

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

January 10, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, JANUARY 10, 2005 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: VICE-CHAIRMAN BILL DODD, SUPERVISORS MARK LUCE, HAROLD MOSKOWITE AND BRAD WAGENKNECHT. SUPERVISOR DILLON WAS TEMPORARILY EXCUSED. THE MEETING WAS CALLED TO ORDER BY VICE-CHAIRMAN DODD AT 9:04 A.M. CHAIR DILLON RETURNED AT 9:20 A.M.
2. Pledge of Allegiance.
BOB AND CINDY BARBARICK LED THE SALUTE TO THE FLAG.

Presentations And Commendations

- 3A. Board of Supervisors Organization for 2006: Election of Officers (Chairperson and Vice-Chairperson).

THE BOARD ELECTED SUPERVISOR DODD AS CHAIRMAN AND SUPERVISOR MOSKOWITE AS VICE-CHAIRMAN.

BW-ML-HM-DB-DD

X

CHAIRMAN DODD EXPRESSED HIS APPRECIATION TO SUPERVISOR DIANE DILLON FOR ALL OF HER EFFORTS AND HARD WORK AS CHAIR OF THE BOARD IN 2005. HE ALSO COMMENDED THE OTHER BOARD MEMBERS AND COUNTY STAFF FOR THEIR EFFORTS DURING THE PAST YEAR.

HE IDENTIFIED THE FOLLOWING GOALS HE WOULD LIKE TO ACHIEVE FOR 2006:

1. **PASS LEGISLATION PROTECTING NAPA COUNTY AND THE AG PRESERVE FROM THE BAY AREA HOUSING ALLOCATIONS;**
2. **INSURE THE PASSAGE OF THE TRANSPORTATION SALES TAX IN THE JUNE ELECTION;**
3. **CONTINUE TO LEVERAGE RELATIONSHIPS WITH BAY AREA WIDE BOARDS AND COMMISSIONS;**
4. **CONTINUE TO FOCUS ON CUSTOMER SERVICE PRINCIPLES IN ALL COUNTY DEPARTMENTS;**
5. **FINALIZE DETAILS RELATED TO THE FINANCING OF THE RECLAIMED WATER;**
6. **WORK WITH AMERICAN CANYON TO FINALIZE THEIR RURAL URBAN LIMIT LINES;**
7. **WORK WITH ALL CITIES TO INITIATE VOTER MANDATE RURAL URBAN LIMIT LINES FOR THE PROTECTION OF THE AG PRESERVE; AND,**

3A. Continued.

8. PROMOTE THE MERGER OF THE NAPA COUNTY LEAGUE OF GOVERNMENTS AND THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY INTO ONE COUNCIL OF GOVERNMENTS.

3. Public Comment.

BILL COCKE SPOKE AGAINST THE PROPOSED TWO STORY ADDITION AT 1983 LERNHART STREET IN NAPA WHICH IS A FACILITY FOR RECOVERING ADDICTS. HE REQUESTED THAT THE BOARD SUPPORT HIS COMPLAINT BY SIGNING THE COMPLAINT FORM.

4. Department Heads' Reports and Announcements.

BOB PETERSON, DIRECTOR OF PUBLIC WORKS, REPORTED ON HIS MEETING TODAY WITH FEMA AND THE STATUS OF CLEAN-UP EFFORTS TAKING PLACE DUE TO THE RECENT FLOOD AND RESULTING MUD SLIDES.

SUPERVISOR DILLON ALSO REPORTED ON THE FEMA MEETING.

