



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY BOARD OF SUPERVISORS

Tuesday December 5, 2017 9:00 A.M.

Brad Wagenknecht
District 1

Ryan Gregory
District 2

Diane Dillon
District 3

Alfredo Pedroza
District 4

Belia Ramos
District 5

Minh C. Tran
County Executive Officer

Gladys I. Coil, CCB
Clerk of the Board

Jeffrey Richard
Chief Deputy County
Counsel

GENERAL INFORMATION

The Board of Supervisors meets as specified in its adopted annual calendar on Tuesdays at 9:00 A.M. in regular session at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580.

The agenda is divided into three sections:

CONSENT ITEMS - These matters typically include routine financial or administrative actions, as well as final adoption of ordinances that cannot be both introduced and adopted at the same meeting. Any item on the CONSENT CALENDAR will be discussed separately at the request of any person. CONSENT CALENDAR items are usually approved with a single motion.

SET MATTERS - PUBLIC HEARINGS - These items are noticed hearings, work sessions, and items with a previously set time.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas. Immediately after approval of the CONSENT CALENDAR, if the time for hearing SET MATTERS has not arrived, ADMINISTRATIVE ITEMS will be considered.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at the time of such distribution, in the office of the Clerk of the Board of Supervisors, 1195 Third Street, Suite 305, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA please proceed to the rostrum and, after receiving recognition from the Chair, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Board.

AGENDA AVAILABLE ONLINE AT www.countyofnapa.org

1. CALL TO ORDER; ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. APPROVAL OF MINUTES**

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

1. Special meeting of November 7, 2017 (All Supervisors were present).
2. Special meeting of November 14, 2017 (Supervisor Alfredo Pedroza arrived during Item 15*);
and
3. Regular meeting of November 14, 2017 (All Supervisors were present).

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

4. PRESENTATIONS AND COMMENDATIONS

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

5. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS**6. CONSENT ITEMS**Human Services

- A. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 170266B with Bitfocus, Inc. increasing the amount by \$31,125 for a new maximum of \$73,165. incorporating Addendum 1 to Exhibit A-2 to add additional licenses to access the Homeless Management Information System (HMIS), incorporating Exhibit B "Contractor's Privacy and Security Commitments" and modifying the Term of the Agreement to limit the number of automatic renewals to five fiscal years to June 30, 2022, for software support and licenses for the HMIS.
- B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 170323B with New Connections Communications Services, Inc. increasing the amount by \$5,000 for a new annual maximum of \$15,000; modifying Specific Terms and Conditions 3.4 - Term of the Agreement to allow up to three additional renewal periods to June 30, 2020; incorporating a HIPAA Business Associate Agreement and Qualified Service Organize Agreement; and amending the Scope of Work Exhibit A and Compensation Exhibit B to add telephone exchange services for the Alcohol and Drug Services division.
- C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 170485B (formerly Agreement No. 4074) with Martin Forst increasing the amount by \$5,000 for a new maximum of \$15,000, amending Specific Terms and Conditions 3.4 to remove the provision for automatic renewals to terminate the agreement on June 30, 2018 to provide evaluation services for the local Tobacco Control Plan.

- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 170650B with On The Move, Inc., decreasing the amount by \$95,485 for a new annual maximum of \$190,015, revising the provision for automatic renewals to a maximum of three fiscal years (the final renewal period concludes June 30, 2019) and incorporating Addenda to Exhibits A and B to provide employment services for eligible youth in Napa County.

- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign a revenue agreement with the Workforce Alliance of the North Bay, a Joint Powers Agency, for an annual maximum of \$794,902 for the term July 1, 2017 through June 30, 2021, for the provision of One-Stop Career Center Operations and Workforce Innovation and Opportunities Act (WIOA) Adult, Dislocated Worker and Youth program services.

- F. Director of Health and Human Services requests acceptance of a donation in the amount of \$5,000 from an organization that wishes to remain anonymous to the Children's Trust Fund in the Health and Human Services Agency.

