



A Tradition of Stewardship
A Commitment to Service

**MINUTES OF THE
NAPA COUNTY – BOARD OF SUPERVISORS MEETING**

January 29, 2019

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, January 29, 2019, at 9:00 a.m. with the following supervisors present: Chair Ryan Gregory, Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht.

The meeting was called to order by Chair Ryan Gregory.

2. PLEDGE OF ALLEGIANCE

Chair Ryan Gregory led the assembly in the pledge of allegiance.

3. APPROVAL OF MINUTES

None.

4. PRESENTATIONS AND COMMENDATIONS

None.

5. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

County Executive Officer Minh C. Tran announced the appointment of Jennifer Yasumoto as the new Director of the Health and Human Services Agency.

6. CONSENT ITEMS

Public Safety

- A. Director of Corrections requests approval of and authorization for the Chair to sign the following amendments with Securus Technologies, Inc. to extend the term through December 31, 2019:
1. Amendment No. 2 to an Agreement (formerly Agreement No. 8054) to provide video visitation between Corrections' inmates and their minor children in the care of Child Welfare Services extended from January 6, 2019; and
 2. Amendment No. 3 to Agreement No. 170629B to provide telephone services to Corrections' inmates and Juvenile Hall youth extended from December 31, 2018.

A-190215 (Amend 2.); A-170629B (Amend. 3)

- B. Director of Corrections requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 160099B with The Hitmen Termite and Pest Control increasing the amount by \$3,850 for a new maximum of \$6,850 and amending the scope of work to include pest control services at the Re-entry Facility located at 2200 Napa Vallejo Hwy.

A-160099B (Amend. 2)

- C. County Fire Chief requests approval of and authorization for the Chair to sign an agreement with Air Instrumentation for a maximum of \$12,000 for the term December 1, 2018 through June 30, 2019, with an automatic two-year renewal provision to supply, maintain, and service hazardous materials equipment for the Napa County Rescue Team.

A-190216B

Human Services

- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 170018B (Agreement) with Aldea, Inc. (Aldea) decreasing the annual amount of the Agreement amount by \$600,000, for a new annual maximum of \$1,738,929, removing the Parent Child Interactive Therapy (PCIT) program and related funding, reducing the amount for specialty mental health services to children and young adults, and requiring that Mental Health pre-authorize all services.

A-170018B (Amend. 1)

- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 170985B (Agreement) with Soo Chun, M.D. amending the terms to enable automatic renewals for each fiscal year, removing time limitations for services provided, with no change to the maximum amount, to provide medication support services for Davis Guest Home, Inc.

A-170985B (Amend. 1)

- F. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with The Community Foundation of the Napa Valley, Inc. for an annual maximum of \$25,000 for the term July 1, 2018 through June 30, 2019, and for each subsequent renewal, to provide support to the One Napa Valley Initiative (ONVI) naturalization assistance program.

A-190217B

Community Resources & Infrastructure

- G. Agricultural Commissioner/Sealer of Weights & Measures requests a waiver of competitive bidding requirements and a sole source award to Seraphin Test Measure, a Division of Pemberton Fabricators, Inc., of Rancocas, New Jersey for the purchase of a liquid fuel volumetric testing unit in the amount of \$29,931 pursuant to Napa County Code Section 2.36.090.
- H. Director of Library Services and Community Outreach requests the Board accept, and instruct the Clerk of the Board to file a report of donations in the amount of \$2,000 or less gifted to the Library for the period of July 1, 2018 thru December 31, 2018.
- I. Director of Public Works requests the following:
 - 1. Approval of and authorization for the Chair to sign an agreement with ADKO Engineering for a maximum of \$150,000 for the term January 29, 2019 through June 30, 2023 to provide as needed engineering, environmental and construction support services, for Devlin Road Segment E, RDS 11-06; and
 - 2. Approval of Budget Transfer No. DPW022 for the following (4/5 vote required):
 - a. Increasing appropriation by \$150,000 in the Traffic Mitigation-Airport Industrial Area Non-Operating Special Revenue Fund

Budget (Fund 2440, Sub-Division 1220050) offset by the use of its available fund balance; and

- b. Increasing appropriation by \$150,000 in the Program 10002, Devlin Road Segment E project budget within the Road Capital Improvement Project budget (Fund 2040, Sub-Division 2040500) with offsetting revenues from the Traffic Mitigation-Airport Industrial Area Non-Operating Special Revenue Fund Budget.

