



A Tradition of Stewardship
A Commitment to Service

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

March 26, 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, February 26, 2019, at 9:00 a.m. with the following supervisors present: Chair Ryan Gregory and 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

A. Presentation of a Proclamation to Chris DeNatale, President and CEO of Arts Council Napa Valley, declaring April 2019 as Napa Valley Arts Month in Napa County.

Chair Ryan Gregory presented proclamation.

5. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

Deputy Directory of Health and Human Services and Public Health Officer Dr. Karen Relucio presented report.

6. CONSENT ITEMS

Public Safety

A. Director of Corrections requests the Board accept and instruct the Clerk of the Board to file the letter of expenditures for the Inmate Welfare Fund for Fiscal Year 2017-2018.

Human Services

- B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 8 to Agreement No. 170287B with Barbara McCarroll, Ph.D. to incorporate Addendum No. 6 to the Scope of Work (Exhibit A) to include Medi-Cal Administrative Activities for the term July 1, 2018 through June 30, 2019 and each subsequent renewal thereof to provide Infant/Child Mental Health Specialist services for the Therapeutic Child Care Center.

A-170287B (Amend. 8)

- C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 170922B with Rex Adamson, M.D., incorporating Addendum 2 to Exhibit B (Compensation) to remove time limitations for services provided, with no change to the maximum amount, to provide medication support services for Davis Guest Home, Inc.

A-170922B (Amend. 2)

- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign:
1. Amendment No. 1 to Agreement No. 170924B, a Provider Participation Agreement (PPA) with the Department of Health Care Services (DHCS) for the term July 1, 2017 to June 30, 2019 for the provision of Medi-Cal Targeted Case Management services to:
 - a. replace references to MEDS language with MEDSLITE language
 - b. remove references to the Information Exchange Agreement (IEA)
 - c. complete forms 6207 and 6208, which is a new DHCS requirement; and
 2. A new PPA with DHCS to replace Agreement No. 170924B for the term July 1, 2019 until terminated by either party for the provision of Medi-Cal Targeted Case Management services.

A-170924B (Amend. 1); A-190259B

- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign a Memorandum of Understanding with The Salvation Army for the term March 26, 2019 through June 30, 2022, with a provision for one year automatic renewals, to operate a café and culinary academy Work Experience Program at the Health and Human Services Agency's Campus.

Item removed from the agenda.

- F. Director of Health and Human Services requests adoption of a resolution amending the Napa County Bylaws Manual Part II, Section 44 Veterans' Commission, effective March 26, 2019.

Correction memo submitted.

R-2019-44

Community Resources & Infrastructure

- G. Director of Public Works requests approval of and authorization for the Chair to sign the following with Vanir Construction Management Inc. regarding the Napa County Re-entry Facility and the Napa County Replacement Jail projects:
1. Amendment No. 3 to Agreement No. 170850B increasing the amount by \$44,000 for a new maximum of \$298,864 for construction management, inspection and associated services for off-site utilities construction; and
 2. Amendment No. 3 to Agreement No. 170851B increasing the amount by \$65,000 for a new maximum of \$842,445 for construction management, inspection and associated services for the Napa County Re-entry Facility.

A-170850B (Amend. 3); A-170851B (Amend. 3)

- H. Director of Public Works requests approval of and authorization for the Chair to sign a revenue agreement with the Association of Bay Area Governments (ABAG) for a maximum of \$148,382 for the term January 1, 2019 through December 31, 2019 to deliver services related to the Bay Area Regional Energy Network (BayREN).

A-190260B

- I. Director of Public Works requests the following actions related to the Oakville to Oak Knoll Reach (OVOK) Group B Project, PW 19-16:
1. Approval of plans and specifications; and
 2. 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.
- J. Director of Public Works requests adoption of a resolution temporarily closing a portion of Berryessa Knoxville Road on Saturday, April 13, 2019 from 7:00 a.m. to midnight and on Sunday, April 14, 2019 from 7:00 a.m. to 2:00 p.m. for the HITS Triathlon Series - Napa Valley.

R-2019-45

General Admin & Finance

- K. County Executive Officer requests appointment of David Ruane to represent Youth Arts on the Arts and Culture Advisory Committee, with the term to commence immediately and expire September 30, 2020.
- L. County Executive Officer requests appointment of the following applicants to the Napa County Winegrape Pest and Disease Control District Board of Directors, representing Napa County Vineyards, with the terms of office to commence immediately and expire March 26, 2022.

