

Napa County

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559



Agenda

Tuesday, November 16, 2021

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor**

Board of Supervisors

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
Thomas C. Zeleny, Interim County Counsel
Neha Hoskins, Clerk of the Board*

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 310, 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 the California Government Code.

This is a simultaneous meeting of the Board of Supervisors of Napa County, the Napa County Public Improvement Corporation, the Silverado Community Services District, the Monticello Public Cemetery District, the In-Home Support Services Public Authority of Napa County, the Lake Berryessa Resort Improvement District, the Napa Berryessa Resort Improvement District, the Napa County Housing Authority and the Napa County Groundwater Sustainability Agency. The five District Supervisors also serve as the Board of Directors for each of the aforementioned entities.

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

How to Watch or Listen to the Napa County Board of Supervisors Meetings****FACE MASKS MUST BE WORN AT ALL TIMES WHILE IN THE BOARD CHAMBERS.****

The Napa County Board of Supervisors will continue to meet pursuant to the adopted 2021 calendar available at the following link:

www.napa.legistar.com

The Board realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Please watch or listen to the Board of Supervisors meeting in one of the following ways:

1. Watch on your TV - Napa Valley TV Channel 28 (programming subject to local pre-emption rules and schedules).
2. Listen on your cell phone via Zoom at 1-669-900-6833 then enter Meeting ID 842-343-169 once you have joined the meeting.
3. Watch via the Internet – view the Live Stream
 - a. via Zoom at the following link: <https://www.zoom.us/join> then enter Meeting ID 842-343-169.
 - b. via Granicus by clicking on the following link: http://napa.granicus.com/ViewPublisher.php?view_id=2
4. You may submit public comment for any item that appears on the agenda or general public comment for any item or issue that does not appear on the agenda by emailing your comment to the following email address: publiccomment@countyofnapa.org. EMAILS WILL NOT BE READ ALOUD.

Via telephone: please call the Board of Supervisors Public Comment Line at (707) 299-1776.

Please mute all audio devices and do not use the speakerphone to prevent echoing.

Please provide your name and the agenda item on which you are commenting. Calls will be placed on hold and heard in the order received. The above-identified measures comply with all legal requirements for participation and public comment, including those imposed by the Ralph M. Brown Act and Executive Order, as amended by AB 361.

For more information, please call (707) 253-4421 or email publiccomment@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 regular and special meetings:

[21-1202](#)

August 18, 2020, October 20, 2020, and November 10, 2020.

Attachments: [August 18, 2020](#)

[August 18, 2020](#)

[October 20, 2020](#)

[October 20, 2020](#)

[November 10, 2020](#)

[November 10, 2020](#)

4. PRESENTATIONS AND COMMENDATIONS

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

[21-1212](#)

5. DEPARTMENT HEAD REPORTS AND ANNOUNCEMENTS**6. CONSENT ITEMS - SPECIAL DISTRICTS****Napa County Housing Authority**

- A. Auditor-Controller requests acceptance of the internal audit quarterly monitoring report to the Napa County Housing Authority for the quarter ended June 30, 2021.

[21-1209](#)

Attachments: [NCHA Internal Audit Report](#)

Lake Berryessa Resort Improvement District

- B. District Engineer requests adoption of a Resolution authorizing District Engineer to sign a Funding Agreement and related documents under the Small Community Drought Relief Program for Drought Emergency and Water Supply Sustainability Project for reimbursement of costs up to \$700,000 to improve the ability to extract water from Putah Creek to serve the community in extreme drought conditions.

[21-1080](#)

Attachments: [LBRID Resolution](#)

- C. District Engineer requests approval of the following actions: [21-1223](#)

1. Authorization for the Chair to sign a Pass Through Grant Subaward for the term of July 1, 2021 through June 30, 2024 for a maximum of \$7,580,000 of which \$2,580,000 is for critical water supply projects and the balance to County Fire for fuel reduction, suppression, and wildfire safety improvement projects; and
2. Approval of a Budget Transfer to establish appropriations of \$2,580,000 in a newly created capital improvement Project (Organization 5220500, Project 22009) for the LBRID Sustainable Water Supply Project with offsetting revenue from the grant (4/5 vote required).