A-190218B; BT-DPW022

- J. Director of Public Works requests approval of plans and specifications and authorization to advertise for sealed bids and opening of the bids at a time, date and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code for the following projects:
 1. Sunnyhill Drive Slide Repair, RDS 18-16, (PA-09-CA-4301-PW-01010(0), NANCC11), and
 2. Ridgecrest Drive Slide Repair, RDS 18-22, (PA-09-CA-4301-PW-01061(0), NANCC10).
- K. Director of Public Works requests approval of plans and specifications for the Silverado Trail MPM 18.04, RDS 18-17 Slide Repair Project EO-ER-32L0(347) and authorization to advertise for sealed bids and opening of the bids contingent upon authorization for construction from Caltrans at a time, date, and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.
- L. Director of Public Works requests the adoption of a resolution adopting the Napa County Fairgrounds Fee Schedule and delegating authority to execute facility use agreements at the Fairgrounds to the Director of Public Works consistent with Government Code Section 25908.

R-2019-10

General Admin & Finance

- M. Auditor-Controller requests authorization to process an Assessor Division reduction in assessed value in excess of the \$10,000,000 limit set forth in Resolution No. 2013-137 pursuant to Revenue and Taxation Code Section 4831.5 for APN 036-160-025 in the amount of \$10,414,805.
- N. Director of Human Resources and Director of Health and Human Services Agency request the adoption of a resolution amending the

Departmental Allocation List for the Alcohol and Drug Services Division of the Health and Human Services Agency, as follows, effective January 29, 2019, with no net increase in full-time equivalents and no increase to the General Fund:

1. Delete one 1.0 FTE Senior Office Assistant.
2. Add one 1.0 FTE Supervising Mental Health Counselor II.

R-2019-11

O. County Executive Officer and Risk & Emergency Services Manager request the following actions regarding Urban Area Security Initiative (UASI) 2018 grant funding:

1. Approval of and authorization for the Chair to sign a revenue agreement with the City and County of San Francisco, as the distribution agent for UASI grant funds, for a maximum of \$36,000 for the term of November 1, 2018 through February 28, 2020, to purchase three (3) base station radio systems to improve interoperable communications capabilities; and
2. Approval of Budget Transfer No. CEO008 increasing appropriations for the Emergency Services Grants subdivision budget by \$36,000 with offsetting revenues by federally funded FY2018 UASI Grant funds (4/5 vote required);
3. Establishment of a capital asset in the amount of \$36,000 for the purchase of three (3) base station radio systems (4/5 vote required);
4. Adopt a resolution under the 2018 Urban Area Security Initiative authorizing the County Executive Officer and the Risk & Emergency Services Manager to take the action necessary to accept and administer this grant and to sign associated modifications and reimbursement forms.

A-190219B; BT-CEO008; R-2019-12

P. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with Arts Council Napa Valley for a maximum of \$2,700 per calendar year for the term January, 29 2019 through December 31, 2021 for the shared use of a software program to accept and manage grant applications and reports for the Special Projects Grants.

A-190220B

- Q. County Executive Officer requests the following:
1. Declare warehouse racking, which are not capital assets, as surplus and no longer needed for public use;
 2. Authorize the disposal of warehouse racking by direct sale.
- R. County Executive Officer requests appointment of Christopher DeNatale to represent the Arts Council Napa Valley on the Arts and Culture Advisory Committee as a non-voting member for a three-year term.
- S. County Executive Officer requests the following actions regarding the Napa County Juvenile Justice Coordinating Council:
1. Adoption of a Resolution reappointing Dr. Barbara Nemko to represent "County Office of Education or School District" for a three-year term; and
 2. Reappointment of Harold L. Pierre to represent "Parent of At-Risk Youth from the Community At Large" for a three-year term.

R-2019-13

Motion by Alfredo Pedroza, Second by Brad Wagenknecht, to approve consent items. Motion passed 5 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

8. PUBLIC COMMENT

Seven (7) people spoke during public comment.

Director of Planning, Building and Environmental Services David Morrison responded to comments made by a member of the public.

9. SET MATTERS OR PUBLIC HEARINGS

A. 8:00 AM

Board of Supervisors (BOS) - Closed Session
(see **Special 8:00 AM BOS Meeting Minutes**).

B. 9:10 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Caldwell Vineyards Winery to a decision by the Napa County Planning Commission on October 17, 2018 to deny a modification (P17-00074-MOD) to the Caldwell Vineyards Winery Use Permit No.00318-UP to allow the following: 1) increase the winery production capacity from 25,000 gallons to 35,000 gallons per year; 2) increase the existing area of the winery caves; 3) increase the number of daily by-appointment visitation; 4) increase the number of employees; 5) modify by-appointment tasting hours; 6) modify the Marketing Plan; 7) allow for on-site consumption of wines; 8) construct a trellis shade structure; 9) increase the width of portions of the existing roadway; 10) installation of traffic calming measures on Kreuzer Lane; and 11) a request for an Exception to the Napa County Road and Street Standards (RSS). The project is located on a ±42.96 acre parcel at the terminus of Kreuzer Lane within an Agricultural Watershed (AW) Zoning District. (Assessor's Parcel Nos. 045-310-056 and 045-310-055) 270 Kreuzer Lane, Napa, CA 94558

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Revised Negative Declaration. According to the proposed Revised Negative Declaration, the proposed project would not have any potentially significant environmental impacts. The project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. Pursuant to State CEQA Guidelines Section 15270 (a), CEQA does not apply to projects which the public agency rejects or disapproves.