Consent Calendar

6A. Acting Director of Corrections requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6535 with Calvin Groeneweg increasing the amount by \$5,000 for a new maximum of \$65,000 to provide blood sample collection services in the jail as required by Penal Code Sections 296 and 298. **A-6535 (AMEND. 1)**

6B. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6131 with Environmental Science Associates increasing the amount by \$30,767 for a new maximum of \$92,512 for preparation of the California Environmental Quality Act document for Erosion Control Plan Application #01278-ECPA for Capell Valley Vineyards. (Assessor's Parcel Nos. 032-130-008 and 032-130-044) **A-6131 (AMEND. 1)**

6C. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6184 with EDAW increasing the amount by \$114,221 for a new maximum of \$352,262 for preparation the California Environmental Quality Act document for Erosion Control Plan Application #02454-ECPA for Rodgers Property-Upper Range Vineyard. (Assessor's Parcel Nos. 030-220-002, 030-130-008, 030-120-009 and 030-220-001) **A-6184 (AMEND. 3)**

6D. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6376 with Environmental Science Associates increasing the amount by \$7,988 for a new maximum of \$99,760 for preparation of the California Environmental Quality Act document for Erosion Control Plan Application #P04-0446-ECP for Gallo Sun Lake Ranch Vineyards. (Assessor's Parcel No. 018-090-047) **A-6376 (AMEND. 1)**

- 6E. Library Director requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4641 with John's Custodial Service increasing the amount by \$2.00 per day for a new maximum of \$5,200 per fiscal year and amending the Scope of Work to include the new schedule of services for the American Canyon Library Janitorial Services. **A-4641**
(AMEND. 1)

- 6F. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 5 to Agreement No. 3916 with MRO Engineers (formerly Martin, Rivett and Olson) increasing the amount by \$149,137 for a new maximum of \$476,928, and amending the Scope of Work to include the changes necessary for environmental elements in the design and construction of the Oakville Bridge Replacement. **A-3916**
(AMEND. 5)

- 6G. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4906-2(A-1) with the Corrections Standards Authority (CSA) extending the term through June 27, 2006 for construction of the Juvenile Justice Center. **A-4906-2(A-1)**
(AMEND. 3)

6H. Director of Public Works requests adoption of a resolution amending the non-exclusive license agreement for temporary use of a portion of the County of Napa Corporate Yard Facility on the Silverado Trail relating to balloon launches.
ITEM REMOVED FOR SEPARATE DISCUSSION.

APPROVED RESOLUTION ML-BW-HM-DD-BD R-06-03
N

6I. Director of Public Works requests the following:
ITEM REMOVED FOR SEPARATE DISCUSSION.

- 1. Approval of Budget Transfer No. 37 appropriating \$197,000 in the Progress Foundation Relocation Budget and \$42,000 in the Other Relocation Budget with offsetting Revenues from Appropriations for Contingencies, (4/5 vote required);

ITEM REMOVED FROM THE AGENDA.

- 2. Award of the contract for the "1046 Bella Dr. Repairs Project," PW 06-07, to Emil Meyers Construction Company of Napa, California, for their low base bid of \$111,737 with Additional Alternative No. 1 of \$20,270, and authorization for the Chair to sign the construction contract;

- 3. Approval of and authorization for the Chair to sign a five year funding agreement with the Housing Authority of the City of Napa (HACN) for a maximum of \$19,200 for the specific purpose of removing the unusable pool at 1046 Bella Drive. **A-4765-2**

APPROVED 6I-2 AND 6I-3 BW-DD-BD-ML-HM

6J. Auditor-Controller requests approval of the proposed budget for the Napa County Fair Association for the Fiscal Year 2006.

