



A Tradition of Stewardship
A Commitment to Service

MINUTES OF THE
NAPA COUNTY - BOARD OF SUPERVISORS MEETING
COUNTY OF NAPA

December 15, 2009

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, December 15, 2009 at 9:00 a.m. with the following supervisors present: Chair Mark Luce, Supervisors Bill Dodd, Keith Caldwell and Brad Wagenknecht. Supervisor Diane Dillon was excused. Supervisor Bill Dodd arrived during Item No. 4. The meeting was called to order by Chair Mark Luce.

2. PLEDGE OF ALLEGIANCE

Senior Napa County Airport Operations Worker Michael Gregory led the assembly in the pledge of allegiance.

3. APPROVAL OF MINUTES

None.

4. PRESENTATIONS AND COMMENDATIONS

A. Presentation of Retirement Proclamation to Michael Gregory, Senior Napa County Airport Operations Worker in recognition of 31 years of public service.

Presented proclamation.

5. PUBLIC COMMENT

Al Cardwell spoke concerning the property taxes on his home.

6. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

None.

7. CONSENT ITEMS

Public Safety

A. Sheriff requests approval of and authorization for the Chair to sign an agreement with Tulocay Mortuary Inc. for the term December 15, 2009 through June 30, 2010, with an automatic renewal provision, to provide decedent transportation on a fee for

service basis.

A-7339

Human Services

B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements relating to the Universal Perinatal Home Visiting Program, each for the term November 1, 2009 through October 31, 2010, with no impact on the General Fund:

1. Revenue Agreement with Napa Valley Vintners, dba Auction Napa Valley, for a maximum of \$100,000;
2. Renewal of the following agreements to provide prenatal and infant home visitation services:
 - a. Agreement No. 6365 with Cope Family Center, Inc., for a maximum of \$4,410;
 - b. Agreement No. 6366 with Queen of the Valley Medical Center, Inc., for a maximum of \$28,155;
 - c. Agreement No. 6367 with St. Helena Hospital, Inc., for a maximum of \$10,810;
 - d. Agreement No. 6680 with Jennifer Wilson-Heun, PHN, for a maximum of \$10,810; and
 - e. Agreement No. 6920 with Ruth Sawyer, RN, for a maximum of \$10,810.

A-7340
A-6365
A-6366
A-6367
A-6680
A-6920

C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 3989 with Community Action of Napa Valley, Inc., increasing the amount by \$7,247 for a new maximum of \$90,103 to provide additional rent subsidies under the Transitional Residential Alliance and Integrated Network (TRAIN) grant for supportive services for the homeless.

A-3989 (Amend. 2)

D. Director of Health and Human Services requests approval of the following actions, and authorization for the Chair to sign the agreements relating to the establishment of Friday Night Live Chapters to help prevent underage drinking, with no impact on the General Fund:

1. Grant revenue agreement with Tulare County Office of Education/California Friday Night Live Partnership (CFNLP) for a maximum of \$28,000 for the term October 1, 2009 through September 30, 2010;
2. Agreements with the following entities, each for the term December 15, 2009 through September 30, 2010:

- a. On The Move, Inc., for a maximum of \$7,860; and
 - b. Napa Valley Unified School District, through its Valley Oak High School, for a maximum of \$5,000; and
3. Budget Transfer No. HHS009 appropriating \$28,000 in the Alcohol and Drug Services budget, with offsetting grant revenues from Tulare County Office of Education/CFNLP, to fund program operating costs and contract expenditures. (4/5 vote required)

A-7341
A-7342
A-7343
BT-HHS009

- E. Director of Health and Human Services requests approval of the following actions regarding the Centers for Disease Control and Prevention (CDC) Public Health Emergency Response (PHER) Phase III funding:

1. Authorization for the Chair to sign an agreement with the California Department of Public Health (CDPH) for a maximum of \$300,032 in CDC PHER funding for the term July 31, 2009 through July 30, 2010 for the implementation of an H1N1 vaccine/vaccination program; and
2. Budget Transfer No. HHS010 appropriating \$123,750 in the Public Health budget with offsetting revenues from CDPH to fund H1N1 response activities. (4/5 vote required)

A-7344
BT-HHS010

Community Resources & Infrastructure

- F. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Coastland Engineering for a maximum of \$52,000 for the term of December 15, 2009 through June 30, 2010 to provide assistance with sub-professional land surveying functions, including review of Certificates of Compliance, field surveying assignments, work with Geographic Information Systems (GIS), and serve as technical resource and peer review for co-workers in other land surveying functions.

