



A Tradition of Stewardship
A Commitment to Service

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

July 13, 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, July 13, 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

Chief Probation Officer Mary Butler led the assembly in the pledge of allegiance.

3. APPROVAL OF MINUTES

None.

4. PRESENTATIONS AND COMMENDATIONS

A. Presentation of a proclamation to Chief Probation Officer Mary Butler declaring the week of July 18, 2010 as "Probation and Community Supervision Week" in Napa County.

Presented proclamation.

5. PUBLIC COMMENT

None.

6. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS

Director of Environmental Management Steve Lederer reported on AB 811 energy loans suspension.

Assessor John Tuteur reported on the closed assessment role.

7. CONSENT ITEMS

Public Safety

A. County Fire Chief requests approval of and authorization for the Chair to sign renewal of revenue Agreement No. 6089-1 with the California Department of

Veterans Affairs for a maximum of \$1,081,332 for the term July 1, 2010 through June 30, 2012 for reimbursement of fire protection services at the State's Veteran's Home of California.

A-6089-1

- B. County Fire Chief requests approval of and authorization for the Chair to sign renewal of Agreement No. 7009 with the City of St. Helena for a maximum of \$140,000 for the term of July 1, 2010 through June 30, 2012 for fire protection services within unincorporated lands adjacent to the City.

A-7009

Human Services

- C. Director of Health and Human Services requests the following actions relating to the provision of workforce development activities:

1. Authorization for the Chair to sign the Workforce Investment Area Local Plan Modification for Program Year 2009-2010; and
2. Approval of the Memorandum of Understanding (MOU) No. 6282 between the Napa County Workforce Investment Board (NCWIB) and the Workforce Napa Partners for the term July 1, 2009 through June 30, 2013.

A-6282

- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to an Agreement (formerly AUD 6320) with Vine Village, Inc., increasing the amount by \$13,250 for a new maximum of \$63,250 to provide subsidized employment opportunities to customers of the Workforce Napa program.

A-7437

- E. Director of Health and Human Services requests approval to accept the combined Multi-Agency Plan and Notice of Grant awards for the following Department of Alcohol and Drug Programs allocations:

1. Comprehensive Drug Court Implementation Program for a maximum of \$72,213 for the term January 1, 2011 through December 31, 2011; and
2. Drug Court Partnership Program for a maximum of \$126,270 for the term July 1, 2010 through June 30, 2011.

- F. Second reading and adoption of an ordinance adding a new Division VI, Emergency Medical Services, Chapter 8.70 (Ambulance) to the Napa County Code.
ENVIRONMENTAL DETERMINATION: 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. 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.]

O-1344

Community Resources & Infrastructure

- G. Agricultural Commissioner/Sealer of Weights & Measures requests approval of and authorization for the Chair to sign renewal of revenue Agreement No. 3307 with the California Department of Pesticide Regulation (DPR) for a maximum of \$19,308 for the term July 1, 2010 through June 30, 2011 for reimbursement of activities related to submission of Pesticide Use Data.
- A-3307**
- H. Director of Environmental Management requests approval of and authorization for the Chair to sign an agreement with the City of American Canyon for the term July 13, 2010 through June 30, 2011, with an automatic annual renewal provision, for County staff to provide inspection services related to illicit discharge detection and elimination components of Phase II National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater General Permits within the City of American Canyon.
- A-7438**
- I. Director of Environmental Management requests adoption of a resolution amending Part 1, Section 20 of the County Policy Manual regarding the Animal Shelter hours of operation.
- R-2010-86**
- J. Director of Environmental Management requests adoption of a resolution authorizing the Director to execute all documents necessary for acceptance and management of funds from the California Department of Resources, Recycling, and Recovery (CalRecycle) Used Oil Recycling Payment Program for conducting and managing a regional used oil recycling program.
- R-2010-87**
- K. Director of Library Services requests authorization to accept a donation in the amount of \$10,000 from the Napa City-County Library Foundation, and authorization for the Chair to sign a letter thanking the Napa City-County Library Foundation for their donation to be used for programs, services and supplies related to the LifeWorks Career Center.

