

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

October 24, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, OCTOBER 24, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS DIANE DILLON, HAROLD MOSKOWITE, BRAD WAGENKNECHT, AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:06 A.M.
2. Pledge of Allegiance.
TOM ANDERSON LED THE SALUTE TO THE FLAG.
- 3A. Presentation of a proclamation to Pacific Union College celebrating their 125th anniversary.
(Supervisor Dillon)
PRESENTATION MADE
4. Public Comment.
JOHN SALMON OF NAPA COMMENTED ON AN ARTICLE WHICH APPEARED IN THE NAPA VALLEY REGISTER ON OCTOBER 22, 2006 CONCERNING THE PROPOSED NAPA COUNTY PARKS AND OPEN SPACE PLAN. MR. SALMON ASKED IF THE PLAN WAS IN COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REGULATIONS.
5. Department Heads' Reports and Announcements.
NANCY WATT, COUNTY EXECUTIVE OFFICER, INTRODUCED HEALTH AND HUMAN SERVICES' STAFF SERVICES ANALYST MOLLY RATTIGAN. MS. RATTIGAN HAS BEEN TEMPORARILY ASSIGNED TO HELP WITH THE WORKLOAD IN THE COUNTY EXECUTIVE OFFICE.

STEVE LEDERER, DIRECTOR OF ENVIRONMENTAL MANAGEMENT, REPORTED THAT 276 RESIDENTS PARTICIPATED IN THE CALISTOGA HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY EVENT.

Consent Calendar

- 6A. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Community Health Clinic Ole, Inc., for a maximum of \$70,000 for the term October 24, 2006 through June 30, 2007 to provide HIV education and prevention services.
A-6714
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4823 with Joni Yacoe, MFT, increasing the amount by \$6,250 for a new maximum of \$10,000 to provide additional counseling services in the Children's Behavioral Health/Child Welfare Services/SB 163 Wraparound Programs.
**A-4823
(AMEND. 2)**

- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6298-2 with Susan Tam increasing the amount by \$10,000 for a maximum of \$24,000 to provide additional program administration and coordination services related to public health preparedness activities.

ITEM REMOVED FROM THE AGENDA.

- 6D. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6345 with Moore Iacofano Goltsman, Inc. (MIG) increasing the amount by \$32,520 for a new maximum of \$82,040 for continued professional assistance with ongoing maintenance, development and support of the Watershed Information Center & Conservancy's (WICC) online WebCenter.

**A-6345
(AMEND. 2)**

- 6E. Director of Conservation, Development and Planning requests consideration and approval of the following six (6) grant proposals, as recommended by the Napa County Wildlife Conservation Commission:

1. \$1,967 for the California Department of Fish and Game for a deer decoy;
2. \$500 for the California Department of Fish and Game Volunteer Hunter Education Program for computer equipment;
3. \$2,700 for the California Native Plant Society for duck pond improvements and vegetation removal for fire protection in Martha Walker Native Habitat Garden in Skyline Park;
4. \$1,966 for the Land Trust of Napa County for exotic plant removal in Archer Taylor and Foote Botanical Preserves;
5. \$2,000 for McCormick Sanctuary, Inc.; dba Acorn Soupe, for their wildlife education program;
6. \$2,868 for the Napa County Resource Conservation District for watershed videography equipment.

- 6F. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4708 with SimplexGrinnell, L.P., increasing the amount by \$7,415 for a new maximum of \$14,230 for routine quarterly fire sprinkler system testing and inspections and for non-routine maintenance and repair services at additional locations of the Sheriff's facility and Juvenile Justice Center.

**A-4708
(AMEND. 2)**

- 6G. Assessor-Recorder-County Clerk requests approval of Budget Transfer No. 17 appropriating \$25,342 in the Recorder-County Clerk Department budget with offsetting revenues from Contingencies to replace the Recorder's Micrographic Trust Fund monies which reverted to the General Fund for an approved Professional Services Agreement with PFA Inc. (4/5 vote required)

