



Meeting Minutes

Napa County 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

Tuesday, August 24, 2021

9:00 AM

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

Special Meeting (Closed Session) - 8:00 AM

1. CALL TO ORDER; ROLL CALL

Present: Chair Alfredo Pedroza, Supervisors Brad Wagenknecht, Diane Dillon, Ryan Gregory, and Vice Chair Belia Ramos. The meeting was called to order by Chair Alfredo Pedroza.

2. PLEDGE OF ALLEGIANCE

Supervisor Diane Dillon led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

None

4. PRESENTATIONS AND COMMENDATIONS

None

5. DEPARTMENT HEAD REPORTS AND ANNOUNCEMENTS

None

****CONTINUED ON NEXT PAGE****

6. CONSENT ITEMS - SPECIALDISTRICTS

Lake Berryessa Resort Improvement District

- A. District Engineer requests approval of a Budget Transfer for the following (4/5 vote required): [21-780](#)

- 1. Increase intrafund transfers-out appropriations by \$60,000 in the LBRID Administration budget (Fund 5220, Organization 5220000)with offsetting use of its available fund balance; and
- 2. Increase construction services appropriations by \$60,000 in the Alternative Intake Project (Fund 5220, Organization 5220500, Program 21021) with offsetting intrafund transfers-in from the LBRID Administration budget.

Correction memorandum provided.

Motion Text: Approve Special Districts Consent Calendar as amended.
Voting Yes: Gregory, Wagenknecht, Dillon, Ramos, and Pedroza
Corrections/Recusals: None
Result: Passed

7. CONSENT ITEMS

Motion Text: Approve Consent Calendar as amended.
Voting Yes: Gregory, Wagenknecht, Dillon, Ramos, and Pedroza
Corrections/Recusals: None
Result: Passed

County Departments

Agricultural Commissioner

- A. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign the renewal of Revenue Agreement No. 170909B with the Department of Food & Agriculture (CDFA) for a maximum of \$500 for the term July 1, 2021 through June 30, 2022 for activities related to the performance of nursery inspections and enforcement work. [21-772](#)

Enactment No: A-170909B

Auditor-Controller

- B. Auditor-Controller requests adoption of a resolution authorizing the implementation of the Teeter Plan as follows: [21-773](#)
 - 1. Authorize the issuance of a promissory note, in the amount of \$5,268,793, to fund payment of the Fiscal Year 2020-21 delinquent secured taxes;
 - 2. Authorize the Chair and Clerk of the Board to sign the note; and
 - 3. Authorize the continuance of the Teeter Plan, as governed by Revenue and Taxation Code, for Fiscal Year 2021-22.

Enactment No: R-2021-95

County Counsel

- C. County Counsel requests approval and ratification of a conflict waiver with Best Best & Krieger LLP in connection with Sun Communities' proposed development of recreational facilities and concessions at Lake Berryessa. [21-755](#)

County Fire Department

- D. County Executive Officer/Purchasing Agent and County Fire Chief requests a waiver of competitive bidding requirements and sole source award for the purchase of one Type 5 (an initial attack engine on a medium duty chassis where the gross vehicle weight rating of chassis the is in the 16,000 to 26,000 pound range) Patrol Vehicle from Golden State Fire Apparatus/Pierce Manufacturing in Sacramento, California, for an approximate total of \$315,000 pursuant to County Ordinance Code 2.36.090. [21-812](#)

Housing and Homeless Services – Division of CEO’s Office

- E. County Executive Officer requests adoption of a resolution approving the re-direction of Community Development Block Grant-Disaster Recovery funds in the amount of \$420,094 to the City of Napa for the purpose of replacing affordable housing lost as a result of the 2017 wildfires for a project located within the jurisdiction of the City of Napa. [21-816](#)

Enactment No: R-2021-96

- F. County Executive Officer requests the adoption of a resolution authorizing a joint grant application with Burbank Housing Development Corporation in the amount not to exceed \$700,000 for a second round of Project Homekey funds to complete renovation on an apartment complex to create 16 permanent supportive housing units. [21-817](#)

Correction memorandum provided.

