



A Tradition of Stewardship  
A Commitment to Service

MINUTES OF THE  
NAPA COUNTY - BOARD OF SUPERVISORS MEETING  
COUNTY OF NAPA

February 2, 2016

Draft Summary of the Proceedings

1. CALL TO ORDER; ROLL CALL

**The Board of Supervisors of the County of Napa met in regular session on Tuesday, February 2, 2016, at 9:00 a.m. with the following supervisors present: Chairman Alfredo Pedroza, Supervisors Brad Wagenknecht, Diane Dillon, Keith Caldwell and Mark Luce. The meeting was called to order by Chairman Alfredo Pedroza.**

2. PLEDGE OF ALLEGIANCE

**Director of Public Works Steve Lederer led the assembly in the pledge of allegiance.**

3. APPROVAL OF MINUTES

A. Clerk of the Board requests approval of minutes from:

1. January 5, 2016 (All Supervisors were present); and
2. January 12, 2016 (Supervisor Keith Caldwell arrived during Item 7 and Supervisor Brad Wagenknecht was excused after Item 10A for the day).\*

\*Excused Supervisors will be recorded as abstained unless Supervisor indicates otherwise.

**Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve minutes with abstentions as declared above. Motion passed 5 - 0.**

4. PRESENTATIONS AND COMMENDATIONS

A. Director of Human Resources to introduce new County employees.

**Introduced new employees.**

5. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

**Director of Public Works Steve Lederer reported on the following:**

1. Calistoga Library remodel;
2. South County Campus remodel for the Health and Human Services Agency;

**Earthquake repairs:**

**3. Jail third floor and Hall of Justice exterior; and  
4. Historic courthouse.**

**6. CONSENT ITEMS**

Community Resources & Infrastructure

- A. Director of Library Services and Community Outreach requests approval of and authorization for the Chairman to sign an agreement with Innovative Interfaces, Inc. of Emeryville, California for a maximum of \$88,497 for the term of February 2, 2015 to July 1, 2020 to provide credit card processing and collections on past due accounts.

**A-160013B-16**

- B. Director of Public Works requests the following:

1. Establishment of an electronic fuel card reader and two fuel pumps as fixed assets totaling the amount of \$44,000 for the replacement of the fueling system at the Spanish Flat Roads Yard utilizing unused appropriations in the Fleet Management equipment fund; (4/5 vote required)
2. Declare one broken electronic card reader and two outdated fuel pumps as surplus and no longer required for public use; and
3. Authorize the disposal of one broken electronic card reader and two outdated fuel pumps.

- C. Director of Public Works requests adoption of a resolution temporarily closing portions of Silverado Trail, Oak Knoll Avenue, Big Ranch Road and El Centro Avenue from 7:00 A.M. to 1:00 P.M. on Sunday, March 6, 2016 for the 38th Annual Kaiser Permanente Napa Valley Marathon.

**R-2016-07**

- D. Director of Public Works requests the Board take the following actions relating to "Sheriff's Building Repairs," PW 15-300 (the Project):

1. Award of contract for the "Sheriff's Building Repairs" PW 15-300 to Art's Construction of Fresno, California for their low base bid of \$830,000 and authorization for the Chair to sign the construction contract; and
2. Approval of Budget Transfer No. DPW006 for the following (4/5 vote required):
  - a. Increase appropriation by \$100,000 in the Sheriff's Conference Room Soundproofing Project Budget with corresponding decrease to the Sheriff's Building Repairs Budget; and
  - b. Increase appropriation by \$200,000 in the County EOC Project Budget with offsetting revenue from the Accumulated Capital Outlay Fund.

**BT-DPW006**

General Admin & Finance

- E. Auditor-Controller requests the Board to accept the Audit Report for the Napa County Local Transportation Fund for Fiscal Year 2014-15 issued by Gallina, LLP.

F. Director of Human Resources requests the following effective February 2, 2016:

1. Adoption of a resolution requesting the California Department of Human Resources (CalHR) approve Napa County's request to establish its own merit personnel system and convert from an interagency Merit System (IMS) to an Approved Local Merit System (ALMS) for Federal and State funded Social Services and Child Support Services programs; and
2. Adoption of a resolution amending the Departmental Allocation List of the Human Resources Division of the County Executive Office, with no net increase in Full Time Equivalents:
  - a. Delete one 1.0 FTE Human Resources Assistant - Limited Term
  - b. Add one 0.5 FTE Human Resources Analyst I/II/Senior
  - c. Add one 0.5 FTE Benefits Technician - Confidential

**R-2016-08; R-2016-09**

G. Director of Human Resources requests adoption of a resolution regarding an application for industrial disability retirement determining that an employee who was employed in the District Attorney's Office is substantially incapacitated within the meaning of the California Public Employees' Retirement Law for performance of his duties retroactively effective December 13, 2013.