(AT THE REQUEST OF BOTH THE APPELLANT AND STAFF, THIS ITEM CONTINUED TO FEBRUARY 26, 2019 AT 9:30 A.M.)

Motion by Brad Wagenknecht, Second by Belia Ramos, to approve the requested action. Motion passed 5 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

C. 9:15 AM

Director of Planning, Building, and Environmental Services (PBES) requests direction on Strategic Actions related to watershed protection.

Director of Planning, Building and Environmental Services David Morrison made a presentation to the Board via PowerPoint. Also present were Supervising Conservation Planner Brian Bordona and Deputy County Counsel Laura Anderson.

A total of sixty-seven (67) people spoke during the public comment period.

Held discussion.

The Board provided general direction regarding suggested staff changes to Watershed Protection via an Options Matrix as follows:

Slopes – Option B as listed in the matrix provided by staff which includes amending the code to prohibit new planting and/or structures on slopes of 30% or greater, unless exempt with a further understanding of which exemptions are applicable and how they are defined.

Municipal Reservoir Setbacks – Option B as listed in the matrix provided by staff that includes amending the code to create a 200 to 500-foot setback for all development.

Wetland Definition – Option B as listed in the matrix provided by staff that includes amending the code per the federal definition and defining wetland if one parameter is present with the caveat that the State of California definition be used.

Wetland Setbacks – Option A as listed in the matrix provided by staff that includes amending the code to specify 50-foot setbacks for all developments.

Stream Definition – Option B as listed in the matrix provided by staff that includes preserving the existing definitions, and amending the code to add language equivalent to Class 3 streams.

Stream Setbacks – Option B as listed in the matrix provided by staff that includes amending the code to specify a minimum setback of 35 feet from Class 3 equivalent streams.

Tree Canopy Definition – Option A as listed in the matrix provided by staff that includes no change to the current definition.

Tree Canopy Retention – As part of Option C, look at an increase in retention targeting 70% as a floor throughout the unincorporated area with the possibility of scaling up depending upon the availability of incentives to applicants, a 3 to 1 mitigation ratio that allows off-site mitigation and the location of tree mitigations.

Shrub Canopy – Option B as listed in the matrix provided by staff that includes amending the code to extend 40% retention throughout unincorporated areas not including grass as currently outlined in the vegetation layers.

Effective Ordinance Date – Option B as listed in the matrix provided by staff that includes applying the ordinance, once adopted, to exiting incomplete and new applications after the effective date.

Exemptions – Staff was directed to preserve the following options as recommended:

- Continue to exempt fuel management and fire prevention improvements from the new requirements of the new ordinance.
- Continue to exempt forest management practices from the requirements of the new ordinance, including removal of downed, diseased, or dead trees; reducing threats to public safety; and alleviating hazardous conditions or public nuisances.
- Amend code to exempt residential fire rebuild permits, if they do not exceed 125% of the legal footprint of the destroyed structure, from the requirements of the new ordinance.
- Continue to exempt replanting within the same vineyard footprint from the new requirements of the new ordinance.
- Require that all new vineyard development be subject to the new ordinance.

Motion by Alfredo Pedroza, Second by Brad Wagenknecht, to approve the following recommended changes and forward the same to the Napa County Planning Commission for further consideration and analysis on February 20, 2019:

- 70% Tree Canopy Retention Rate.
- Count preservation on slopes greater than 30%.
- No stream setbacks.
- Exemption for small vineyards of five (5) acres up to 15% slopes and under to be consistent with water board requirements.
- 3 to 1 Tree Mitigation excluding streams, including slopes.
- With regard to mitigation location, highest biological value.

Motion passed 5 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

D. 9:30 AM

Recess to the Napa County Housing Authority (NCHA) special meeting (see NCHA Meeting Minutes).

E. 9:40 AM PUBLIC HEARING

Director of Planning, Building and Environmental Services requests consideration and adoption of a Resolution to:

1. Adopt a Supplement to the Environmental Impact Report (EIR) certified for the 2008 Napa County General Plan Update (California Environmental Quality Act Guidelines, Section 15163);
2. Adopt an amendment to the Circulation Elements of the Napa County General Plan;
3. Adopt an amendment to the Napa Valley Business Park Specific Plan.

Chair Gregory announced that this item would be continued to Tuesday, February 5, 2019 at 9:45 AM in consideration of the public comment period for the Watershed Protection discussion.

There was no formal action taken by the Board on this item.

