



A Tradition of Stewardship
A Commitment to Service

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

May 22, 2018

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, May 22, 2018, at 9:00 a.m. with the following supervisors present: Chair Brad Wagenknecht, Supervisors Ryan Gregory, Diane Dillon, Alfredo Pedroza and Belia Ramos. The meeting was called to order by Chair Brad Wagenknecht.

2. PLEDGE OF ALLEGIANCE

Chair Brad Wagenknecht led the assembly in the pledge of allegiance.

3. APPROVAL OF MINUTES

None.

4. PRESENTATIONS AND COMMENDATIONS

Chair Brad Wagenknecht remembered Koerner Rombauer, founder of Rombauer Vineyards, who recently passed away.

5. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

Director of Planning, Building and Environmental Services David Morrison presented an update on fire recovery.

6. CONSENT ITEMS

Law & Justice

- A. District Attorney requests authorization for the Chair to sign Amendment No. 2 to Agreement 170972B with NEWS to increase maximum compensation to \$42,000 and to extend the term of the agreement to December 31, 2019 for administration of victim assistance flexible funding provided under a County Victim Services Program grant subaward with the California Office of Emergency Services.

A-170972B (Amend. 2)

- B. Director of Child Support Services requests approval of Budget Transfer No. CSS001 to increase both revenue and appropriations by \$57,151 to reflect additional one-time funding provided by the State of California Department of Child

Support Services to offset unexpected costs incurred under the new union agreement effective July 1, 2017. (4/5 vote required)

BT-CSS001

Public Safety

- C. Director of Corrections requests approval of and authorization for the Chair to sign the renewal of Agreement No. 170747B with the California Department of Health Care Services for a maximum of \$212,849 for the term July 1, 2018 through June 30, 2019 to participate in the Medi-Cal County Inmate Program.

A-170747B

Human Services

- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of an agreement (formerly Agreement No. 3700) with the California Department of Public Health for a maximum of \$297,650 for the term July 1, 2017 through June 30, 2022 for the prevention and control of vaccine-preventable diseases.

A-180334B

- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 170752B with Exodus Recovery, Inc. for an annual maximum of \$2,726,380 for the term July 1, 2018 through June 30, 2020 to provide recovery-based Crisis Stabilization Services.

A-170752B

- F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 160080B with On the Move, Inc. reducing the amount by \$14,056 for a new annual maximum of \$298,507, extending the term through June 30, 2020 and incorporating Addenda to the Scope of Work and Compensation to operate the Adult Recovery and Resource Center.

A-160080B (Amend. 2)

Community Resources & Infrastructure

- G. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign the Memorandum of Agreement with Sonoma and Marin Counties (formerly Joint Powers Agreement No. 3633) continuing to jointly share, use and maintain a heavy capacity weight truck, a medium capacity weight truck and a petroleum test truck.

A-170499B

- H. Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 170474B with Fehr & Peers, increasing the total contract amount by \$8,855 for a new maximum of \$164,365, extending the term to June 30, 2019 with two additional

years, and amending the scope of work to include additional support of County staff in preparation of the Circulation Element amendment.

A-170474B (Amend. 1)

- I. Director of Public Works requests the following actions regarding the Oakville to Oak Knoll "OVOK" Group C Revegetation Project PW 18-05:
1. Reject the bid from Green Vista Landscape, Inc. of Rocklin, CA in the amount of \$1,221,496 as a non-responsive bid; and
 2. Award the contract to Hanford ARC, Inc. of Sonoma, CA for their bid of \$1,244,366; and
 3. Authorize the Chair to sign the construction contract.

A-180335B

- J. Director of Public Works requests the following actions concerning County Service Area No. 3:

1. Adoption of a resolution approving a service plan in accordance with Chapter 3.10 of the Napa County Code; and
2. Adoption of a resolution providing for the following:
 - a. Accepting Engineer's Report relating to the assessments to provide services;
 - b. Declaring the Board's intent to levy assessments for streetside landscaping, street and highway lighting, street sweeping, and structural fire protection services pursuant to the Engineer's Report;
 - c. Setting a public hearing for June 12, 2018 at 9:00 a.m. to hear protests to the proposed assessments;
 - d. Directing the Clerk of the Board to comply with applicable notice requirements for the proposed assessments; and
 - e. Designating Airport Manager Greg Baer to answer questions regarding the assessments and protest proceedings.

