

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

November 15, 2005

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 15, 2005 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRPERSON DIANE DILLON, SUPERVISORS BILL DODD, HAROLD MOSKOWITE, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIR DILLON AT 9:05 A.M.
2. Pledge of Allegiance.
JILL PAHL, ACTING DIRECTOR OF ENVIRONMENTAL MANAGEMENT, LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
DON SHERIDAN REPRESENTING U.S. MAIL CARRIERS SPOKE REGARDING THE ISSUE OF DANGEROUS ANIMALS AND THEIR OWNERS. HE STATED THAT HE WAS MAULED BY A PIT BULL AND CURRENT LAWS DO NOT GO FAR ENOUGH. HE STATED THAT MANY PEOPLE DEMAND THE RIGHT TO OWN THESE ANIMALS, BUT REFUSE TO ACCEPT RESPONSIBILITY FOR THEM.
5. Department Heads' Reports and Announcements.
PAMELA KINDIG, COUNTY AUDITOR-CONTROLLER, INTRODUCED NEW ACCOUNTANT-AUDITOR MANAGER CHERYL PARKER.

Consent Calendar

- 6A. County Fire Chief requests authorization to declare a Bullard Thermal Infrared Camera (Property #27104) as surplus and no longer required for public use, remove it from inventory, and dispose of it at public auction. (4/5 vote required)
- 6B. County Fire Chief requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6530 (formerly AUD 5780) with Timothy Hoyt increasing the amount by \$40,000 for a new maximum of \$80,000 and extending the term through June 30, 2006.
**A-6530
(AMEND. 1)**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4149 with Alternatives for Better Living, Inc., revising the payment structure to enable the contractor's non-licensed staff to provide anger management group counseling services in the Children's Behavioral Health and Child Welfare Services Programs.
**A-4149
(AMEND. 1)**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to

6D. Continued.

sign Amendment No. 1 to Agreement No. 4822 with Richard Cohan, Ph.D., increasing the amount by \$9,500 for a new maximum of \$15,000 to provide additional counseling services in the Child Welfare Services and/or Children and Families Behavioral Health Programs. **A-4822**
(AMEND. 1)

- 6E. Director of Health and Human Services requests the following actions relating to the "Linkages" project:
1. Approval of and authorization for the Chair to sign an agreement with Allen, Shea & Associates for a maximum of \$2,500 for the term November 15, 2005 through June 30, 2006 to provide consultation and implementation of the CalWORKs and Child Welfare Services "Linkages" project; and **A-6539**
 2. Approval of Budget Transfer No. 14 increasing appropriations by \$5,000 in the Social Services budget with offsetting revenues from the Linkages grant to fund salaries, training and contract expenditures. (4/5 vote required) **BT-14**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Victor Kogler for a maximum of \$25,000 for the term November 15, 2005 through June 30, 2006 to provide consultation services for evaluation of the Substance Abuse Division of Health and Human Services. **A-6540**
- 6G. Director of Health and Human Services requests approval of the following actions related to the development of an application for submission by Napa County to the U.S. Department of Housing and Urban Development for funding to address homelessness in Napa County:
1. Approval of and authorization for the Chair to sign a revenue agreement with the Housing Authority of the City of Napa (HACN) for a maximum of \$10,075 for the term October 26, 2005 through June 30, 2006 for reimbursement of HACN's share of the County's agreement with The Center for Common Concerns, Inc.; and **A-6541**
 2. Approval of Budget Transfer No. 16 increasing appropriations by \$10,075 in the Social Services budget with offsetting revenue to fund contract expenditures. (4/5 vote Required) **BT-16**
- 6H. Director of Health and Human Services requests approval of Budget Transfer No. 20 increasing appropriations in the Behavioral Health Division's budget by \$120,000 with offsetting revenues from Proposition 63, Mental Health Services Act (MHSA), for the County's MHSA Plan planning activities. (4/5 vote required) **BT-20**
- 6I. Director of Health and Human Services requests that the name of the Department's Behavioral Health Division be changed to Mental Health Division.
- 6J. Director of Health and Human Services requests approval of the following actions relating to a grant from the Napa Valley Wine Auction, dba Auction Napa Valley:
1. Acceptance of the grant in the amount of \$250,000 for the term November 1, 2005 through October 31, 2006 for construction expenses related to the South Napa Shelter Project; and

6J. Continued.

