

MINUTES OF THE MEETING OF THE

BOARD OF SUPERVISORS

NAPA COUNTY

September 21, 1999

1. Call to Order; Roll Call.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION, TUESDAY, SEPTEMBER 21, 1999 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN MARK LUCE, SUPERVISORS MIKE RIPPEY, MEL VARRELMAN, KATHRYN WINTER AND BRAD WAGENKNECHT.**

2. Pledge of Allegiance.

**DR. MILSTONE, 1999-2000 NAPA COUNTY GRAND JURY MEMBER LED THE SALUTE TO THE FLAG.**

3. Presentation of Proclamation on behalf of the Napa County Commission on Self-Esteem recognizing "Community Heroes".

**BRUCE CAMBIQUE, MEMBER OF THE NAPA COUNTY COMMISSION ON SELF-ESTEEM MADE PRESENTATION TO HARRIS NUSSBAUM.**

**JANE CLARK BAKER, WHO WORKED AT THE NAPA COUNTY HEALTH DEPARTMENT EXPRESSED THAT MR. NUSSBAUM HAS BEEN HER HERO FOR 25 OR MORE YEARS.**

**A MOMENT OF SILENCE WAS OBSERVED IN MEMORY OF LARRY LARRABEE, HEALTH AND HUMAN SERVICES ADMINISTRATIVE SERVICE OFFICER.**

4. Public Comment.

**CANDACE ELIZA SPOKE CONCERNING HOMELESS PERSONS RIGHTS FOR RESPECT OF THEIR PERSONAL PROPERTY AND PRIVACY AND REQUESTED HELP FOR THE HOMELESS.**

**CHAIRMAN LUCE INDICATED THAT TERRY LONGORIA, DIRECTOR OF HEALTH AND HUMAN SERVICES WOULD BE ADVISED.**

**SUE SCUDDER ADDRESSED THE BOARD ON BEHALF OF THE MT. VEEDER-LOKOYA SAFETY & PRESERVATION ASSOCIATION AND SUBMITTED A PETITION OF SUPPORT FOR LETTER WRITTEN BY THE MT. VEEDER-LOKOYA SAFETY & PRESERVATION ASSOCIATION AND THEIR RECOMMENDATION TO CEASE THE GROWTH ON MT. VEEDER PENDING EVALUATION OF THE AFFECT OF THE EXISTING DEVELOPMENT.**

Consent Calendar

5. Chief Probation Officer requests the following:
  - A. Adopt a resolution accepting an agreement with the State of California, State Board of Control, in the amount of \$20,144 for the Restitution Program; and  
**R-99-113**
  - B. Approve and authorize the Chief Probation Officer to sign an agreement with the State Board of Control in the amount of \$20,144 for the term July 1, 1999 through June 30, 2000 to track restitution claims filed by crime victims.
6. Public Defender requests authorization for payment of a claim that is more than one year old from Richard Geisler, Ph.D., in the amount of \$315 for psychological evaluations.
7. Public Defender requests approval to authorize employee up to 500 hours of voluntary leave without pay.
8. Sheriff requests authorization for out-of-state travel for Senior Deputy Stephen Sprengelmeyer and Deputy Mark Foster to attend the Institute of Police Technology and Management, Inspection and Investigation of Commercial Vehicle Accidents School on November 15-19, 1999 in Tempe, Arizona for an approximate cost of \$2,900 for both officers.
9. Director of Health and Human Services Agency requests approval of and authorization for Chairman to sign the following agreements for provision of services under the Answers Benefiting Children (ABC) Grant for the term July 1, 1999 through June 30, 2000:
  - A. Agreement with ALDEA, Inc. for a maximum of \$62,523;  
**A-4218**
  - B. Agreement with Family Service of the North Bay, Inc. for a maximum of  
C. \$47,423;  
**A-4219**
  - C. Agreement with Napa County Council for Economic Opportunity, Inc. for a  
D. maximum of \$42,523; and  
**A-4216**
  - D. Agreement with Volunteer Center of Napa County, Inc. for a maximum of \$10,600.  
**BW-W-R-V-L**  
**A-4217**

