



# AGENDA

## NAPA COUNTY BOARD OF SUPERVISORS

**Tuesday October 17, 2006 9:00 A.M.**

Brad Wagenknecht  
District 1

Mark Luce  
District 2

Diane Dillon  
District 3

Bill Dodd  
District 4

Harold Moskowitz  
District 5

Nancy Watt  
County Executive Officer

Mary Jean McLaughlin  
Acting Clerk of the Board

Robert Westmeyer  
County Counsel

### GENERAL INFORMATION

The Board of Supervisors meets each Tuesday at 9:00 A.M. at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580 (253-6088TDD).

**The agenda is divided into three sections:**

**CONSENT ITEMS** - These matters typically include routine financial or administrative actions, as well as final adoption of ordinances that cannot be both introduced and adopted at the same meeting. Any item on the CONSENT CALENDAR will be discussed separately at the request of any person. CONSENT CALENDAR items are usually approved with a single motion.

**SET MATTERS - PUBLIC HEARINGS** - These items are noticed hearings, work sessions, and items with a previously set time.

**ADMINISTRATIVE ITEMS** - These items include significant policy and administrative actions and are classified by program areas. Immediately after approval of the CONSENT CALENDAR, if the time for hearing SET MATTERS has not arrived, ADMINISTRATIVE ITEMS will be considered.

Check with the Clerk of the Board to view any additional documents that may have been filed related to any item on this agenda.

**ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA** please proceed to the rostrum and, after receiving recognition from the Chair, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Board.

**AGENDA AVAILABLE ONLINE AT [www.co.napa.ca.us](http://www.co.napa.ca.us)**

**1. CALL TO ORDER; ROLL CALL****2. PLEDGE OF ALLEGIANCE****3. PRESENTATIONS AND COMMENDATIONS**

- A. Presentation of Retirement Proclamation to Miriam Ladrigan, Mental Health Counselor, in recognition of more than 27 years of service.
- B. Presentation of Retirement Proclamation to Arlene Rust, Supervising Legal Clerk, in recognition of more than 34 years of service.
- C. Presentation of a proclamation declaring October, 2006 as Domestic Violence Awareness Month. (Supervisor Dodd)

**4. PUBLIC COMMENT**

In this time period, anyone may address the Board of Supervisors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

**5. DEPARTMENT HEADS' REPORTS AND ANNOUNCEMENTS****6. CONSENT ITEMS**Law & Justice

- A. Chief Probation Officer requests acceptance of a report regarding the 2005-06 Juvenile Justice Crime Prevention Act which supports the STAR (Success Through Acting Responsibly) Program at the Juvenile Justice Center mandated by Government Code 30061.

Human Services

- B. Director of Health and Human Services requests approval of and authorization for the Chair to sign an Equipment Use and Space License Agreement with the Salvation Army, Napa Corps, for the term October 17, 2006 until terminated by either party, prescribing the terms and conditions under which the County's blast chiller and hand packaging system will be located and used at the Salvation Army's premises for the preparation of meals for the South Napa Shelter and during public emergencies.

Community Resources & Infrastructure**C.** Agricultural Commissioner/Sealer of Weights and Measures requests:

1. Approval of and authorization for the Chair to sign a funding agreement with the St. Helena Chamber of Commerce for a maximum amount of \$10,000, plus the actual cost of travel for County officials and employees, for the term of October 17, 2006 through June 30, 2010, to coordinate and facilitate the participation of the County in the Great Wine Capitals Global Network Annual Assembly; and
2. Authorization for out of country travel for Dave Whitmer, Agricultural Commissioner/Sealer of Weights and Measures and Bill Dodd, Chair of the Board of Supervisors to attend the Great Wine Capitals Global Network Annual Assembly, to be held in Mendoza, Argentina, on November 12-16, 2006, at an estimated cost of \$10,000.