R-2018-62; R-2018-63

General Admin & Finance

- K. County Counsel requests approval of and authorization for the Chair to sign an agreement with Robbins Geller Rudman & Dowd LLP, Sanford Heisler Sharp, LLP, Casey Gerry Schenk Francavilla Blatt & Penfield LLP, Andrus Anderson LLP, Weitz & Luxenberg P.C. and Renne Public Law Group ("Attorneys") for specialized litigation services in an action to be filed against manufacturers and distributors of opioids, with no out-of-pocket cost to the County, for a contract term to last until completion of the Attorneys' services in the litigation.

A-180340B

- L. County Counsel requests adoption of a resolution authorizing the Napa Valley Unified School District to borrow funds for Fiscal Year 2018-2019 and for the issuance and sale of 2018-2019 Tax and Revenue Anticipation Notes (TRANS) in a principal amount not to exceed \$28,400,000.

R-2018-64

Supervisor Ryan Gregory was recused due to his previous association with the project.

- M. County Executive Officer and Risk and Emergency Services Manager request approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 1601636B with Kim R. Blackseth Interests, Inc. for a maximum of \$62,300 for the term of July 1, 2018 through June 30, 2019 with an annual renewal not to exceed two additional years to provide specialized services to maintain Americans with Disabilities Act (ADA) compliance in County Facilities.

Correction: A-160163B (Amend. 1)

- N. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with Kristin Lowell, Inc. for a maximum of \$5,800 for the term of May 1, 2018 through June 30, 2019 for preparation of the Engineer's Report required for the levy of Fiscal Year 2018-2019 farmworker housing assessments by County Service Area No. 4.

A-180336B

- O. County Executive Officer requests authorization for out-of-state travel for Supervisor Brad Wagenknecht to attend the Air and Waste Management Association annual conference in Hartford, CT, from June 25 - June 28, 2018.

- P. County Executive Officer requests the following actions related to the New Jail Project:

1. Approve designation of all excess ERAF to jail construction through FY 2019-20;
2. Approve up to \$20 million in debt through the issuance(s) of Certificate(s) of Participation;
3. Approve use of the MSA fund balance toward Jail construction; and
4. Approve the intent to use the annual MSA revenue for the community grant program.

- Q. County Executive Officer requests the following actions regarding continued operations of the Calistoga Fairgrounds:

1. Adopt a resolution waiving repayment of the loan in the amount of \$57,000 to the Napa County Fair Association previously authorized by Resolution No. 2015-155 which was needed to support fairground operations due to lost revenue from the Valley Fires; and
2. Request the Chair send a letter to the Napa County Fair Association communicating the County's intent to assume management of fairgrounds operations beginning January 1, 2019.

R-2018-65

- R. County Executive Officer and Chief Probation Officer request appointment of the following applicants to serve on the Napa County Community Corrections Partnership:

<u>Name</u>	<u>District</u>	<u>Representing</u>
Yuka Kamiishi	1 (Staff)	Interested Citizen Representing Victims***
Karen J. Graff	3	Community-Based Organization Representative***

Correction memo regarding asterisks in the Recommendation and application copies was distributed.

Motion moved by Ryan Gregory, seconded by Alfredo Pedroza, to approve consent items as amended. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

Item 6L:

Motion moved by Alfredo Pedroza, seconded by Diane Dillon, to approve requested action. Motion passed 4 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, and Belia Ramos voting yes / Ryan Gregory recused.

8. PUBLIC COMMENT

The following spoke during public comment:

**Vincent Blake
Alissa Abdo
James Hinton
Dick Kuykendall
Ira Warm**

9. SET MATTERS OR PUBLIC HEARINGS

A. 9:30 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by representatives of Cuvaision Estate Winery (Appellant or Applicant) to a decision by the Napa County Public Works Director on September 28, 2017 to deny a Left Turn Lane Exception Request, which was associated with a requested modification to the Cuvaision Winery Use Permit Modification No. P16-00146 located at approximately 392 acre site on the east side of Duhig Road approximately 735 feet south of its intersection with State Route 12-121 within an Agricultural Watershed (AW) Zoning District. (Assessor's Parcel Nos. 047-120-005 and 006) (1221 Duhig Road, Napa.) The Planning Commission's approval of the Cuvaision Winery Use Permit Modification Request allows the following: (1) Construction of a 2,860 square foot office within the existing barrel building; (2) Upgrading of the existing wastewater system and associated infrastructure consistent with County Code to include one (1) additional 2,500 gallon septic tank and dispersal field expansion; (3) Increase daily tours and tastings from 75 persons per day (by appointment only), 525 person per week maximum to 180 persons per day (by appointment only), 1,260 visitors maximum per week; (4) A Marketing Program to establish the following: (a) 24 annual events for up to 60 guests; (b) 13 annual events for up to 200 guests; and (c) One (1) wine auction related event per year for up to 200 guests; (5) On-premises consumption of wines produced on site in the outdoor patio area in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; (6) Increase on-site