10. Director of Health and Human Services Agency requests approval of and authorization for Chairman to sign Amendment Nos. 1 and 2 to Agreement No. 3579 with the California Department of Drug and Alcohol Programs for the term July 1, 1998 through June 30, 1999 amending reporting requirements and establishing a new total allocation of \$1,460,873.  
**A-3579**  
**(AMEND.1)**  
**(AMEND.2)**
11. Director of Public Works requests acceptance of the work as complete and authorization for Chairman to sign and file a Notice of Completion with the Clerk/Recorder for Contract No. PW 97-26, "Napa County Hall of Justice Fire Alarm System Upgrade Project."
12. Acting Job Training Director requests approval of and authorization for Chairman to sign an agreement with the State of California Employment Development Department/Job Training Partnership in the amount of \$177,524 for the term July 16, 1999 through July 15, 2002 to provide Welfare-to-Work programs.  
**A-4056**
13. Acting Job Training Director requests approval of and authorization for Chairman to sign the following:
  - A. JTPA Title II Master Subgrant Closeout No. G700101 for \$919,520 for the period July 1, 1996 to June 30, 1999;  
**A-3791**
  - B. JTPA Title II Capacity Building Subgrant Line Item Closeout No. G900122 for \$25,000 for the period July 1, 1998 to June 30, 1999;  
**A-3774**
  - C. JTPA Title III Subgrant Closeout No. G800181 for \$1,401,862 for the period July 1, 1997 to June 30, 1999; and  
**A-3774-B**
  - D. JTPA Title III Rapid Response Subgrant Line Item Closeout No. G900181 for \$99,893 for the period July 1, 1998 to June 30, 1999.  
**A-3774-B**
14. County Counsel requests approval of and authorization for Chairman to sign Amendment No. 6 to Agreement No. 3881 with Miller, Starr and Regalia for representation of the County of Napa in the matter of Napa Citizens for Honest Government et al. v. Napa County Board of Supervisors which will increase the contract maximum by \$60,000.  
**A-3881**  
**(AMEND. 6)**
15. Personnel Director requests amendment of the Departmental Allocation List and Table and Index for District Attorney (Budget Unit 22400), effective October 2, 1999 as follows:



23. 9:00 a.m. - Board of Supervisors meeting as the Board of Directors of the Lake Berryessa Resort Improvement District.  
**(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**
24. 9:00 a.m. - Board of Supervisors meeting as the Board of Directors of the Napa-Berryessa Resort Improvement District.  
**(SEE NAPA-BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**
25. 9:00 a.m. - Board of Supervisors meeting as the Board of Trustees of the Monticello Public Cemetery District.  
**(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)**
26. 9:00 a.m. - Board of Supervisors meeting as the Board of Directors of the Silverado Community Services District.  
**(SEE SILVERADO COMMUNITY SERVICES DISTRICT)**
27. 9:15 a.m. - Recess to the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) Special Meeting. (See NCFPWIA Agenda)  
**(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)**
28. 9:15 a.m. – Public Hearing - Board to consider application for Temporary Event License Request No. 99086-E filed by Oberlin Dance Collective/San Francisco to hold a fundraiser (An Evening In The Country) with wine tasting, dinner, fashion show and dance performances by the Dance Company at Niebaum-Coppola Estate Winery on Saturday, September 25, 1999 from 6:30 p.m. to 10:00 p.m. with an expected attendance of 400 persons at 1991 St. Helena Highway, St. Helena. (Assessor's Parcel No. 027-210-018)  
**PUBLIC HEARING HELD**

**APPROVED REQUEST**

**R-BW-R-V-L**

29. 9:30 a.m. – Public Hearing - First reading and intention to adopt an ordinance repealing current Chapter 8.28 of the Napa County Code pertaining to the regulation of fireworks, adding a new Chapter 8.28 pertaining to fireworks and making other conforming changes to Chapter 5.36 (Temporary Events). Environmental Determination: Exempt from the California Environmental Quality Act (CEQA).  
**PUBLIC HEARING HELD**

**TITLE READ**

**THE BOARD WAIVED READING BALANCE OF ORDINANCE.**

**R-W-V-BW-L**

**THE BOARD DECLARED INTENTION TO ADOPT ORDINANCE.**

**V-W-R-BW-L**

30. 9:45 a.m. - Director of Public Works/Aviation requests the following actions relating to the Napa Rotary Club-sponsored Air Show at the Napa County Airport on October 16 and 17, 1999 (4/5 vote required):

A. Approval of and authorization for Chairman to sign a concession agreement with the Napa Rotary Club for the Air Show; and

**APPROVED REQUEST R-BW-V-W-L A-4215**

B. Authorization for the Temporary Events Fee of \$310 to be collected by the Department of Public Works.

**APPROVED REQUEST R-BW-V-W-L**

31. 10:00 a.m. - Harold Moskowitz to present a report on the Capell Valley Fire Station.  
**REPORT PRESENTED – NO ACTION TAKEN**

32. 10:00 a.m. - Closed session regarding:

Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(a))

Name of case: Alan Cowardin et al. v. Board of Supervisors for the County of Napa and John Tuteur, Registrar of Voters for the County of Napa, Superior Court Case No. 26-07036.

