



A Tradition of Stewardship
A Commitment to Service

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

March 2, 2010

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, March 2, 2010 at 9:00 a.m. with the following supervisors present: Chair Diane Dillon, Supervisors Mark Luce, Bill Dodd, Keith Caldwell and Brad Wagenknecht. The meeting was called to order by Chair Diane Dillon.

2. PLEDGE OF ALLEGIANCE

Auditor-Controller Tracy Schulze led the assembly in the pledge of allegiance.

3. APPROVAL OF MINUTES

None.

4. PRESENTATIONS AND COMMENDATIONS

A. Presentation of a proclamation recognizing the week of March 1 through 7, 2010 as Peace Corps Week in Napa County. (Supervisor Luce)

Presented proclamation.

B. Director of Human Resources to introduce new County of Napa employees.

Presented new employees.

5. PUBLIC COMMENT

None.

6. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

Agricultural Commissioner and Sealer of Weights and Measures Dave Whitmer introduced Vineyard Consultant Martin Mochizuki.

7. CONSENT ITEMS

Law & Justice

- A. Director of Child Support Services requests the removal of one (1) XGA LCD Projector w/2200 from the Child Support Services asset list.
- B. District Attorney requests approval of Budget Transfer No. DAO0005:
 - 1. Canceling a designation and increasing appropriations in the amount of \$10,000 in the Hazardous Waste Non-Operating Special Revenue Fund and increasing revenue in the District Attorney's budget to offset budgeted expenditures related to the investigation of environmental prosecutorial activities eligible for reimbursement; and
 - 2. Canceling a designation and increasing appropriations in the amount of \$22,000 in the Asset Forfeiture Non-Operating Special Revenue Fund and increasing revenue in the District Attorney's budget to offset budgeted expenditures eligible for reimbursement by asset forfeiture funds (4/5 vote required).

BT-DAO0005

Community Resources & Infrastructure

- C. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign renewal of revenue Agreement No. 6979 with the California Department of Food and Agriculture (CDFA) for a maximum of \$195,051 for the term July 1, 2009 through June 30, 2010 for reimbursement of expenditures for activities related to Light Brown Apple Moth trapping program.
A-6979
- D. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 7065 with the California Department of Food and Agriculture (CDFA) for a maximum of \$190,770 for the term July 1, 2009 through June 30, 2010 for reimbursement of expenditures for activities related to Light Brown Apple Moth exclusion program.
A-7065
- E. Director of Public Works requests the following actions related to the "Silverado Trail Overlay (North of Howell Mountain Road to Deer Park Road)," Project RDS 09-13; funded by the American Recovery and Reinvestment Act of 2009 (ARRA):
 - 1. Approval of and authorization for the Chair to sign Program Supplement Agreement N023 with the California Department of Transportation to administering Agency-State Agreement No. 04-5921R to provide County with reimbursement of \$380,000;
 - 2. Approval of Budget Transfer No. DPW014 appropriating \$380,000 in a new department (30030) in the Roads budget with offsetting revenue from American Recovery and Reinvestment Act (ARRA) (4/5 vote required); and
 - 3. Approval of plans and specifications, 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.

**A-7366
BT-DPW014**

- F. Director of Public Works requests the following actions as they relate to the Department of Water Resources Capacity Building Grant funded by Proposition 50:
1. Approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 7160 with the California State University, Sacramento-Center for Collaborative Policy (CCP) increasing the amount from a maximum of \$24,751 to a maximum of \$27,201 for assistance with stakeholder outreach, interviews and a stakeholder assessment; and
 2. Approval of Budget Transfer No. DPW012 appropriating \$50,000 in the Capital Improvement Program budget with offsetting revenues.(4/5 vote required)

**A-7160 (Amend. 1)
BT-DPW012**

- G. Director of Public Works requests approval of and authorization for the Chair to sign the following agreements for the term March 2, 2010 through June 30, 2010 with provision for automatic renewal, to provide administration and support services for water and sewer operations:
1. Agreement with Napa Berryessa Resort Improvement District; and
 2. Agreement with Lake Berryessa Resort Improvement District.

**A-7367
A-7368**

General Admin & Finance

- H. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Audit Report for the Napa Special Investigations Bureau - Special Investigation Revolving Fund for the fiscal years ended June 30, 2008 and June 30, 2009.
- I. Chief Information Officer requests approval of and authorization for the Chair to sign an agreement with Jean Gage for a maximum of \$19,950 for the term March 2, 2010 through June 30, 2010 to provide Microsoft Office 2007 software training for County employees.
- J. Chief Information Officer requests approval of and authorization for the Chair to sign a software maintenance agreement with Accela, Inc., availing of a 12% discount by pre-paying the annual maintenance for the proprietary software and for wireless support, for a maximum of \$58,828 for the term July 1, 2010 through June 30, 2011.

A-7369

A-6955-2

- K. Chief Information Officer requests the following actions in relation to the purchase of a standby diesel generator and automatic transfer switch:
1. Approval of Budget Transfer No. ITS002, transferring funds within the Communications budget to establish a fixed asset in the amount of \$33,268 (4/5 vote required); and
 2. Waiver of competitive bidding requirements and authorization for a sole source award for the purchase of the generator and switch from Peterson Power Systems.