2. Authorization for the Chair and the Director of Health and Human Services to sign the grant agreement. **A-6542**

6K. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign renewals of the following agreements for the term July 1, 2005 through June 30, 2006:

1. Agreement No. 4168 with the California Department of Food and Agriculture for a maximum of \$77,740 for reimbursement of expenditures for activities related to the Olive Fruit Fly Trapping and Pest Detection Trapping services; and **A-4168**
2. Agreement No. 3307 with the Department of Pesticide Regulation for a maximum of \$9,928 for reimbursement of expenditures associated with submission of Pesticide Use Data to the Department of Pesticide Regulation. **A-3307**

6L. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with Keyser Marston Associates (KMA) for a maximum of \$80,000 for the term November 15, 2005 through June 30, 2006 for economic consulting services related to the General Plan Update. **A-6543**

6M. Director of Public Works requests the following:

1. Approval of the Final Map entitled "Napa Valley Gateway, Unit Four"; and
3. Approval of and authorization for the Chair to sign the "Agreement for Deferred Construction of Improvements required as a Condition of the Approval of Subdivision Map for Napa Valley Gateway Unit Four". **A-6544**

6N. Director of Public Works requests transfer to the General Fund of unclaimed monies totaling \$34,486 currently held in the Public Works Performance Bond Trust Fund.

6O. Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file a Notice of Completion with the Clerk/Recorder for Contract No. RDS 05-08, "Asphalt Concrete Overlay of Silverado Trail and Yountville Crossroad Project."

6P. Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file a Notice of Completion with the Clerk/Recorder for Contract No. PW 04-12, "Napa County Airport Perimeter Fencing Phase II Project."

6Q. Director of Public Works requests the following actions relating to the "Juvenile Justice Center Project," PW 02-17, per Public Contract Code Section 7107:

1. Acceptance of Phase I as complete; and

3. Authorization for the Director of Public Works to release partial retention.

ITEM REMOVED FROM THE AGENDA

6R. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6054 to add the City of American Canyon to the Joint Powers Agreement

6R. Continued.

(JPA) to fund and administer the Napa County Stormwater Management Program.

A-6054

(AMEND. 2)

6S. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with O'Mahony & Myer for a maximum of \$23,090 for the term of November 15, 2005 through June 30, 2006 for electrical engineering consulting services for the installation of a standby emergency generator at the Animal Shelter.

A-6546

6T. Director of Public Works/Aviation requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 3370 with R.A. Bridgeford, Inc. extending the term through May 31, 2006 for retail aviation fuel services.

A-3370

(AMEND. 3)

6U. Director of Public Works/Aviation requests the following concerning Lease No. 3756 with the State of California, for leased space located at 3500 Airport Road for use by the California Highway Patrol:

1. Approval of and authorization for the Chair to sign Amendment No. 1 for the term November 15, 2005 through August 31, 2020 clarifying maintenance and repair responsibilities and adjusting the payment schedule based upon the refinancing of the 1993 Certificates of Participation; and

A-3756

(AMEND. 1)

2. Approval of Budget Transfer No. 24 appropriating \$91,974 in the Napa County Capital Improvement Budget with offsetting revenue from the Napa County Airport Enterprise Fund.

BT-24

6V. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Busby Enterprises, Inc. (Assessor's Parcel No. 057-250-027)

6W. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Napa Valley Crossroads PG, LLC, and WHAL Properties, L.P. (Assessor's Parcel Nos. 057-190-007, 057-190-008)

6X. Auditor-Controller requests authorization for out of country travel for Pamela Kindig, Auditor-Controller, to attend the annual Government Finance Officers Association (GFOA) Conference in Montreal, Canada, from May 6 - May 11, 2006.

6Y. County Counsel requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4044 with the Napa County Mosquito Abatement District modifying the provision relating to maximum annual compensation to replace the variable cap with a fixed cap in the amount of \$5,000, updating the provisions relating to hourly rates, and modifying the provision relating to conflict of interest to include the District's assent to concurrent legal representation by the County Counsel of two additional special districts.

A-4044

(AMEND. 1)

6Z. Acting Human Resources Director requests adoption of a resolution regarding the following in

6Z. Continued.

connection with the District Attorney's Office, effective November 15, 2005:

1. Amend the Departmental Allocation List to delete one (1) (M) Chief District Attorney Investigator and add one (1) (M) Chief District Attorney Investigator designated as "at- will", Management Non-Classified (Other); and
2. Amend appropriate personnel policies to delete one (1) (M) Chief District Attorney Investigator and add one (1) (M) "at-will" Chief District Attorney Investigator.

