

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

July 26, 2005

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, JULY 19, 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 AT 9:04 A.M.
2. Pledge of Allegiance.
BRUCE CAKEBREAD LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
KAREN CRUZ SPOKE ABOUT PRESERVING THE REDWOOD TREES LOCATED NEAR ARROYO AND BROWN STREETS IN THE CITY OF NAPA. DUE TO THE FLOOD CONTROL PROJECT THE TREES ARE SLATED TO BE REMOVED.

GERALD PALMER ALSO SPOKE ABOUT PRESERVING THE TREES.

MURIEL FAGIANI SPOKE ABOUT PRESERVING THE COOMBS STREET BRIDGE IN THE CITY OF NAPA AND ITS RELATIONSHIP TO THE FLOOD CONTROL PROJECT.
5. Department Heads' Reports and Announcements.
GARY LIEBERSTEIN, NAPA COUNTY DISTRICT ATTORNEY, REPORTED THAT NAPA COUNTY IS ONE OF FOUR PROJECTS SELECTED TO PARTICIPATE IN THE STATE GRANT MONIES ON COMMUNITY GANG VIOLENCE PREVENTION. THESE MONIES WILL FUND THE PROJECT UP TO \$400,000 FOR THE NEXT THREE YEARS. OTHER AGENCIES FUNDED WERE LOS ANGELES COUNTY, CITY OF SACRAMENTO AND THE CITY OF OXNARD.

Consent Calendar

- 6A. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6298 with Susan Tam increasing the amount by \$102,000 for a new maximum of \$214,000 and extending the term through August 31, 2006 to provide services for the implementation of the Napa County Public Health Preparedness and Response to Bioterrorism Grant Program and the Health Resources Services Administration (HRSA) grant.

**A-6298
(AMEND. 2)**

- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Agreement No. 6391-2 with J & C Nationwide, Inc. dba JCNationwide for a maximum of \$105,000 for the term July 26, 2005 through June 30, 2006 to provide temporary or permanent psychiatrist placement services to the mental health program.
A-6391-2
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Local Workforce Investment Area Local Plan Modification for Program Year 2005-2006. Community Resources & Infrastructure.
- 6D. Director of Environmental Management requests approval of and authorization for the Chair to sign Amendment No. 9 to Agreement No. 3352 with the Napa-Vallejo Waste Management Authority to modify administrative and support services provided by the County for the Authority.
**A-3352
(AMEND. 9)**
- 6E. Director of Public Works requests approval of and authorization for the Chair to sign a Space License Agreement with Tissue Banks International, Inc. (TBI) dba Northern California Transplant Bank for a maximum of \$60,000 for the term July 26, 2005 through June 30, 2007 for its use of the new Sheriff facility to harvest human tissue for therapeutic transplantation.
A-6486
- 6F. Director of Public Works requests approval of plans and specifications for the "650 Imperial Way Fire Protection System Modifications Project," PW 05-04, 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.
- 6G. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from McMahon & LaGrand. (Assessor's Parcel No. 058-070-025)
- 6H. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from John Cochran. (Assessor's Parcel Nos. 058-083-013 and 058-083-015)
- 6I. Assessor-Recorder-County Clerk requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement Nos. 4645-3 and 4646-3 with Madera County extending the term through June 30, 2006 and providing for an annual automatic renewal for the cost-sharing of the base-year tracking and manufactured home/aircraft automated valuation enhancements to the Megabyte Property Tax System.
**A-4645-3
(AMEND. 2)**
**A-4646-3
(AMEND. 2)**