- 6K. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following County of Napa Monitoring and Audit Reports:
1. Monitoring of Shirley Ware Education Center for Nurse Workforce Initiative Program (Workforce Investment Act Funds) awarded by Napa County Regional Training and Employment Center Monitored through September 30, 2004;
 2. Monitoring of County of Napa Health and Human Services Agency for Nurse Workforce Initiative Program (Workforce Investment Act Funds) awarded by Napa County Regional Training and Employment Center Monitored through September, 2004;
 3. Audit of Napa County Transportation and Planning Agency County-Wide Transportation and Travel Expenditure Accounts for the Fiscal Year ended June 30, 2003;
 4. Audit of Napa-Vallejo Waste Management Authority County-Wide Transportation and Travel Expenditure Accounts Audit for the Fiscal Year ended June 30, 2003;
 5. Audit of Local Agency Formation Commission of Napa County, County-Wide Transportation and Travel Expenditure Accounts Audit for the Fiscal Year ended June 30, 2003;
 6. Audit of Upper Valley Waste Management Agency County-Wide Transportation and Travel Expenditure Accounts Audit for the Fiscal Year ended June 30, 2003; and
 7. Audit of County of Napa Department of Agricultural Commissioner/Sealer Departmental Audit for the 12 months ended March 31, 2005.
- 6L. Human Resources Director requests adoption of a resolution simplifying the membership coverage group list to include all miscellaneous and all safety employee groups as eligible for participation in the California Public Employees' Retirement System's pre-tax payroll deduction plan for service credit purchase. **R-06-04**
- 6M. 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 the following actions, effective January 14, 2006:
1. Delete:
 - a. One (1) .5 Public Health Nurse Limited Term (LT) through June 30, 2006;
 - b. One (1) Health Education Specialist Limited Term (LT) through June 30, 2006;
 2. Add:
 - a. One (1) .5 Public Health Nurse; and
 - b. One (1) Health Education Specialist. **R-06-05**
- 6N. Human Resources Director requests adoption of a resolution regarding the following in connection with the County Executive Office, effective January 10, 2006:
1. Amend the Departmental Allocation List to delete one (1) (M) Risk Manager and add one (1) (M) Risk Manager designated as "at-will", Management Non-Classified (Other); and,

6N. Continued.

2. Amend appropriate policies to delete one (1) Risk Manager and add one (1) "at-will" Risk Manager. **R-06-06**

6O. Human Resources Director requests adoption of the following three resolutions:

ITEM REMOVED FOR SEPARATE DISCUSSION.

1. Resolution approving equity adjustments for certain classifications in the Public Service Employee and Public Service Employee-Supervisory Units;

ADOPTED RESOLUTION

R-06-07

2. Resolution approving equity adjustments for certain classifications in the Management and Confidential employee groups; and

ADOPTED RESOLUTION AS AMENDED

R-06-08

3. Resolution approving a change in the annual salary for the Non-Classified position of County Executive Officer.

ADOPTED RESOLUTION

R-06-09

BW-DD-BD-ML-HM

6P. County Executive Officer requests the appointment of Donna DeWeerd and Mark Leonardi to serve on the Napa Valley Workforce Investment Board representing private sector business with the term of office to commence immediately and expire June 30, 2007.

6Q. County Executive Officer requests the reappointment of Dr. Kristie Brandt and Teresa D. Zimny to serve on First Five, Napa County (Children and Families Commission) representing the County with the term of office to commence immediately and expire January 1, 2010.

6R. County Executive Officer requests the appointment of Amy Lynne Stout to serve on the Advisory Board on Alcohol and Drug Programs representing the Probation Department with the term of office to commence immediately and expire January 1, 2008.

6S. County Executive Officer requests adoption of a resolution honoring Walter Hampe as a lifetime "Champion of Children." (Supervisor Wagenknecht) **R-06-10**

6T. Approve minutes of the regular meetings held May 24 and June 7, 2005.

7. Discussion of Items Removed from the Consent Calendar.
SEE ITEMS 6I, 6H AND 6O.

APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6G, ITEMS 6J THROUGH 6N, AND ITEMS 6P THROUGH 6T.

BW-DD-HM-ML-BD

Set Matters or Public Hearings

8A. 9:00 a.m. Recess to the Board of Equalization (See BOE Agenda).
(SEE BOARD OF EQUALIZATION MINUTES)

- 8B. 9:00 a.m. Recess to the Napa County Public Improvement Corporation special meeting.
(SEE NAPA COUNTY PUBLIC IMPROVEMENT CORPORATION MINUTES)
- 8C. 9:00 a.m. Recess to the Napa County Housing Authority special meeting.
(SEE NAPA COUNTY HOUSING AUTHORITY MINUTES)
- 8D. 9:00 a.m. Recess to the Lake Berryessa Resort Improvement District special meeting.
(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)
- 8E. 9:00 a.m. Recess to the Napa Berryessa Resort Improvement District special meeting.
(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)
- 8F. 9:00 a.m. Recess to the Silverado Community Services District special meeting.
(SEE SILVERADO COMMUNITY SERVICES DISTRICT MINUTES)
- 8G. 9:15 a.m. Recess to the In-Home Supportive Services Public Authority of Napa County meeting. **(SEE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY OF NAPA COUNTY MINUTES)**
- 8H. 9:30 a.m. Recess to the Monticello Public Cemetery District special meeting.
(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)
- 8I. 10:00 a.m. Auditor-Controller and Bartig, Basler & Ray, Certified Public Accountants, to present and request acceptance of the County of Napa Comprehensive Annual Financial Report, County of Napa Single Audit Report, and the County of Napa Management Report for Fiscal Year 2004-2005.

