

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

February 1, 2005

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 1, 2005 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRPERSON DIANE DILLON, SUPERVISORS BILL DODD, HAROLD MOSKOWITE, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIR DILLON AT 9:01 A.M.**
  
2. Pledge of Allegiance.  
**ALICE HUGHEY, CHIEF FISCAL OFFICER, HEALTH AND HUMAN SERVICES, LED THE SALUTE TO THE FLAG.**
  
3. Presentations and Commendations.  
**NONE**
  
4. Public Comment.  
**NONE**
  
5. Department Directors Reports and Announcements.  
**ERNIE LOVELESS, NAPA COUNTY FIRE CHIEF, ANNOUNCED THAT ON FEBRUARY 26, 2005, AT THE CALISTOGA FAIRGROUNDS, THE DEPARTMENT IS HOSTING AN ANNUAL DINNER IN APPRECIATION OF PAID AND VOLUNTEER FIRE STAFF.**

Consent Calendar

- 6A. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 5069, a Memorandum of Understanding with the Special Education Local Plan Area/Local Education Agency (SELPA), for the term February 1, 2005 through August 31, 2005 clarifying respective roles and responsibilities of SELPA and Napa County. **A-5069**
  
- 6B. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6001 with the California Department of Mental Health for the term July 1, 2004 through June 30, 2005 establishing the County's state hospital bed purchase and usage for this fiscal year. **A-6001**

- 6C. Acting Director of Health and Human Services requests approval of Budget Transfer No. 52 appropriating \$25,528 in the Public Health budget with offsetting revenues from the State Department of Tuberculosis Control to fund the development of a tuberculosis control plan for Napa County. (4/5 vote required) **BT-52**
- 6D. Acting Director of Health and Human Services requests approval to establish Safely Surrendered Baby sites at all fire stations in the County.
- 6E. Director of Public Works requests approval of plans and specifications for the "Napa County Airport Perimeter Fencing Phase II Project," PW 04-12, 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.
- 6F. Director of Public Works requests the following actions relating to the Association of Bay Area Governments (ABAG) Bay Trail Project for grant construction of approximately 760 feet along Cuttings Wharf Road from the end of the newly constructed bike lane to the boat launch facility on the Napa River:
1. Adoption of a resolution authorizing approval of a contract and conditions for accepting grant funds from ABAG for construction of the Bay Trail Project; **R-05-17**
  2. Approval of and authorization for the Chair to sign the Construction Grant Agreement with ABAG for the disbursement of the grant funding for the term from its effective date of execution through December 31, 2034; and **A-6394**
  3. Approval of Budget Transfer No. 58 appropriating \$80,000 in the Roads Department budget with offsetting revenues from ABAG. (4/5 vote required) **BT-58**
- 6G. Director of Public Works/Aviation requests adoption of the Disadvantaged Business Enterprise program methodology and goal for Fiscal Year 2005 for Federal Aviation Administration (FAA) funded projects.
- 6H. County Counsel requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4761 with the law firm of Trucker Huss increasing the hourly rates to be charged in the provision of legal advice involving tax and employee benefit matters to the County. **A-4761**  
**(AMEND. 3)**
- 6I. County Executive Officer requests approval of and authorization for the Chair to sign an Agreement with John Pearson for a maximum of \$18,000 for the term February 1, 2005 through December 31, 2005 for assistance with the development of the Adult Correctional System Master Plan and associated compilation and interpretation of data. **A-6395**

- 6J. County Executive Officer and Clerk of the Board request transfer of unclaimed monies totaling \$360.78 currently held in the Clerk of the Board Trust Deposit Trust Funds to the General Fund.
- 6K. County Executive Officer/Director of Emergency Services requests approval of and authorization for the Chair to sign a Memorandum of Understanding with the Volunteer Center of Napa County to provide assistance with coordination of volunteers when requested during disaster situations.  
**A-6396**
- 6L. County Executive Officer/Director of Emergency Services requests adoption of a resolution Approving the final Disaster Mitigation Act 2000 Napa Operational Area Pre-disaster Hazard Mitigation Plan dated December 2004.  
**R-05-18**
- 6M. Second reading and adoption of an ordinance making technical changes to Chapters 3.06 (Low Value Escape Assessments), 8.04 (Retail Food Facilities), 8.08 (Clean Indoor Air and Health Protection), 8.32 (Fire Zone Regulations), 10.24 (Special Events on Public Roadways), 13.04 (Approved Water Supply Systems), 13.28 (System Location and Soil Characteristics), 15.08 (Building and Excavation Permits), 16.12 (Surface Mining and Reclamation), and 17.36 (Improvement Standards) of the Napa County Code.  
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)].  
**O-1252**
- 6N. Approve minutes of the meeting held January 11, 2005.
7. Discussion of items removed from the Consent Calendar.  
**NONE**

