

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

January 24, 2006

1. Call to Order; Roll Call.

THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, JANUARY 24, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS HAROLD MOSKOWITE, BRAD WAGENKNECHT, MARK LUCE AND DIANE DILLON. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:05 A.M.

2. Pledge of Allegiance.

DAVID BAKER, EXECUTIVE DIRECTOR OF SEIU LOCAL 614, LED THE SALUTE TO THE FLAG.

Presentations and Commendations

- 3A. Presentation of proclamations acknowledging the Hudson Vineyards and Napa Valley Grapegrowers, who were presented "IPM (Integrated Pest Management) Innovator Awards" by the CalEPA, Department of Pesticide Regulation.
PRESENTATION MADE

- 3B. Presentation of a proclamation declaring January, 2006 as National Glaucoma Awareness Month. (Supervisor Dodd)
PRESENTATION MADE

4. Public Comment.

DAVID BAKER, EXECUTIVE DIRECTOR OF SEIU LOCAL 614, EXPRESSED HIS APPRECIATION TO THE BOARD FOR THEIR HOSPITALITY AND COURTESY WHEN DISCUSSING EMPLOYEE ISSUES. HE THANKED THE STAFF IN PARTICULAR, CHARLA FRECKMANN, ASSISTANT HUMAN RESOURCES DIRECTOR, THERESA RICHMOND OF HEALTH AND HUMAN SERVICES AND SILVA DARBINIAN OF COUNTY COUNSEL'S OFFICE.

5. Department Heads' Reports and Announcements.
NONE

Consent Items.

- 6A. Sheriff requests approval of and authorization for the Chair to sign an agreement with the Napa County Office of Education for a maximum of \$320,000 for the term October 1, 2005 through June 28, 2008 to fund a Deputy Sheriff assigned to the Safe Schools/Healthy Students Program for campus safety. **A-6577**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 4089 with Sonoma County for a maximum of \$114,718 for the term July 1, 2005 through June 30, 2006 for emergency medical services administration. **A-4089**

- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 3724 with COPE Family Center, Inc. decreasing the amount by \$14,982 for a new maximum of \$156,097 and revising the contractor's budget to reflect changes in program funding allocations. **A-3724**
(AMEND. 3)
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4924 with Alternatives for Better Living, Inc., revising the Scope of Work to include additional evening treatment services and increasing the amount by \$80,000 for a new maximum of \$180,000 to provide services under the Substance Abuse Treatment Options Program (STOP). **A-4924**
(AMEND. 2)
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6410 with Allen, Shea & Associates increasing the amount by \$28,220 for a new maximum of \$95,000 to serve as project manager and consultant for the County's Mental Health Services Act Plan (Proposition 63). **A-6410**
(AMEND. 1)
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with Aldea, Inc.:
1. New agreement for a maximum of \$5,000 for the term January 24, 2006 through June 30, 2006 to provide counseling services in the Children's Behavioral Health and Child Welfare Services Programs; and **A-6578**
 2. Amendment No. 1 to Agreement No. 2100 incorporating agency-wide changes to the General Terms and Conditions, revising the Scope of Work to add psychologists as clinical treatment providers, and revising the rate of compensation payable to the contractor to provide therapeutic services to clients in the Child Welfare Services Program. **A-2100**
(AMEND. 1)
- 6G. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements relating to the Bay Area Regional Registry (BARR) Program:
1. Joint Powers Agreement with the County of Santa Clara for membership in the Bay Area Regional Immunization Registry for the term January 24, 2006 through January 13, 2007; and **A-6579**
 2. Memorandum of Understanding with the Solano-Napa-Yolo Commission on Medical Care, dba Partnership Health Plan of California, for the term January 24, 2006 through June 30, 2006 to provide recruitment and training of the immunization registry to HHSA staff and local providers. **A-6580**