Attachments: [Agreement](#)

Napa Berryessa Resort Improvement District

- D. District Engineer requests approval of a Budget Transfer for the following (4/5 vote required): [21-1224](#)

1. Increase intrafund transfers-out appropriations by \$70,000 in the LBRID Administration budget (Fund 5220, Organization 5220000) with offsetting use of its available fund balance; and
2. Increase Rents and Leases -Equipment appropriations by \$70,000 in the Alternative Intake Project (Fund 5220, Organization 5220500, Program 21021) with offsetting intrafund transfers-in from the LBRID Administration budget.

7. CONSENT ITEMS

County Departments

Auditor-Controller

- A. Auditor-Controller requests the Board to accept and instruct the Clerk of the Board to file the quarterly report of donations received for the quarter ended September 30, 2021. [21-1168](#)

Attachments: [Quarterly Donations Report](#)

- B. Auditor-Controller requests the Board to accept, and instruct the Clerk of the Board to file, a report on Community Facilities Districts 2012-1 (MST) for fiscal year 2020-21 in compliance with Section 50075.1 of the California Government Code. [21-1186](#)

Attachments: [Report](#)

County Executive Office

- C. County Executive Officer requests approval of and authorization for the Chair to sign Agreement No. 220197B for Steele Canyon and Agreement No. 220198B for Spanish Flat with Sun Lake Berryessa LLC (Sun Communities) for the term beginning December 1, 2021 thru November 30, 2023 for an amount based upon 1% of the gross receipts to provide concessionaire services at both resorts. [21-950](#)
- Attachments:** [Agreement - Steele Canyon](#)
[Agreement - Spanish Flat](#)
[Fee Changes - Steele Canyon](#)
[Fee Changes - Spanish Flat](#)
[BOR Letter of Approval](#)
- D. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with K&L Gates, LLP and Platinum Advisors DC, LLC for the term October 27, 2021, through June 30, 2024, for a maximum annual amount of \$180,000 for Federal Legislative & Regulatory Advocacy Services. [21-975](#)
- E. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 190220B with Arts Council Napa Valley, extending the term through June 30, 2024, with an automatic renewal of up to two (2) additional (1) year terms for the shared use of a software program to accept and manage grant applications and reports for the Special Projects Arts & Culture Grants. [21-1170](#)
- Attachments:** [Agreement](#)
- F. County Executive Officer requests approval of the Napa County Arts & Culture Advisory Committee (ACAC) amended grant guidelines, including updates to the sections of funding categories, multiple grant requests, and maximum grant requests, for the FY 2022-23 grant award cycle. [21-1191](#)
- Attachments:** [2022-23 Grant Guidelines](#)
[2022-23 Grant Guidelines \(Tracked Changes\)](#)

- G.** County Executive Officer requests reappointment of the following members to the Napa County Arts and Culture Advisory Committee (ACAC), as recommended by the ACAC: [21-1199](#)

1. Reappointment of Teresa Ann Foss, representing County At-Large (1-Year Term), with the term to commence immediately and expire September 30, 2022.
2. Reappointment of James Thomas Bailey, representing Presentation/Performing Arts, with the term to commence immediately and expire September 30, 2024.
3. Reappointment of Jessica Lee Penman, representing County At-Large (3-Year Term), with the term to commence immediately and expire September 30, 2024.

Attachments: [Foss Application](#)
[Bailey Application](#)
[Penman Application](#)
[ACAC Recommendation](#)

- H.** County Executive Officer requests the following actions regarding the Napa County Commission on Aging: [21-1228](#)

1. The appointment of John Pearson to represent Organization Concerned with Older Adults, with the term to commence immediately and expire September 30, 2023;
2. The reappointments of the Heather Stanton, Victoria Lancaster, Mary Palmer, and Beverly Saxon Leonard, with terms to commence immediately and expire September 30, 2023; and
3. The appointment of Naomi Dreskin-Anderson to be appointed as Commissioner Emeritus.