A-7345

- G. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Wallace Environmental Consulting, Inc. for a maximum of \$39,890 for the term December 15, 2009 through June 30, 2010 to provide environmental analysis, consulting and reports for evaluating development actions for the Napa County Airport.

A-7346

- H. Director of Public Works requests approval of and authorization for the Chair to sign

Amendment No. 5 to Agreement No. 4923 with Empire Elevator Co., Inc., increasing the amount by \$5,135 for a new annual maximum amount of \$33,502, effective December 1, 2009, amending the Scope of Work to include the inspection and maintenance of elevators located in the Napa Fifth Street Parking Garage.

A-4923 (Amend. 5)

- I. Director of Public Works requests approval of and authorization for the Chair to sign the following agreements regarding the acquisition of an underground utility easement from the Napa Valley Wine Train, Inc. along State Route 29, from Galleron Lane to the St. Helena City Limits:
1. Agreement with the Napa Valley Wine Train, Inc., and the City of St. Helena for a maximum of \$700,000; and
 2. Agreement with the Napa County Flood Control and Water Conservation District (NCFCWCD) for a maximum amount of \$85,000 for the purchase of the Nord parcel.

Item removed for separate discussion. See Item 8.

General Admin & Finance

- J. Community and Intergovernmental Affairs Manager requests approval of and authorization for Chair to sign an agreement with the City of Napa for a maximum of \$9,500 for the term September 1, 2009 through June 30, 2010 for assistance in funding a consultant to prepare a model Request for Proposal/Request for Quote to solicit proposals for use of Affordable Housing funding.
- A-7347**
- K. Community and Intergovernmental Affairs Manager requests approval of and authorization for Chair to sign Amendment No. 2 to an agreement (formerly AUD 6233) with LeSar Development Company increasing the amount by \$24,975 for a new maximum of \$74,950 for services related to preparing a monitoring system for affordable housing loans.
- A-7348**
- L. County Counsel and County Executive Officer request adoption of a resolution establishing a \$1,000 Matching Employer Contribution for the benefit of all 401(a) Retirement Savings Plan participants for the 2010 calendar year and making Non-Matching Employer Contributions for the benefit of the Agricultural Commissioner/Sealer of Weights and Measures (\$6,000) and County Counsel (\$10,000).
- R-09-166**
- M. Director of Human Resources requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6937 with Delta Dental of California increasing the monthly premium rate from \$40.04 to \$41.32 for the term January 1, 2010 through December 31, 2010 for Delta Care Dental Health Maintenance Organization (DHMO) services.

A-6937 (Amend. 2)

N. Treasurer-Tax Collector requests the following:

1. Adoption of a resolution approving the sale of tax-defaulted property at public auction via Internet and authorization to re-offer any unsold parcel at a reduced minimum bid; and
2. A waiver of competitive bidding requirement and sole source award to Bid4Assets, 8757 Georgia Avenue, Suite 1330 Silver Spring, Maryland, for a cost of approximately \$800, pursuant to County Ordinance Code 2.36.090.

R-09-167

O. County Executive Officer/Purchasing Agent and Director of Public Works request the following:

1. Declare certain items of personal property, which are fixed and non-fixed assets, as surplus and no longer required for public use;
2. Authorize the disposal of the fixed asset surplus property items at public auction. (4/5 vote required); and
3. Authorize the Purchasing Agent to dispose of certain items by donation and by recycling.

P. County Executive Officer/Director of Emergency Services requests approval of and authorization for the Chair to sign a Letter of Promulgation accepting the Napa Operational Area Pre-disaster Hazard Mitigation Plan Coordinating Draft dated December 1, 2009.

Q. County Executive Officer/Director of Emergency Services requests adoption of a resolution extending the Proclamation of Local Emergency declared by the Board of Supervisors on October 13, 2009 by Resolution No. 09-137 related to the impacts of the H1N1 Influenza A Virus pandemic within Napa County.

R-09-168

R. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 7 to the Napa County Transportation & Planning Agency (NCTPA) Joint Powers Agreement No. 3061, revising the requirements of the alternate members, expanding NCTPA's scope of advisory duties, and making other technical amendments to the Agreement.

A-3061 (Amend. 7)

S. County Executive Officer requests the following actions related to the reappointment of David Whitmer to a new four year term as the Napa County Agricultural Commissioner/Sealer of Weights and Measures:

1. Adoption of a resolution amending the employment contract of the Napa County Agricultural Commissioner/Sealer of Weights and Measures for the purpose of reappointing him to a new four year term, including the limitations on severance required by Government Code section 53260 and clarifying his eligibility to receive Non-Matching 401(a) employer contributions; and

- 2. Approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6549 for the term January 1, 2010 through December 31, 2013.