Enactment No: R-2021-97

- G. County Executive Officer requests adoption of a resolution rescinding and replacing Resolution No. 2020-146 authorizing the final grant application with Burbank Housing Development Corporation in the amount not to exceed \$3,000,000 for Project Homekey Round 1 to update authorized signatories for grant-related documents. [21-818](#)

Correction memorandum provided.

Enactment No: R-2021-98

Human Resources – Division of CEO’s Office

- H. Director of Human Resources requests approval of and authorization for the Chair to sign Agreement No. 220061B with Cooperative Personnel Services, doing business as CPS HR Consulting for a maximum of \$200,000 for the term of July 1, 2021 through June 30, 2022, with an option to extend for two additional years, to provide executive search services, organizational development, and training services for Napa County. [21-608](#)

Enactment No: A-220061B

- I. Director of Human Resources and Assessor-Recorder-County Clerk request adoption of a Resolution amending the Departmental Allocation List for Assessor’s Division of the Assessor-Recorder-County Clerk’s Office, by adding one 1.0 FTE Appraiser I - Limited Term, effective August 24, 2021, through June 30, 2023, with a temporary net increase of one full-time equivalent. [21-803](#)

Enactment No: R-2021-99

Library

- J. Director of Library Services and Community Outreach requests the following: [21-801](#)
1. Acceptance of a \$20,000 donation from Friends of the Napa Library to support guest speakers, projects and programs; and
 2. Authorization for the Chair to sign a letter of appreciation in acceptance of this donation.

Public Works

- K. Director of Public Works requests the following regarding the 2020 LNU Fire Guardrail Replacement Project, RDS 20-40: [21-717](#)
1. Award of the contract to Midstate Barrier, Inc., of Stockton, California for their low base bid of \$1,198,062 and for the Chair to sign the construction contract; and,
 2. Approval of a Budget Transfer for the following (4/5 vote required):
 - a Increase appropriations by \$1,500,000 in the Accumulated Capital Outlay Fund (ACO) (Fund 3000, Org 3000000) with the use of its available fund balance to be transferred to 2020 LNU-FHWA Guardrail Project (Fund 2040, Org 2040500, Project 21028); and
 - b Increase appropriations by \$1,500,000 in Project 21028, RDS20-40 offset by transfer from the ACO budget.
- L. Director of Public Works requests approval of 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 LNU Fire Complex Guardrail Repair Project, RDS 20-39. [21-722](#)
- M. Director of Public Works request the following actions regarding the Silverado Trail Bridge Over Bell Canyon Creek Project: [21-766](#)
1. Approval of Budget Transfer for the following (4/5 vote required):
 - a Increase appropriations by \$88,000 in the SB-1 Non-Operating Special Revenue Fund (SRF) budget (Fund 2440, Org 1220052) to transfer to the Project (Fund 2040, Org 2040500, Project 21031) offset by use of its available fund balance; and
 - b. Increase appropriations by \$88,000 in Project 21031 budget offset by an increase in revenue from the transfer from the SB1 SRF budget.
- N. Director of Public Works requests approval of the following actions regarding the 2020 Glass Fire Guardrail Repair Project, RDS20-48: [21-792](#)
1. Approval of plans and specification 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 and;
 2. Approval of Budget Transfer for the following (4/5 vote required):
 - a Increase appropriations by \$75,000 in the Accumulated Capital Outlay Fund (Fund 3000, Org 300000) offset by use its available fund balance; and
 - b Creation of a new project Fund 2040, Org 2040500, Project 21055, and provide appropriations of \$75,000 in Project 21055 budget with offsetting revenue from the transfer from the Accumulated Capital Outlay Fund to fund project through bidding.