BT-ITS002

- L. Agricultural Commissioner requests approval of and authorization for the Chair to sign an agreement with Mochizuki & Associates for a maximum of \$112,000 for the term March 1, 2010 through June 30, 2011, providing specialized services to manage and monitor the grower implemented official control of European Grapevine Moth in Napa County.

A-7370

Motion moved by Brad Wagenknecht, seconded by Bill Dodd, to approve consent items. Motion passed 5 - 0.

8. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

9. SET MATTERS OR PUBLIC HEARINGS

- A. 9:15 AM Recess to the Lake Berryessa Resort Improvement District (LBRID) meeting (**See LBRID Minutes**).
- B. 9:20 AM Recess to the Napa Berryessa Resort Improvement District (NBRID) meeting (**See NBRID Minutes**).
- C. 10:00 AM Director of Public Works requests the following actions pertaining to the Master Plan Feasibility and Alternate Site Selection Study of Angwin Airport (Parrett Field) in Angwin, CA:
1. Receive and file the Master Plan Feasibility and Alternate Site Selection Study of Angwin Airport; and
 2. Direct staff to deliver the completed study to the Federal Aviation Administration, Caltrans Division of Aeronautics, and Pacific Union College (PUC) and continue discussions regarding the findings of the study.

Airport Manager Martin Pehl introduced the item.

Held discussion. Testimony presented.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve requested actions. Motion passed 5 - 0.

- D. 10:30 AM Director of Health and Human Services requests direction/possible action (s) on the following issues regarding the Fiscal Year 2010-2011 Tobacco Master Settlement Agreement (MSA) Grant Awards:
1. Potential changes to the Tobacco MSA grant categories and adoption of associated funding allocations;
 2. Potential changes to the MSA grant application process and rating criteria;
 3. Potential changes in the evaluation component of the grant program; and
 4. Initiation of the Fiscal Year 2010-2011 grant cycle in accordance with the provisions detailed in the "Proposed Fiscal Year 2010-2011 MSA Grant Application Categories" and the "Proposed Fiscal Year 2010-2011 Grant Award Criteria", which will be revised to the extent necessary to comport with any directions provided by the Board.

Health and Human Services Operations Manager Mitch Wippert introduced the item.

Testimony presented. Held discussion.

Motion moved by Keith Caldwell, seconded by Mark Luce, to continue with existing policy as discussed at the January 19, 2010 meeting with Board recommendations for Fiscal Year 2011/2012 policy to go to subcommittee for discussion. Motion passed 5 - 0.

- E. 11:00 AM PUBLIC HEARING Court Executive Officer and Director of Human Resources request a public hearing to discuss the future annual costs associated with a proposal by the Napa Superior Court to allow a 91 day window to offer eligible Superior Court employees two additional years of service credit for retirement purposes as authorized by Government Code Section 20903.

**Opened public hearing.
Testimony presented.
Closed public hearing.**

- F. 11:30 AM Recess to a joint luncheon and presentation by the Airport Advisory Commission at Jonesy's Famous Steak House at the Napa County Airport, 2044 Airport Road, Napa.

- G. 2:00 PM PUBLIC HEARING Director of Public Works requests adoption of a resolution abandoning excess right-of-way on White Lane, south of Saint Helena.

R-2010-22

Deputy Director of Public Work-Engineering Rick Marshall introduced item.

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

Motion moved by Brad Wagenknecht, seconded by Mark Luce, to approve

adoption of resolution. Motion passed 5 - 0.

H. 2:15 PM Director of Conservation, Development and Planning to present the following four separate proposals related to the Winery Definition Ordinance (WDO) and seek direction regarding next steps:

1. Development of a draft ordinance implementing consensus-based clarifications to the definition of "marketing of wine" and to other sections of Napa County Code permitting retail sales of wine-related items and food-wine pairings;
2. Development of a draft resolution articulating Planning Commission policies related to business events and other matters;
3. Development of a draft ordinance permitting cultural and social events that are indirectly related to the education and development of consumers, provided that certain conditions are met and an administrative permit is obtained; and
4. Development of a draft ordinance permitting tours and tastings without appointment.

PLEASE NOTE: While these four proposals include draft policy language and are intended to solicit public input and Board direction, no draft ordinances or resolutions have been prepared, and no formal action is requested at this time.

Director of Conservation, Development and Planning Hillary Gitelman introduced item.

Motion moved by Mark Luce, seconded by Bill Dodd, to move forward with Proposal #1, continue work on Proposal #2, dispense with Proposal #3 and reconsider the scope and requirements for Proposal 4 in the future. Motion passed 5 - 0.

10. ADMINISTRATIVE ITEMS

None.

11. LEGISLATIVE ITEMS

None.

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

None.

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

None.

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

None.

15. CLOSED SESSION

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

Names of Cases:

1. Lake Luciana LLC v. County of Napa, et al. (Napa County Superior Court # 26-49388 & US District Court # CV 09-4131 JSW)
2. Latinos Unidos de Napa vs. County of Napa, et. al. (Napa County Superior Court Case No. 26-50568)

Closed sessions not held.

16. ADJOURNMENT

Adjourned to the Board of Supervisors regular meeting, Tuesday, March 16, 2010 at 9:00 a.m.

DIANE DILLON, Chair

ATTEST:

GLADYS I. COIL, Clerk of the Board