Community Resources & Infrastructure

- G. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign renewal of Revenue Agreement No. 170682B (formerly Agreement No. 4168) with the California Department of Food & Agriculture (CDFA) for a maximum of \$124,855 for reimbursement of expenditures associated with placing and inspecting of traps for the detection of exotic pests.

- H. Director of Library Services and Community Outreach requests authorization to accept a grant in the amount of \$2,500 from the Robert and Ellen Streich Family Endowment, a donor advised fund of the Napa Valley Community Foundation, to be used to purchase books and outreach materials for the adult literacy program at the Literacy Center of the Napa County Library, and for the Chair to sign a letter of appreciation in acceptance of the donation.

- I. Director of Library Services and Community Outreach requests authorization to accept a donation to the Napa County Library from an anonymous donor in the amount of \$5,000.

- J. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 3 to Lease Agreement 160001B with Calistoga Rental Homes, LLC for a monthly rental fee of \$2,255 with annual 3% increases for the term January 6, 2016 through December 31, 2022 for approximately 1,750 square feet of office space located at 1705 Washington Street, Calistoga, to house Health and Human Services Agency staff.

- K.** Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 170577B (Formerly No. 8049) with Colliers Parrish International extending the term of the agreement, increasing the hourly rate for consulting services from \$215 per hour to \$250 per hour and establishing a maximum annual amount for hourly services, clarifying the scope of work, and reducing the commission amounts for sale or lease to 2.5% from 5%.
- L.** Director of Public Works requests approval of Budget Transfer No. DPW031 transferring \$19,500 from the Maintenance Supplies account to the Equipment account line within the Property Management budget and establishing a capital asset in the amount of \$19,500 for the purchase of a Mobile Hot Water Pressure Washer with Reclaim System and Water Jet Surface Cleaner. (4/5 vote required)
- M.** Director of Public Works requests the Board receive and instruct the Clerk of the Board to file reports required by Government Code Section 66006 (b) for the Traffic Mitigation Fee program in the Napa Valley Business Park (formerly Airport Industrial Area Specific Plan) area.
- N.** Director of Public Works requests approval of and authorization for the Chair to execute deeds conveying to the Napa County Flood Control and Water Conservation District ("District") of the following property interests in portions of County-owned property at 933 Water Street, APN 003-242-003 (the "Property"):
1. A permanent Flood Protection Levee Easement on the terms set forth in the deed attached to the staff report as Attachment 1, covering the portion of the Property as described and depicted in Exhibits A and B thereto;
 2. A swath of the Property in fee simple on the terms set forth in the deed attached to the staff report as Attachment 2, covering the portion of the Property as described and depicted in Exhibits A and B thereto; and
 3. A Temporary Work Easement for a temporary borrow area and temporary construction area on the terms set forth in the deed attached to the staff report as Attachment 3, covering the portion of the Property as described and depicted in Exhibits A and B thereto.
- O.** Director of Public Works requests adoption of an amended and restated resolution to supersede and amend Resolution No. 2017-129, which would again do the following related to the sale of the County-owned property located at 933 Water Street, Napa, California ("Property") (4/5 vote required):
1. Establish the minimum bid price for sale of the Property as \$3,900,000.00;
 2. Set the procedures, date, time and place for opening and review of sealed bids for purchase of the Property;
 3. Set the date, time and place of a meeting of the Board of Supervisors to consider the recommendations of the County Executive Officer's Bid Selection Committee as to the selection and order of bids; and
 4. Direct the Clerk of the Board to publish and post notice of the Board hearing and meeting at which it will consider those recommendations and consider and award of a purchase contract for the Property.

- P. Director of Public Works requests acceptance of a donation in the amount of \$1,640 from Pet Food Express to the Napa County Animal Shelter and approval for the Chair to sign a letter of appreciation.
- Q. Director of Public Works requests acceptance of a donation in the amount of \$3,000 from Ms. Polly Thacher to the Napa County Animal Shelter and approval for the Chair to sign a letter of appreciation.