BT-17

- 6H. County Counsel and the Napa County Deferred Compensation Board of Control request adoption of a resolution amending the 457 Deferred Compensation Plan to allow Plan Participants to receive loans from their 457 Plan Accounts. **R-06-185**
- 6I. Human Resources Director and Director of Health and Human Services Agency request adoption of a resolution amending the Departmental Allocation List for the Public Health Division of the Health and Human Services Agency, deleting one (1) 0.5 FTE Physical Therapist or Occupational Therapist and adding one (1) 0.7 FTE Physical Therapist or Occupational Therapist, effective November 4, 2006. **R-06-186**
- 6J. Human Resources Director and Director of Health and Human Services Agency request adoption of a resolution amending the Table and Index and the Departmental Allocation List for the Mental Health Division of the Health and Human Services Agency regarding the following, effective
1. Amend the Departmental Allocation List with no net increase in FTE's:
 - a. Adding: Six (6) Emergency Response Counselor-Registered / Emergency Response Counselor-Licensed, two (2) Emergency Response Worker, two (2) 0.5 Emergency Response Worker, three (3) Mental Health Counselor-Registered / Mental Health Counselor-Licensed, and one (1) Senior Emergency Response Worker; and
 - b. Deleting: Three (3) Mental Health Counselor, four (4) Mental Health Counselor Licensed, one (1) Mental Health Worker I/II, Three (3) Mental Health Worker II, one (1) Psychiatric Nurse, and one (1) Senior Mental Health Worker.
 2. Amend the Table and Index to add: Emergency Response Counselor-Registered, Emergency Response Counselor-Licensed, Emergency Response Worker, Mental Health Counselor- Registered, and Senior Emergency Response Worker. **R-06-187**
- 6K. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6373 with Napa Garden Court Associates extending the term through December 10, 2011 for the development of affordable housing. **A-6373**
(AMEND. 1)
- 6L. County Executive Officer/Purchasing Agent and Director of Public Works request a waiver of competitive bidding requirements and confirmation of a sole source award for the purchase of digital fingerprint equipment from Identix Inc., Hopkins, MN, for a total of \$130,637 pursuant to County Ordinance Code 2.36.090.
- 6M. County Executive Officer/Purchasing Agent and Director of Public Works request authorization to declare certain items of personal property as surplus and no longer required for public use, remove them from inventory, and dispose of them at public auction. (4/5 vote required)

- 6N. Second reading and adoption of an ordinance adding Section 1.20.22 to Chapter 1.20 of the County Code declaring substandard property maintenance as a public nuisance and specifying situations that would meet the definition of a public nuisance.
ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 21: 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 because it constitutes a clarification or amplification of code enforcement responsibilities, and code enforcement activities are themselves exempt from review. [See Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15321.] **O-1282**
- 6O. Second reading and adoption of an ordinance updating Chapter 8.20 (Abandoned vehicles) of the Napa County Code.
ENVIRONMENTAL DETERMINATION: 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)]. **O-1283**
6. Discussion of Items Removed from the Consent Calendar.
SEE ITEM 6C.

**APPROVED CONSENT CALENDAR ITEMS 6A, 6B, AND 6D THROUGH 6O.
BW-DD-HM-ML-BD**

Set Matters or Public Hearings

- 8A. 9:00 a.m. Public Hearing
Director of Conservation, Development and Planning requests adoption of a resolution decreasing building permit fees for solar energy installations, decreasing fees for plan review of large projects submitted to approved third-party plan reviewers, and increasing certain other fees for services provided by the Conservation, Development and Planning Department - Building Division.
PUBLIC HEARING HELD – NO TESTIMONY PRESENTED
- ADOPTED RESOLUTION DD-BW-HM-ML-BD R-06-188**
- 8B. 9:15 a.m.
Recess to the Lake Berryessa Resort Improvement District special meeting.
(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)
- 8C. 9:45 a.m. Public Hearing
Consideration and possible action regarding an appeal filed by Christopher Peacock and Angus Wurtele to a decision by the Director of Public Works to approve a Lot Line Adjustment filed by Mark and Carolyn Butler for the property located on Spring Mountain Road in St. Helena. (Assessor's Parcel Nos. 022-190-004 and 022-250-010)

8C. Continued.

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.

(APPELLANT REQUESTS CONTINUANCE; IF THE BOARD GRANTS THE CONTINUANCE, THE BOARD WILL SET THE DATE OF THE CONTINUED HEARING IMMEDIATELY AFTER OPENING THE HEARING ON OCTOBER 24, 2006, AND NOTICE OF THE DATE WILL NOT BE REPUBLISHED)

THE BOARD APPROVED THE APPELLANT'S REQUEST TO WITHDRAW THE APPEAL. BW-ML-HM-DD-BD

8D. 10:30 a.m. Public Hearing

Consideration and possible action regarding an appeal filed by Montgomery G. Frankel, Esq. on behalf of Ronald and Kathye Citron of an August 14, 2006 decision by the Director of Conservation, Development and Planning to deny a Special Fence Permit #P06-0215. The Special Fence Permit would have allowed a 6 foot 8 inch solid fence within the front yard setback of a residence located on the west side of Silverado Trail approximately 600 ft. north of Lommel Road within the Agricultural Preserve (AP) Zoning District at 4189 Silverado Trail (Assessor's Parcel No. 021-020-010).