- O. Director of Public Works requests approval adding additional streets to a previously approved paving project and changing the name of Roads Capital Improvement Project (CIP) Project 21066 to Olive Hill/Mt. George/ W Zinfandel and Finnell. [21-802](#)

Enactment No: 220084B

Risk and Emergency Services (OES) – Division of CEO’s Office

- P. County Executive Officer/Director of Emergency Services requests approval of a Budget Transfer increasing appropriations in the Emergency Services subdivision budget by \$328,379 with offsetting revenue from FY2019 Public Safety Power Shutoffs (PSPS) Resiliency Allocation Agreement and FY2020 Community Power Resiliency Allocation Agreement for the purchase of four mobile generators. (4/5 Vote Required) [21-815](#)

Sheriff

- Q. Sheriff requests approval of and authorization for the Chair to sign the renewal of Revenue Agreement No. 170821B with the Napa County Office of Education for a maximum of \$124,444 for the school year term August 18, 2021 through June 15, 2022 to fund a School Resource Officer assigned to provide campus safety at Juvenile Court and Camille Creek Community School. [21-753](#)

Enactment No: A-170821B

8. DISCUSSION OF ITEMS PULLED FROM CONSENT CALENDARS

None

9. PUBLIC COMMENT

Fourteen (14) people spoke during public comment.

10. ADMINISTRATIVE ITEMS - SPECIAL DISTRICTS

None

11. ADMINISTRATIVE ITEMS

None

12. SET TIME MATTERS OR PUBLIC HEARING - SPECIAL DISTRICTS

None

13. SET MATTERS OR PUBLIC HEARINGS

County Executive Office

- A. PUBLIC HEARING 2:00 PM - 2 Hours - SCARLETT WINERY Consideration and possible direction regarding an appeal filed by George and Nancy Montgomery (Appellant) a decision by the Planning Commission on January 15, 2020, to approve an application submitted by Sherrett Reicher, Alsace Company, LTD (Applicant) for a use permit (P16-00428-UP) to construct and operate a new 30,000 gallon per year winery known as the Scarlett Winery as further described in the Staff Report prepared for this matter. The project is located on an approximately 47.88 acre site at 1052 Ponti Road, which intersects with Skellenger Lane just west of Silverado Trail, St. Helena, CA; APN: 030-280-010 (the Property).

[21-038](#)

ENVIRONMENTAL DETERMINATION: Consideration and possible adoption of a Revised Mitigated Negative Declaration (Revised MND). According to the proposed Revised MND, the proposed project would not have any potentially significant environmental impacts after implementation of mitigation measures proposed for the following area: Transportation. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.

Chair Alfredo Pedroza went over the Chair's good cause determination to exclude items submitted late by the Appellant, such as a new traffic report, a 73-page document that exceeded the ten-page limit and included new evidence beyond the topic of noise, a 23-page good cause letter with exhibits that attempts to argue the record with new evidence, re-argues cumulative impacts and asserts that the hearing must be de novo, and a seven page letter that re-argues the Appellant's position on the Chair setting a deadline of July 18, 2021 at a prehearing conference for the submittal of supplemental legal arguments by the Appellant or Applicant.

Appellant witness Ellison Folk, present via teleconference, made presentation requesting the Board overrule the Chair's good cause determination. (No action taken.)

Supervisor Ryan Gregory disclosed he met with Applicant representatives Brien McMahon and Donna Oldford on Thursday, August 19, 2021 at the project site.

Vice Chair Belia Ramos disclosed she attended the same meeting as Supervisor Ryan Gregory.

Chair Alfredo Pedroza disclosed he spoke with Donna Oldford and visited the site individually on Monday, August 23, 2021.

Supervisor Brad Wagenknecht disclosed he visited the property and spoke briefly with Donna Oldford.

Supervisor Diane Dillon reported she had no disclosures other than driving down Ponti Road to view the project site but she didn't physically visit the property.

Planning, Building, and Environmental Services Supervising Planner Charlene Gallina made presentation with Deputy County Counsel Laura Anderson present.

Discussion held.

Appellant witness Ellison Folk made presentation.

Five (5) people spoke during public comment.

Applicant witness Donna Oldford made presentation.