**R-2016-10**

H. County Executive Officer requests the following actions regarding the Napa County Juvenile Justice Coordinating Council (JJCC):

1. Adoption of a Resolution reappointing Dr. Barbara Nemko to represent the category of "County Office of Education or a School District" member on the Juvenile Justice Coordinating Council with the term to commence immediately and expire December 31, 2018; and
2. Appointment of the applicants listed below:

<u>Name (Residing District)</u>	<u>Representing</u>	<u>Term Expires</u>
Mark Bontrager (2)	Community-based Drug & Alcohol Treatment Program	December 31 2016
Reyna Arabett Nava (1)	Community At-Large	December 31 2018
Harold L. Pierre* (5)	Parent of At-Risk Youth from the Community-At-Large	December 31 2018

*\*Incumbent*

**R-2016-11**

I. County Executive Officer requests two (2) reappointments to the Napa County Wildlife Conservation Commission with the terms of office to commence immediately and expire February 1, 2019.

<u>Name (Residing District)</u>	<u>Representing</u>
Alex Pader (1)	Sportsperson/Angler
Ina Pisani (5)	Wildlife/Conservation

- J. Second reading and adoption of an ordinance adding a new Chapter 8.10 entitled "Medical Marijuana Cultivation" to Title 8 of the Napa County Code.  
ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act under Section 15301 [See Class 1 ("Existing Facilities")]; Section 15303 [See Class 3 ("New Construction or Conversion of Small Structures")]; and Section 15311 [See Class 11 ("Accessory Structures")]. See also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.

**O-1410**

**Item removed for separate discussion. See Item 7.**

**Motion moved by Mark Luce, seconded by Keith Caldwell, to approve consent items as amended. Motion passed 5 - 0.**

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

**Item J:**

**Testimony presented.**

**Held discussion.**

**Motion moved by Mark Luce, seconded by Diane Dillon, to approve requested action. Motion passed 5 - 0.**

8. PUBLIC COMMENT

**The following individuals made a presentation on public health issues in Napa County:**

**Dan Mufson  
Julia Winiarski  
David Lopez  
Kathy Felch**

**Geoff Ellsworth commented on the approval of too many alcohol-serving venues in Napa County.**

**James Hinton commented on racism in Napa County.**

9. SET MATTERS OR PUBLIC HEARINGS

A. 9:15 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Janice R. Russell, Trustee of the Frank J. Massa and Adra V. Massa Revocable Trust, and Michael Clark to a decision by the Planning Commission to approve a modification to Bell Wine Cellars Use Permit Nos. U-90-42 and 03315-MOD to allow the following: 1) Increase in the approved production capacity to a maximum of 60,000 gallons; 2) Interior remodeling of the existing 8,911± sq. ft. winery to construct an additional 1,048 sq. ft. storage mezzanine and to allocate space for a new 628 sq. ft. tasting room area, a 210 sq. ft. meeting room, and a new 150 sq. ft. commercial kitchen for on-site marketing event meals and food pairings and tastings, resulting in a total of 9,959± sq. ft. winery floor area plus a 1,450 sq. ft. exterior covered crush pad; 3) Increase existing visitation from 24-76 persons per week to a maximum of 100 persons per day subject to the following: Visitation shall not exceed 400 persons per week from May 1 to October 31; visitation shall not exceed 250 persons per week from November 1 to April 30; and the total annual visitation shall not exceed 13,780 persons including the 24 marketing events but excluding the four per year marketing events of up to 200 persons; 4) Modify the existing Marketing Event Program to remove the prior programs and replace with the following new Marketing Event Program: a) Two marketing events per month of up to 40 persons with lunch or dinner. The number of persons at the events shall be included within the daily, weekly, and annual visitation maximums; b) four Wine Auction-related and other major events such as the Napa Film Festival, accompanied by food and wine, sometimes with a non-amplified musical program for a maximum of 200 guests; c) all marketing events shall be held in the various winery facilities, including the winery structure and patio area. The events may last approximately 4-5 hours between 10:00 a.m. and 9:00 p.m. depending on morning or evening schedule. Up to 80 overflow parking spaces in the vineyard along the side of the access road are available during large events; five spaces are available on the grass-crete hard surface adjacent to the winery (near the lawn area adjacent to the winery and driveway entrance); and nine spaces are available in the center area of the circular driveway near the residence; and d) on-premises wine consumption consistent with Business and Professions Code §§23358, 23390 and 23396.5 (also known as the Picnic Bill) in the winery or on the patio or lawns adjacent to the bocce ball courts; 5) Employ a maximum of 15 persons; 6) Revise Condition #7 of Use Permit No. U90-42, to exclude for-hire cars, vans and public transit; 7) Installation of a new subsurface drip wastewater system; and 8) Installation of a Transient Non-Community Water system and a water backflow prevention system. The Project is located on a 7.8 acre parcel on the east side of the State Highway 29 frontage road, Washington Street, approximately 550 feet north of its intersection with Hoffman Lane and 0.9 miles south of the Town of Yountville, within the AP (Agricultural Preserve) Zoning District; 6200 Washington Street, Yountville, CA in an unincorporated area of Napa County, Assessor's Parcel Number 036-110-030-000. ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5. (CONTINUED FROM AUGUST 25, NOVEMBER 24 AND DECEMBER 15, 2015. STAFF REQUESTS A CONTINUANCE TO MARCH 8, 2016 AT 2:00 PM. APPELLANT AND APPLICANT SUPPORT STAFF'S REQUEST.)