employees from 10 full-time employees and 12 harvest season employees to 28 full-time employees and 24 harvest season employees; (7) Increase parking spaces from 23 spaces to 34 spaces; (8) Change the winery's tasting room hours of operation from 10:00 AM to 4:00 PM to 10:00 AM to 7:00 PM; (9) Installation of a left-turn lane on Duhig Road at the project's access driveway and paving and striping at the intersection of Duhig Road and State Route 12-221 [Required by County]; and (10) Deletion of condition of approval number 2 in previously-approved Major Modification Use Permit modification P05-0452-MOD which requires tasting and tours be completed by 4:00 PM and retail wine sales be completed by 4:30 PM. No new buildings or other external changes to the winery's physical facility were proposed, nor any increase in production (340,000 gallons/year currently allowed). The applicant also included a request for an exception to the Napa County Road and Street Standards (RSS) left-turn lane requirement. The request proposed an exception to allow the Cuvaision Winery Use Permit Modification to be approved without the requirement that a left turn lane be installed at the intersection of the property driveway and Duhig Road. This request has been denied under a separate action of the Public Works Director per the procedures set forth in the RSS.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Negative Declaration. According to the 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 MAY 8, 2018; APPEAL WITHDRAWN BY APPELLANT ON MAY 11, 2018, AND THEREFORE, THE DIRECTOR'S DECISION IS FINAL AND CONCLUSIVE. THE HEARING IS VACATED AND THE BOARD HAS NO JURISDICTION.)

Director of Public Works Steve Lederer stated the appeal has been withdrawn and no action is required.

B. 9:45 AM

County Executive Officer seeks discussion and possible direction on a proposal to pilot a Junior Accessory Dwelling Unit Loan Program and create up to five low-income units in the unincorporated county.

**Deputy County Executive Officer Molly Rattigan made presentation.
Held discussion.
Testimony presented.**

C. 10:30 AM PUBLIC HEARING

Director of Library Services and Community Outreach requests the Board conduct a public hearing and consider adoption of:

1. A resolution amending Part I, Section 29 of the Napa County Policy Manual;
2. A resolution establishing a revised Library Services fee schedule and amending Part III, Part 125 of the Napa County Policy Manual, "Napa County Fees for Services Provided by County Departments and Agencies"; and
3. Authorization to waive up to \$10 in past overdue fines for adults who sign up and participate in the Summer Reading Program of 2018.

(CONTINUED FROM MAY 15, 2018)

R-2018-66; R-2018-67

Opened public hearing.

Director of Library Services and Community Outreach Danis Kreimeier made presentation.

Motion moved by Alfredo Pedroza, seconded by Ryan Gregory, to adopt resolution in Item 1. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

Motion moved by Ryan Gregory, seconded by Alfredo Pedroza, to adopt resolution in Item 2. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

Motion moved by Belia Ramos, seconded by Diane Dillon, to approve requested action in Item 3. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

10. ADMINISTRATIVE ITEMS

Public Safety

- A. Director of Health and Human Services requests the Board receive the following presentations regarding Napa County Emergency Medical Services (EMS):
1. Presentation by Michael Oliveri, Chair of the Emergency Medical Services Committee of the EMCC Annual Report; and
 2. Presentation by Brian Henricksen, EMS Agency Administrator to provide the local Emergency Medical Services 2017 calendar year annual update.

Emergency Medical Services Agency Administrator Brian Henricksen made presentation.

Testimony presented.

Community Resources & Infrastructure

- B. Director of Planning, Building, and Environmental Services (PBES) requests the following actions regarding the Resource Conservation District's (RCD) Re-Oaking North Bay program:
1. Receive a presentation from County and RCD staff regarding a potential partnership and funding opportunity to implement landscape recovery and restoration efforts within areas affected by the 2017 Napa Fire Complex; and
 2. Provide direction as to whether staff should amend the existing Agreement with RCD to provide additional funding for the program.

Planning, Building and Environmental Services Supervising Planner Brian Bordona, Interim Executive Director of Napa County Resource Conservation District Frances Knapczyk and Natural Resources Conservation Service Office District Conservationist Emma Chow made presentation.

Held discussion.

- C. Director of Public Works requests approval of and authorization for the Chair to sign a Federal Apportionment Exchange Program and State Match Program Agreement with the State of California Department of Transportation for the term July 1, 2017 through June 30, 2018 providing revenue in the amount of \$337,648 to the County Roads Fund for general transportation purposes.

