



# AGENDA

## NAPA COUNTY BOARD OF SUPERVISORS

**Tuesday December 19, 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 Certificates of Completion to participants of the Napa County Supervisory Academy.
- B. Presentation of Retirement Proclamation to Gary Simpson, Sheriff-Coroner in recognition of 20 years of service.

**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 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.

Public Safety

- B. County Fire Chief requests establishment of a fixed asset in the amount of \$11,200 for the purchase of a respirator fit test device.
- C. 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
  - 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)

Human Services

- D. 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.
- E. 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
  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)
- F. 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.

Community Resources & Infrastructure

- G. Director of Environmental Management requests the Board adopt the Activity Pool Guidance Policy.
- H. 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 the Napa Library valued at \$12,880.
- I. 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.
- J. 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.
- K. 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)

General Admin & Finance

- L. 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.
- M. 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.
- N. Chief Information Officer requests adoption of a resolution granting an extension of the non-exclusive cable television franchise held by Comcast Communications, Inc.
- O. County Counsel requests approval of recently amended conflict of interest codes for various local agencies.
- P. 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.
- Q. 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. 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.
- S. 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).
- T. 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.

- U. 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.
- V. 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
- W. 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.
- X. 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

## 8. SET MATTERS OR PUBLIC HEARINGS

### A. 9:05 AM

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.

**B. 9:10 AM 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)

**C. 9:30 AM**

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

**D. 10:30 AM 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)**

**E. 11:00 AM 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
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.]

**F. 11:30 AM**

Recess to the Lake Berryessa Resort Improvement District (LBRID) special meeting (See LBRID Agenda).

**G. 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 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.

**9. ADMINISTRATIVE ITEMS**Community Resources & Infrastructure

- A. Director of Public Works to present an update on the status of County road repairs following the 2005/2006 winter storms.
- B. 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.

General Admin & Finance

- C. 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.

- D. 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

- E. 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.
- F. 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.

## 10. LEGISLATIVE ITEMS

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

## 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)**

Titles: Director of Public Works

**B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)**

Property: Airport Road and Highway 29, Napa (Assessor's Parcel No. 051-210-055)

Agency Negotiator: Robert Peterson and Michael Stoltz

Negotiating Party: Gunn Trust

Under Negotiation: Terms of Sale

**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

**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

**15. ADJOURNMENT**

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