**D.** Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with LSA Associates Inc. for a maximum of \$2,500 for the term October 17, 2006 through June 30, 2007 for staff training on the California Environmental Quality Act (CEQA) and related environmental issues.**E.** Director of Public Works requests the following actions regarding Priority One 2005/2006 winter storm and flood road repairs:

1. Review of the award of construction contracts, if any, to date by the Director of Public Works for Priority One winter storm and flood road projects pursuant to Public Contract Code Sections 20134(a) and 22050;
2. Make the following findings:
  - a. That the condition of the Priority One roads damaged by the 2005-2006 storms and floods continues to deteriorate from ongoing breakdown, subsidence and slope failures creating an ongoing emergency in that this essential public infrastructure may become unusable if it is not fully repaired prior to the onset of the 2006-2007 rainy season;
  - b. That the one emergency contract awarded to date will be addressing only a portion of the problems;
  - c. That the overall repairs cannot be completed prior to the onset of the rainy season if delayed by the lengthy procedures required to formally adopt plans and specifications and solicit competitive bids for all of the repair work required;
3. Continue authorization for the Director of Public Works to acquire all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contracts awarded without adoption of plans and specifications and solicitation of competitive bids, as he determines appropriate to complete the work (4/5 vote required); and
4. Direct the Director of Public Works to prepare an agenda item for a regular meeting of the Board no later than 14 days from the date of this meeting to review the need to continue these emergency actions.

**F.** 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 06-16, "Napa County Airport Tide Gate And Culvert Repair Project."

- G.** 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 Agreement No. 3198 (The Anderson Family Trust).
- H.** Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Maximus for a maximum of \$50,000 for the term October 17, 2006 through December 31, 2007 for services related to the filing of claims and disputes related to the 2005-2006 New Year Eve and the April 2006 Flood events.
- I.** Director of Public Works requests the following actions relating to the Napa County Airport:
1. Approval of Budget Transfer No. 16 appropriating \$21,485 in the Airport Capital Improvement budget with offsetting revenues from the Federal Aviation Administration (FAA), State and the Airport Enterprise Fund for construction of a Pollution Control Facility at the Napa County Airport; (4/5 vote required) and
  2. Director of Public Works requests award of the contract for the "Napa County Airport Pollution Control Facility Project," PW 06-15, to Northwest General Engineering of Santa Rosa, California, for their low base bid of \$128,174 and authorization for the Chair to sign the construction contract.
- J.** Director of Public Works requests approval of plans and specifications for the "HSA Office Trailers R and S Utility Installations Project," PW 06-23, 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.
- K.** Director of Public Works requests authorization to prepare a cost-share agreement with the Silverado Property Owners Association for a maximum of \$25,000 to be paid upon completion of a flood reduction and creek stabilization study along a portion of Milliken Creek.

#### General Admin & Finance

- L.** 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 Hillcrest Bed & Breakfast for the Period of January 1, 2004 to September 30, 2005.
- M.** Chief Information Officer requests approval of and authorization for the Chair to sign an agreement with IS Inc. dba Innovative Solutions, for a maximum of \$6,370 for the term October 17, 2006 through June 30, 2007 for software training.

- N. Human Resources Director requests the rescission of Resolution No. 06-168, approved September 12, 2006, and the adoption of a resolution amending the Departmental Allocation List for the Health and Human Services Agency and its divisions deleting one (1) (S) Supervising Mental Health Counselor II - Licensed from the Social Services Division, and adding one (1) (S) Supervising Mental Health Counselor II - Licensed to the Mental Health Division, effective October 17, 2006.
- O. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with NewPoint Group, Inc. for a maximum of \$99,900 for the term May 1, 2006 through June 30, 2007 for specialized accounting services.

## 7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

## 8. SET MATTERS OR PUBLIC HEARINGS

### A. 9:15 AM PUBLIC HEARING

County Counsel requests the following actions relating to the County's 2004 Conflict of Interest Code:

1. Continue to accept public testimony at the Public Hearing regarding objections or protests with respect to amending the Code; and
2. Close the Public Hearing and adopt the proposed resolution amending the 2004 Conflict of Interest Code.