Name

Christopher Hyde

David Ilsley

Motion by Brad Wagenknecht, Second by Belia Ramos, to approve consent items as amended. 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

Eleven (11) people spoke during public comment.

Agricultural Commissioner and Sealer of Weights and Measures Humberto Izquierdo responded to public comment.

9. SET MATTERS OR PUBLIC HEARINGS

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

B. 9:00 AM PUBLIC HEARING

Director of Planning, Building, and Environmental Services (PBES) requests that the Board of Supervisors:

- 1. Find that the proposed Water Quality and Tree Protection ordinance (proposed ordinance) is consistent with the Napa County General Plan (2008);

2. Find the proposed ordinance exempt under the California Environmental Quality Act pursuant to Categorical Exemptions Class 7, Class 8, Class 4, Class 5 and the General Rule; and
3. Adopt the proposed ordinance.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of Categorical Exemptions Class 7, Class 8, Class 4, Class 5 and the General Rule. 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. [See Categorical Exemption Class 7 (“Actions by Regulatory Agencies for Protection of Natural Resources”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15307]; Categorical Exemption Class 8 (“Actions by Regulatory Agencies for Protection of the Environment”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15308]; Categorical Exemption Class 4 (“Minor Alterations to Land”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15304; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; Categorical Exemption Class 5 (“Minor Alterations in Land Use Limitations”) which may be found in the guidelines for the implementation of the CEQA at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B]; and General Rule in that 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 CEQA 14 CCR 15061(b)(3)]. This project is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

Chair Ryan Gregory introduced the item and opened the public hearing.

Planning, Building and Environmental Services Director David Morrison made presentation. Planning, Building and Environmental Services Department Supervising Planner Brian Bordona and Deputy County Counsel Laura Anderson provided additional information.

Held discussion.

Fire Chief Barry Biermann made presentation.

Sixty-four (64) people spoke during public comment.

Chair Ryan Gregory closed the public hearing.

During the course of discussion, Chair Ryan Gregory conducted property disclosures by Board Members. There were no relevant property disclosures reported by any member of the Board.

The Board provided direction to staff regarding various modifications to the proposed ordinance as recounted by County Counsel. Chair Ryan Gregory recessed the meeting until 6:15 p.m.

Following the evening recess, the Board reconvened the meeting session at 6:15 p.m.

Chair Ryan Gregory recognized Planning, Building and Environmental Services Director David Morrison who deferred to County Counsel Jeffrey M. Brax.

County Counsel Brax recounted the changes to the proposed ordinance as follows:

1. Allowing development on 30 percent slope with a use permit. Mr. Brax advised that staff added back in the following language, “uses prohibited without an exemption or an exception”.
2. The Planning Commission’s recommendation towards grading improvements to an existing roadway or driveway has been removed because the proposed exemption is broader than the one proposed by the Planning Commission.
3. In Subsection B, the existing con regs included a prohibition on over 50 percent slope so that language was put back in.
4. The existing Subsection B became Subsection C on Page 1.
5. In the middle of Page 2, a conforming revision to Section 18.108.040, is to state an exception in the form of a use permit may be granted to any of the requirements of this chapter other than Subsection B of Section 18.108.060.
6. In 18.108.020, the first change including applying the tree requirements in the Agriculture Watershed (AW) only.
7. The strikeout at the bottom of page 2 reflects that the shrub land/chaparrals will not be extended beyond the municipal reservoirs.
8. At the top of page 3, added in the AW Zoning District again under Part D.
9. Revised the Vegetation Removal Mitigation to reflect the Board’s intent. Removal shall be mitigated at a minimum 3:1 ratio unless otherwise set forth below.
10. In Subparts 1, 2 and 3 deleted references to prior 2:1 ratio and all other unnecessary 3:1 references as this ratio now resides in the preamble.
11. New Part 5, states, “Alternatively, the removal of any vegetation canopy cover may be mitigated by permanent replacement or preservation of comparable vegetation canopy cover, on an acreage basis at a minimum 2:1 ratio, where the project includes substantial public benefits as determined by the director”.
12. Change to Section 18.108.025 B (3) that deletes, “ORDINARY HIGH WATER MARK” so stream setbacks will be measured from the top of bank.