Applicant witness Brien McMahon made presentation.

Appellant witness Ellison Folk provided rebuttal

Discussion held.

Director of Public Works Steven Lederer made presentation

Motion text:	To deny the appeal in its entirety and uphold the Planning Commission’s approval of the project.
Voting Yes:	Gregory, Pedroza, Ramos, and Wagenknecht
Voting No:	Dillon
Corrections/Recusals:	None
Result:	Passed

Public Works

B SET MATTER 9:00 A.M. - 45 Minutes [21-793](#)

Director of Public Works requests the Board receive an update on the status of negotiations with Illumination Technologies California (ITC), confirm or modify the Ad Hoc Committee’s recommendations to reject the original Monopole proposal and to work towards a fire sensing system agreement only, and potentially provide direction to staff to issue a Request for Proposal for a fire sensing technology system.

Director of Public Works Steven Lederer presented report.

Eleven (11) people made public comment.

Motion Text:	Authorize Director of Public Works to sign agreement.
Voting Yes:	Dillon, Gregory, Ramos, Wagenknecht, and Pedroza
Corrections/Recusals:	None
Result:	Passed

C. PUBLIC HEARING 9:30 AM - 10 Minutes

[21-609](#)

Director of Public Works requests adoption of a resolution increasing rates as shown in the resolution, effective October 1, 2021, for the residential and commercial operational cost associated with the collection of solid waste, recyclables, green waste, and food waste applicable to the Unincorporated Area of Garbage Zone One, a service which is provided by Napa County Recycling and Waste Services, LLC.

Director of Public Works Steven Lederer presented report.

Motion Text: Adopt Resolution.
Voting Yes: Dillon, Wagenknecht, Gregory, Ramos, and Pedroza
Corrections/Recusals: None
Result: Passed
Enactment No: R-2021-100

14. LEGISLATIVE ITEMS

None

15. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS **Supervisor Brad Wagenknecht reported on his bicycle tour with the Napa County Bicycle Coalition to gather ideas for further improvements on the trails.**

Supervisor Belia Ramos reported on the giving public comment at the California Redistricting Commission and raising concern about identification of the zip code of American Canyon being a Solano County zip code, and she wants to make sure American Canyon has the continuous representation at all the legislative levels as Napa County.

Chair Alfredo Pedroza reported on a meeting in Lake Berryessa at the Steele Canyon Fire Station regarding fire preparedness and was excited to announce some of the concessionaires with the communities. Chair Pedroza also discussed a delegation from Tuxpan, Jalisco where they were able to show the offices of Emergency Services, discuss governing structures and discuss how local municipalities are funded in Mexico.

16. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

None

17. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

None

18. CLOSED SESSION

- A. 8:00 AM Special Meeting - Closed Session
PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) [21-705](#)
Title: Chief Probation Officer

No reportable action.

- B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION [21-797](#)
Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2). (1 Case)

Item dropped.

- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION [21-821](#)
Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (1 Case)

No reportable action.

- D. CONFERENCE WITH REALPROPERTY NEGOTIATOR(Government Code Section 54956.8) [21-820](#)
Property: 2344 Old Sonoma Road, Napa, California
Agency Negotiator: Steve Lederer, Director of Public Works
Negotiating Parties: Napa County and Napa Community Real Estate Fund, LP
Under Negotiation: Price Terms of Payment

No reportable action.

- E. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [21-823](#)
(Government Code Section 54956.9(d)(1))
Name of Case: 3030 Airport Road, LLC vs. County of Napa et. al., Napa County Superior Court #19CV000257
Name of Case: County of Napa v. 3030 Airport Road, LLC et. al., Napa County Superior Court #19CV000305

No reportable action.

19. ADJOURNMENT

ADJOURN TO THE BOARD OF SUPERVISORS SPECIAL MEETING, TUESDAY, SEPTEMBER 14, 2021 AT 8:00 AM.

Neha Hoskins (By e-signature)

NEHA HOSKINS, Clerk of the Board