General Admin & Finance

- R. County Counsel and the Napa County Deferred Compensation Board of Control request approval of and authorization for the Chair to sign an agreement with Mass Mutual for the term of February 15, 2018 through February 15, 2022 with the option to renew for an additional five (5) years to provide record-keeping services for the County's Deferred Compensation Plans.
- S. Director of Human Resources requests approval of and authorization for the Chair to sign Amendment No. 3 and Amendment No. 4 to Agreement No. 170137B (formerly Agreement No. 8034) with PayFlex Systems USA, Inc. extending the term of the agreement through December 31, 2017, retroactive to January 1, 2017 (Amendment No. 3); and extending the term of the agreement through December 31, 2018, adding three years of automatic renewal, increasing the monthly administrative fees from \$4.63 to \$4.86 for flexible spending account benefits, and increasing the monthly administrative fees from \$3.60 to \$3.78 for commuter benefits, effective January 1, 2018 (Amendment No 4).
- T. Director of Human Resources requests ratification of the appointment of Minh C. Tran as the County Executive Officer effective October 24, 2017 through October 25, 2021 and authorization for the Chair to sign the subject Employment Agreement and all related documents to effect this appointment.
- U. Director of Human Resources requests approval of and authorization to decrease the County's self-administered rate for the Dental Program with Delta Dental effective January 1, 2018; and to increase in the EIA Dental Program administration fee effective January 1, 2018.
- V. Director of Human Resources and Director of Child Support Services request adoption of a resolution amending the Table and Index of Classes, the Departmental Allocation List, and appropriate personnel policies as follows, effective December 16, 2017, with no net increase to full-time equivalents:
 - 1. Amend the Table and Index of Classes by deleting Chief Child Support Attorney (NCO).
 - 2. Amend the Departmental Allocation List for the Child Support Services Department by:
 - a. Deleting one 1.0 FTE Chief Child Support Attorney (NCO); and
 - b. Adding one 1.0 Attorney III.
 - 3. Amend Napa County Policy Manual, Part I as outlined in Exhibit "A" of the Resolution.

- W.** Director of Human Resources and Director of Health and Human Services Agency request adoption of a resolution amending the Departmental Allocation List as follows, effective December 5, 2017, with a net decrease of one full-time equivalent:
1. Amend the Departmental Allocation List for the Fiscal Division of the Health and Human Services Agency by:
 - a. Deleting two 1.0 FTE Accounting Assistant; and
 - b. Adding one 1.0 FTE Supervising Staff Services Analyst.
- X.** County Executive Officer and Director of Human Resources request adoption of a resolution establishing a \$1,000 Matching Employer Contribution for Management, Confidential and Non-Classified officers and employees who are participants in Napa County's 401(a) Retirement Savings Plan during calendar year 2018.
- Y.** County Executive Officer acting as the Director of Emergency Services requests the Board review and continue a Proclamation of Local Emergency for the 2017 Napa Fire Complex that began on October 8, 2017.
- Z.** County Executive Officer requests the Board review and continue the Local Health Emergency which began on October 13, 2017 related to the 2017 Napa Fire Complex.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

8. PUBLIC COMMENT

In this time period, anyone may address the Board of Supervisors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

9. SET MATTERS OR PUBLIC HEARINGS

A. 8:00 AM

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

B. 9:10 AM PUBLIC HEARING

Director of Planning, Building and Environmental Services requests adoption of a resolution establishing certain Agricultural Preserves (Types A & H), and approval of and authorization for the Chair to execute the following Williamson Act related contracts:

