

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

December 19, 2006

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, DECEMBER 19, 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 9:02 A.M.**

2. Pledge of Allegiance.  
**VERONICA SIMPSON LED THE SALUTE TO THE FLAG.**

Presentations and Commendations

- 3A. Presentation of Certificates of Completion to participants of the Napa County Supervisory Academy.  
**PRESENTATION MADE**
- 3B. Presentation of Retirement Proclamation to Gary Simpson, Sheriff-Coroner in recognition of 20 years of service.  
**PRESENTATION MADE**

4. Public Comment.  
**NONE**

5. Department Heads' Reports and Announcements.  
**HILLARY GITELMAN, DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING, GAVE AN UPDATE ON THE STATUS OF THE NAPA FLEA MARKET.**  
**BOB PETERSON, DIRECTOR OF PUBLIC WORKS, GAVE AN UPDATE ON THE PARKING LOT LOCATED IN THE SULLIVAN BLOCK AREA.**  
**BEN WILSON, CHIEF INFORMATION OFFICER OF INFORMATION TECHNOLOGY SERVICES, GAVE A REPORT ON SPAM AND THE VOLUME OF EMAILS RECEIVED AT THE COUNTY ON A DAILY BASIS.**

**CHAIRMAN DODD EXPRESSED HIS APPRECIATION FOR THE HARD WORK OF COUNTY STAFF DURING THE PAST YEAR AND STATED THAT IT HAS BEEN AN HONOR TO SERVE AS THE CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2006.**

Consent Calendar

- 6A. Chief Probation Officer requests adoption of a resolution approving the Fiscal Year 2006-2007 Supplemental Application and authorizing its submission to the Corrections Standards Authority (CSA) in the amount of \$52,451 to provide drug court services to minors on probation.

**R-06-212**

- 6B. County Fire Chief requests establishment of a fixed asset in the amount of \$11,200 for the purchase of a respirator fit test device.
- 6C. Sheriff requests approval of the following actions relating to the funding of the California Multi-jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Program:
1. Approval of and authorization for the Sheriff to sign an agreement with the State of California, Governor's Office of Emergency Services for a maximum of \$241,909 for the term July 1, 2006 through June 30, 2007; and **A-6744**
  2. Approval of Budget Transfer No. 34 appropriating \$241,909 in the Special Investigations Unit Budget with offsetting revenue from the Governor's Office of Emergency Services. (4/5 vote required) **BT-34**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4660 with Don Scully, MFT, increasing the amount by 11,500 for a new maximum of \$15,000, with a provision for automatic annual renewal, to provide additional services in the Mental Health Outpatient Managed Care Program due to an increased number of clients. **A-4660**  
**(AMEND. 2)**
- 6E. Director of Health and Human Services requests approval of the following actions in relation to the Disability Program Navigator Initiative:
1. Authorization for the Chair to sign a revenue agreement with the Workforce Investment Board of Solano County, Inc. for a maximum of \$46,000 for the term July 1, 2006 through June 30, 2007 to fund a Disability Program Navigator position; and **A-6745**
  2. Budget Transfer No. 32 increasing appropriations in the Training and Employment Center's budget by \$46,000 with offsetting revenues from the Disability Program Navigator Initiative to fund salaries, benefits, and operating costs. (4/5 vote required) **BT-32**
- 6F. Director of Health and Human Services requests authorization to submit the CalWORKs Plan Addendum to the State Department of Social Services for Fiscal Year 2006-2007.
- 6G. Director of Environmental Management requests the Board adopt the Activity Pool Guidance Policy.  
**ITEM REMOVED FOR SEPARATE DISCUSSION.**
- APPROVED REQUEST ML-BW-HM-DD-BD**
- 6H. Library Director requests authorization to accept a non-cash donation from the Friends of the Napa Library to replace and refinish the patio furniture at the Napa Library valued at \$12,880.  
**ITEM REMOVED FROM THE AGENDA.**

6I. Director of Public Works requests approval of plans and specifications for the "Juvenile Courts at 2350 Old Sonoma Road Entrance Project and Minor Modifications," PW 07-09, 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.

6J. Director of Public Works requests award of the contract for the "Library Re-Carpet Project," PW 07-07, to Contract Furnishings of Rocklin, California, for its low base bid of \$48,150 and authorization for the Chair to sign the construction contract.

**ITEM AMENDED TO REFLECT PROJECT NUMBER 06-26, RATHER THAN 07-07.**

6K. Director of Public Works requests adoption of change order authorizing construction contract changes for the "Redwood Road Slide Repair," RDS 06-17, in accordance with Public Contract Code Section 20136(c) to respond to unexpected circumstances in the road repair for an amount not to exceed \$175,000. (2/3 vote required)

**ITEM REMOVED FOR SEPARATE DISCUSSION.**

**ITEM AMENDED TO REFLECT AMOUNT NOT TO EXCEED \$240,000, RATHER THAN \$175,000.**

**APPROVED REQUEST**

**DD-BW-HM-ML-BD**

6L. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Audit Report for the County of Napa Department of Corrections Inmate Welfare Trust Fund for the Fiscal Year ended June 30, 2005.