R-05-204

6AA. Acting Human Resources Director and Director of Health and Human Services request the following:

1. Adoption of a resolution regarding the following in connection with the Health and Human Services Agency (HHS) and its Divisions, effective November 19, 2005:
 - a. Amend the Departmental Allocation List to:
 - i. Add one (1) Records Coordinator and delete one (1) Medical Records Supervisor in the HHS Administration Division; and
 - ii. Add two (2) Office Assistant II positions in HHS Administration and delete two (2) Office Assistant II positions in the Behavioral Health Division; and
 - b. Amend the Table and Index to add Records Coordinator and delete Medical Records Supervisor; and
 - c. Amend appropriate policies to add Records Coordinator and delete Medical Records Supervisor.
2. Approval of Budget Transfer No. 26 increasing the appropriations for salaries and benefits in the HHS Administration budget by \$64,498 with offsetting reduction in salaries and benefits in the Behavioral Health budget. (4/5 vote required)

R-05-205

BT-26

6BB. Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for The Local Enforcement Agency of the County Executive Office with regards to deleting one (1) Environmental Health Specialist I/II Limited Term (LT) position and adding one (1) Environmental Health Specialist I/II, effective November 15, 2005.

R-05-206

6CC. Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Social Services Division of the Health and Human Services Agency (HHS) with regards to adding one (1) Senior Account Clerk position and deleting the resulting Account Clerk II vacancy, effective November 19, 2005.

R-05-207

6DD. Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Child Support Services with regards to deleting one (1) .75 Attorney IV and one (1) .75 Attorney III and adding one (1) Attorney III, effective November 5, 2005.

R-05-208

6EE. Acting Human Resources Director requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4748 with The Business Resource & Training Company

6EE. Continued.

increasing the amount of compensation from \$750 to \$950 per session for on-going training workshops for County employees, effective September 8, 2005.

A-4748

(AMEND. 3)

6FF. Treasurer-Tax Collector requests adoption of a resolution approving the sale of tax-defaulted property at public auction and authorization to re-offer any unsold parcel at a reduced minimum bid. **R-05-209**

6GG. Treasurer-Tax Collector requests adoption of a resolution approving the sale of tax-defaulted property through a sealed bid auction and authorization to re-offer any unsold parcel at a reduced minimum bid. **R-05-210**

6HH. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with California Institute of Rural Studies (CIRS) for a maximum of \$75,884 for the term November 15, 2005 through June 30, 2007 to conduct a study of farm worker housing needs in Napa County. **A-6547**

6II. County Executive Officer requests authorization for the Chair to sign a letter of support for the California Highway Patrol's grant request to the Office of Transportation Safety for funding to increase law enforcement activities on the highways leading to and traversing Lake Berryessa.

6JJ. County Executive Officer requests the appointment of Jeffrey A. Katz to serve on the State Council on Developmental Disabilities Area Board 4 representing the category of a developmentally disabled person or parent or guardian with the term of office to commence immediately and expire December 31, 2006.

7. Discussion of Items Removed from the Consent Calendar.

SEE ITEM 6Q

APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6 P AND 6R THROUGH 6JJ.

BD-ML-BW-HM-DD

Set Matters or Public Hearings.

8A. 9:00 a.m. Public Hearing - County Counsel requests a first reading and intention to adopt an ordinance to amend the Napa County Code by amending the criminal violation and penalty section of Chapter 1.20 relating to Violations of Local Building and Safety Codes, adding a new section and amending a section of Chapter 6.04 relating to diseased and vicious animals and penalties imposed for Animal Control violations, and amending the criminal sanctions imposed for a violation of Chapter 6.16 (Dangerous Animals). 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. (CONTINUED FROM OCTOBER 18, 2005)

PUBLIC HEARING OPENED – NO TESTIMONY PRESENTED

TITLE READ

8A. Continued.

**THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.
BD-HM-BW-ML-DD**

**THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE.
ML-BW-BD-HM-DD**

8B. 9:30 a.m. - Recess to the Board of Equalization.

(SEE BOARD OF EQUALIZATION MEETING MINUTES)

8C. 10:30 a.m. - Directors of Public Works and Conservation, Development and Planning request consideration and possible action pertaining to Napa County Transportation Planning Agency's (NCTPA) requested action to approve the formation of the Napa Valley Transportation Authority ("Authority") as follows:

1. Adopt the Resolution approving a Negative Declaration and creating the Authority;

ADOPTED RESOLUTION

BD-DD-BW-HM-ML

R-05-211

2. Appoint the county's current NCTPA representatives, Supervisors Diane Dillon and Bill Dodd, to the Authority;

APPOINTED SUPERVISORS DILLON AND DODD

ML-BW-BD-MH-DD

3. Appoint two alternates to the Authority; and

APPOINTED SUPERVISORS WAGENKNECHT AND MOSKOWITE

ML-BD-BW-HM-DD

4. Presentation by NCTPA Executive Director on Draft Transportation Improvement Expenditure Plan and Tax Ordinance with potential direction from the Board.