A-180337B

Director of Public Works Steve Lederer made presentation.

Motion moved by Diane Dillon, seconded by Alfredo Pedroza, to approve requested action. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

- D. Director of Public Works requests the following in regards to the "Napa County Airport Runway 18R-36L Rehabilitation Project," PW 18-04:
1. Award of a construction contract to Ghilotti Construction Company Inc. of Santa Rosa, California, for their low base bid of \$13,935,164, and authorization for the Chair to sign the construction contract contingent upon the Federal Aviation Administration's grant approval;
 2. Approval of Budget Transfer No. AIR004 for the following (4/5 vote required):
 - a. Increase appropriation by \$1,655,284 in the Airport Operations budget offset by the use of Airport Operations available fund balance to transfer to the Airport Runway 18R-36L Rehabilitation Project, PW18-04 budget (Sub-Division 5010500, Program 18006) to backfill the revenue that was originally anticipated from the California Department of Transportation (DOT) and also for the project construction 7% contingency; and
 - b. Increase appropriation by \$663,694 in the Program 18006 budget offset by increase in revenue from the Airport Operations budget by \$1,655,284 partially offset by decrease in revenues from DOT by \$711,000 and Federal Aviation Administration (FAA) by \$280,590;
 3. Approval of and authorization for the Chair to sign a Professional Services Agreement with Mead & Hunt, Inc. in the amount of \$1,214,365 for Construction Management Services associated with the 18R-36L & 18L-36R runway rehabilitation project at the Napa County Airport.

A-180338B; BT-AIR004; A-180339B

Director of Public Works Steve Lederer, Auditor-Controller Tracy Schulze and Airport Manager Greg Baer made presentation.

Motion moved by Belia Ramos, seconded by Diane Dillon, to approve requested action in Item 1. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

Motion moved by Diane Dillon, seconded by Belia Ramos, to approve requested action in Item 2. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

Motion moved by Belia Ramos, seconded by Diane Dillon, to approve requested action in Item 3. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

General Admin & Finance

- E. County Executive Officer request approval of and authorization to for the Chair to sign a letter of intent from Napa and Solano County to the California Department of Aging to:
1. NOT seek the designation as the Area Agency on Aging for the Planning Service Area for the Multi-Purposes Senior Services Program; and
 2. Seek the designation as the Area Agency on Aging for Planning Service Area 28 for the Older American Act and Snap-Ed services.

Assistant County Executive Officer Mary Booher and Auditor-Controller Tracy Schulze made presentation.

Motion moved by Ryan Gregory, seconded by Diane Dillon, to approve requested actions. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

11. LEGISLATIVE ITEMS

- A. County Executive Officer, on behalf of the Legislative Subcommittee, requests approval of and authorization for the Chair to communicate to the State Legislature and other pertinent parties support for SB 1088 (Dodd), a bill that would require the Office of Emergency Services to adopt standards for reducing risks during a major emergency and require each electrical and gas corporation to submit and comply with an emergency plan.

Item removed from agenda.

- B. County Executive Officer requests discussion and possible action on the Statewide and Regional Measures on the June 5, 2018 ballot.

Deputy County Executive Officer Molly Rattigan made presentation.

Testimony presented.

Motion moved by Alfredo Pedroza, seconded by Diane Dillon, to approve requested actions. Motion passed 5 - 0, with Diane Dillon, Alfredo Pedroza, Brad Wagenknecht, Belia Ramos, and Ryan Gregory voting yes.

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

Chair Brad Wagenknecht reported on the San Francisco Bay Conservation & Development Commission meeting he recently attended where the funding process for dredging was explained.

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

None.

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

County Executive Officer Minh C. Tran reported at the next Board meeting staff will report how the distribution of the \$400,000 Rural County Representatives of California (RCRC) grant to fire victims and their families will be made.

15. CLOSED SESSION

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: Director of Corrections

Closed session held. No reportable action.

B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9)

Name of case: John and Judy Ahmann, as individuals and Trustees of the Ahmann Family Trust v. County of Napa, et al., California Court of Appeal Case No. A153394, Napa County Superior Court #26-65757.

Closed session held. No reportable action.

16. ADJOURNMENT

Adjourned in memory of former District Attorney's Office Chief of Investigations William Donald "Bill" White to the Board of Supervisors regular meeting Tuesday, June 5, 2018 at 9:00 a.m.

BRAD WAGENKNECHT, Chair

ATTEST:

JOSE LUIS VALDEZ, Clerk of the Board