

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

November 1, 2005

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, NOVEMBER 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 9:03 A.M.

2. Pledge Of Allegiance.
PAMELA KINDIG, COUNTY AUDITOR-CONTROLLER, LED THE SALUTE TO THE FLAG.

Presentations and Commendations

- 3A. Presentation of Retirement Resolution No. 05-179 to Jon Lander, Principal Public Works Engineer, in recognition of over 7 years of service.
PRESENTATION MADE

- 3B. Presentation of a proclamation declaring November, 2005 as Lung Cancer Awareness Month. (Supervisor Dillon)
PRESENTATION MADE

4. Public Comment.
NONE

5. Department Heads' Reports and Announcements.
JOHN TUTEUR, REGISTRAR OF VOTERS, GAVE AN UPDATE ON THE ELECTION AND THE STATUS OF THE PERMANENT ABSENTEE VOTERS AND THE RETURN OF THEIR BALLOTS. HE ANNOUNCED THAT TODAY AT 5:00 P.M. IS THE LAST DAY TO REQUEST AN ABSENTEE BALLOT FOR THE UPCOMING ELECTION.

ERNIE LOVELESS, NAPA COUNTY FIRE CHIEF, INTRODUCED GABRIELLA AVINA AS THE NEW ACTING ASSISTANT FIRE MARSHALL FOR NAPA COUNTY.

JILL PAHL, ACTING DIRECTOR OF ENVIRONMENTAL MANAGEMENT, REPORTED THAT ENVIRONMENTAL MANAGEMENT WILL PARTICIPATE IN THE NATIONAL ANIMAL SHELTER APPRECIATION WEEK WHICH IS TAKING PLACE NEXT WEEK. OPEN HOUSE WILL BE ON WEDNESDAY FROM 11:00 A.M. TO 4:00 P.M. AT THE NEW SHELTER FACILITY.

Consent Calendar

- 6A. Chief Probation Officer requests approval of and authorization for the Chair to sign an agreement with the California Department of Corrections and Rehabilitation (CDCR) at a rate of \$105.20 per ward per month for a maximum of \$18,936 for the term October 21, 2005 to June 30, 2006 for the provision of temporary emergency housing for wards of the Juvenile Court. **A-6534**

- 6B. District Attorney requests approval of and authorization for the Chair to sign an agreement with Calvin Groeneweg for a maximum of \$45,000 for the term October 1, 2005 through June 30, 2006, and \$60,000 yearly thereafter, through June 30, 2007, to provide blood sample collection services in connection with law enforcement activity. **A-6535**
- 6C. Director of Health and Human Services requests approval of the following actions pertaining to the location and operation of an emergency winter shelter and related services:
1. Adoption of a resolution declaring a shelter crisis through April 15, 2006 in accordance with Government Code Sections 8698 through 8698.2; **R-05-196**
 2. Authorization for the Chair to sign a lease with the State of California for the term November 1, 2005 through March 31, 2010 to rent space at Napa State Hospital, Building B, Napa, California, to operate the winter shelter; **A-6536**
 2. Authorization for the Chair to sign the renewal of Agreement No. 6155 with Community Action of Napa Valley, Inc., for a maximum of \$77,756 for the term November 1, 2005 through June 30, 2006 for the operation of the winter shelter; and **A-6155**
 3. Authorization for the Chair to sign the renewal of Agreement No. 6356 with Napa County Transportation Planning Agency for a maximum of \$3,800 for the term November 15, 2005 through April 15, 2006 for transportation to and from the winter shelter. **A-6356**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 3857 with Andre Zunino, dba Solution Computing, decreasing the amount by \$20,620 for a new maximum of \$20,000, incorporating agency-wide changes to the General Terms and Conditions, and amending the insurance provisions to provide consultation and technical support for automated operations. **A-3857**
(AMEND. 1)
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4458 with Barbara McCarroll, Ph.D., increasing the amount by \$16,000 for a new maximum of \$170,600 to provide an Infant/Child Mental Health Specialist for the Therapeutic Child Care Center. **A-4458**
(AMEND. 3)
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Resource Development Associates, Inc., for a maximum of \$53,375 for the term November 1, 2005 through June 30, 2006 to provide consultation on the development of an agency-wide Quality Management System. **A-6537**
- 6G. Director of Health and Human Services requests approval of Budget Transfer No. 19 increasing appropriations in the Public Health budget with offsetting revenues from the Health Resources Services Administration grant within the Public Health budget and establishment of a fixed asset in the amount of \$16,740 for the purchase of a digital logging recorder. (4/5 vote required)
BT-19