Item 9B...Continued

1. Rescind ten (10) existing contracts and replace with thirteen (13) new contracts with the following applicants:
 - a. Rogers LPRP Legacy Trust, in the general location of Conn Valley Road and Rossi Road (rescinding 2 contracts and replacing with 2 contracts).
 - b. Hudsonia LLC., in the general location of State Highway 12 and Henry Road (rescinding 2 contracts and replacing with 2 contracts).
 - c. Duckhorn Wine Company, in the general location of Silverado Trail and Lodi Lane (rescinding 1 contract and replacing with 1 contract).
 - d. Hudsonia LLC., in the general location of Henry Road and Lovall Valley Road (rescinding 2 contracts and replacing with 2 contracts).
 - e. SPP Napa Vineyards LLC. and AVR 2016 LLC., in the general location of Silverado Trail and the terminus of Big Ranch Road (rescinding 1 contract and replacing with 2 contracts).
 - f. SPP Napa Vineyards LLC., Big Ranch Road Investors LP, and Jaeger Family Trust, in the general location of Silverado Trail and the terminus of Big Ranch Road (rescinding 2 contracts and replacing with 4 contracts).
2. Approving nine (9) new contracts with the following applicants:
 - a. Raymond Vineyard & Cellar Inc., in the general location of State Highway 29 and Zinfandel Lane.
 - b. Ste. Michelle Wine Estates Ltd., in the general location of Wooden Valley Road and Wooden Valley Cross Road.
 - c. FN Land LLC., in the general location of 3rd Avenue and Blue Oak Lane.
 - d. FN Land LLC., in the general location of 3rd Avenue and Barrow Lane.
 - e. FN Land LLC., in the general location of 3rd Avenue and Hagen Road.
 - f. FN Land LLC., in the general location of State Highway 29 and South Whitehall Lane.
 - g. FN Land LLC., in the general vicinity of State Highway 29 and Oakville Cross Road.
 - h. FN Land LLC., in the general vicinity of Acacia Drive and Oakville Grade.
 - i. Tadaima Inc., in the general vicinity of Dry Creek Road and Orchard Avenue.

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 17: Open Space Contracts or Easements. It has been determined that this type of project does not have a significant effect on the environment and is exempt for the California Environmental Quality Act. [See Class 17 (Open Space Contracts or Easements) which may be found in the guidelines for the implementation of the California Environmental Quality Act at Title 14 CCR Section 15317.]

C. 9:20 AM

Recess to the Napa Berryessa Resort Improvement District (NBRID) meeting (see NBRID Agenda).

D. 9:25 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Steven Stull to a decision made by the Napa County Planning Commission (Planning Commission) on April 19, 2017 to approve the **Napa Custom Crush LLC/The Caves at Soda Canyon Use Permit Major Modification No. P16-00106** filed by Ryan Waugh.

The Planning Commission's approval of Napa Custom Crush LLC/The Caves at Soda Canyon allows the following: (1) an increase in annual production from 30,000 to 60,000 gallons; (2) construction of an approximately 2,400 sq. ft. cover over an existing outdoor paved area; (3) use of an existing private patio terrace (no construction) for daily tastings, marketing activities, and on-site consumption; (4) removal of internal cave wall to open access from the fourth portal to the patio terrace (wall installed under B15-01427 according to action by the Planning Commission); (5) conversion of approximately 400 sq. ft. of approved cave area to a kitchen (for the storage of refrigerated food and plating of food prepared off site by caterers); (6) a change in the hours of operation for production activities from the existing hours of 8AM – 6PM to proposed hours of 7AM – 6PM; (7) on-premises consumption of wine in the tasting room and on the areas in front of portal 2, the patio terrace, and the two outdoor areas in accordance with Business and Professions Code Sections 23358, 23390 and 23396.5; and (8) installation of a wastewater system and discontinued use of hold and haul. The project also includes an exception to the Napa County Road and Street Standards for improvements to the existing road. The project is within the Agriculture, Watershed and Open Space General Plan land use designation and within the Agricultural Watershed zoning district located on a 41.35 acre site approximately 2,200 feet west of Soda Canyon Road; approximately 4.0 miles north of the Silverado Trail/Soda Canyon Road intersection at 2275 Soda Canyon Road, Napa, California, APN 039-640-013.