13. Change to Section 18.108.026 allows flexibility for wetlands as in some limited circumstances the 50 percent setback has been reduced if recommended by a qualified professional biologist and approved by the director.
14. Revision to 18.108.027(G) attempts to embody the Board's direction regarding setbacks to 500 feet for Kimball and Bell Canyon Reservoirs or within 200 feet for all of the others. Again, top of bank vs. high water mark.
15. Revision to 18.108.030 includes changes to several of the definitions including deleting "Chaparral", revising the definition of Defensible Space to match Section 8.36 in the Napa County Defensible Space Guidelines, revising municipal reservoirs sensitive domestic water supply to break out Friesen Lakes as well as in the list of them one through seven in that definition.
16. On the top of Page 5, deleting the word "shrub" as it is superfluous with shrub land.
17. Adding the definition of Track II Vineyard Replants which comes into play for a later amendment.
18. In Section 18.108.050(H) is the Fire Exemption which reads, "Creation and/or maintenance of defensible space for legally constructed structures or the implementation of fire management strategies completed under the guidance of the California Department of Forestry and Fire Protection".
19. In Section 18.108.080(D) deletes a provision that was previously included that staff now prefers to delete.
20. One of the changes from the Resource Conservation District Resource Conservation District (RCD) includes a change to the title of the soil erosion specialist.
21. New Section 18.108.090(G) reads, "Track II vineyard replants shall be ministerial within the meaning of the California Environmental Quality Act, as set forth in Subsection A of Section 18.108.055 and Napa County's Local Procedures for Implementing the California Environmental Quality Act".
22. Changes to the title of the Natural Resources Conservation Service (NRCS) as outlined on the bottom of page five and on to the top of Page 6.
23. Proposed revision to Section 18.108.140(A)(1)(c) per the RCD: c. Is located in an area determined to have severe soil erosion hazard as determined by the director based on the Napa County Soil Survey prepared by the NRCS, incorporated herein by reference".
24. Proposed revisions to Section 17 (uncodified), with regard to the five (5) acre exemption, staff agrees that can be up to 30 percent. If new vineyards are proposed over 15 percent, they will have to go through CEQA but they would be exempt from the requirements of the new ordinance and they would be subject to the con regs instead.
25. An exception was added for specified priority housing development sites identified in our affordable housing combining district some of which may overlap with the AW

**which are exempted from the new ordinance to ensure maximum protection of the County’s affordable housing sites.
26. Section 19 includes a severability clause.**

Held additional discussion.

Chair Ryan Gregory directed the Clerk of the Board to read the title of the proposed ordinance.

Clerk of the Board Jose Luis Valdez read the title of the ordinance as directed by Chair Gregory.

Motion by Diane Dillon, Second by Brad Wagenknecht, to waive the balance of the reading of the ordinance. Motion passed 5 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

Motion by Diane Dillon, Second by Alfredo Pedroza, to adopt the ordinance as revised. Motion passed 5 – 0 with Chair Ryan Gregory and Supervisors Diane Dillon, Alfredo Pedroza, Belia Ramos and Brad Wagenknecht voting yes.

Prior to the Board’s vote on this measure, Supervisor Brad Wagenknecht asked that the record reflect that the Board would be provided an update by staff within one calendar year from adoption of the proposed ordinance. Chair Ryan Gregory asked that the record reflect the same and it was duly noted by the Clerk of the Board.

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

Chair Ryan Gregory announced that the second reading of the ordinance would take place during the Board of Supervisors meeting on April 9, 2019.

10. ADMINISTRATIVE ITEMS

General Admin & Finance

- A. County Executive Officer requests that the Board: Review and accept the Fiscal Year 2018-19 Mid-year Fiscal Review; and Approve Budget Transfer No. CEO014 making budget adjustments in a number of departments as outlined in Attachment A of this Board item, to provide sufficient appropriation authority for expenditures through the end of the fiscal year (4/5 vote required); and Increase assignment in Accumulated Capital Outlay for the Jail project by \$3,499,004 (4/5 vote required).

BT-CEO014

Assistant County Executive Officer Mary Booher made presentation.

Held discussion.

One (1) person spoke during public comment.

Motion by Diane Dillon, Second by Brad Wagenknecht, to approve the requested actions. Motion passed 5 – 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

Supervisor Dillon asked that a review of County Code Chapter 8.36 related to defensible space and the abatement process be placed on a future board agenda for discussion.

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

County Executive Officer Minh C. Tran thanked the community for their participation in the formulation of the new ordinance.

15. CLOSED SESSION

None.

16. ADJOURNMENT

Adjourn to the Board of Supervisors Regular Meeting, Tuesday, April 9, 2019 at 9:00 a.m.

RYAN GREGORY, Chair

ATTEST:

JOSE LUIS VALDEZ, Clerk of the Board