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 3: 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. [See Class 3 ("New Construction or Conversion of Small Structures") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15303; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD FOUND THAT THE CIRCUMSTANCES WERE UNIQUE AND THEREFORE FOUND IN FAVOR OF THE APPELLANT AND AUTHORIZED THE DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING TO SEND A LETTER REFLECTING THE FINDINGS.

ML-DD-HM-BW-BD

N

8E. 11:30 a.m.

Recess to a joint luncheon and presentation by the Airport Advisory Commission at the Napa County Airport, 3480 Airport Road, Napa.

Administrative Items

9A. Director of Public Works requests discussion of and potential direction to prepare an agreement with the California Land Stewardship Institute (CLSI), to use Measure A funds in support of, and to match, a State Water Resources Control Board (SWRCB) grant, for preparation of a preliminary design for restoration of the Napa River between Oakville Cross Road and Oak Knoll Avenue.

DISCUSSION HELD

THE BOARD APPROVED PREPARATION OF AN AGREEMENT PURSUANT TO RECOMMENDATIONS OF STAFF.

DD-BW-HM-ML-BD

- 9B. Director of Public Works requests the following actions regarding Priority One 2005/2006 winter storm and flood road repairs:
1. Present results of bid proposals for PW 06-17 Redwood Road Slide Repair and PW 06- 18 Circle Oaks Drive Slide Repair projects;
 2. Provide recommendation for the award of the contracts; and
 2. Authorization for the Chair to sign the construction contracts consistent with the award recommendations.

THE BOARD APPROVED RECOMMENDATIONS OF STAFF AND AUTHORIZED THE CHAIR TO SIGN THE CONSTRUCTION CONTRACTS.

BW-DD-HM-ML-BD

- 9C. Director of Public Works to submit report on the recommendations of the Ad Hoc Committee to the Board of Supervisors regarding proposed changes to the Napa County Roads and Street Standards, Section 3 "Exceptions to Standards".

REPORT PRESENTED

10. Legislative Items.
NONE

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR WAGENKNECHT ANNOUNCED THAT EVERYONE SHOULD HAVE RECEIVED THEIR INVITATIONS TO THE CLIMATE CHANGE SUMMIT TAKING PLACE ON NOVEMBER 10, 2006 IN SAN FRANCISCO.

CHAIRMAN DODD REPORTED ON HIS ATTENDANCE WITH SUPERVISOR MOSKOWITE AT THE NAPA CAREGIVER LICENSING SUMMIT. DISCUSSION CENTERED ON PROTECTING SENIORS FROM UNSCRUPULOUS CAREGIVERS.

CHAIRMAN DODD ALSO REPORTED ON THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) MEETING THAT WAS HELD LAST WEEK.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT THE HOUSING METHODOLOGY COMMITTEE MEETING LAST THURSDAY. THE COMMITTEE HAS REACHED CONSENSUS ON A METHODOLOGY PROPOSAL WHICH WILL BE PRESENTED AT THE ASSOCIATION OF BAY AREA GOVERNMENTS' (ABAG) EXECUTIVE COMMITTEE MEETING SCHEDULED FOR NOVEMBER 16, 2006.

SUPERVISOR DILLON ALSO REPORTED THAT SHE ATTENDED THE COURT HOUSE DEDICATION HELD OCTOBER 17, 2006 AND THE ANNUAL POPE VALLEY TURKEY SHOOT.

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR DILLON REQUESTED A DISCUSSION AND POSSIBLE MODIFICATION OF THE ORDINANCE RELATING TO SLOPE CONSIDERATIONS FOR SEPTIC SYSTEMS.

12. Continued.

CHAIRMAN DODD REQUESTED A REVIEW OF THE AGREEMENT WITH THE CITY OF NAPA RELATIVE TO THE CORPORATE PARK AT THE NAPA AIRPORT.

13. County Executive Officer Reports and Announcements.

NONE

14. Closed Session.

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Director of Health and Human Services

ITEM REMOVED FROM THE AGENDA.

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:
(One case)

CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,
NOVEMBER 7, 2006 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