



# AGENDA

## NAPA COUNTY BOARD OF SUPERVISORS

**Tuesday October 26, 2004 9:00 A.M.**

Brad Wagenknecht  
District 1

Mark Luce  
District 2

Diane Dillon  
District 3

Bill Dodd  
District 4

Mike Rippey  
District 5

Nancy Watt  
County Executive Officer

Pamela Miller  
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.

Documents for all agenda items are on file with the Clerk of the Board.

**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**
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 DIRECTORS' REPORTS AND ANNOUNCEMENTS**

6. **CONSENT ITEMS**

Human Services

- A. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6135 with Child Start, Inc., for a maximum of \$28,760 for the term September 1, 2004 through August 31, 2005 for reimbursement for meals provided at the Therapeutic Child Care Center.
- B. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4092 with the County of Solano increasing the amount by \$14,125 for a new maximum of \$284,820 to provide partial funding of a staff position for program oversight of three of Napa County AIDS programs.
- C. Acting Director of Health and Human Services requests approval to adopt the Statewide Maximum Allowable (SMA) rates established annually by the State Department of Mental Health for Short-Doyle/Medi-Cal.
- D. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign the Children's Medical Services Plan and Budget for Fiscal Year 2004-2005.
- E. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign an application for funding from the Employment Development Department for California Rapid Response Special Project Funding for a maximum of \$249,578 for the term November 1, 2004 through October 31, 2005 for the Business Resource Center (BRC) Project which will give Napa County businesses easy access to business-related information and services.

- F. Acting Director of Health and Human Services requests approval of the following actions regarding bioterrorism grant funding:
1. Authorization for the Chair to sign a revenue agreement with the California Department of Health Services for a maximum of \$349,530 for the term July 1, 2004 through August 30, 2005 for bioterrorism preparedness funding activities; and
  2. Authorization for the Chair to sign the Certification Against Supplanting, certifying that funds will not be used to supplant funding for existing levels of service and that funds will only be used for the purposes stated in the Bioterrorism Preparedness Plan and Budget.

#### Community Resources & Infrastructure

- G. Acting Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4911 with Austin McInerney Consulting increasing the amount by \$12,000 for a new maximum of \$55,730 for continued support for the management and oversight of the Jones and Stokes/ EDAW Baseline Data Report (BDR) consultant team.
- H. Acting Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6160 with Jones & Stokes/EDAW increasing the amount by \$160,224 for a new maximum of \$1,625,224 for further support to complete the Baseline Data Report (BDR).
- I. Acting Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with Environmental Science Associates (ESA) for \$111, 674 for the term October 26, 2004 through June 30, 2005 to prepare a California Environmental Quality Act document for Robert Nicholas Vineyard, Lowell Valley #99048-ECPA (Assessors Parcel No. 047-010-017).
- J. Library Director requests authorization to accept a grant of \$15,000 from the DeLong-Sweet Family Foundation.
- K. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with City of Napa for a maximum County cost of \$37,000 for design and construction of scour repairs at the Trancas Street bridge over the Napa River.
- L. Director of Public Works requests approval of and authorization for the Chair to sign the following:
1. Grant Funding Agreement with National Oceanic and Atmospheric Administration (NOAA) in the amount of \$68,635 from the Coastal Impact Assistance Program for a Feasibility Study of potential bicycle and pedestrian routes in the Highway 29 corridor in the unincorporated area; and

2. Approval of and authorization for the Chair to sign an agreement with Bruce Randolph Anderson, dba LandPeople, for a maximum of \$60,010 for the term October 26, 2004 through June 30, 2005 to conduct the Feasibility Study of potential bicycle and pedestrian routes in the Highway 29 corridor in the unincorporated area.
- M.** Director of Public Works requests the following actions relating to the "Residential Stabilization Center Fire Sprinkler System Installation Project," PW 04-13:
1. Rejection of the only bid received on September 23, 2004; and
  2. Approval of revised plans and specifications for the "Napa Valley Residential Stabilization Center Fire Sprinkler System Installation Project," PW 04-13R, authorization to re-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.