6M. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Audit Report for the Uniform Transient Occupancy Tax Audit of The Ink House for the period of April 1, 2003 to April 30, 2004.

6N. Chief Information Officer requests adoption of a resolution granting an extension of the non-exclusive cable television franchise held by Comcast Communications, Inc.

**ITEM REMOVED FOR SEPARATE DISCUSSION.**

**ADOPTED RESOLUTION**

**DD-ML-HM-BW-BD**

**R-06-220**

6O. County Counsel requests approval of recently amended conflict of interest codes for various local agencies.

6P. County Counsel requests adoption of a resolution approving the Lake Berryessa Resort Improvement District's proposed "Resolution of Notice of Intent to Levy Assessments and Issue Bonds" to fund necessary facility repairs.

**R-06-213**

6Q. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Environmental Management deleting one (1) Senior Hazardous Materials Specialist and adding one (1) Senior Environmental Health Specialist effective December 30, 2006.

**R-06-214**

- 6R. County Executive Officer requests the reappointment of Dee Cuney to the Napa Child Care Planning Council representing the at-large category with the term of office to commence immediately and expire on June 30, 2009.
- 6S. County Executive Officer requests the adoption of a resolution amending the organization and updating the Bylaws of the Napa County Emergency Medical Care Committee (EMCC).  
**R-06-215**
- 6T. County Executive Officer requests adoption of a resolution authorizing the Chair to Sign a Deed of Trust as Security for a Loan for the South Napa Homeless Shelter under the Emergency Housing and Assistance Program.  
**R-06-216**
- 6U. County Executive Officer requests the reappointment of Supervisor Brad Wagenknecht to serve on the County Medical Services Program (CMSP) Governing Board with the term of office to commence January 1, 2007 and expire December 31, 2007 and authorize the Acting Clerk of the Board to submit the Board's affirmative vote for Supervisor Wagenknecht to CMSP.
- 6V. County Executive Officer/Purchasing Agent and Director of Public Works request the following:
1. 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) and
  2. Declare certain items of personal property as surplus and no longer required for public use, and authorize the Purchasing Agent to dispose of these items by donating them to the following tax-exempt Health and Human Service organizations:
    - a. Cyber Mill, Inc.
    - b. Napa Valley Personal Computers User Group
- 6W. County Executive Officer/Purchasing Agent and Director of Public Works request a waiver of competitive bidding requirements and sole source award for the purchase of two (2) Animal Control Utility boxes from Superior Aluminum Body Corporation in South San Francisco, California, for a total amount of \$32,042, pursuant to County Ordinance Code 2.36.090.
- 6X. County Executive Officer and Clerk of the Board request adoption of the 2007 meeting schedule for the Board of Supervisors, specifying the following Tuesday dates as those on which the Board will not meet:
- |                   |                   |
|-------------------|-------------------|
| January 2, 2007   | July 3, 2007      |
| January 16, 2007  | September 4, 2007 |
| February 13, 2007 | October 30, 2007  |
| February 20, 2007 | November 13, 2007 |
| May 29, 2007      | December 25, 2007 |
7. Discussion of Items Removed from the Consent Calendar.  
**SEE ITEMS 6G, 6H, 6K AND 6N.**

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6F, 6I THROUGH 6J, 6L, 6M, AND 6O THROUGH 6X. BW-DD-HM-ML-BD**