**(CONTINUED FROM SEPTEMBER 12, 2006)**

### B. 9:30 AM

Recess to the Board of Equalization Meeting (See BOE Agenda).

### C. 10:30 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Farella Braun and Martel on behalf of their client, Tom Gamble, of a decision by the Zoning Administrator on July 31, 2006, to approve a minor change to the approved tentative map (P06-01097) for the Villa Berryessa subdivision (95071-SUB). The modification would adjust the approved lot configuration, adjust the overall layout and street alignment, decrease the amount of grading work, and relocate the water intake system to comply with the applicable conditions and mitigation measures approved by the Napa County Board of Supervisors in 1997. Additionally, some conditions of approval require minor changes in the timing of implementation; however, the ultimate determination for substantial compliance with the approved tentative map is generally made at the time the Board of Supervisors approves the final map. In this case, the applicant has requested a formal determination for the minor changes to the approved tentative map. The project is located on a ±141.84 acre parcel, on the north side of Pope Canyon Road approximately 1500 feet west of its intersection with Berryessa-Knoxville Road within a PD (Planned Development) zoning district and an area designated UR (Urban Residential) by the Napa County General Plan (Assessor's Parcel Number #019-080-003), Napa, CA.

**ENVIRONMENTAL DETERMINATION:** Addendum to a Supplemental Mitigated Negative Declaration to Environmental Impact Report - FEIR-038 prepared (State CEQA guidelines 15164 for minor changes to the project as approved by the Villa Berryessa Use Permit (95070-UP) and Tentative Map (95071-SUB)). The proposed minor change to the approved map does not constitute a substantial change to the project that would require major revisions to the prior environmental document due to the involvement of new significant environmental impacts. Also, no substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance have occurred that might necessitate additional review. An explanation of the decision not to prepare an additional environmental document is contained in the Addendum pursuant to State CEQA Guidelines Section 15164.

**D. 11:30 AM**

Director of Conservation, Development and Planning requests discussion and possible action regarding initiation of a general plan amendment, environmental review, and additional planning activities regarding the Napa Pipe property.

**E. 2:30 PM PUBLIC HEARING**

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by David Rice on behalf of Ren and Marilyn Harris to a decision by the Planning Commission on July 19, 2006 to approve Tom and Collette Gamble / Gamble Winery Variance Application No. 03156-VAR and Use Permit Application No. 03155-UP (the Project), located at 1851 Cook Road, Yountville, CA on a +10.00-acre parcel (after a Lot Line Adjustment) at the terminus of Cook Road approximately 2,050 feet from its intersection with Yount Mill Road within an Agricultural Preserve (AP) zoning district, (Assessor's Parcel No. 031-110-018). The appeal challenged the Commission's adoption of the Mitigated Negative Declaration and approval of the Variance and Use Permit.

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed Project may have, if mitigation measures, are not included, potentially significant environmental impacts in the following area: Geology & Soils; Hydrology & Water Quality. The Board needs to readopt the Mitigated Negative Declaration prior to approving the Project.

**9. ADMINISTRATIVE ITEMS**

**10. LEGISLATIVE ITEMS**

**11. BOARD OF SUPERVISORS' COMMITTEE REPORTS AND ANNOUNCEMENTS**

**12. BOARD OF SUPERVISORS' FUTURE AGENDA ITEMS**

**13. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS**

**14. CLOSED SESSION**

**A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)**

Agency Designated Representative: Mark Gregersen, Human Resources Director

Employee Organization: SEIU Local 614 - NAPE (Public Services Employee Unit & Supervisory Unit of the County of Napa)

**15. ADJOURNMENT**

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, OCTOBER 24, 2006  
AT 9:00 A.M.**