10. ADMINISTRATIVE ITEMS

Human Services

- A. Director of Health and Human Services recommends that the Board of Supervisors receive an update on the Napa/Solano Area Agency on Aging (AAA) and requests adoption of a resolution approving amendments to the AAA Oversight Board's Bylaws.

R-2019-14

Deputy Director for Health and Human Services for Older Adults Kris Brown made presentation.

Held discussion.

Motion by Diane Dillon, Second by Brad Wagenknecht, to adopt the resolution as proposed by staff.

Motion passed 5 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

Community Resources & Infrastructure

- B. Director of Public Works requests adoption of a resolution authorizing the following related to the County owned property located at 1407/1435 N. Oak St. in Calistoga ("Property") (4/5 vote required):
 1. Declare a portion of the Property as no longer required for County use and designated as surplus pursuant to Government Code Section 25365 (a);

2. Authorizing the Chair of the Board to execute a purchase and sale agreement and grant deed for conveyance of the Property to the City of Calistoga ("City");
3. Authorizing the County Executive Officer (CEO) or designee, to take any other steps and to sign any other documents that are necessary to consummate the sale of the Property to the City; and
4. Find that this action is categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to: (a) Class 12 "Surplus Government Property Sales."

(PER STAFF REQUEST, THIS ITEM DROPPED AND RE-SCHEDULED FOR A FUTURE BOARD MEETING DATE TBD).

General Admin & Finance

- C. Director of Health and Human Services requests that the Board of Supervisors receive a presentation about the No Place Like Home (NPLH) Program and adopt the following resolutions authorizing Napa County to submit an application for the Heritage House project with Burbank Housing as the Development Sponsor:
1. Participation In The NPLH Program;
 2. Application for NPLH Program and Acceptance of Noncompetitive Allocation Award;
 3. Application for the NPLH Program Projects Utilizing Competitive NPLH Allocation Funds; and
 4. Transferring an existing loan in the project amount of \$1,317,985 from Gasser Foundation to Burbank Housing upon satisfaction of certain terms and conditions.

R-2019-15; R-2019-16; R-2019-17; R-2019-18

The record shall reflect that Chair Ryan Gregory recused himself from this item due to his business firm's past association with this project.

Vice Chair Diane Dillon assumed the Chair in Supervisor Gregory's absence as presiding officer.

Chief Deputy Director of Health and Human Services, Administration Division, Mitch Wippen and Deputy County Executive Officer Molly Rattigan made a PowerPoint presentation to the Board.

Correction memo submitted by staff.

Held discussion.

One (1) person spoke during public comment.

Motion by Belia Ramos, Second by Brad Wagenknecht, to approve the resolution authorizing Napa County’s participation in the No Place Like Home Program.

Motion passed 4 – 0 with Vice Chair Diane Dillon and Supervisors Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

Motion by Belia Ramos, Second by Brad Wagenknecht, to approve the resolution authorizing Napa County’s application for the No Place Like Home Program and acceptance of non-competitive allocation award.

Motion passed 4 – 0 with Vice Chair Diane Dillon and Supervisors Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

Motion by Brad Wagenknecht, Second by Belia Ramos, to approve the resolution authorizing Napa County’s application for the No Place Like Home Program Projects utilizing competitive allocation funds.

Motion passed 4 – 0 with Vice Chair Diane Dillon and Supervisors Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

Motion by Brad Wagenknecht, Second by Belia Ramos, to approve the resolution approving and assigning an assumption of modification agreement to assign a pre-development loan previously assigned to the Gasser Foundation for the Napa County Affordable Housing Fund to Burbank Housing Development Corporation for the development of affordable housing units at Heritage House.

Motion passed 4 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

11. LEGISLATIVE ITEMS

None.

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 REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: Napa County Fairgrounds, Calistoga, California (APNs 011-140-006, 011-140-007, 011-140-056, 011-140-009, and 011-140-055)

Agency Negotiator: Minh C. Tran, County Executive Officer
Negotiating Parties: Napa County and City of Calistoga
Under Negotiation: Price Terms of Payment

Closed session held. No reportable action.

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 2344 Old Sonoma Road, Napa, California

Agency Negotiator: Steve Lederer, Director of Public Works Department
Negotiating Parties: Napa County and City of Napa
Under Negotiation: Price Terms of Payment

Closed session held. No reportable action.

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

Name of case: Napa County v. PG&E Corporation et.al, Napa County Superior Court Case No. 18CV 000238; San Francisco Superior Court, Judicial Council Coordination Proceeding No. 4955 (California North Bay Fire Cases)

Closed session held. No reportable action.

16. ADJOURNMENT

Adjourned to the Board of Supervisor Regular Meeting, Tuesday, February 5, 2019 at 9:00 a.m.

RYAN GREGORY, Chair

ATTEST:

JOSE LUIS VALDEZ, Clerk of the Board