- L. Director of Public Works requests the following actions related to the Napa River Rutherford Restoration Reach 3 Project (PW 10-01):

1. Award of contract to Team Ghilotti of Petaluma, CA, for its low base bid of \$1,097,225 and authorization for the Chair to sign the construction contract;
2. Approval of and authorization for the Chair to sign Temporary Construction Easement (TCE) agreements at no cost to the County for the term of July 13, 2010 through December 31, 2017 with Sequoia Grove Vineyards; and
3. Approval of and authorization for the Chair to sign a Temporary Construction Easement (TCE) agreement at no cost to the County for the term of July 13, 2010 through December 31, 2015 with Carpy-Conolly, LLC.

A-7439

A-7440

- M. Director of Public Works requests approval of and authorization for the Chair to sign an agreement, at no monetary cost, with the City of St. Helena to transfer PG&E Rule 20A work credits for purpose of constructing the underground utilities in the County's 'South St. Helena Highway Underground Utilities District' and the City's 'Utility Undergrounding District No. 7' for the term of July 13, 2010 through June 30, 2015 with provision for one year extension if necessary.

A-7441

- N. Director of Public Works requests the following actions regarding a donation to the Roads fund from Stan and Patty Teaderman, via the Rutherford Dust Society:

1. Authorization to accept a donation in the amount of \$25,000;
2. Authorization for the Chair to sign a letter of gratitude; and
3. Budget Transfer No. DPW001 increasing appropriations in the Roads budget with offsetting revenue and establishment of a fixed asset in the amount of \$22,859 for the purchase and installation of driver speed feedback signs on Silverado Trail. (4/5 vote required)

BT-DPW001

Chair Diane Dillon requested the County Executive Office send a letter of gratitude to Stan and Patty Teaderman.

General Admin & Finance

- O. Chief Information Officer requests approval of and authorization for the Chair to sign a revenue agreement with the City of American Canyon for an annual maximum of \$20,000 for the term May 11, 2010 through June 30, 2011, with a provision for automatic annual renewal, to provide access to the County's

Geographic Information System resources and services.

A-7442

- P. Community and Intergovernmental Affairs Manager requests adoption of a resolution authorizing a loan from the Affordable Housing Fund in the amount of \$1,300,000 for the Progress Foundation to assist in the acquisition of six units (12 beds) of transitional housing for youth at risk of homelessness and 18 units of permanent supportive housing for homeless or at risk of homeless adults with mental illnesses.

R-2010-88

- Q. Director of Human Resources requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 7068 with Anthem Blue Cross extending the term of the agreement for Employee Assistance Program services through December 31, 2010.

A-7068 (Amend. 1)

- R. County Executive Officer requests the appointment of Richard Feldstein, representing the Chair of the Board of Supervisors, and the reappointment of James V. Jones, representing the Napa County Bar Association, to the Napa County Law Library Board of Trustees, with terms of office to expire December 31, 2010.

- S. County Executive Officer requests the reappointment of Kate MacMillan to serve on the Napa City-County Library Commission with the term of office to commence immediately and expire June 30, 2013.

- T. County Executive Officer recommends adoption of a resolution appointing County Executive Office Senior Management Analyst Molly Rattigan as County Alternate Representative to the Board of Directors of the California State Association of Counties Excess Insurance Authority (CSAC-EIA).

R-2010-89

- U. County Executive Officer requests the appointment of Larry A. Bettinelli to serve on the Napa County Winegrape Pest and Disease Control District with term of office to commence immediately and expire March 26, 2013.

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, 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. 11:30 AM PUBLIC HEARING First and final reading and adoption of an ordinance approving a Development Agreement between the County of Napa and Napa Industrial LLC to facilitate development of a 646,734 sq. ft. warehouse on a 38 acre portion of a 218 acre property (APN 057-080-069) commonly referred to as the "Headwaters" property, consistent with the use permit and tentative map approvals granted by the Planning Commission on January 7, 2009. The property site is located to the south of the Napa County Airport, west of the Union Pacific railroad tracks, with an Industrial Park: Airport Compatibility (IP:AC) zoning district. APN 057-090-069, American Canyon.
- ENVIRONMENTAL DETERMINATION: 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)]. Approval of the Development Agreement with Napa Industrial LLC will contractually vest development rights already in existence resulting from the prior approval of Use Permit #P07-00412UP and Tentative Parcel Map #P08-00131-PM. Those approvals were granted by the Planning Commission on January 7, 2009 following review under the California Environmental Quality Act (CEQA) via an Addendum to the Final EIR for the Beringer Wine Estates Devlin Road Facility (State Clearinghouse No. 00034043) certified on April 9, 2002. On January 7, 2009 the Planning Commission considered the Addendum, approved a Mitigation Monitoring Program, and reaffirmed and readopted both the CEQA Findings of Fact and Rationale and Statement of Overriding Considerations contained in Board of Supervisors Resolution No. 02-72.
- (CONTINUED FROM JUNE 29, 2010)

O-1345
A-7443

Opened public hearing.