- 6H. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements:
1. Joint Powers Agreement for the maintenance and use of the three Medical Cache Trailers by the County of Napa, the Cities of Calistoga, Napa, and St. Helena, and the American Canyon Fire Protection District (the Participating Jurisdictions) for the term beginning on January 1, 2006 and terminating when terminated by the County or by all Participating Jurisdictions except the County; **A-6581**
 2. Amendment No. 2 to Agreement No. 4296 with Napa Ambulance Service, Inc., dba Piner's, for Exclusive Operating Area 2 ("EOA 2"), providing for restocking of the Advanced Life Support (ALS) Medical Cache Trailer and for non-exclusivity of the ambulance franchise in the event of certain work stoppages; and **A-4296 (AMEND. 2)**
 3. Amendment No. 1 to Agreement No. 6172 with Napa Ambulance Service, Inc., dba Piner's, for Exclusive Operating Area 1 ("EOA 1"), providing for restocking of the ALS Medical Cache Trailer and for non-exclusivity of the ambulance franchise in the event of certain work stoppages. **A-6172 (AMEND. 1)**
- HERB FORD, RESIDENT OF ANGIN, ADDRESSED THE BOARD ON THIS ISSUE.**
- 6I. Director of Health and Human Services requests authorization to establish a designation in the amount of \$19,200 required by the City of Napa Housing Authority's Community Development Block Grant for the removal of a pool at 1046 Bella Drive in Napa, to be funded from the General Fund's fund balance.
- 6J. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign renewals of the following agreements with the California Department of Food and Agriculture:
1. Agreement No. 4760 for a maximum of \$43,907 for the term July 1, 2005 through June 30, 2006 for reimbursement of expenditures for activities related to the sudden oak death, nursery, and seed inspections; **A-4760**
 2. Agreement No. 4759 for a maximum of \$7,500 for the term October 1, 2005 through June 30, 2007 for reimbursement of expenditures for activities related to the crop Statistics program; and **A-4759**
 3. Agreement No. 4339 for a maximum of \$425,577 for the term July 1, 2005 through June 30, 2006 for reimbursement of expenditures for activities related to the Glassy-winged Sharpshooter program. **A-4339**
- 6K. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6536 with the State of California amending the location from Building B to Building C at the Napa State Hospital for the operation of the winter shelter. **A-6536 (AMEND. 1)**

- 6L. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Silverado Soscol, LLC. (Assessor's Parcel No. 046-400-042)
- 6M. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Dona Kopol Bonick and John Bonick. (Assessor's Parcel No. 047-251-001)
- 6N. County Counsel requests adoption of a resolution approving the following requests for exemption from the 2005-2006 assessments for County Service Area No. 4:
Owner Assessor's Parcel Nos.
Thomas P. Kenefick, TR et al. 017-230-001-000, 017-230-002-000,
017-230-003-000, 017-230-029-000, 018-050-020-000, 020-340-007-000
020-340-018-000 **R-06-12**
- 6O. Human Resources Director requests adoption of a resolution amending the Table and Index of Classes to increase the salary of certain Management Analyst classifications within the flexibly staffed Management Analyst series, effective January 28, 2006. **R-06-13**
- 6P. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Probation Department and its divisions with regards to deleting one (1) Probation Assistant position from the Probation Department and adding one (1) (M) Assistant Juvenile Hall Superintendent in the Juvenile Hall Division, effective January 28, 2006. **R-06-14**
- 6Q. Chief Information Officer requests the following:
1. Approval of and authorization for the Chair to sign an agreement with Attevo, Inc. for a maximum of \$120,000 for the term January 24, 2006 through September 30, 2006 for Accela Automation implementation consulting services; and **A-6582**
2. Approval of Budget Transfer No. 47 appropriating \$60,000 in the Information Technology Services (ITS) budget with offsetting revenues from the Building Inspection and Environmental Management budgets for Accela Automation implementation consulting services. (4/5 vote required) **BT-47**
- 6R. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Parking Garage Cooperative Agreement No. 6372 with the City of Napa to defer the final deposit date for all financial obligations of both the City and the County to March 31, 2006. **A-6372**
(AMEND. 1)
- 6S. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 5 to Agreement No. 6246 with Sonoma State University increasing the amount by \$45,833 for a new maximum of \$278,628 and extending the term through September 29, 2006 to continue providing project management and regional navigator services on grant projects designed to serve individuals with disabilities. **A-6246**
(AMEND. 5)