Set Matters Or Public Hearings

- 8A. 9:05 a.m.  
County Counsel requests review and acceptance of a report regarding the manner in which the Napa Valley Housing Authority Joint Powers Agreement (JPA) is structured and operates.  
**REPORT PRESENTED**
- 8B. 9:10 a.m. Closed Session  
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
1. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)  
2. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (One case)  
**CLOSED SESSION HELD – NO REPORTABLE ACTION**
- 8C. 9:30 a.m. - Recess to the Board of Equalization Meeting.  
**(SEE BOARD OF EQUALIZATION MINUTES)**
- 8D. 10:30 a.m. Public Hearing  
Consideration and possible action regarding an appeal filed by Earth Defense for the Environment Now (EDEN) of decisions by the Director of Conservation, Development and Planning (Planning Director) to adopt a mitigated negative declaration and to approve Erosion Control Plan No. 02253-ECPA for earthmoving activities related to establishment of a vineyard by Napa Canyon LLC on a site northeast of the intersection of American Canyon Road and Flosden Road (Assessor's Parcel No. 050-040-065). ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration (MND) has been prepared and adopted pursuant to CEQA, the State CEQA Guidelines, and the County's local procedures. According to the MND, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: air quality, biological resources, cultural resources, hazards & hazardous materials, and hydrology & water quality. The adequacy of the mitigated negative declaration is the subject of the appeal. If the Board upholds the appeal, the project may be remanded back to the Department of Conservation, Development and Planning for further environmental review which may include preparation of an Environmental Impact Report (EIR). If the Board denies the appeal, it will need to re-adopt the mitigated negative declaration and associated mitigation monitoring program prior to re-approving the project. The project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5. (STAFF REQUESTS CONTINUANCE TO FEBRUARY 27, 2007 AT 10:00 AM)  
**PUBLIC HEARING OPENED.**
- THE BOARD CONTINUED THE PUBLIC HEARING TO FEBRUARY 27, 2007 AT 10:00 A.M. PURSUANT TO THE REQUEST OF STAFF.**  
**BW-DD-HM-ML-BD**

8E. 11:00 a.m. Public Hearing

Director of Conservation, Development and Planning requests the following:

1. Adoption of a resolution implementing rules for the establishment and administration of Type "C" Agricultural Preserves on lands zoned AP; and  
**R-06-217**
2. Adoption of a resolution approving a new Agricultural Preserve (Type "C") and authorization for the Chair to execute a Williamson Act agreement for the following real property: Application No. P06-01339-AGK, Assessor's Parcel No. 030-100-004. 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. [See Class 17 ("Open Space Contracts or Easements") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15317.] **R-06-218**

**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTIONS**

**DD-BW-HM-ML-BD**

8F. 11:30 a.m. - Recess to the Lake Berryessa Resort Improvement District special meeting.  
**(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

8G. 2:30 p.m. Public Hearing

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by John Stephens on behalf of the Living Rivers Council of a decision by the Conservation, Development and Planning Commission on September 20, 2006 to approve an exception to the Conservation Regulations in the form of a Use Permit (No. P04-0511-UP-CONSETB) to allow construction of a 792 square foot garage and 280 square foot workshop at a setback of 3 feet where 35 feet is required on a .53 acre parcel within the Agricultural Watershed (AW) Zoning District (Assessor's Parcel No. 034-212-010; 1109 Darms Lane, Napa).

ENVIRONMENTAL DETERMINATION: Negative Declaration Prepared.

According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.

**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTION**

**BW-DD-HM-ML-BD**

**R-06-219**

Administrative Items

9A. Director of Public Works to present an update on the status of County road repairs following the 2005/2006 winter storms.  
**REPORT PRESENTED**

- 9B. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with STAUBACH - NORTHERN CALIFORNIA, INC., for a maximum of \$395,000 for the term December 19, 2006 through June 30, 2007 for development of a Strategic Space Management Plan.

**ITEM PULLED FROM THE AGENDA AND WILL RETURN FOR BOARD  
CONSIDERTION ON JANUARY 9, 2007.**

- 9C. County Counsel requests consideration and approval of a non-profit charitable organization proposed by Jayson Woodbridge to receive the monetary donation required by the Release and Settlement Agreement.

**THE BOARD APPROVED A MONETARY DONATION OF \$50,000 PAYABLE TO THE  
COMMUNITY FOUNDATION BY DECEMBER 31, 2006.**

**ML-BW-HM-DD-BD**

- 9D. County Executive Officer requests the appointment/reappointment of three members to serve on First Five, Napa County (Children and Families Commission) with the term of office to commence January 2, 2007 and expire January 1, 2011.

Applicants

Lee C. Broad

Anne Carver\*

Dee Cuney\*

Kathleen Herrera

Stephanie Paravicini

\*Incumbent

**THE BOARD REAPPOINTED ANNE CARVER AND APPOINTED KATHLEEN  
HERRERA AND STEPHANIE PARAVICINI.**

**DD-BW-BD-HM-ML**

**N N**

- 9E. County Executive Officer requests discussion, possible direction, and possible action concerning the proposed Amendment No. 6 to the Napa County Transportation Planning Agency (NCTPA) Joint Powers Agreement No. 3061, expanding NCTPA's scope of advisory duties, amending the composition and voting powers of NCTPA's governing board, changing NCTPA's name to the Napa County Transportation and Planning Agency, and making other technical amendments to the agreement.

**ITEM DISCUSSED - NO ACTION TAKEN**

- 9F. First and final reading of an ordinance, pursuant to Section 9314 of the Public Resources Code, appointing three Directors to the Board of Directors of the Napa County Resource Conservation District in lieu of holding an election, with the terms of office commencing at noon on November 30, 2006, and expiring at noon on November 30, 2010.

