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Clerk of the Napa Superior Court
By: C. Dennis
Deputy

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Honorable Mark Boessenecker
Presiding Judge
The Superior Court of the State of California
Criminal Courthouse
1111 Third Street
Napa, CA 94559

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**Napa Superior Court
Court Executive Office**

SUBJECT: City of Napa Response to the 2019-2020 Napa County Grand Jury Final Report entitled "The City of Napa's Sidewalks: Watch your Step!"

Dear Judge Boessenecker:

The City of Napa has received and carefully reviewed the 2019-2020 Napa County Grand Jury Report entitled "The City of Napa's Sidewalks: Watch your Step!" dated April 30, 2020 (hereinafter "Grand Jury Report"). Pursuant to California Penal Code Sections 933 and 933.05, this letter documents the City's responses to each finding and recommendation in the Grand Jury Report (hereinafter "City Response"). The City Response was prepared by City staff, including the Public Works Director, and presented to the City Council for their consideration. At the public meeting on June 23, 2020, the City Council approved this City Response, and directed the City Manager to submit this City Response on behalf of the City Council.

Therefore, this City Response represents the required response to the Grand Jury Report from the City Council of the City of Napa, as well as the invited response from the Public Works Director of the City of Napa.

General Responses

Grand Jury Report Finding 1 – *Nearly all the Public Works Department's annual neighborhood sidewalk repair budget is spent on projects associated with the Local Streets Paving Program rather than those individual segments of vertically displaced sidewalks that present the most serious tripping risks.*

City Response – The City of Napa partially disagrees with this finding.

The City agrees that most of the sidewalk repair budget is spent on sidewalk repair which is coordinated with the streets paving program. The City disagrees with any implication that that the sidewalk repairs completed in conjunction with street paving are not directed at removing serious tripping risks. Each vertical sidewalk displacement greater than one inch, whether included in reports to the City Public Works Department or not, is viewed as a potential risk. In order to both address risk and utilize limited public funds efficiently, many (but not all) sidewalk repairs are addressed on a neighborhood-by-neighborhood level. The City's approach of repairing the sidewalks within a neighborhood at one time is far more efficient – and leads to the removal of far more trip hazards -- than would piecing together repairs of individual, widely dispersed locations of sidewalk damage. Approximately 90% of the annual sidewalk budget is invested in the neighborhood sidewalk program for the following reasons:

1. The efficiencies achieved working at a neighborhood scale allow the Public Works Department to repair approximately five times the number of displacements compared to addressing individual sites one by one.
2. The City is also investing in the construction of accessible curb ramps while tackling sidewalk damage within a neighborhood. The accessible curb ramps are required to be upgraded by law and they serve our community members that have reduced physical abilities for mobility.
3. The neighborhood level sidewalk repairs also support the City's neighborhood paving program by repairing damaged sidewalks prior to street resurfacing. Paving streets without fixing the sidewalk, curb, and gutter would result in having to damage new paving in the future in order to fix the damaged concrete sidewalks, curbs and gutters. This results in more efficient use of public funds for both the sidewalk and paving programs.

Additionally, at the start of 2020, the Public Works Department developed a new protocol to complete a temporary repair on all newly reported damaged sidewalk locations. Temporary repairs install an asphalt ramp to bridge the abrupt vertical edge of damaged sidewalks. These temporary repairs can be made relatively quickly, at lower cost, and reduce the immediate risk until a permanent concrete replacement is completed.

Grand Jury Report Finding 2 – *Because the Public Works Department lacks a written plan for determining which "one-off" or "priority" projects will be undertaken, repair decisions appear to be made subjectively.*

City Response – The City of Napa disagrees with this finding.

Within the past year, criteria were developed to better evaluate which sidewalk damage reports may have the most community impact. The criteria are also used to program our asset management software system to analyze and identify

damaged sidewalk reports and prioritize for repairs. The sidewalk module is scheduled for completion by the end of 2020.

The City evaluates and rates sidewalk displacements based on the following criteria:

- pedestrian volumes
- proximity to schools
- measure of vertical displacement
- status of associated tree removal, and
- length of time until area will be repaired through the City's Napa Neighborhood Streets and Sidewalks Program.

The criteria were developed to guide decisions for the investment of limited resources to repair locations that have characteristics with the highest potential impacts.

The following represent a few examples of repairs made over the past year in addition to the Napa Neighborhood Streets Program:

- 357 Coombs Street - high pedestrian volumes, tree causing damage was recently removed, displacement over 4-inches
- 2448 Shoreline Drive - tree causing damage was recently removed, displacement over 4-inches
- 3437 Scenic Drive - tree causing damage was recently removed, displacement over 4-inches
- 3423 Scenic Drive - tree causing damage was recently removed, displacement over 4-inches

Grand Jury Report Finding 3 – *Because the Public Works Department lacks a written plan for determining when "one-off" or "priority" projects will be performed, scheduling of these repairs appears random.*

City Response – The City of Napa partially disagrees with this finding.