- 6J. Auditor-Controller requests authorization to prepare the necessary accounting entries to close the financial books for the Fiscal Year ended June 30, 2005.
- 6K. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following County of Napa Audit Reports for the Fiscal Year ended June 30, 2004:
1. Treasurer-Tax Collector Department, Central Collections Revolving Fund;
 2. Napa Special Investigation Bureau, Special Investigation Revolving Fund;
 3. District Attorney's Office, Special Investigation Revolving Fund;
 4. District Attorney's Office, Child Recovery Fund;
 5. Health and Human Services Agency, Over the Counter Revolving Fund;
 6. Napa City/County Library, Library Revolving Fund; and
 7. County Executive Office, Insurance Revolving Fund.
- 6L. Auditor-Controller requests the Board accept and instruct the Clerk of the Board to file the Audit Reports for the Napa County Local Transportation Fund and Napa County Transportation Act Fund for Fiscal Year 2003-2004.
- 6M. Auditor-Controller requests approval of and authorization for the Chair to sign an agreement with Bartig, Basler & Ray, Certified Public Accountants, for a maximum of \$58,500 for the term July 1, 2005 through June 30, 2006 to provide financial audits for Fiscal Year 2004-2005.
A-6487
- 6N. County Counsel and District Attorney request the Board take the following actions:
1. Approve the expenses relating to the out of country travel that Regina Clark, Child Recovery Assistant, was required to incur during a trip to Paris, France, pursuant to a Napa Superior Court Order, from June 30, 2005 - July 4, 2005 at an estimated cost of \$9,400; and
 2. Direct staff to file an appropriate SB90 claim for recovery of the \$9,400 from the State of California.
- 6O. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Conservation, Development and Planning Department with regards to deleting one (1) Permit Technician position and adding one (1) Plans Examiner position, effective July 26, 2005.
R-05-128
- 6P. Human Resources Director requests adoption of Retirement Resolution No. 05-119 to Maryellen Vander Sluis, Mental Health Counselor-Licensed, in recognition of over 31 years of service.
R-05-119
- 6Q. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6405 with the University of California at Santa Barbara - Economic Forecast Project increasing the amount by \$8,000 for a new maximum of \$32,500, extending the term through August 31, 2005, and amending the Scope of Work to include printing services for the Napa County Community Indicators Report.
A-6405
(AMEND. 1)

- 6R. County Executive Officer requests the following appointments to serve on the Board of Directors of the Watershed Information Center and Conservancy (WICC) of Napa County representing Napa County Cities and Town as recommended by the Napa County City Selection Committee with terms of office to commence immediately and expire as indicated.

<u>Name</u>	<u>City</u>	<u>Term Expires</u>
Lori Luporini	City of American Canyon	August 2006
Mark Van Gorder	City of Napa	August 2008

6. Discussion of Items Removed from the Consent Calendar.
NONE

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6R.
BW-ML-HM-BD-DD**

Set Matters or Public Hearings

- 8A. 9:00 a.m. Consideration and possible action regarding an appeal filed by the Law Offices of Thomas N. Lippe representing Earth Defense for the Environment Now of decisions by the Director of Conservation, Development and Planning to certify an Environmental Impact Report (EIR) and to approve Erosion Control Plan No. 99323-ECPA for earth moving activities on slopes greater than 5% associated with the Robert Mondavi Properties' Vineyard Project. (Assessor's Parcel No. 046-400-034). ENVIRONMENTAL DETERMINATION: The Board has been provided with a Final Environmental Impact Report (FEIR), which has been prepared and certified pursuant to CEQA, the State CEQA Guidelines, and the County's local procedures. The adequacy of the FEIR is the subject of the appeal. If the Board upholds the appeal, the FEIR will be remanded back to the Department of Conservation, Development, and Planning for revision. If the Board denies the appeal it will need to affirmatively re-certify the FEIR pursuant to State CEQA Guidelines Section 15090. (CONTINUED FROM JUNE 21, 2005)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD DECLARED ITS INTENT TO RECERTIFY THE ENVIRONMENTAL IMPACT REPORT.

BD-HM-ML-BW-DD

THE BOARD DECLARED ITS INTENT TO APPROVE THE MODIFIED PROJECT REFERENCE MAP.

BW-HM-BD-ML-DD

ITEM CONTINUED TO TUESDAY, AUGUST 9, 2005 AT 11:30 A.M. FOR SUBMISSION OF FINDINGS.

- 8B. 11:00 a.m. Director of Health and Human Services requests the Board conduct a public hearing and consider adoption of a resolution establishing and increasing client fees for the Drinking Driver Program. **R-05-129**
PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION BD-ML-HM-BW-DD