**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6N.  
BW-ML-BD-HM-DD**

Set Matters or Public Hearings

- 8A. 9:15 a.m. Public Hearing. Director of Conservation, Development and Planning requests adoption of a resolution approving a Negative Declaration for the South Napa Homeless Shelter.  
**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTION**

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

**R-05-19**

- 8B. 9:45 a.m. Public Hearing. Consideration and possible adoption of a resolution establishing fees for certain services provided by Adult and Juvenile Probation.  
**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTION**                      **BD-BW-HM-ML-DD**                      **R-05-20**

- 8C. 10:00 a.m. Recess to the Napa County Flood Protection and Watershed Improvement Authority special meeting.  
**(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)**

- 8D. 10:15 a.m. Director of Public Works requests the following actions relating to the implementation of the Water Resources Work Plan approved December 14, 2004:

1. Approval of and authorization for the Chair to sign Amendment No. 5 to Agreement No. 4202 with the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA), increasing the amount of Measure A funds by \$958,000 for a new maximum of \$1,934,054 and extending the term through June 30, 2006 to develop a project scope and funding plan for a future Milliken-Sarco-Tulocay recycled water project and a master plan for possible future Angwin/Deer Park community water supply reliability improvements; and

**APPROVED REQUEST**                      **ML-BW-BD-HM-DD**                      **A-4202**  
**(AMEND. 5)**

2. Approval of Budget Transfer No. 49 appropriating \$52,000 in the Capital Improvement budget with offsetting revenues from the County's share of Measure A funds.  
(4/5 vote required)

(CONTINUED FROM JANUARY 25, 2005)

**APPROVED REQUEST**                      **ML-BW-BD-HM-DD**                      **BT-49**

- 8E. 10:30 a.m. County Executive Officer requests adoption of a resolution authorizing certain documents and actions related to the refinancing of the County's 1996 Certificates of Participation (COPs), including:

1. Approval of the Financing Plan, which provides for refinancing the 1996 COPs through the issuance of new 2005 COPs only if the Net Present Value of the Savings is at least equal to 3% of the outstanding principal amount of the 1996 COPs;
2. Approval of the Site Lease and Lease Agreement between the County and the Napa County Public Improvement Corporation (PIC) whereby the County leases the Criminal Courts Building and County Administration Building to the PIC and the PIC subleases those properties back to the County in order to provide a financing mechanism for the COPs;

**A-6398**  
**A-6398-1**

3. Approval of the Trust Agreement between the County, the PIC and U.S. Bank National Association, which provides that U.S. Bank will act as trustee for the new 2005 COPs issue;

**A-6398-2**

8E. Continued

4. Approval of the sale of the 2005 COPs to an underwriting firm based on proposals provided by select underwriters, upon the advice of the County's financial advisor and in accordance with the terms of a Certificate Purchase Agreement between the County, PIC and selected underwriter; **A-6398-3**
5. Approval of the Preliminary Official Statement that describes the COPs, in substantially the attached form;
6. Authorization for the County Executive Officer and the Chair of the Board to make necessary changes to the above documents;
7. Authorization for the County Executive Officer and/or Chair of the Board to sign the above documents, to accept the offer from the selected underwriter to purchase the COPs and to sign certain certificates related to the sale as may be necessary;
8. Authorization for the County's financial advisor to distribute the Preliminary Official Statement and Final Official Statement; and
9. Authorization for the Chair of the Board, County Executive Officer, Assistant County Executive Officer, Auditor-Controller and Treasurer-Tax Collector to sign any and all certificates, agreements or other documents deemed necessary to consummate the sale of the 2005 COPs, including specifically termination agreements related to the 1996 COPs. **A-6398-4**

**ADOPTED RESOLUTION**

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

**R-05-22**

8F. 10:45 a.m. Recess to the Napa County Public Improvement Corporation special meeting.  
**(SEE NAPA COUNTY PUBLIC IMPROVEMENT CORPORATION MINUTES)**

8G. 1:30 p.m. Recess to the Napa County Flood Control and Water Conservation District meeting.  
**(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)**

Administrative Items

9A. Director of Public Works requests the following actions relating to property located at 3075 California Boulevard, Napa, California:

1. Approval of and authorization for the Chair to sign a Lease/Option Agreement with the Drew Family 1994 Revocable Trust, at the rate of \$16,000 per month for the first year, increasing by 3.5% each year thereafter, for the term March 1, 2005 through February 29, 2020 for the relocation of the Water Street maintenance facility; and

**A-6397**

9A. Continued

2. Approval of Budget Transfer No. 59 appropriating \$64,000 in the Public Works/Property Management budget with offsetting revenues from Public Works/Equipment Pool budget for four months lease payments related to the above agreement. (4/5 vote required) **BT-59**

**APPROVED REQUESTS ML-BD-HM-BW-DD**

9B. Discussion and possible action regarding the proposed downtown property and business improvement district.