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of an Addendum to the previously adopted 2006 Subsequent Mitigated Negative Declaration prepared for the Napa Custom Crush/Waugh Winery. Pursuant to CEQA Guidelines Section 15164 an addendum to an adopted mitigated negative declaration may be prepared if only minor technical changes or additions are necessary or if none of the conditions contained in Section 15162 calling for preparation of a subsequent negative declaration have occurred. This project site is not on any lists of hazardous waste sites enumerated under Government Code Section 65962.5.

(CONTINUED FROM AUGUST 1 AND AUGUST 29, 2017; APPLICANT, APPELLANT AND STAFF REQUEST A CONTINUANCE TO JANUARY 23, 2018 AT 10:00 A.M.)

E. 9:50 AM

Director of Public Works and County Executive Officer requests the following related to Roads funding:

1. Approval of the Roads Financing Plan;
2. Adoption of a resolution extending the term of the current \$2.5 million loan to Roads to June 30, 2022 and authorizing an additional loan of \$3.7 million from the Accumulated Capital Outlay to the Roads Fund;
3. Approval of Budget Transfer No. DPW035 for the following (4/5 vote required):
 - a. increasing appropriations in the Accumulated Capital Outlay Subdivision (3000000) in the amount of \$4 million offset by the use of ACO available fund balance;
 - b. increase appropriations in the General Expenditure Division (1051000) by \$1,740,000 offset by the commensurate decrease in the Appropriation for Contingency Division (1059000);

Item 9E...Continued

- c. increase appropriations in the Roads Operations Subdivision (2040000) in the amount of \$1,396,400 offset by the use of Roads Fund fund balance; and
 - d. Increase revenue and appropriations in the Roads Capital Improvement Subdivision (2040500) by \$7,136,400 as outlined in Attachment E of this agenda item offset by the transfer from the Roads Operations Subdivision, Accumulated Capital Outlay Subdivision and General Fund.
4. Approval of the 5-Year Measure T project plan (Attachment B and D) and authorization to submit the plan to the Napa Valley Transportation Authority (NVTA).

F. 10:00 AM PUBLIC HEARING

Director of Public Works requests the Board hold a public hearing and consider adopting a resolution outlining Napa County Five Year Capital Improvement Plan for Fiscal Years 2017-18 to 2021-22 as provided for by Government Code Section 66002.

G. 1:30 PM

Recess to the Napa County Flood Control and Water Conservation District (NCFCWCD) meeting (see NCFCWCD Agenda).

H. 2:00 PM PUBLIC HEARING

County Executive Officer requests adoption of one of the following ordinances:

1. An interim ordinance of the Board of Supervisors for the County of Napa, State of California, adopting a temporary moratorium on commercial cannabis activity in the unincorporated area of Napa County and declaring the urgency thereof; or
2. An interim ordinance of the Board of Supervisors for the County of Napa, State of California, adopting a temporary moratorium on commercial cannabis activity and outdoor cultivation of cannabis in the unincorporated area of Napa County and declaring the urgency thereof.

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.

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)].

10. ADMINISTRATIVE ITEMS**11. LEGISLATIVE ITEMS**

- A. County Executive Officer, on behalf of the Board of Supervisors' Legislative Subcommittee, requests discussion and possible adoption of Napa County's 2018 Federal and State Legislative & Policy Platforms. (Unanimous vote required)

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

15. CLOSED SESSION

A. 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., Napa County Superior Court #26-65757.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (1 case)

16. ADJOURNMENT

ADJOURN TO THE BOARD OF SUPERVISORS SPECIAL MEETING, TUESDAY, DECEMBER 19, 2017 AT 8:00 A.M.

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON DECEMBER 1, 2017 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE BOARD OF SUPERVISORS AND AVAILABLE FOR PUBLIC INSPECTION.

Gladys I. Coil (By e-signature)
GLADYS I. COIL, Clerk of the Board