R-09-169
A-6549 (Amend. 1)

T. County Executive Officer requests the following actions related to County Counsel:

- 1. Adoption of a resolution amending County Counsel's employment agreement relating to limitations on severance required by Government Code section 53260 and eligibility to receive Non-Matching 401(a) employer contributions; and
- 2. Approval of and authorization for the Chair to sign Amendment No. 6 to Agreement No. 2599 to reflect the changes.

R-09-170
A-2599 (Amend. 6)

U. County Executive Officer requests appointments/reappointments of the following applicants to the Napa County Tobacco Advisory Board with terms of office to expire January 31, 2012.

<u>Applicant</u>	<u>Representing</u>
Sally Sheehan-Brown*	Community Representative
James Tennant*	Community Representative
Maria Carter*	Health Care Organization
Betsy Titus**	Community Representative
Steve C. Wood	Health Care Organization

*incumbent
**applicant previously served in different category

Motion moved by Brad Wagenknecht, seconded by Bill Dodd, to approve consent items. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

8. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

Item 7I:

Director of Public Works Don Ridenhour presented an update on the item and requested it be removed from the agenda.

9. SET MATTERS OR PUBLIC HEARINGS

- A. 9:00 AM Recess to the Board of Equalization Meeting (**See BOE Minutes**).
- B. 9:40 AM Recess to the In-Home Supportive Services (IHSS) Public Authority of Napa County special meeting (**See IHSS Minutes**).
- C. 9:45 AM PUBLIC HEARING First and final reading and adoption of an ordinance amending Section 18.08.260 of Napa County Code defining "dwelling unit" and adding a new Section 18.104.410 prohibiting transient commercial occupancies of dwelling units.

ENVIRONMENTAL DETERMINATION: 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 (CEQA). The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity may have a significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. See Class 5 (Minor Alterations in Land Use Limitations) which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.) The project is also covered by the 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)).

O-1332

Deputy Director John McDowell, Code Enforcement Supervisor Dave Giudice and County Counsel Rob Paul presented item.

**Opened public hearing.
Testimony presented.**

Motion moved by Bill Dodd, seconded by Keith Caldwell, to continue the item for 90 days.

Keith Caldwell withdrew his second to the motion.

A motion by Bill Dodd to continue the item for 90 days failed for lack of a second.

Motion moved by Keith Caldwell, seconded by Brad Wagenknecht, to adopt the revised ordinance to take effect in 180 days and return to the Board in 90 days for a policy discussion. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

Read title.

Motion moved by Brad Wagenknecht, seconded by Bill Dodd, to waive

reading the balance of the ordinance. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

Motion moved by Keith Caldwell, seconded by Brad Wagenknecht, to approve adoption of the revised ordinance to take effect in 180 days and return to the Board in 90 days for a policy discussion. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

- D. 10:45 AM County Executive Officer to present the performance review and audit of billings and of revenue for contract services provided by Napa County Recycling & Waste Services (NCRWS), Napa County Garbage Zone 1, and direct staff to review the findings and recommendations with NCRWS to determine the steps necessary for NCRWS to be in complete compliance with the Agreement.

Solid Waste Program Manager Greg Pirie presented report.

R3 Consulting Group Principal, William Schoen, made presentation.

Held discussion.

Staff will develop a compliance plan and return to the Board at a later date.

- E. 11:00 AM Director of Public Works and Director of Conservation, Development and Planning request approval of the following actions regarding a project to provide recycled water to the Milliken-Sarco-Tulocay (MST) groundwater deficient area:

1. Adoption of a resolution:
 - a. Adopting findings, a statement of overriding considerations, and a mitigation monitoring and reporting program pursuant to the California Environmental Quality Act (CEQA);
 - b. Approving the "MST Local Project" as described in the Final Environmental Impact Report (EIR) regarding the North Bay Water Recycling Program prepared by the North Bay Water Reuse Authority (NBWRA); and
 - c. Approval of and authorization for the Chair to sign an Agreement with the Napa Sanitation District (NSD) whereby NSD agrees to reserve recycled water for implementation of the "MST Local Project" subject to specified terms and conditions; and
2. Approval of and authorization for the Chair to sign an agreement with the NSD whereby the County agrees to share NBWRA costs and participation for Fiscal Years 09/10 and 10/11.

**R-09-171
A-7349
A-7350**

Deputy Director of Public Works Felix Riesenbergl presented report.

