



AGENDA

NAPA COUNTY BOARD OF SUPERVISORS

Tuesday February 05, 2008 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

Gladys I. Coil
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.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the office of the Clerk of the Board of Supervisors, 1195 Third Street, Suite 310, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

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 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

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

- A. Presentation of Retirement Proclamation to Mike Bousquet, Appraiser II, in recognition of over 17 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**Community Resources & Infrastructure

- A. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement for Transfer of Real Property, and related documents as may be required, for the purchase by the Napa County Regional Park and Open Space District of the 224 acre property known as Berryessa Vista from the Land Trust of Napa County, using funds provided to the County by the Proposition 12 Per Capita grant program.
- B. Director of Environmental Management requests adoption of a resolution authorizing Napa County Transportation and Planning Agency (NCTPA) to engage in climate protection activities effective upon ratification by all member jurisdictions.
- C. Director of Environmental Management requests adoption of a resolution authorizing the Director to enter into agreement with the California Environmental Protection Agency for a maximum grant amount of \$54,715.49 to fund local implementation of the Aboveground Petroleum Storage Tank Act for the period of July 1, 2008 through January 1, 2010.
- D. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Quality Air Services, a division of Chase Contracting, Inc., for a maximum of \$67,952 for the term February 5, 2008 through June 30, 2008 for heating, ventilation and air conditioning exhaust and supply duct cleaning in the Napa County Jail located at 1125 Third Street, Napa, CA 94559.

- E. Director of Public Works requests authorization to extend Subdivision Agreement No. 4105 with Barrel Ten Quarter Circle Land Company to February 5, 2009 for required roadway improvements on Devlin Road.
- F. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Coastland Civil Engineering, Inc., for a maximum of \$53,316 for the term February 5, 2008 through June 30, 2008, for geotechnical, environmental, and design and construction administration support services for repairs in the 4800 Block of Redwood Road.
- G. Director of Public Works requests approval of plans and specifications for the "Conn Creek Bike Lane Project" RDS 07-02; 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.
- H. Director of Public Works requests adoption of a resolution temporarily closing portions of Dry Creek Road, Oakville Grade, Oakville Cross Road and Silverado Trail from 9:00 am to 1:00 pm on Tuesday, February 19, 2008 for the Amgen Tour of California bike race.
- I. Director of Public Works requests adoption of a resolution temporarily closing portions of Silverado Trail, Oak Knoll Avenue, Big Ranch Road, and El Centro Avenue from 7:00 A.M. to 1:00 P.M. on Sunday, March 2, 2008 for the 30th running of the Napa Valley Marathon.

General Admin & Finance

- J. County Executive Officer requests the Board:
 - 1. Accept and file the 2007-2008 Grand Jury Final Report on Napa County Municipal Fire Departments with the Clerk of the Board; and
 - 2. Direct the County Executive Officer to prepare a response to the Grand Jury Report by April 17, 2008 as prescribed by law.
- K. Clerk of the Board requests approval of minutes of the meetings held on;
 - 1. December 18, 2007; and
 - 2. January 8, 2008.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

8. SET MATTERS OR PUBLIC HEARINGS**A. 9:00 AM**

County Executive Officer and the UC Agriculture and Natural Resources North Coast and Mountain Regional Director, Kimberly Rodrigues will introduce the Interim Director of Napa County UC Cooperative Extension, Morgan Doran and briefly discuss the process and status of filling vacant UC Farm Advisor Viticulture and County Director position.

B. 9:00 AM PUBLIC HEARING

Agricultural Commissioner/Sealer of Weights and Measures requests the adoption of a resolution establishing a new fee, and increasing existing fees for services provided by the Agricultural Commissioner/Sealer. The registration fee is paid by structural pest control businesses who are required to register with the Agricultural Commissioner prior to applying pesticides in the County. **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.

C. 9:00 AM

Recess to the Napa Berryessa Resort Improvement District (NBRID) meeting (See NBRID Agenda).

D. 9:00 AM

Recess to the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) Special meeting (See NCFPWIA Agenda).

E. 10:15 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)

(Responsible Growth Initiative: See agenda Board Letter and attachments for facts and circumstances)

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

F. 10:45 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Lucio Perez to a decision by the Conservation, Development and Planning Commission on November 7, 2007 to approve a Major Modification (File No. P05-0184) to the V. Sattui Winery Use Permit to increase marketing activities, legalize certain existing activities and add parking facilities, located at the southeast corner of State Route 29 and White Lane within Commercial Limited (CL), Agricultural Watershed (AW), and Agricultural Preserve (AP) Zoning Districts. (Assessor's Parcel No. 030-020-029 & 030-260-035, 1111 White Lane, St. Helena).

ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: land use planning and transportation/traffic. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. The site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

G. 11:00 AM

County Counsel requests that the Board take the following actions:

1. Receive from staff the report the Board ordered prepared pursuant to Section 9111 of the Elections Code discussing the "Napa County Responsible Growth Initiative"; and
2. Take one of the following actions:
 - a. Adopt the "Napa County Responsible Growth Initiative" without alteration at a special meeting of the Board on or before February 15, 2008;
 - b. Adopt a resolution placing the "Napa County Responsible Growth Initiative" on the ballot of the next statewide general election to be held on June 3, 2008, for the purpose of enabling the people of Napa County to approve or reject the Napa County Responsible Growth Initiative; or
 - c. Take no action should the Board conclude that the Napa County Responsible Growth Initiative clearly and without question violates one or more of the statutory procedural requirements applicable to county initiatives that are set forth in the California Elections Code.

H. 1:30 PM

Recess to the Napa County Flood Control and Water Conservation District (NCFCWCD) meeting (See NCFCWCD Agenda).

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

- A. Director of Public Works to present an update on the status of the remaining permanent repair projects related to the 2005/2006 flood events.

- B.** Director of Public Works requests the following:
1. Approval of the Gordon Huether public art design to be installed on the City/County Parking Garage; and
 2. Authorization for the Purchasing Agent to sign the Product Purchase Agreement for a maximum amount of \$25,000.

(CONTINUED FROM JANUARY 29, 2008)

General Admin & Finance

- C.** County Executive Officer and Director of Conservation Development and Planning will discuss compensation for members of the Conservation Development and Planning Commission currently established at a per diem rate of \$150 per meeting and Airport Land Use Commission currently at a per diem rate of \$100 per meeting and, if the Board wishes, adoption of a resolution rescinding Resolution No. 00-61 and increasing the per diem.
- D.** County Executive Officer requests the appointments of two applicants to serve on First 5, Napa County (Children and Families Commission) representing category "c" as members with both terms of office to commence immediately with one to expire January 1, 2011 and the other to expire January 1, 2012.

Member Category "c" (as described in the Executive Summary and Background)

(Choose two)

Mary Baracco*

Dee Cuney

Caroline Owen*

Kristie Brandt

Sharon Macklin

Jennifer D. Kresge

* Recommended by First Five, Napa County (Children and Families Commission).

10. LEGISLATIVE ITEMS

- A.** County Executive Officer requests adoption of a resolution in support of full funding of the US Army Corps of Engineers capability for Fiscal Year 2009 for the Napa River Flood Protection Project.

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 RECRUITMENT/APPOINTMENT (Government Code Section 54957)

Title: Director of Corrections

15. ADJOURNMENT

**ADJOURN TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, FEBRUARY 26, 2008
AT 9:00 A.M.**