**TITLE READ**

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

**ML-DD-HM-BW-BD**

**ADOPTED ORDINANCE**

**ML-DD-HM-BW-BD**

**0-1286**

9G. County Executive Officer requests the following:

1. Find that there is a need to take immediate action concerning whether to participate in the California Climate Action Registry prior to December 31, 2006 and that the need for action came to the attention of the Board of Supervisors subsequent to the agenda for the December 19, 2006 meeting of the Board of Supervisors being posted; (2/3 vote required) and

**THE BOARD CONCURRED. DD-BW-HM-ML-BD**

2. Discussion and possible action concerning participation in the California Climate Action Registry prior to December 31, 2006 pursuant to provisions of Assembly Bill (AB) 32, the California Global Warming Solutions Act (green house gasses) of 2006. (Supervisor Dillon)

**ITEM DISCUSSED – NO ACTION TAKEN**

Legislative Items

10A. Approval of and authorization for the Chair to sign a letter of support for AB 82, Local Planning - Agricultural Land.

**APPROVED AND AUTHORIZED REQUEST**

**BW-ML-HM-DD-BD**

**N**

10B. The Legislative Subcommittee will present a report concerning the proposed 2007 Napa County legislative platform. The Board may or may not take action on any or all items presented for discussion. (Unanimous vote required)

**REPORT PRESENTED**

**APPROVED PROPOSED 2007 NAPA COUNTY LEGISLATIVE PLATFORM**

**BW-ML-HM-DD-BD**

11. Board of Supervisors' Committee Reports and Announcements

**SUPERVISOR DILLON STATED THAT SHE ATTENDED THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC) MEETING HELD WEDNESDAY OF LAST WEEK. SHE ALONG WITH SEVERAL SUPERVISORS ALSO ATTENDED THE SWEARING-IN CEREMONIES OF THE PARKS AND OPEN SPACE DISTRICT BOARD OF DIRECTORS.**

**CHAIRMAN DODD ADVISED THAT ON WEDNESDAY, DECEMBER 20, 2006, THE METROPOLITAN TRANSPORTATION COMMISSION (MTC) WILL ENDORSE THE BOND RECOMMENDATIONS FOR TRANSPORTATION PROJECTS. JAMIESON CANYON IS NUMBER TWO ON THE LIST.**

12. Board of Supervisors' Future Agenda Items

**CHAIRMAN DODD REQUESTED A DISCUSSION CONCERNING STAFF FOR THE BOARD OF SUPERVISORS FOR THE NEXT FISCAL YEAR BE PLACED ON AN AGENDA.**



12. Continued.

**SUPERVISOR MOSKOWITE REPORTED THAT HE MET WITH NAPA SANITATION DISTRICT GERNERAL MANAGER MICHAEL ABRAMSON REGARDING THE WATER ISSUES IN THE COOMBSVILLE AREA. HE REQUESTED THAT A DISCUSSION OF THE WATER AVAILABILITY FOR COOMBSVILLE BE PLACED ON A FUTURE AGENDA.**

13. County Executive Officer Reports And Announcements.

**NANCY WATT, COUNTY EXECUTIVE OFFICER, REPORTED ON THE SUCCESSFUL FLU VACCINATION DRILL RECENTLY CONDUCTED. SHE INFORMED THE BOARD THAT COUNTY HEALTH OFFICER DR. KAREN SMITH WILL PRESENT A FULL REPORT ON THE EVENT AT A LATER DATE.**

14. Closed Session

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

**CLOSED SESSION HELD – NO REPORTABLE ACTION**

B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code section 54956.8) Property: Airport Road and Highway 29, Napa (Assessor's Parcel No. 051-210-55) Agency Negotiator: Robert Peterson and Michael Stoltz

Negotiating Party: Gunn Trust

Under Negotiation: Terms of Sale

**CLOSED SESSION NOT HELD**

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 623 Coombs Street and 1224 5th Street, Napa (Assessor's Parcel Nos. 003-271-002, 003-271-003, 003-271-005, 003-271-006, 003-271-009)

Agency Negotiator: Robert Peterson and Michael Stoltz

Negotiating Party: Wigger Family

Under Negotiation: Terms of Sale

**CLOSED SESSION NOT HELD**

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 2201 Imola Avenue, Napa (Assessor's Parcel Nos. 045-350-002, 045-360-001, 046-380-001, 046-390-001, 046-450-041, 046-450-042)

Agency Negotiator: Robert Peterson and Michael Stoltz

Negotiating Party: State of California

Under Negotiation: Terms of Sale

**CLOSED SESSION NOT HELD**

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY,  
JANUARY 09, 2007 AT 9:00 A.M.**

\_\_\_\_\_  
HAROLD MOSKOWITE, Chair

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