Testimony presented.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve requested actions. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

- F. 1:30 PM Recess to the Napa County Flood Control and Water Conservation District (NCFCWCD) meeting (See NCFCWCD Minutes).

10. ADMINISTRATIVE ITEMS

Community Resources & Infrastructure

- A. Director of Public Works and Director of Library Services request the following actions regarding the "Calistoga Library Interior Paint and Floor Refinishing Project," PW 10-10:
1. Present the results of bid solicitation;
 2. Provide recommendation for the award of the contract;
 3. Authorization for the Chair to sign the contract consistent with the award recommendations; and
 4. Authorization to close the Calistoga Library from December 24, 2009, through January 3, 2010.

Civil Engineer Janet Walker presented report.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve requested actions. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

General Admin & Finance

- B. Registrar of Voters and Chief Information Officer to discuss options and request direction from Board as to management of mandatory redistricting of Supervisorial Districts which must be completed based on 2010 US Census data no later than November 1, 2011.

Registrar of Voters John Tuteur and Chief Information Officer Jon Gjestvang made presentation.

Held discussion.

- C. County Executive Officer and Clerk of the Board request discussion and acceptance of a 2010 Board of Supervisors meeting calendar.

Motion moved by Brad Wagenknecht, seconded by Bill Dodd, to approve requested action. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

- D. County Executive Officer requests discussion and possible action to authorize the Chair to sign a letter transmitting a response to the 2009-2010 Grand Jury's request

for an implementation and status update on recommendations made by the 2008-2009 Grand Jury in the following reports:

1. 2008-2009 Final Report on the Napa County Adult Probation Department
2. 2008-2009 Final Report on the Napa County Criminal Justice Facilities: County Jail.

Senior Management Analyst Molly Rattigan made presentation.

Correction: The date in the Department of Corrections response to Recommendation No. 1 should be April 2010 instead of April 2009.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve requested actions. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

- E. Discussion and possible direction to staff regarding a loan of \$250,000 from Special Projects Fund to Zin Haze Productions for the creation of a Napa Valley Film Festival. (Supervisors Luce and Wagenknecht)

Community and Intergovernmental Affairs Manager Larry Florin presented report.

Correction: The name of the organization requesting the loan is Cinema Napa Valley instead of Zin Haze Productions.

Mark and Brenda Lohmer of Cinema Napa Valley made presentation.

Motion moved by Mark Luce, seconded by Brad Wagenknecht, to approve a loan of \$50,000 to be paid back by the end of 2011. Motion passed 3 - 1, with Brad Wagenknecht, Mark Luce, and Bill Dodd voting yes / Keith Caldwell voting no / Diane Dillon absent.

Staff will return to the Board at a later date with specific terms and conditions for the loan.

- F. First reading and intention to adopt an ordinance amending the definition of hotel as it relates to houseboats in Section 3.32.020 (Transient Occupancy Tax) of the Napa County Code.
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.

County Counsel Robert Westmeyer introduced item.

Revisions to the ordinance were provided.

**Opened public hearing.
No testimony presented.
Closed public hearing.
Title read.**

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to waive reading the balance of the ordinance. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve motion of intent to adopt the revised ordinance. Motion passed 4 - 0, with Brad Wagenknecht, Mark Luce, Bill Dodd, and Keith Caldwell voting yes / Diane Dillon absent.

11. LEGISLATIVE ITEMS

Supervisor Mark Luce stated the County's legislative lobbyist Don Peterson passed away last Friday.

Supervisor Brad Wagenknecht received an e-mail from Supervisor Diane Dillon concerning upcoming hearings in the senate on S.1703 related to Indian Gaming. Supervisor Diane Dillon requested this matter be considered at the next Legislative Subcommittee meeting.

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

None.

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

None.

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

County Executive Officer Nancy Watt provided an update on the H1N1 flu pandemic and congratulated everyone that participated in the 3 very successful H1N1 vaccination clinics.

15. CLOSED SESSION

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

Name of Case: Lake Luciana LLC v. County of Napa, et al. (Napa County Superior Court # 26-49388 & US District Court # CV 09-4131 JSW)

Closed session held. No reportable action.

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

Name of Case: Latinos Unidos de Napa vs. County of Napa, et. al. (Napa County Superior Court Case No. 26-50568)

Closed session held. No reportable action.

16. ADJOURNMENT

Adjourned in memory of the County’s Legislative Lobbyist Don Peterson to the Board of Supervisors regular meeting, Tuesday, January 12, 2010 at 9:00 a.m.

DIANE DILLON, Chair

ATTEST:

GLADYS I. COIL, Clerk of the Board