Attachments: [Pearson Application](#)
[Pearson Recommendation](#)
[Stanton Application](#)
[Lancaster Application](#)
[Palmer Application](#)
[Leonard Application](#)
[Dreskin-Anderson Recommendation](#)

County Fire Department

- I.** County Fire Chief requests approval of the following actions regarding funds awarded by CalOES: [21-1222](#)
1. Authorization for the Chair to sign a Pass Through Grant Subaward for the term of July 1, 2021 through June 30, 2024 for a maximum of \$7,580,000 of which \$5,000,000 is for fuel reduction, suppression, and wildfire safety improvement projects with the balance to the Lake Berryessa Resort Improvement District for critical water supply projects;
 2. Budget Transfer increasing appropriations in the Fire Operation Subdivision (2100000) by \$1,714,000 and the Fire Marshal (2100001) Subdivision by \$3,286,000 with offsetting revenue from the grant (4/5 vote required); and
 3. Establishment of a capital asset in the amount of \$85,000 in the Fire Marshal's Subdivision (21000001) for the purchase of a new chipper tow vehicle. (4/5 vote required)

Attachments: [Agreement](#)

Health and Human Services Agency

- J.** Director of Health and Human Services requests approval of and authorization for the Chair to sign Agreement No. 220169B with Social Change Partners, LLC for a maximum of \$94,500 for the term November 16, 2021 through August 31, 2022 for the development and submission of Napa County's Title IV-E Prevention Program Plan (FFPSA). [21-992](#)

Attachments: [Agreement](#)

- K.** Director of Health and Human Services requests approval of and authorization for the Chair to sign Agreement No. 220166B with the California Department of Health Care Services for the Intergovernmental Agreement Regarding Transfer of Public Funds for the term January 1, 2021 through June 30, 2024 for the transfer of approximately \$2,000,000 to fund the non-federal share of Medi-Cal Managed Care actuarially sound capitation rates. [21-993](#)

Attachments: [Agreement](#)

- L. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 220199B (formerly Agreement No. 8614) with Stanford Youth Solutions, Inc. increasing the amount by \$118,800 for a new annual maximum of \$236,500 for the term November 16, 2021 through June 30, 2022 and each subsequent renewal and replacing the Scope of Work and Compensation exhibits to provide parent partner services to families whose children are enrolled in the Nexus Wraparound Program or are part of the Child Welfare system. [21-1067](#)

Attachments: [Agreement](#)

Human Resources – Division of CEO’s Office

- M. Director of Human Resources and County Executive Officer request adoption of a Resolution amending the Departmental Allocation List for the Housing and Homeless Services Division of the County Executive Office, as follows, effective November 16, 2021, with a net increase of one full-time equivalent, and a slight decrease to the General Fund by: [21-1226](#)

1. Deleting two 1.0 FTE Staff Services Analyst I/II*;
2. Adding one 1.0 FTE Accounting Assistant;
3. Adding one 1.0 FTE Accounting Assistant - Limited Term**; and
4. Adding one 1.0 FTE Staff Services Manager.

*Delete one vacant FTE upon Board of Supervisors approval, and delete second FTE upon subsequent vacancy.

**Limited Term through December 31, 2022.

Attachments: [Resolution](#)

Information Technology Services – Division of CEO’s Office

- N. Chief Information Officer requests approval and authorization for the Chair to sign an Agreement with TelePacific Corp. (TPX) for a monthly charge of \$7,285 plus taxes and usage fees for a three-year term for telecommunications services. [21-1171](#)

Attachments: [Agreement](#)

Planning, Building and Environmental Services (PBES)

- O.** Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign an agreement with Environmental Services Associates, Inc. (ESA), for a maximum of \$276,719 for the term November 2, 2021 through June 30, 2023 with an automatic rollover at the end of each fiscal year for up to two (2) additional one-year terms, for purposes of assisting to conduct an environmental analysis, in accordance with the California Environmental Quality Act (CEQA), of the proposed Clover Flat Landfill solid waste permit boundary expansion project. [21-1050](#)
- Attachments:** [Agreement](#)
- P.** Director of Planning, Building and Environmental Services requests adoption of resolution establishing bylaws for the conduct of business by the Housing Element Advisory Committee (HEAC). [21-1174](#)
- Attachments:** [Resolution HEAC Bylaws](#)
- Q.** Director of Planning, Building and Environmental Services requests approval of and authorization for the Chair to sign an Agreement with Ascent Environmental, Inc. for a maximum of \$97,485 for the term November 16, 2021 through June 30, 2023 to prepare a comprehensive update to the Regional Greenhouse Gas (GHG) Emission Inventory, an optional technical memorandum on short-lived climate pollutants, and an optional technical memorandum on the potential for carbon sequestration in Napa County. [21-1192](#)
- Attachments:** [Agreement](#)