ITEM CONTINUED TO DECEMBER 20, 2005 AT 11:00 A.M.

8D. 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 MEETING MINUTES)**

8E. 2:00 p.m. Public Hearing - Director of Public Works requests the following actions regarding the establishment of a balloon launching facility on County owned property adjacent to the Roads Division Corporation Yard on Silverado Trail near Yountville for a six month evaluation period:

1. Conduct a Public Hearing regarding Draft Initial Study and Negative Declaration prepared (#CDP05-0177);

2. Adoption of the negative declaration;

3. Adoption of a resolution approving the non-exclusive license agreement for temporary use of a portion of the County of Napa Corporate Yard Facility on Silverado Trail and authorizing the Director of Public Works or the Director's designee to enter into such agreements; and

R-05-212

4. Provide further direction regarding pursuing change options in Napa County Code Section 18.120.

8E. Continued.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD ADOPTED THE NEGATIVE DECLARATION WITH A CHANGE TO THE CODE OF CONDUCT TO MATCH THE NEGATIVE DECLARATION LANGUAGE RELATING TO REIMBURSEMENT TO PROPERTY OWNER FOR DAMAGES.

BD-HM-BW-ML-DD

ADOPTED RESOLUTION

ML-BD-BW-HM-DD

R-05-212

N

ITEM 4 REFERRED TO STAFF TO WORK ON THE ORDINANCE BASED UPON THE NOVEMBER 15, 2005 MEMORANDUM FROM COUNTY COUNSEL.

BD-ML-BW-HM-DD

Administrative Items

9A. County Executive Officer requests:

1. The Board decide whether the County will spend \$500,000 over two years to contract with the Napa Valley Conference and Visitors Bureau (NVCVB) to develop a countywide destination brand strategy and to provide general operational support for the NVCVB (this represents a \$250,000 increase over the original NVCVB request to the Board); and
2. If the Board agrees to provide the \$500,000 in funding, consideration of approval and authorization for the Chair to sign an agreement with NVCVB for a maximum of \$500,000 for the term November 15, 2005 through November 14, 2007 to coordinate, develop and administer a countywide destination brand strategy and to provide general operational support to the NVCVB.

APPROVED REQUESTS;

1. **TO SPEND \$500,000 IN FUNDING AND TO CONTRACT WITH THE NAPA VALLEY CONFERENCE AND VISITORS BUREAU (NVCVB); AND,**
2. **APPROVED AGREEMENT.**

A-6548

BD-HM-BW-ML-DD

9B. County Executive Officer requests the appointment of one of the following individuals to serve on the Advisory Board on Alcohol and Drug Programs representing the interested citizen category with the term of office to commence immediately and expire January 1, 2009: Kevin Scot Groom, Kathryn M. Weslow.

APPOINTED KEVIN SCOT GROOM

ML-BW-BD-HM-DD

9C. County Executive Officer requests the following in connection with the reappointment of David R. Whitmer as Agricultural Commissioner/Sealer of Weights and Measures:

1. Adoption of a resolution ratifying his reappointment as the Agricultural Commissioner/Sealer of Weights and Measures and amending the Table and Index of classes to increase the salary of the Agricultural Commissioner/Sealer of Weights and Measures, effective January 14, 2006;

9C. Continued.

ADOPTED RESOLUTION

R-05-213

2. Approval of and authorization for the Chair to sign an Employment Contract for the term January 14, 2006 to December 31, 2009.

APPROVED EMPLOYMENT CONTRACT

A-6549

BW-ML-BD-HM-DD

10. Legislative Items.

NONE

11. Board of Supervisors' Committee Reports and Announcements.

NONE

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR DODD REQUESTED THAT A DISCUSSION REGARDING THE EXTENSION OF MEASURE J BE PLACED ON A FUTURE BOARD AGENDA.

13. County Executive Officer Reports and Announcements.

NONE

14. Closed Session.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Director of Public Works

ITEM REMOVED FROM THE AGENDA

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)

CLOSED SESSION HELD – NO REPORTABLE ACTION

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 2030 Airport Road, Napa, California
Agency Negotiator: Robert Peterson and Michael Stoltz, Public Works Department
Negotiating Parties: Commemorative Air Force
Under Negotiation: Price and terms of payment

ITEM REMOVED FROM THE AGENDA

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,
NOVEMBER 22, 2005 AT 9:00 A.M.**

HAROLD MOSKOWITE, Chairman

ATTEST:

GLADYS I. COIL, Clerk of the Board

KEY

Vote: DD = Diane Dillon; BD = Bill Dodd; ML = Mark Luce;

HM = Harold Moskowitz; BW = Brad Wagenknecht

The maker of the motion and second are reflected respectively in the order of the recorded vote.

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