**Opened public hearing.**

**Deputy Director of Planning, Building and Environmental Services John McDowell made presentation.**

**Motion moved by Keith Caldwell, seconded by Brad Wagenknecht, to continue to March 8, 2016 at 2:00 p.m. Motion passed 5 - 0.**

**B. 9:45 AM**

Director of Health and Human Services requests direction and possible action(s) on the following regarding the Tobacco Master Settlement Agreement (MSA) Grant Awards:

1. Potential changes to the process for the Fiscal Year 2016-2017 grant cycle;
2. Confirm that total amount of funding to be made available for the Fiscal Year 2016-2017 grant cycle will be \$1.1 million;
3. Initiation (solicitation and processing of applications) of the Fiscal Year 2016-2017 grant cycle; and
4. Consideration of long-term recommendations for Tobacco MSA Grant process and direction to staff.

**Deputy Director of Health and Human Services Agency - Operations Mitch Wippert made presentation.**

**Testimony presented.**

**Held discussion.**

**Motion moved by Brad Wagenknecht, seconded by Diane Dillon, to approve requested actions as amended. Motion passed 5 - 0.**

**C. 10:00 AM PUBLIC HEARING**

First reading and intention to adopt an ordinance amending Chapter 10.24 (Special Events on Public Roadways) of the Napa County Code.

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.

**Opened public hearing.**

**Deputy Director of Public Works - Engineering Rick Marshall made presentation.**

**Testimony presented.**

**Closed public hearing.**

**Held discussion.**

**Read title.**

**Motion moved by Diane Dillon, seconded by Brad Wagenknecht, to waive reading the balance of the ordinance. Motion passed 5 - 0.**

**Motion moved by Diane Dillon, seconded by Brad Wagenknecht, to approve motion of intent to adopt the ordinance as amended. Motion passed 4 - 1, with**

**Diane Dillon, Brad Wagenknecht, Keith Caldwell, and Alfredo Pedroza voting yes / Mark Luce voting no.**

D. 11:00 AM

Director of Planning, Building and Environmental Services to present information regarding updated Napa County Road and Street Standards incorporating the California Board of Forestry and Fire Protection State Responsibility Area (SRA) Fire Safe Regulations effective January 1, 2016 for application to properties located within the SRA of Napa County.

**Director of Planning, Building and Environmental Services David Morrison made presentation.**

**Held discussion.**

10. ADMINISTRATIVE ITEMS

**None.**

11. LEGISLATIVE ITEMS

- A. Director of Housing and Intergovernmental Affairs requests approval of and authorization for the Chairman to communicate to the Legislature and pertinent parties support for AB 1670 (Dodd), a bill that seeks to increase the number of Type 47 (mixed drinks) licenses available to Napa County restaurants and certain for-profit theaters.

**Director of Housing and Intergovernmental Affairs Larry Florin made presentation.**

**Testimony presented.**

**Motion moved by Mark Luce, seconded by Diane Dillon, to approve requested action. Motion passed 5 - 0.**

- B. Director of Housing and Intergovernmental Affairs requests approval of and authorization for the Chairman to communicate support to the California Hospital Association, for the ballot initiative "State Fees on Hospitals. Federal Medi-Cal Matching Funds Initiative Statutory and Constitutional Amendment" that has qualified for the November 8, 2016, statewide ballot.

**Director of Housing and Intergovernmental Affairs Larry Florin made presentation.**

**Held discussion.**

**Motion moved by Keith Caldwell, seconded by Diane Dillon, to approve requested action. Motion passed 5 - 0.**

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

**None.**

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

**None.**

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

**None.**

15. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)  
(2): (3 cases)

**Closed session held. No reportable action.**

16. ADJOURNMENT

**Adjourned to the Board of Supervisors special meeting Tuesday, February 9, 2016  
at 8:00 a.m.**

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ALFREDO PEDROZA, Chairman

ATTEST:

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GLADYS I. COIL, Clerk of the Board