Public Works

- R.** Director of Public Works requests the following actions regarding guardrail and striping safety projects: [21-844](#)

1. Adoption of three resolutions related to agreements with the California Department of Transportation State funding for local transportation related projects. and specifying definitions, terms and conditions:
 - a. Master Funding Agreement for State Funded Projects No. 04-5921S21;
 - b. Program Supplemental for State Funded Projects No. 000000X11; and
 - c. Program Supplemental for State Funded Projects No. 000000X46.
2. Creation of new Capital Improvement Projects (CIP) within the Roads Capital Improvement Program budget (Fund 2040, Org 2040500) for HSIP Cycle 10 Striping Project (Project 22003) and for HSIP Cycle 10 Guardrail Project (Project 22004); and
3. Approval of a Budget Transfer for the following (4/5 vote required):
 - a. Increase appropriations by \$365,500 in the Accumulated Capital Outlay Fund (ACO) (Fund 3000, Org 3000000) with the use of its available fund balance;
 - b. Increase appropriations by \$270,000 in Project 22003 budget offset by an increase in revenue from the transfer from the ACO budget; and
 - c. Increase by \$95,500 in Project 22004 budget offset by an increase in revenue from the transfer from the ACO budget.

Attachments: [Resolution - Caltrans](#)
[Resolution - Guardrail](#)
[Resolution - Striping](#)
[HSIP Cycle 10 Striping Road List](#)

- S.** Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 4 to Lease Agreement No. 170064B with James B. Duncan and Nancy A. Duncan for space located at 1834 Soscol Avenue, within the City of Napa, extending the term through January 31, 2023, increasing the monthly rent by \$176 for a new monthly rent of \$3,491 for the term February 1, 2022 through January 31, 2023, to continue to house an Evening Reporting Center for youth for the Napa County Probation Department. [21-1099](#)

Attachments: [Agreement](#)

- T. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Space License Agreement No. 220178B with Ole Health to add a termination date of June 30, 2022, with two additional automatic one-year renewals, to provide for changes in the allocation of space as well as adjusting permitted uses and administration of COVID-19 vaccinations in clinic space within Building B of the South Campus Facility located at 2751 Napa Valley Corporate Drive, Napa. [21-1173](#)

Attachments: [Agreement](#)

- U. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No.1 to Agreement No. 170527B (formerly Agreement No. 7418) with M&M Sanitary, LLC to increase annual maximum compensation by \$4,000 for a new maximum of \$5,000 per fiscal year to provide additional portable toilet cleaning services that are required to support fire suppression aircraft operations. [21-1194](#)

Attachments: [Agreement](#)

- V. Directors of Public Works and Planning Building and Environmental Services request the following actions regarding the White/Sobelman Abatement (3435 Redwood Road, APN: 035-320-002-000) (4/5 Vote Required): [21-1215](#)
1. Creation of a new Roads Capital Improvement Project 22006 (Fund 2040, Org 2040500); and
 2. Approval of Budget Transfer for the following:
 - a. Increase appropriation by \$800,000 in the Accumulated Capital Outlay Fund (ACO) (Fund 3000, Org 3000000) with use of its available fund balance; and
 - b. Increase appropriations by \$800,000 in Project 22006 budget with offsetting revenue from the transfer from the ACO.