- 6T. County Executive Officer requests approval of Budget Transfer No. 39 appropriating \$700,000 from the Insurance Liability Fund's retained earnings to enable the Insurance Liability budget to pay for expenditures related to the County's self-insurance claim/lawsuit settlements. (4/5 vote required) **BT-39**
- 6U. County Executive Officer/Director of Emergency Services requests adoption of a resolution extending the Proclamation of Local Emergency declared by the Assistant County Executive Officer acting as the Director of Emergency Services on December 30, 2005 and confirmed by the Board of Supervisors by Resolution No. 06-02 on January 3, 2006. **R-06-15**
- 6V. County Executive Officer requests the appointment of Kerry Eddy representing the City of Calistoga and Manuel Rios representing Supervisorial District # 3 (Dillon) to serve on the Napa County Parks and Open Space Advisory Committee with the term of office to commence immediately and expire December 31, 2006.
- 6W. County Executive Officer requests the appointment of Council Member Karen Slusser representing the City of Calistoga and Council Member Steven Rosa representing the Town of Yountville to serve on the Board of Directors of the Watershed Information Center and Conservancy of Napa County with the terms of office to commence immediately and expire as determined by the Board of Directors.
7. Discussion of Items Removed from the Consent Calendar.
NONE

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

Set Matters or Public Hearings

- 8A. 9:00 a.m. County Counsel requests the Board consider and adopt a resolution of Findings of Fact and Decision on Appeal granting the appeal filed by V. Sattui Winery, Inc.-Suzanne, of the Zoning Administrator's decision to deny a request for a Certificate Determining Extent of Legal Nonconformity (P05-0185-CLN) recognizing weddings and wedding receptions as an allowed use. 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 Agricultural Preserve (AP)/Agricultural Watershed (AW) 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: 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 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] **R-06-16**
PUBLIC HEARING HELD – TESTIMONY PRESENTED

**ADOPTED RESOLUTION AS AMENDED
ML-HM-BW-DD-BD-
N N**

- 8B. 9:30 a.m. Recess to the Board of Equalization Meeting.
(SEE BOARD OF EQUALIZATION MINUTES)
- 8C. 9:30 a.m. Public Hearing - Director of Conservation, Development and Planning requests adoption of a resolution approving the Montalcino at Napa Golf Course project including the following actions: ENVIRONMENTAL DETERMINATION: Pursuant to Section 15162 of the State CEQA Guidelines, a Final Subsequent Environmental Impact Report has been prepared for Certification. The Final Subsequent Environmental Impact Report (EIR) finds the proposed project will result in new potential impacts in the following areas: Agricultural Resources, Hydrology, Biological Resources, and Cultural Resources. No substantial changes requiring major revision of the previously certified Montalcino at Napa Resort EIR will occur in the following areas: Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Aesthetics, Community Services, Geology, and Population and Housing. The project site is not on any of the lists of hazardous waste sites, but it is adjacent to a hazardous waste site enumerated under Section 65962.5 of the Government Code.
1. Certification of a Final Subsequent Environmental Impact Report;
 2. Adoption of a Mitigation Monitoring Program; and
 3. Approval of a Use Permit Major Modification (File No. P05-0220-MOD) for the Montalcino at Napa Golf Course that involves adding an 18-hole golf course and driving range as an ancillary use to the previously approved Montalcino at Napa Resort Project on approximately 233 acres of a 266 acre property located adjacent to the approved resort project. **R-06-17**

PUBLIC HEARING HELD - TESTIMONY PRESENTED

ADOPTED RESOLUTION AS AMENDED

ML-HM-BW-ML-DD

- 8D. 9:35 a.m. Public Hearing - First and final reading and adoption of an ordinance requested as part of the proposed Montalcino at Napa Golf Course project which rezones certain unincorporated property within the county from Agricultural Watershed:Airport Compatibility (AW:AC) to Public Lands:Airport Compatibility (PL:AC) zoning district (Assessor's Parcel Nos. 057-010-037 and 057-010-036) and amends Section 18.50.030 of the Napa County Code relating to certain uses including limited recreational uses, permitted upon grant of use permit in the Public Lands District. ENVIRONMENTAL DETERMINATION: Pursuant to Section 15162 of the State CEQA Guidelines, a Final Subsequent Environmental Impact Report has been prepared for Certification. The Final Subsequent Environmental Impact Report (EIR) finds the proposed project will result in new potential impacts in the following areas: Agricultural Resources, Hydrology, Biological Resources, and Cultural Resources. No substantial changes requiring major revision of the previously certified Montalcino at Napa Resort EIR will occur in the following areas: Land Use and Planning, Traffic and Circulation, Air Quality, Noise, Aesthetics, Community Services, Geology, and Population and Housing. The project site is not on any of the lists of hazardous waste sites, but it is adjacent to a hazardous waste site enumerated under Section 65962.5 of the Government Code. **O-1271**