While there has not been a written plan for the scheduling of the priority sidewalk repairs to date, the locations scheduled for repair have been selected based on factors such as severity, anticipated pedestrian volumes and/or in coordination with other City projects. Several recent repairs have been coordinated to repair sidewalk locations around Playground Fantastico and the Senior Center Complex prior to their re-openings, and others have been completed after the Parks Department has removed the tree and roots causing the sidewalk damage.

The Public Works Department is preparing a written department policy that will be used in prioritizing limited resources to address high priority repair projects. The target date for finalizing that policy is December 31, 2020. The Public Works

Department is in the programming stage for implementing a new software application for automating work orders for our asset management. As discussed above, Public Works has developed criteria to evaluate the impact of sidewalk damage, and to prioritize repair work.

The term "one-off" is used by some of the Public Works operations staff to refer to sidewalk repairs that are completed outside of the Napa Neighborhood Streets and Sidewalks Program areas. This is not an official term that is used or will be used in the sidewalk repair program documentation.

Grand Jury Report Finding 4 – *Because the Public Works Department lacks written definitions of key terms such as "location" and "priority" that are used in published documents or webpages, the use of these terms is confusing to readers.*

City Response – The City of Napa partially disagrees with this finding.

These terms are used in their common meaning and as defined in the Merriam-Webster dictionary. Location is defined as, "a position or site occupied or available for occupancy or marked by some distinguishing feature." As used in documents related to a sidewalk repair, a location is the position marked by sidewalk damage.

The definitions for priority are, "a preferential rating; especially one that allocates rights to goods and services usually in limited supply." The Public Works Department uses these terms as defined in the dictionary.

As part of the prioritization policy as discussed in Finding 3, there will be definitions of the key terms.

Grand Jury Report Finding 5 – *The Public Works Department does not publish a list of "priority" projects completed each year, making it difficult for residents of the City of Napa to assess the City's progress in repairing dangerous sidewalks.*

City Response – The City of Napa partially disagrees with this finding.

On December 3, 2019, the Public Works Department presented progress on both sidewalk repairs and street maintenance to the City Council as part of the public meeting aired live on the local cable channel and the City's website. A recording of the presentation is also available on the City's website. The presentation documented the number of sidewalk repairs for fiscal years 2014/2015 through 2018/2019. The presentation reported over 3200 damaged sidewalk locations repaired. The Public Works Department has also documented the neighborhoods that have received sidewalk repairs, as well as the future schedule for repairs on

the "Napa Neighborhood Streets and Sidewalks Program" exhibit posted on the City's website.

The Public Works Department will continue to present this information annually in a report to the City Council in December of each year. A list of the priority locations that were repaired will be included in the presentation. That report and the list will also be added to the streets and sidewalk section of the City's website at the time of the report.

Grand Jury Report Finding 6 – *The Public Works Department does not adequately inform residents of the City of Napa its sidewalk repair schedule.*

City Response – The City of Napa disagrees with this finding.

The Public Works Department has documented the schedule for sidewalk and street repair work by neighborhood areas on the "Napa Neighborhood Streets and Sidewalks Program" exhibit posted on the City's website. This information was also made public at the December 3, 2019, City Council Meeting as stated above.

The Public Works Department will continue to present this information annually in a report to the City Council in December of each year. A list of the priority locations that were repaired will be included to the presentation. That report and the list will also be added to the streets and sidewalk section of the City's website at the time of the report.

Grand Jury Report Finding 7 – *The Public Works Department's webpage does not include a service request button or email link to the City of Napa's service request page. The webpage therefore does not offer an easy way to report sidewalk problems.*

City Response – The City of Napa partially disagrees with this finding.

While the Public Works Department's website does not have a "service request button," the City's home web page does have an easily accessible service center request link to report sidewalk damage and many other requests for service. Additionally, the Public Works Director's email is listed on the Public Works Department section of the City's webpage and in the staff directory.

Grand Jury Report Finding 8 – *The Public Work Department's recordkeeping and public reporting are unclear because in both their internal and external communications as well as their internal records, the Public Works Department uses undefined terms such as "one-off's," "location," and priority."*

City Response – The City of Napa partially disagrees with this finding.

These terms are used in their common meaning and as defined in the Merriam-Webster dictionary as discussed in the response to Finding 4. Location is defined as, "a position or site occupied or available for occupancy or marked by some distinguishing feature." As used in documents related to a sidewalk repair, a location is the position marked by a single section of sidewalk that is damaged.

"One-off" is not an official term but is used by some members of the operations staff to describe sidewalk repairs that are not within the Napa Neighborhood Streets and Sidewalks Program schedule.

As stated above, the Public Works Department will present results of the Sidewalk Repair Program annually to the City Council. At the time of the presentation The Public Works Department will also publish the list of sidewalk repairs to the Streets and Sidewalks section of the City's webpage.

