays it is in full use, and shutting it down for the Market will create operational issues, as an alternative site to store equipment, trailers and vehicles is not currently available and accessing the building for staff needs could be difficult or not able to occur. While the Yard is less active on Saturdays, it does contain a significant amount of County materials and property, thus the reason it is one of the few County facilities that is fully fenced and locked.

Staff seeks direction on whether to begin negotiation of a site use agreement with Napa Farmer's Market for the Water Street site and direction on recovery of costs to the County for preparation and maintenance of the Yard as well as the relocation of equipment and other items stored on the property to allow for use during the proposed period.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	If the Board chooses to move forward with this effort, much of the cost to prepare the site would be incurred by the Property Management Division.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Due to the need to move and secure County property at the site, clean and maintain the lot before and after Market events, provide for temporary fencing, add security presence and provide for additional garbage hauling there would be a cost for staff time and services that was not contemplated when the budget was adopted. Staff estimates the total cost for staff time and additional services related to the proposed action is approximately \$40,000 to \$45,000. Any such cost could be calculated and included as part of the site use agreement, lessening the burden on the Property Management Budget.
Is the general fund affected?	Yes
Future fiscal impact:	The costs have been calculated for the proposed duration of the Market which includes a portion of the next fiscal year.
Consequences if not approved:	None known.
Additional Information:	

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

Napa County has been approached by the Napa Farmer's Market to use space at 933 Water Street in Napa two days per week from May 2016 through October 2016 to conduct a local farmers market. Napa Farmer's Market is a non-profit organization that organizes space for local farmers and others to sell produce, food and other related goods and services to the public.

No existing county ordinance is in place to allow use of space that is actively used for County operations. Chapter 10.12 of the Napa County Code governs parking at county owned or operated parking lots. While sections of the code clarify the restrictive use of County owned or operated parking lots, they do not provide for their permissive (i.e. public rental) use, especially those parking lots that are specifically used for County operations and are not

open for public parking.

In the past, the County has received inquiries from various public and private groups to use County parking lots (on average about a dozen, but up to two dozen requests per year). The County has historically prohibited the closing or alternative use of County owned or operated parking lots for special events with a few limited exceptions. The Napa Farmer's Market has requested the use of the parking lot located at 933 Water Street to host the Napa Farmer's Market every Tuesday and Saturday (6am-2pm) starting in May 2016 through the end of October 2016. The parking lot requested by the Napa Farmer's Market is not open to the public and is currently used by the County Communications Department, County Surplus Operations, County Property Management, and the Flood District, among others. In the absence of an ordinance or policy that addresses the permissive use of County owned and operated parking lots, staff outlined the following elements for the Board to consider when evaluating this possible use.

- | **Impact Analysis:** Staff has conducted an initial review of the operational impacts of the request. The requested site is more appropriately classified as a working "Yard" rather than a parking lot. A number of County departments use this location, as well as the co-located buildings, for day-to-day operations. The rear portion of the building, which would be unusable during the event times (Tuesday and Saturday), is used to load/unload communication equipment. Blocking or limiting access to this location would prevent staff from providing timely service to the County's radio, phone and alarm systems. In addition, the Yard is used daily by Property Management/Custodial staff. Materials stored in the buildings are accessed by crews servicing County facilities and waste/debris from completed jobs are hauled back to this site for dumping. This location is also the storage point for many County vehicles. Movement of these vehicles would be required before and after each Market. Due to lack of space at the California Blvd. parking location these vehicles would need to be spread out over a variety of County parking lots. This would require weekly movement of these vehicles causing delays in the timing of operations as some vehicles, such as the inmate work crew van, would need to be parked at South Campus (an unsecured location).
- | **Locations/Time of Use:** The County has not adopted an ordinance identifying the applicable parking lot locations, if any, days of the week, or times during the day, that could be used (closed) on a temporary basis for special events.
- | **Parking Lot Conditions:** The County has not adopted a policy or ordinance which outlines the condition requirements of the parking lots to ensure the participants and/or the public would be able to safely conduct the special event. This includes the potential use of County owned parking lots that are not public in nature and are used specifically for County operations. Opening these lots to the general public could raise issues with accessibility standards.
- | **Insurance and Indemnification Requirements:** At a minimum, the County would require an applicant provide \$1,000,000 in General Liability Insurance (naming the County as additional insured on the policy) as well as a Space License Agreement that would have specific indemnification provisions to reduce the County's liability exposure. That being said, the language within the agreement and full review of insurance coverage required would need to be evaluated by County Counsel and the County Risk Manager. The County, even in these conditions, could still be subject to a lawsuit that we would need to defend should an incident occur. The County would also be required to expend funds in the situation where we are damaged, such as occurred this past summer.
- | **Application Process/Usage Criteria:** The County has not adopted an application process or criteria for allowing the use of County owned or operated parking lots for special events. Without such policy it will become difficult for staff to balance the "public good" while maintaining the necessary parking required for County operations.
- | **Fee Structure:** The fees associated with renting County parking lots would need to be evaluated to ensure staff created a fee structure that recuperated all costs related to leasing of parking lots including but not limited to application review, parking lot preparation (if needed), parking lot cleanup (post-event), relocating or securing County equipment, cost of site security (if needed).
- | **Complaint Process:** As the possibility of utilizing parking lots for special events would change the typical

day-to-day use of these parking lot locations, staff would need to develop a complaint process so the public could share feedback regarding any issues that arose during the special events.

- I **"Fairness" Standards:** A process and standard would need to be created to determine which groups would qualify to use County property. The County's initial temporary events ordinance was in fact created to address this issue, when a racial hate group planned a rally in the County.

Because of the significant operational impacts to a number of different County Departments, staff is requesting the Board provide direction on the requested action by the Napa Farmer's Market and consideration of the potential recovery of costs, both additional services and staff time.

### **SUPPORTING DOCUMENTS**

None

CEO Recommendation: Policy Issue

Reviewed By: Bret Prebula