- 6H. Director of Conservation, Development and Planning requests the following actions as recommended by the Napa County Wildlife Conservation Commission:
1. Consideration and approval of the following seven (7) grant proposals:
 - a. \$7,107 for the California Department of Fish and Game for a 40HP Honda 4- stroke outboard boat motor;
 - b. \$700 for the California Native Plant Society - Martha Walker Native Habitat Garden for three birdbaths, soil amendments and plant purchases;
 - c. \$850 for the Carolyn Parr Nature Center for stereomicroscope station;
 - d. \$1,500 for the Land Trust of Napa County for exotic plant removal in Archer Taylor Preserve and pond spillway repair in Wantrup Wildlife Sanctuary;
 - e. \$2,000 for McCormick Sanctuary, Inc.; dba Acorn Soupe for their wildlife education program;
 - f. \$2,000 for Napa County Resource Conservation District for salmon monitoring in the Napa River; and
 - g. \$2,000 for the Wildlife Rescue Center of Napa County for a microscope kit, facility improvements and jackrabbit run.
 2. Approval of Budget Transfer No. 17 transferring \$4,157 within the Wildlife Conservation Commission budget. (4/5 vote required) **BT-17**
- 6I. Library Director requests adoption of the Library's "2006 Holiday Schedule."
- 6J. Acting Human Resources Director requests adoption of a resolution regarding the following actions in connection with the Substance Abuse Services Division of the Health and Human Services Agency, effective November 1, 2005:
1. Amend the Departmental Allocation List to add one (1) (M) Administrator of Alcohol & Drug Programs and delete one (1) (M) Behavioral Health Care Manager - Substance Abuse;
 2. Amend the Table and Index to add Administrator of Alcohol & Drug Programs and delete Behavioral Health Care Manager - Substance Abuse; and
 3. Amend appropriate policies to add Administrator of Alcohol & Drug Programs to the list of at-will Management Non-Classified (Other) classification and delete Behavioral Health Care Manager - Substance Abuse. **R-05-197**
- 6K. Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Child Support Services in regards to deleting one (1) Legal Clerk I and adding one (1) Office Assistant I/II, effective November 5, 2005. **R-05-198**
- 6L. Acting Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Public Health Division of the Health and Human Services Agency with regards to deleting one (1) Office Assistant II and adding one (1) Office Assistant - Stenographer,

6L. Continued.

effective November 5, 2005.

R-05-199

- 6M. Acting Human Resources Director requests adoption of a resolution regarding the following actions in connection with the Health and Human Services Agency (HHS) and its divisions, effective November 5, 2005:
1. Amend the Departmental Allocation List for the Social Services Division to add one (1) Senior Account Clerk position and delete the resulting Account Clerk II vacancy;
 2. Amend the Departmental Allocation List for the HHS Administration Division to add one (1) (M) Fiscal Manager - Health and Human Services (HHS) and delete one (1) (M) Staff Services Manager;
 3. Amend the Table and Index to add the management classification of Fiscal Manager –HHS;
 4. Amend appropriate policies to add the management position of Fiscal Manager - HHS.

R-05-200

- 6N. County Executive Officer requests adoption of a resolution approving the County Code of Ethics and Manager's Credo.

R-05-201

- 6O. County Executive Officer/Purchasing Agent requests the following:
1. Declare certain items of personal property as surplus and no longer required for public use;
 2. Authorize the Purchasing Agent to dispose of these items of personal property by Donating them to the Progress Foundation.

- 6P. County Executive Officer and Clerk of the Board request cancellation of the November 8, 2005 Board of Supervisors' meeting.