- 8C. 11:10 a.m. Recess to the Napa County Flood Protection and Watershed Improvement Authority special meeting. **(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)**
- 8D. 11:15 a.m. - County Executive Officer recommends that the Board receive an update by the Napa Valley Conference & Visitors Bureau and the Napa Valley Economic Development Corporation regarding a proposed countywide destination strategy.
UPDATE GIVEN
- 8E. 2:15 p.m. - Presentation by First 5 Napa County of 2005-2006 grants to grantees. (Supervisor Wagenknecht)
SUPERVISOR WAGENKNECHT AND COMMITTEE CHAIR, TERESA ZIMNEY PRESENTED MINI GRANTS (UNDER \$5,000) TOTALING \$45,605 TO THE FOLLOWING ORGANIZATIONS:
- 1. A PLACE OF MY OWN - FURNITURE & EQUIPMENT;**
 - 2. CATHOLIC CHARITIES - THERAPUTIC ART PROGRAM;**
 - 3. CHILD ABUSE PREVENTION COUNCIL - SAFE FROM THE START;**
 - 4. CHILD START INC. - MATH AND SCIENCE PROGRAM MATERIALS;**
 - 5. CHILD START INC. - RESOURCE SHARING LIBRARY;**
 - 6. DeANGELO FAMILY CHILD CARE CENTER – FURNITURE & AND EQUIPMENT;**
 - 7. HEALTHY MOMS & BABIES – CAR SEATS;**
 - 8. MUSIC FOR LIFE – MUSIC THERAPY;**
 - 9. NAPA VALLEY ADULT SCHOOL – PARENT WORKSHOPS;**
 - 10. NAPA WOMEN'S CLUB – BOOKS AND SUPPLIES FOR BOOK DRIVE;**
 - 11. SISTER ANN DENTAL CLINIC – DENTAL EQUIPMENT;**
 - 12. ST. HELENA FAMILY CENTER – FURNITURE & EQUIPMENT; AND,**
 - 13. ST. LUKES PRE-SCHOOL – EDUCATIONAL & PLAYGROUND SUPPLIES.**

SCHOOL READINESS PROGRAM GRANTS TOTALING \$142,129 WERE PRESENTED TO THE FOLLOWING ORGANIZATIONS:

- 1. CALISTOGA JOINT UNIFIED SCHOOL DISTRICT - SUMMER BRIDGES;**
- 2. COMMUNITY RESOURCES FOR CHILDREN – TOY LIBRARY AND RESOURCE CENTER;**
- 3. COPE FAMILY CENTER - CHILD DEVELOPMENT ASSESSMENT AND CONSULTATION;**
- 4. NAPA COUNTY OFFICE OF EDUCATION – EAGER TO LEARN II; AND**
- 5. UNTIED SHOELACES – COMPREHENSIVE HEALTH ASSESSMENTS.**

8E Continued

GRANTS (OVER \$5,000) totaling \$686,577 WERE PRESENTED TO THE FOLLOWING ORGANIZATIONS:

- 1. CALISTOGA FAMILY CENTER – PARENTS AS EDUCATORS II;**
- 2. CHILD START, INC. – JOB TRAINING & DEVELOPMENT;**
- 3. CHILD START, INC. – RAISING A READER;**
- 4. COMMUNITY RESOURCES FOR CHILDREN – EMERGENCY CHILD CARE ASSISTANCE;**
- 5. COMMUNITY RESOURCES FOR CHILDREN – HOME VISITING CHILD CARE PROVIDER TRAINING;**
- 6. COPE FAMILY CENTER – FAMILY ECONOMIC SUCCESS;**
- 7. HEALTHY MOMS & BABIES – GESTATIONAL DIABETES PROGRAM;**
- 8. HEALTHY MOMS & BABIES – PROUD FATHERS PROGRAM;**
- 9. ONE FAMILY NETWORK – FAMILY RESOURCE NETWORK PHASE III;**
- 10. PARENT CHILD ADVOCACY (MATRIX) – FAMILY HEALTH CARE LAISION;**
- 11. SISTER ANN DENTAL CLINIC – CHILDRENS' DENTAL TREATMENT;**
- 12. SISTER ANN DENTAL CLINIC – PREVENTATIVE DENTAL TREATMENT FOR PREGNANT WOMEN; AND,**
- 13. ST. HELENA FAMILY CENTER – PARENT EDUCATION PROGRAM.**

- 8F. 3:00 p.m. - Recess to a joint meeting with the Napa City Council. (Napa City Hall)
1. Discussion and possible endorsement of design concept for a joint City-County Parking Garage.
 2. Status Updates Related to Homeless Shelter and other areas of agreement related to City-County Memorandum of Understanding (MOU).

MEETING HELD

THE BOARD AND CITY COUNCIL APPROVED THE FOOTPRINT OF THE PROPOSED PARKING STRUCTURE AND DIRECTED STAFF TO COME BACK WITH OPTIONS FOR USE OF THE SETBACK AREA/OPEN SPACE WHICH DO NOT REQUIRE DESIGN CHANGE.

Administrative Items

- 9A. First reading and intention to adopt an ordinance amending Chapter 2.24 of the Napa County Code relating to the office of District Attorney-Public Administrator, adding a new Chapter 2.31 to the Napa County Code relating to the Public Administrator, separating the consolidated offices of District Attorney and Public Administrator, and providing that the Public Administrator be an Appointive Office. 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.