#### General Admin & Finance

- N.** Acting Communications Manager requests approval of and authorization for the Chair to sign an agreement with American Telesource, Inc. for a maximum of \$4,391 for the term July 1, 2004 through March 31, 2005 for voice mail maintenance and repair services.
- O.** Human Resources Director requests adoption of a resolution amending the Table and Index for the Environmental Resource Specialist position in the Environmental Management Department, effective November 6, 2004.
- P.** Human Resources Director requests adoption of a resolution amending the Departmental Allocation List with regard to adding two (2) Mental Health Counselor Limited Term positions through June 30, 2005 in the Behavioral Health Division of the Health and Human Services Agency, effective October 26, 2004.
- Q.** County Executive Officer requests approval of Budget Transfer No. 33 transferring \$5,000 from Contingencies to the County Executive Office budget for tribal gaming consulting services. (4/5 vote required)
- R.** County Executive Officer and Director of Compliance request acceptance of the Compliance Program Quarterly Report for the period ending September 30, 2004.
- S.** Approve minutes of the meeting held October 12, 2004.

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

## 8. SET MATTERS OR PUBLIC HEARINGS

### A. 9:15 AM PUBLIC HEARING

Acting Director of Conservation, Development and Planning requests that the Board of Supervisors discuss and take the following actions:

1. Adopt a resolution adopting an Environmental Assessment (dated September 13, 2004), as amended, along with Findings and a Statement of Overriding Considerations;
2. Adopt a resolution adopting amendments to the Housing, Land Use and Growth Management System Elements of the Napa County General Plan;
3. First and final reading and adoption of an ordinance adding Chapter 18.82 to the County Code establishing an Affordable Housing Combination District; adding a new Chapter (18.107) related to residential density bonuses and incentives; amending Chapter 8.02 to confirm it to the Growth Management System Element; and amending Chapters 18.08, 18.16, 18.20, 18.36, 18.44, 18.60 and 18.104 and adding a new section (18.104.295) to bring those chapters into conformity with the updated Housing Element; and
4. First and final reading and adoption of an ordinance that rezones fourteen (14) parcels identified in the updated Housing Element that combines the Affordable Housing Combination District with the principal zoning district of those parcels.

**ENVIRONMENTAL DETERMINATION:** Environmental Assessment prepared pursuant to Government Code section 65759. The proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology, Soils and Seismicity, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, Population, Public Services, Transportation and Utilities and Service Systems. The project sites identified are not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

### B. 1:30 PM PUBLIC HEARING

Acting Director of Conservation, Development and Planning recommends:

1. Consideration and possible adoption of a resolution rescinding Resolution No. 86-53 (which adopted the 1986 County California Environmental Quality Act (CEQA) Guidelines) and Adopting Local Procedures for Implementing the California Environmental Quality Act.  
**ENVIRONMENTAL DETERMINATION:** Categorical Exemption Class 8: 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 8 ("Actions by Regulatory Agencies for Protection of the Environment") which may be found in the Guidelines for the implementation of the California Environmental Quality Act at 14 CCR 15308.]
2. First reading and intention to adopt an ordinance amending Chapter 2.88 adding a new Section 2.88.050 (I) regarding environmental statements in connection with appeals.  
**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)].

**(CONTINUED FROM SEPTEMBER 14 AND OCTOBER 5, 2004; STAFF RECOMMENDS  
CONTINUANCE TO DECEMBER 7, 2004 AT 9:30 AM)**

**C. 1:30 PM**

Acting Director of Health and Human Services requests discussion and possible action regarding Community House.

**D. 2:00 PM PUBLIC HEARING**

Consideration and tentative decision regarding an appeal filed by The Highlands at Silverado Owners Association to a decision by the Conservation, Development and Planning Commission on September 15, 2004 to approve Tentative Parcel Map #04147-PM to divide a 455 acre site into two parcels consisting of 215 acres (Parcel 1) and 240 acres (Parcel 2). The site is generally located to the east of the Silverado subdivisions, south of Atlas Peak Road, and north of Monticello Road within an Agricultural Watershed (AW) Zoning District. (Assessor's Parcel Nos. 061-040-004 and 061-180-001 (Split for assessment purposes)).

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: aesthetics, air quality, biological resources, geology and soils, hydrology and water quality, and noise.

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

Title: Director of Public Works

**B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:  
(Two cases)

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

Names of cases:

1. County of Napa v. Edward William Schlies, et. al. (Case No. 26-25408)
2. County of Napa v. O'Neill/Mullin LLC; HNAPAD Associates, et. al. (Case No. 26-25407)
3. Napa Citizens for Honest Government et. al. v. Napa County Board of Supervisors (Case No. 26-04014)

**15. ADJOURNMENT**

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, NOVEMBER 02, 2004  
AT 9:00 A.M.**