7. Discussion of Items Removed from the Consent Calendar.
NONE

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

Set Matters or Public Hearings.

- 8A. 9:00 a.m. - Recess to the Lake Berryessa Resort Improvement District meeting.
(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MEETING MINUTES)
- 8B. 9:15 a.m. Public Hearing –
Consideration and possible action regarding an appeal filed by V. Sattui Winery, Inc-Suzanne Vineyards, of a decision by the Zoning Administrator (ZA) on August 10, 2005, to deny the applicant's request for a Certificate to the Extent of Legal Conformity (CLN) P05-0185-CLN recognizing weddings and weddings receptions. The project is located on a 21.66 acre parcel on the east side of St. Helena Highway at its intersection with White Lane within an AP (Agricultural

8B. Continued.

Preserve) / AW (Agricultural Watershed) split zoning district and an area designated Agriculture, Watershed & Open Space (AWOS) by the Napa County General Plan (Assessor's Parcel No. 030-260-035; 1111 White Lane, St. Helena).

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. State CEQA Guidelines Section 15270 provides: (a) CEQA does not apply to projects which a public agency rejects or disapproves; and (b) This section is intended to allow an initial screening of projects on the merits for quick disapprovals prior to the initialization of the CEQA process where the agency can determine that the project cannot be approved. A recommendation of denial is not subject to CEQA review. Should the Board uphold the appeal the project would be deemed Categorical Exempt Class 1 (Section 15301 State CEQA Guidelines and Napa County CEQA Guidelines, Appendix B.1) as the weddings would be deemed existing activities or operations.

(STAFF REQUESTS HEARING BE REMOVED FROM AGENDA TO BE RE-NOTICED FOR DECEMBER 6, 2005 AT 9:30 A.M.)

THE BOARD REMOVED THE ITEM FROM THE AGENDA TO BE RE-NOTICED FOR DECEMBER 6, 2005 AT 9:30 A.M.

ML-BW-BD-HM-DD

8C. 9:15 a.m.- Informational presentation by the Bureau of Reclamation staff regarding expected publication of a Notice of Availability (NOA) in the Federal Register on November 4, 2005 of the Final Environmental Impact Statement (FEIS) for the Lake Berryessa Visitor Services Plan (VSP).

ITEM REMOVED FROM THE AGENDA.

8D. 10:30 a.m. Public Hearing - Director of Conservation, Development, and Planning requests Board discussion and potential direction for the Balloon Industry proposed Code of Conduct, supporting efforts to establish a balloon launching facility on County owned property adjacent to the Roads Division Corporation Yard on Silverado Trail near Yountville.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD DIRECTED THE BALLOON INDUSTRY AND STAFF TO ADD THE FOLLOWING TO THE PROPOSED CODE OF CONDUCT:

- 1. A STATEMENT THAT OPERATORS WILL COMPLY WITH FAA REGULATION 91.119;**
- 2. A STATEMENT THAT GROUND EQUIPMENT AND GONDOLAS WILL BE CLEARLY MARKED WITH IDENTIFICATION; AND,**
- 3. THAT THE BOARD OF SUPERVISORS WILL RECEIVE QUARTERLY WRITTEN REPORTS ON COMPLAINTS.**

ML-HM-BD-BW-DD

N

ITEM CONTINUED TO NOVEMBER 15, 2005 AT 2:00 P.M.

8E. 1:30 p.m. - Recess to the Napa County Flood Control and Water Conservation District Meeting.

8E. Continued.