**SUPERVISOR WAGENKNECHT'S MOTION TO SUPPORT THE FORMATION OF A DISTRICT AND NOT FILE A VOTE WAS SECONDED BY SUPERVISOR DODD.**

**FOLLOWING DISCUSSION REGARDING THE RATE CHARGED, THE BOARD DIRECTED STAFF TO FILE A PROTEST AT THE NAPA CITY COUNCIL MEETING ON FEBRUARY 1, 2005, FOR THE RATE BEING APPLIED TO THE HISTORIC COURTHOUSE PROPERTY, REQUESTING IT BE CHANGED FROM A NON-RETAIL RATE TO A NON-PROFIT RATE.**

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

**N**

**SUPERVISOR LUCE MOTIONED TO HAVE THE BOARD GO ON RECORD IN SUPPORT OF THE FORMATION OF THE DISTRICT, FILE A YES VOTE, AND AUTHORIZE CHAIR DILLON TO SIGN THE BALLOT.**

**SUPERVISOR DODD WITHDREW HIS SECOND FOR SUPERVISOR WAGENKNECHT'S MOTION TO SUPPORT THE FORMATION OF A DISTRICT AND NOT FILE A VOTE. THIS MOTION DIED FOR LACK OF SECOND.**

**SUPERVISOR DODD SECONDED SUPERVISOR LUCE'S MOTION TO HAVE THE BOARD GO ON RECORD IN SUPPORT OF THE FORMATION OF THE DISTRICT, FILE A YES VOTE, AND AUTHORIZE CHAIR DILLON TO SIGN THE BALLOT.**

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

9C. Chair Dillon requests discussion and possible action concerning existing lease and possible purchase of Skyline Park.

**THE BOARD DIRECTED STAFF TO INVESTIGATE AND GATHER FACTS ON THE POTENTIAL PURCHASE OF THE PROPERTY AS WELL AS OTHER POTENTIAL OPTIONS AND REPORT BACK TO THE BOARD.**

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

10. Legislative Items.  
**NONE**

11. Board of Supervisors' Committee Reports and Announcements.  
**SUPERVISOR DODD REPORTED ON THE CURRENT FISCAL STATUS OF THE BAY BRIDGE. HE SAID HE HAS BEEN ASKED TO BRING A RESOLUTION BEFORE THE BOARD TO SUPPORT THE METROPOLITAN TRANSPORTATION COMMISSION'S (MTC) POSITION SUPPORTING WITH THE ORIGINAL DESIGN OF THE BRIDGE, AND STATED FURTHER THAT HE IS NOT READY TO DO THAT AT THE PRESENT TIME.**  
  
**CHAIR DILLON REPORTED THAT SHE ATTENDED A REGIONAL COUNCIL OF RURAL COUNTIES' (RCRC) MEETING ON JANUARY 26, 2005, WHERE DISCUSSIONS WERE HELD REGARDING THE POTENTIAL ELIMINATION OF THE BOARD OF FORESTRY. SHE STATED THERE WAS ALSO A REPORT FROM THE STATE COMMISSION ON MANDATES REGARDING HOW THE LAW HAS CHANGED REGARDING COUNTIES RECEIVING REIMBURSEMENTS FOR STATE MANDATES.**  
  
**CHAIR DILLON REPORTED THAT THE SECOND GENERAL PLAN WORKSHOP WAS HELD IN ST. HELENA ON JANUARY 26, 2005 AND STATED THERE WAS A GOOD TURNOUT. SHE ANNOUNCED THE NEXT WORKSHOP WILL BE HELD IN YOUNTVILLE ON FEBRUARY 10, 2005.**
12. Board of Supervisors' Future Agenda Items.  
**CHAIR DILLON REQUESTED STAFF AGENDIZE DISCUSSION REGARDING THE POTENTIAL CREATION OF A WEED MANAGEMENT AREA.**
13. County Executive Officer Reports and Announcements.  
**NONE**
14. Closed Session.
  - A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)  
Property: The property known as Skyline Park and certain adjacent areas of open space located within all or portions of the following Assessor's Parcel Numbers: 046-450-041, 046-450-042, 046-380-001, 046-390-001, 045-350-002 and 045-360-001  
Agency Negotiator: Don Ridenhour and Martha Burdick, Public Works Department  
Negotiating Parties: State of California  
Under Negotiation: Price and terms of payment  
**CLOSED SESSION NOT HELD – CONTINUED TO FEBRUARY 8, 2005.**
  - B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (One case)  
**CLOSED SESSION HELD – NO REPORTABLE ACTION**

14. Continued

C. PUBLIC EMPLOYEE APPOINTMENT/ONGOING RECRUITMENT OF THE  
FOLLOWING POSITION (Government Code Section 54957):  
Director of Health and Human Services  
**CLOSED SESSION HELD – NO REPORTABLE ACTION**

Adjournment.

**ADJOURNED TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,  
FEBRUARY 8, 2005 AT 9:00 A.M.**

\_\_\_\_\_  
DIANE DILLON, Chairperson

ATTEST:

\_\_\_\_\_  
PAMELA MILLER, 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