PRESENTATION MADE

APPROVED REQUESTS

BW-DD-HM-ML-BD

- 8J. 11:00 a.m. Public Hearing
Director of Conservation, Development and Planning requests the Board conduct a public hearing on amendment of an Easement Deed, and approval of a Variance and Major Use Permit Modification and take the following actions at the conclusion of the hearing:
1. Make the following Environmental Determinations:
 - a. Find that the Board of Supervisors has read and considered the Mitigated Negative Declaration prior to taking action on said Mitigated Negative Declaration;
 - b. Find that the Mitigated Negative Declaration is based on independent judgment by the Board of Supervisors;
 - c. Find that the Mitigated Negative Declaration was prepared and considered in accordance with the requirements of the California Environmental Quality Act;
 - d. Find that there is no substantial evidence in the record as a whole, that the project will have a significant effect on the environment;
 - e. Find that the Clerk of the Board of Supervisors is the custodian of the records of the proceedings on which this decision is based. (The records are located at the

8J. Continued.

Office of the Napa County Clerk of the Board, 1195 Third Street, Suite 310,
Napa, California);

- f. Find that considering the record as whole there is no evidence that the proposed project will have a potential adverse effect on wildlife resources or habitat upon which the wildlife depends;
 - g. Adopt the Mitigated Negative Declaration;
 - h. Adopt the attached Mitigation Monitoring and Reporting Program;
- 2. Approve and authorize the Chair of the Board to execute an amendment to Easement Deed and Agreement #1997-003190;
 - 3. Approve Variance P04-0540-VAR based on findings 10-14 of the attached August 17, 2005 Planning Commission Staff Report and subject to the conditions of approval attached thereto;
 - 4. Approve a Major Modification to Use Permit P04-0539-MOD based on findings 15-19 of the attached August 17, 2005 Planning Commission Staff Report and subject to the conditions of approval attached thereto.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD TOOK THE FOLLOWING ACTIONS:

- 1. APPROVED ENVIRONMENTAL DETERMINATIONS A – H;**
- 2. RESCINDED THE EASEMENT DEED;**
- 3. APPROVED VARIANCE P04-0540-VAR BASED ON FINDINGS 10 – 14 AND CONDITIONS OF APPROVAL 1 – 4; AND,**
- 4. APPROVED THE MAJOR MODIFICATION TO USE PERMIT P04-0539 MOD BASED ON FINDING 15 – 19 AND SUBJECT TO CONDITION OF APPROVAL 1-24.**

ML-DD-BD-BW-HM

8K. 11:15 a.m. Public Hearing

Consideration and possible action on an appeal filed by Mr. Dirk Fulton to a partial denial by the Director of Public Works of a road improvement modification requested by the appellant in connection with the application for Use Permit # 04065-UP for a property located at 263 Petrified Forest Road, Calistoga. (Assessor's Parcel No. 020-430-006)

ENVIRONMENTAL DETERMINATION: The appeal of the Director's determination on the road modification is not a "project" as defined in CEQA Section 15378. Section 15378(c) sets forth that the term "project" refers to an activity which is being approved, and does not mean each separate governmental approval. In this case, the Board's determination on the road modification merely establishes how existing regulations are being interpreted, and will not result, either directly or indirectly, in a physical change in the environment. This code interpretation is necessary to establish the scope of the "project" that will then be subject to CEQA evaluation.

8K. Continued.

(CONTINUED FROM NOVEMBER 22, 2005; STAFF REQUESTS CONTINUANCE OF THE ITEM TO JANUARY 24, 2006 AT 10:30 A.M.)