(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MEETING MINUTES)

8F. 2:30 p.m. - County Counsel requests the Board consider and adopt a resolution of Findings of Fact and Decision on Appeal regarding the appeal filed by Gary Houck, applicant, to a decision by the Conservation, Development and Planning Commission on May 18, 2005 to deny Viewshed Request #P05-0005 VIEW to construct a new two-story 8,219 square foot main residence and approximately 10,000 square foot separate landscaped yard area located predominantly on a major ridgeline as defined in 18.106.020 of the Napa County Code and a 1,200 square foot second unit and a 1,000 square foot guest cottage located 25-feet below the major ridgeline. (These two units are proposed to be constructed on the property at a later date, under a separate Viewshed Protection Program application; however, they were included in the environmental review of this application as part of the entire project.) The project site is on a 41.35-acre parcel, located off a private driveway approximately 1,300-feet west of Soda Canyon Road and 3.5 miles north of its intersection with Silverado Trail within an AW (Agricultural Watershed) zoning district. (Assessor's Parcel No. 039-640-001) 2275 Soda Canyon Road, Napa.
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 and Biological Resources. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. (CONTINUED FROM AUGUST 23, SEPTEMBER 13, AND OCTOBER 25, 2005)

ADOPTED RESOLUTION

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

R-05-203

8G. 3:00 p.m. - Recess to the Napa Berryessa Resort Improvement District special meeting.
(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT SPECIAL MEETING MINUTES)

Administrative Items

9A. Director of Conservation, Development and Planning requests adoption of a resolution:
1. Approving and adopting the Watershed Information Center and Conservancy Board's 2005-06 Final Strategic Plan (dated August 2005); and
2. Amending Resolution No. 04-26 and Resolution No. 04-77 regarding membership on the WICC Board, to include one representative from each city or town in Napa County nominated by the city or town manager from each city or town.

ADOPTED RESOLUTION

BD-BW-ML-HM-DD

R-05-202

9B. County Executive Officer requests that the Board consider a request for funding from the St. Helena Chamber of Commerce for the Great Wine Capitals Global Network Annual Assembly, to be held in San Francisco and Napa County on November 13-17, 2005. (Supervisor Dodd)
APPROVED REQUEST

BD-DD-BW-HM-ML

10. Legislative Items.
SUPERVISOR WAGENKNECHT RECOMMENDED THAT THE LEGISLATIVE SUBCOMMITTEE REVIEW THE MCCAIN/KENNEDY IMMIGRATION BILL AS IT RELATES TO FARMWORKER HOUSING.

11. Board of Supervisors' Committee Reports and Announcements.
SUPERVISOR LUCE REPORTED HIS ATTENDANCE ALONG WITH SUPERVISOR DODD AT THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) GENERAL ASSEMBLY MEETING LAST WEEK WHERE HOUSING AND HOMELESSNESS WERE THE TOPICS OF DISCUSSION.

SUPERVISOR DODD REPORTED ON HIS ATTENDANCE AT A STEERING COMMITTEE MEETING CONSISTING OF THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY, THE SOLANO TRANSPORTATION IMPROVEMENT AUTHORITY, AND THE SAN JOAQUIN TRANSPORTATION AUTHORITY.

CHAIR DILLON REPORTED THAT SHE ATTENDED THE ST. HELENA CITY COUNCIL MEETING LAST TUESDAY. THE COUNCIL ENDORSED THE NAPA COUNTY TRANSPORTATION AND PLANNING AGENCY'S (NCTPA) PROPOSED TRANSPORTATION EXPENDITURE PLAN SLATED FOR THE JUNE 7TH BALLOT.

SUPERVISOR WAGENKNECHT REPORTED ON HIS ATTENDANCE AT THE MEETING OF THE FARMWORKER HOUSING OVERSIGHT COMMITTEE WHERE THE PROGRESS OF THE MONDAVI AND CALISTOGA CAMPS WAS DISCUSSED.

HE ALSO GAVE AN UPDATE ON HIS ATTENDANCE AT THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT'S LEGISLATIVE COMMITTEE MEETING.

12. Board of Supervisors' Future Agenda Items.
NONE

13. County Executive Officer Reports and Announcements.
NONE

14. Closed Session.
 - A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Designated Representatives: Nancy Watt, County Executive Officer
Unrepresented employee: Agricultural Commissioner and Sealer of Weights and Measures
CLOSED SESSION HELD – NO REPORTABLE ACTION

 - B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)
CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,
NOVEMBER 15, 2005 AT 9:00 A.M.**

HAROLD MOSKOWITE, Chairman

ATTEST:

GLADYS I. COIL, 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