Deputy Director of Conservation, Development and Planning John McDowell made presentation.

Testimony presented.

Closed public hearing.

Read title.

Motion moved by Bill Dodd, seconded by Brad Wagenknecht, to waive reading the balance of the ordinance. Motion passed 5 - 0.

Motion moved by Brad Wagenknecht, seconded by Diane Dillon, to approve adoption of ordinance. Motion passed 5 - 0.

- D. 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. Agricultural Commissioner/Sealer requests direction regarding Board representation at the Great Wine Capital General Assembly and authorization for out-of-country travel for Agricultural Commissioner/Sealer Whitmer and designated Board members to attend the Great Wine Capitals General Assembly in Christchurch, New Zealand on October 28 through November 5, 2010 for a maximum cost of \$15,000.

**Agricultural Commissioner/Sealer of Weights and Measures Dave Whitmer made presentation.
Held discussion.**

Motion moved by Brad Wagenknecht, seconded by Mark Luce, to approve requested action and designate Supervisors Bill Dodd and Keith Caldwell as Board representatives. Motion passed 5 - 0.

- B. Director of Public Works requests the following actions related to a \$1 million contribution from the General Fund to the Roads budget:
1. Consideration of the proposed list of projects for Fiscal Year 2010-11; and
 2. Approval of Budget Transfer No. DPW002 appropriating \$1,000,000 in four newly created road projects with an offsetting reduction in Services and Supplies (4/5 vote required).

BT-DPW002

**Director of Public Works Don Ridenhour made presentation.
Testimony presented.**

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

General Admin & Finance

- C. County Executive Officer requests three (3) appointments from the following list to the Mental Health Board with terms of office to expire as follows:

<u>Applicant</u>	<u>Representing</u>	<u>Term Expires</u>
Betsinda (Sindy) Biederman**	Interested and Concerned Citizen	January 1, 2013
Robin Timm**	Interested and Concerned Citizen	January 1, 2012
<u>Applicant (choose one)</u>	<u>Representing</u>	<u>Term Expires</u>
Robin Kay Dixon**	Consumer	January 1, 2011
Robin Kay Dixon	Family member of Consumer	January 1, 2012

**recommended by Mental Health Board

Motion moved by Brad Wagenknecht, seconded by Keith Caldwell, to approve appointment of Betsinda (Sindy) Biederman and Robin Timm representing Interested and Concerned Citizen and Robin Kay Dixon representing Consumer. Motion passed 5 - 0.

11. LEGISLATIVE ITEMS

- A. Community and Intergovernmental Affairs Manager, on behalf of the Legislative Subcommittee, requests approval of and authorization for the Chair to sign letter of support for SJR 34-Relative to California wines, which urges Congress to defeat House Resolution 5034 in order to protect and preserve the ability of California wineries to ship wine directly to consumers without discrimination between in-state and out-of-state producers (Unanimous vote required).

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

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

Supervisors Bill Dodd and Brad Wagenknecht reported on 4th of July parades.

Supervisor Mark Luce reported on his attendance at the Metropolitan Transportation Commission (MTC) Planning Committee meeting relating to greenhouse gas goals.

Supervisor Keith Caldwell reported on a meeting in Sacramento with Assembly member Noreen Evans regarding Milliken-Sarco-Tulocay recycled water.

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

Supervisors Brad Wagenknecht and Keith Caldwell reported on efforts to find a wildlife rescue center location in Napa County.

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

- A. County Executive Officer to present a status report on the Strategic Objectives.

County Executive Officer Nancy Watt presented the monthly strategic update.

15. CLOSED SESSION

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

Name of Case: Mishewal Wappo Tribe of Alexander Valley v. Ken Salazar (U.S. District Court # 5:09-CV-02502-JW)

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.

- C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b)(3)(B) of Government Code Section 54956.9: (Decisions relating to the Napa Pipe Project and EIR)

Closed session held. No reportable action.

16. ADJOURNMENT

Adjourned to the Board of Supervisors regular meeting Tuesday, August 3, 2010 at 9:00 a.m.

DIANE DILLON, Chair

ATTEST:

GLADYS I. COIL, Clerk of the Board