O-1265

TITLE READ

9A Continued.

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

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

9B. County Executive Officer requests appointment/reappointment of one (1) of the following applicants to serve on the Napa City-County Library Commission with the term of office to commence July 1, 2005 and expire June 30, 2008.

Name

Tom Feutz*

Sandra Kay Soper

*Incumbent

**THE BOARD APPOINTED TOM FEUTZ.
ML-HM-BD-BW-DD**

9C. County Executive Officer requests the appointment of one (1) member of the Board of Supervisors to serve on the Local Agency Formation Commission (LAFCO) as an alternate member for a four (4) year term of office commencing immediately and expiring the first Monday in May 2009.

**THE BOARD APPOINTED SUPERVISOR MARK LUCE TO SERVE AS AN
ALTERNATE MEMBER ON THE LOCAL AGENCY FORMATION COMMISSION
BD-BW-HM-ML-DD**

10. Legislative Items.
NONE

11. Board of Supervisors' Committee Reports and Announcements.
SUPERVISOR WAGENKNECHT REPORTED THAT HE ATTENDED THE FIRST FIVE MEETING WHERE LEGISLATION DEALING WITH A PROPOSAL SIMILAR TO THE CHILD HEALTH INITIATIVE WAS DISCUSSED. HE SUGGESTED THAT THE ISSUE BE REFERRED TO THE LEGISLATIVE SUB-COMMITTEE.

SUPERVISOR DODD REPORTED ON LAST WEEK'S NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) MEETING. HE STATED THAT THE AGENCY IS MOVING CLOSER TO A FINAL DRAFT OF THE TRANSPORTATION SALES TAX PROPOSAL.

SUPERVISOR WAGENKNECHT REPORTED THAT TODAY IS THE FIRST "SPARE THE AIR" DAY. TRANSIT IS FREE TODAY IN THE BAY AREA WHICH INCLUDES NAPA.

11. Continued.

HE ALSO REPORTED THAT THE AIR BOARD VOTED ON A FLARE RULE AT THEIR LAST MEETING. HE STATED THAT FLARES ARE USED AT REFINERIES AND THE AIR BOARD VOTED ON A RULE THAT REGULATES THE USE OF FLARES.

SUPERVISOR LUCE REPORTED ON HIS ATTENDANCE AT THE ASSOCIATION OF BAY AREA GOVERNMENTS' (ABAG) EXECUTIVE COMMITTEE MEETING ON JULY 25, 2005. HE VOLUNTEERED TO PARTICIPATE ON THE SUB-COMMITTEE ON HOMELESSNESS IN THE BAY AREA.

CHAIR DILLON REPORTED ON HER ATTENDANCE AT THE COMMISSION ON AGING MEETING ON JULY 25, 2005. SHE AND SUPERVISOR WAGENKNECKT ALSO ATTENDED THE BRAN SCIENCE PRESENTATION BY DUANE KNAPP AT THE LINCOLN THEATRE IN YOUNTVILLE.

SUPERVISOR MOSKOWITE STATED THAT HE KNEW OF A CITIZEN FROM AMERICAN CANYON WHO IS INTERESTED IN SERVING ON THE COMMISSION ON AGING REPRESENTING THE FIFTH SUPERVISORAL DISTRICT.

SUPERVISOR DODD REPORTED ON HIS ATTENDANCE AT THE FIRST AIRPORT INDUSTRIAL AREA SUBCOMMITTEE MEETING WITH SUPERVISOR MOSKOWITE AND OTHER STAFF FROM THE CITY OF NAPA AND AMERICAN CANYON. THE PURPOSE OF THE MEETING WAS TO REVIEW CURRENT DEVELOPMENTS IN SOUTH COUNTY.

12. Board of Supervisors' Future Agenda Items.

CHAIR DILLON REQUESTED THAT A DISCUSSION OF THE REGULATIONS PURSUANT TO AB885 BE AGENDIZED FOR THE NEXT MEETING ON AUGUST 2, 2005.

13. County Executive Officer Reports and Announcements.
NONE

- 14A. Closed Session

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: Director of Conservation, Development and Planning

CLOSED SESSION HELD – NO REPORTABLE ACTION

- 14B. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a))**

Name of case: Pedro Jaramillo et. al. vs. County of Napa et. al. (US District Court Case No. C 04 1740 BZ)

CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' MEETING, TUESDAY, AUGUST 2, 2005 AT
9:00 A.M.**

BILL DODD, Chairperson

ATTEST:

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