Attachments: [Notice of Nuisance](#)
[Citation Order to Correct Code Violation](#)
[Administrative Hearing Decision](#)
[Default Judgment](#)

8. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDARS

9. PUBLIC COMMENT

(for all matters not listed on the agenda but are within the jurisdiction of the Board of Supervisors and Special Districts as shown on page 1)

10. ADMINISTRATIVE ITEMS - SPECIAL DISTRICTS

11. ADMINISTRATIVE ITEMS**County Departments****12. SET TIME MATTERS OR PUBLIC HEARING - SPECIAL DISTRICTS****Napa County Groundwater Sustainability Agency****A. PUBLIC HEARING 1:30 PM - 5 Minutes**[21-988](#)

Director of Planning, Building and Environmental Services to present the Draft Napa County Groundwater Sustainability Plan.

(STAFF REQUESTS CONTINUATION TO TUESDAY,
DECEMBER 7, 2021 AT 1:45 PM)

13. SET MATTERS OR PUBLIC HEARINGS**County Departments****County Executive Office****A. SET MATTER 9:05 AM - 30 Minutes**[21-967](#)

Presentation by County Public Health Officer and discussion regarding the Coronavirus (COVID-19) situation, for Board direction and possible action.

B. SET MATTER 10:00 AM - 5 Minutes[21-1217](#)

Napa County Office of Education will present the results of the Williams Monitoring visits in Napa County Schools.

Elections**C. PUBLIC HEARING -10:30 AM - 1 Hour**[21-859](#)

Board of Supervisors will take public testimony and provide direction to staff on preparing final map adjusting supervisor district boundaries using 2020 US Census data for adoption by resolution at a public hearing on December 7, 2021.

County Executive Office**D. SET MATTER 11:30 AM - 30 Minutes****[21-1219](#)**

County Executive Officer requests the following actions related to a portion of the American Rescue Plan Act (“ARPA”) funds:

1. Authorization to release a Request for Proposal for a Napa County Community Grants Program to solicit applications for community investment projects to address systemic needs of those affected by COVID-19; and
2. Discussion of and direction to staff regarding the community’s focus areas as needed; and
3. Discussion of and direction to staff regarding evaluation parameters for the applications; and
4. Discussion of and direction to staff regarding coordination with Tobacco Master Services Agreement process; and
5. Designate one or two Board members to serve on the application review panel.

Attachments: [Interim Final Rule](#)
[Compliance Guidelines](#)
[Expenditure Categories List](#)
[Education Presentation](#)
[Draft RFP](#)

Planning, Building and Environmental Services (PBES)

- E. PUBLIC HEARING 2:00 PM - 2 Hours (Benjamin Ranch Winery Appeal) [21-1230](#)**

Consideration and possible action regarding an appeal filed by Michael Honig/Keep Rutherford Rural (Appellant) to a decision by the Napa County Planning Commission on May 19, 2021, to approve Use Permit Application No. P13-00371-UP submitted by Frank Family Vineyards, LLC (Applicant) to construct and operate a new 475,000-gallon per year winery known as Benjamin Ranch Winery (the Winery or the Project) as further described in the Board Agenda Letter for this matter. The Project would be located at 8895 Conn Creek Road, St. Helena and is assigned with Assessor's Parcel Numbers (APNs) 030-120-016 and 030-120-017 (the Property).

**(APPELLANT, APPLICANT AND STAFF REQUEST
CONTINUATION TO TUESDAY, MARCH 8, 2022 AT 1:30 PM)**

Attachments: [A - Appeal Packet](#)
[B - Witness List \(Appellant and Applicant\)](#)
[C - Revised Mitigated Negative Declaration](#)
[D - Applicant's Good Cause Request](#)
[E - Appellant's Good Cause Request](#)
[F - Chair's Good Cause Determination](#)
[G - Applicant's Supplemental Argument](#)
[H - Appellant's Supplemental Argument](#)
[I - Public Comments as of 11-3-21](#)
[J - Planning Commission Conditions of Approval](#)
[K - Graphics](#)

- 14. LEGISLATIVE ITEMS**
- 15. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS**
- 16. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS**
- 17. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS**

18. CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) [21-1231](#)

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

19. ADJOURNMENT

**ADJOURN TO THE BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY,
DECEMBER 7, 2021 AT 9:00 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 FRIDAY, NOVEMBER 12, 2021 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.

Neha Hoskins (By e-signature)

NEHA HOSKINS, Clerk of the Board