ITEM CONTINUED TO JANUARY 24, 2006 AT 10:30 A.M.

ML-DD-HM-BW-BD

8L. 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)

8M. 2:00 p.m. Recess to the Napa County Flood Protection and Watershed Improvement Authority meeting. (SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)

Administrative Items

9A. Discussion and possible action regarding the appointment of members of the Board of Supervisors to various committees, commissions and advisory boards.

BOARD MEMBERS WERE REAPPOINTED TO THEIR EXISTING POSITIONS.

DD-ML-BW-HM-BD

9B. County Executive Officer requests the appointment of one of the following applicants to serve on the Napa County Child Care Planning Council representing the consumer category with the term of office to commence immediately and expire June 30, 2007.

Applicants

Sara Featherstone

Melanie Karcher*

P. Angela Murry-Smith

Jennifer Weiss

*Recommended by the Child Care Planning Council

THE BOARD APPOINTED MELANIE KARCHER.

DD-BW-HM-ML-BD

9C. County Executive Officer requests the appointment/reappointment of two members from the following list of applicants to serve on the Airport Advisory Commission representing the general public with the term of office to commence immediately and expire December 31, 2008.

Applicants

James Henry*

Thomas C. Nelson

Stanley Rosow*

*Incumbents

THE BOARD REAPPOINTED JAMES HENRY AND APPOINTED THOMAS C. NELSON.

BW-DD-HM-ML-BD

- 9D. County Executive Officer requests the appointment/reappointment of one of the following applicants to serve on the Napa Sanitation District Board of Directors as a public member with the term commencing immediately and expiring December 31, 2007.

Applicants

Emmett "Skip" Keyser

Dennis Scherzinger*

*Incumbent

THE BOARD REAPPOINTED DENNIS SCHERZINGER.

ML-BW-HM-DD-BD

- 9E. County Executive Officer requests approval of:
1. Proposed Budget Policies to guide the preparation and administration of the County's Fiscal Year 2006-2007 Budget; and,
 2. The Proposed Fiscal Year 2006-2007 Budget Calendar.

PRESENTATION MADE

APPROVED REQUESTS

DD-BW-HM-ML-BD

- 9F. County Executive Officer/Director of Emergency Services requests authorization for the Chair to send a letter to the Governor asking him to request that the President declare a major disaster in the County for both Public Assistance and Individual Assistance.

APPROVED REQUEST AS AMENDED.

DD-BW-HM-ML-BD

10. Legislative Items.

SUPERVISOR LUCE REPORTED ON THE DRAFT OF THE HOUSING BILL FROM DON PETERSON.

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR DILLON REPORTED ON THE VISIT OF THE STATE SECRETARY OF AGRICULTURE WHO VIEWED VINEYARD DAMAGE AS A RESULT OF THE FLOOD. SHE ALSO REPORTED ON THE VISIT OF STAFF FROM SENATOR BOXER'S OFFICE WHO INSPECTED FLOOD DAMAGE IN THE CITY OF NAPA AND OTHER AREAS OF THE COUNTY. SENATOR FEINSTEIN'S STAFF VIEWED FLOOD DAMAGE BY HELICOPTER ON SUNDAY.

CHAIRMAN DODD REPORTED ON HIS CONVERSATION IN SACRAMENTO WITH THE SECRETARY OF TRANSPORTATION.

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR MOSKOWITE ASKED THAT THE ISSUE OF SOLAR PERMIT FEE PRICING BE PLACED ON A FUTURE AGENDA.

13. County Executive Officer Reports and Announcements.

NONE

14. Closed Session

A. 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 A SPECIAL MEETING OF THE BOARD OF SUPERVISORS ON THURSDAY, JANUARY 12, 2006 AT 6:00 P.M., FOR THE PURPOSE OF ATTENDING THE QUARTERLY MEETING OF THE NAPA COUNTY LEAGUE OF GOVERNMENTS AT SILVERADO COUNTY CLUB AND RESORT, 1600 ATLAS PEAK ROAD, NAPA, CALIFORNIA.

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