Grand Jury Report Finding 9 – *The Cost-Share program has not kept pace with the actual cost of sidewalk replacement. The 50% reimbursement level being offered is rarely available to homeowners.*

City Response – The City of Napa agrees with this finding.

The Public Works Department has been working on an update to the reimbursement amounts and the general policy. As part of the update to the policy, the Public Works Department will investigate the levels of reimbursement and present a recommendation to the City Council to increase the level commensurate with current construction rates.

Grand Jury Report Finding 10 – *The Public Works Department has not adopted a method for assessing the success of the Workorder Asset Management system conversion and its implementation in helping staff address sidewalk displacement issues.*

City Response – The City of Napa agrees with this finding.

The City is developing a departmental policy with a set of criteria, with a plan to be by December 31, 2020.

Grand Jury Report Recommendation 1 – *The Jury recommends that Public Works Department publish definitions of the terms "priority," "location," and "one-off" whenever those terms are used in documents or information made available to the public, to be completed by December 31, 2020.*

City Response – This recommendation will be implemented by December 31, 2020. "One-off" is not an official term and will not be used in City documents.

Grand Jury Report Recommendation 2 – *The Jury recommends that the Public Works Department adhere to their published definitions of terms such as "priority," "location," and "one-off" in their recordkeeping efforts so that PWD's reporting on the number of sidewalk repairs is consistent and clear, to be completed by December 31, 2020.*

City Response – This recommendation will be implemented by December 31, 2020.

Grand Jury Report Recommendation 3 – *The Jury recommends that the Public Works Department adopt a written policy governing the selection of individual "one-off" or "priority" repair projects, to be completed by December 31, 2020.*

City Response – This recommendation will be implemented by December 31, 2020. This recommendation is being implemented as part of a written department policy and will include the prioritization for investments of limited resources as stated above.

Grand Jury Report Recommendation 4 – *The Jury recommends that the Public Works Department adopt a written policy governing the timing of work on "one-off" or priority" projects, to be completed by December 31, 2020.*

City Response – This recommendation will not be implemented because it is not warranted, and the City is working on alternative means of prioritizing and managing work on categories of sidewalk repairs.

The Public Works Department is implementing a new process to complete temporary repairs for newly reported sidewalk damage; this will continue to address the reports quickly.

The Public Works Department has previously established a performance metric to repair 50 priority locations of damaged sidewalk each year. This goal will continue in addition to the hundreds of sidewalk repairs completed annually as part of the City's neighborhood sidewalk program.

The prioritization system will be used to govern a consistent process to identify the priority locations for repair of damaged sidewalks. While 50 priority repairs will be planned to be completed each year, the Public Works Department is unable to provide individual timeframes from initial report to completion. Each location will

be evaluated based on the established criteria for programming and scheduling of resources to address. With the current backlog of damaged locations, a newer report could potentially be classified as a higher priority and be addressed prior to reports that were previously reported. The priority list will be updated based on new reports of damage and could delay repairs of older reports if the older reported location is less severe. As the Public Works Department addresses the repairs based on the established criteria, the time from report to completion will vary.

The City's Sidewalk Repair Cost Share Program is an alternative available to property owners that want to have the sidewalk adjacent to their property repaired more quickly than the City will be able to complete.

Grand Jury Report Recommendation 5 – *The Jury recommends that the Public Works Department develop a 5-year plan for repairing all sidewalks with displacements of four inches or more, to be completed by December 31, 2020.*

City Response – The City will not implement this recommendation because it is not reasonable or feasible to achieve with limited City resources.

Implementing this recommendation would result in a significant reduction in service. The Public Works Department's records document approximately 990 sidewalk locations with damage at or greater than 4 inches in height. Repairing all documented locations within five years would require 200 individual site repairs per year. In order to accomplish these repairs, all the City's resources for the sidewalk program over the next five years would need to be solely dedicated to the 990 locations. Consequently, other obligations and goals of the sidewalk program would not be able to be accomplished:

- The City would not be able to follow the requirement to construct accessible curb ramps when paving streets and would result in reducing the number of repairs completed by approximately 80%.
- The City would also not be able to repair sidewalks, curbs and gutter prior to paving. This would result in having to cut into the new pavement in the future to complete the work. As described earlier in this response, the work to complete sidewalk repairs within a single neighborhood at one time is much more efficient and significantly increases the number of repairs that can be completed.

As our team completes repairs as part of the neighborhood program, damaged sidewalks over 4 inches are addressed within the area, in addition to all repairs between 1.5 to 4 inches, that also pose a risk. Similar to the City's paving program, the neighborhood level approach to addressing sidewalk damage provides a systematic approach to addressing damage neighborhood by neighborhood until all residential areas of the City are completed. The sidewalk repair program for neighborhoods was initiated in 2016 and addressing all