**THE BOARD AGREED TO THE FOLLOWING:**

**REQUEST FOR IMMEDIATE STAY OF DECISION, PETITION FOR WRIT OF MANDATE, PROHIBITION OR OTHER APPROPRIATE WRIT; MEMORANDUM OF POINTS AND AUTHORITIES.**

**R-V-W-BW-L  
N**

33. 10:15 a.m. - Discussion and possible action relating to the adoption of a resolution ordering that a special election be conducted on either the 7<sup>th</sup>, 14<sup>th</sup> or 21<sup>st</sup> of December, 1999, to enable the voters to determine whether or not the ordinance proposed by the Aetna Springs Initiative should be adopted.

**CONTINUED TO SEPTEMBER 28, 1999 AND STAFF WAS INSTRUCTED TO MODIFY THE RESOLUTION ORDERING A SPECIAL ELECTION TO BE CONDUCTED ON DECEMBER 28, 1999 OR JANUARY 4, 2000.**

**V-BW-R-W-L  
N**

34. 1:30 p.m. - Recess to the Napa County Flood Control and Water Conservation District meeting.

**(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)**

Regular Calendar

35. Discussion and possible action regarding legislation.  
**NONE**

36. Board of Supervisors' Committee Reports and Announcements.  
**SUPERVISOR WINTER REPORTED ON NAPA COUNTY TRANSPORTATION PLANNING AGENCY MEETING REGARDING OPTIONS AND CALTRANS COMMENTS FOR TRANCAS STREET/STATE ROUTE 29 INTERCHANGE PROJECT.**

**SUPERVISOR VARRELMAN COMMENDED SUPERVISOR WINTER TRYING TO CIRCUMVENT THE PROCESS TO LOOK AT OTHER OPTIONS FOR A PROJECT THAT WOULD COST LESS, TAKE LESS TIME TO BUILD AND IS FUNCTIONAL.**

**SUPERVISOR RIPPEY AND CHAIRMAN LUCE REPORTED ON GANG PREVENTION TASK FORCE MEETING HELD SEPTEMBER 20, 1999.**

**CHAIRMAN LUCE REPORTED ON THE FOLLOWING:**

**BILL LYON, SECRETARY OF AGRICULTURE WAS AT THE NAPA COUNTY EXPOSITION AND THAT THEIR BOARD HAS NARROWED DOWN THREE (3) DEVELOPMENT PARTNERS FOR THAT AREA AND HOPE TO BRING THE MATTER TO A CLOSURE.**

**AMERICAN CANYON LANDFILL HEARINGS TO DISCUSS OPTIONS.**

**FRIENDS OF THE LINCOLN THEATRE KICKED OFF THEIR FUNDRAISER.**

**SUPERVISOR RIPPEY ADVISED THAT HE HAD JUST TOURED THE AMERICAN CANYON LANDFILL AREA.**

**SUPERVISOR WINTER REPORTED ON FARMWORKER HOUSING.**

37. Board of Supervisors' Future Agenda Items.  
**10/05/99 – DISCUSSION AND POSSIBLE ACTION REGARDING INCREASING THE TRANSIENT OCCUPANCY TAX (T.O.T.) BY 1.5 PERCENT WHICH WOULD RESULT IN A TOTAL T.O.T. OF 12 PERCENT. (SUPERVISOR VARRELMAN)**

**NON-SPECIFIC DATE – DIRECTOR OF HEALTH AND HUMAN SERVICES TO REPORT ON STATUS OF POSSIBLE DETOX FACILITY AND SOCIAL MODEL. (SUPERVISOR WINTER)**

38. Department Heads' Reports and Announcements.  
**NONE**

Adjournment

**ADJOURNED TO BOARD OF SUPERVISORS' MEETING, TUESDAY,  
SEPTEMBER 28, 1999 AT 9:00 A.M.**

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MARK LUCE  
Chairman

ATTEST:

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TERI SISSON  
Supervising Clerk of the Board

KEY

Vote: L = Mark Luce; R = Mike Rippey; V = Mel Varrelman; W = Kathryn Winter;  
BW = Brad Wagenknecht

Notations under Vote: N = No; X = Excused; A = Abstained