8D. Continued.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

TITLE READ

**WAIVED READING THE BALANCE OF THE ORDINANCE.
ML-DD-HM-BW-BD**

ADOPTED ORDINANCE

ML-BW-HM-DD-BD

8E. 10:30 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. (CONTINUED FROM NOVEMBER 22, 2005 AND JANUARY 10, 2006; APPELLANT REQUESTS CONTINUANCE TO MARCH 14, 2006 AT 10:15 A.M.)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

CONTINUED TO JANUARY 31, 2006 AT 1:30 PM

ML-DD-HM-BW-BD

8F. 10:30 a.m. Recess to the In-Home Supportive Services Public Authority of Napa County special meeting. (SEE IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY OF NAPA COUNTY MINUTES)

8G. 11:30 a.m. Director of Conservation, Development and Planning to provide a status report on the General Plan Update and request the Board's concurrence with the alternatives recommended for inclusion in the program Environmental Impact Report by the citizen Steering Committee.

REPORT GIVEN

APPROVED RECOMMENDATION

DD-ML-BW-HM-BD

Administrative Items

- 9A. Sheriff and Director of Public Works request approval of Budget Transfer No. 40 transferring from Appropriations for Contingencies to the Sheriff Department \$337,050 of which \$162,000 will be transferred to the Equipment Pool upon the purchase of four patrol vehicles and two four wheel drive vehicles and the remaining \$175,050 will be used for the purchase of specialized equipment for the vehicles. (4/5 vote required) **BT-40**
PRESENTATION MADE

APPROVED RECOMMENDATION

DD-BW-HM-ML-DD

- 9B. County Executive Officer requests the Board consider ratification of a letter to the Tralliance Corporation, supporting the application by the Napa Valley Conference and Visitor's Bureau to be awarded the internet domain name: "Napa.Travel."
PRESENTATION MADE

APPROVED REQUEST

DD-BW-HM-ML-BD

- 9C. County Executive Officer and Director of Public Works/Aviation request approval of the following four budget transfers related to the 05/06 New Year's Eve flood (4/5 vote required):
1. Budget Transfer No. 43 appropriating \$1,364,721 in the Emergency Services budget with offsetting revenues of \$1,100,961 from insurance reimbursements and \$184,632 from California Disaster Assistance Act (CDAA) funding, and a transfer of \$79,128 from the General Fund, Appropriations for Contingencies, for storm and flood related emergency response and recovery activities;
BT-43
 2. Budget Transfer No. 44 appropriating \$28,521 in the Equipment Pool budget with offsetting revenues of \$19,356 from CDAA funding and \$869 from insurance reimbursements, and transferring \$8,296 from Equipment Pool retained earnings to repair storm and flood related damage to County vehicles;
BT-44
 3. Budget Transfer No. 45 appropriating \$79,000 in the Airport Enterprise budget with offsetting revenues of \$55,300 from CDAA funding and transferring \$23,700 from the Airport Enterprise fund balance, for storm and flood related emergency response activities at the Napa County Airport; and
BT-45

9C. Continued

4. Budget Transfer No. 46 appropriating \$6,065,870 in the Road Department budget with offsetting revenues of \$2,350,100 from Caltrans, Federal Highway Administration (FHWA) and \$3,465,770 from CDAA funding, and transferring \$200,000 from Road Fund Appropriations for Contingencies and \$50,000 from Road Fund Other Charges, for storm and flood related emergency response and recovery activities concerning county roads and bridges. **BT-46**

APPROVED BUDGET TRANSFERS

DD-BW-HM-ML-BD

Legislative Items

- 10A. County Executive Officer requests discussion and possible action concerning any and all issues related to Regional Housing Needs Allocations, including:
 1. Possible support for legislation that would create special housing allocation provisions for Napa County and its cities (Unanimous vote of the Board members present required); and

SUPPORT OF LEGISLATION CREATING SPECIAL HOUSING ALLOCATION PROVISIONS FOR NAPA COUNTY AND ITS CITIES

HM-ML-BW-DD-BD

2. Possible direction concerning level and type of legislative advocacy for housing allocation legislation.

DIRECTED BACK TO LEGISLATIVE SUB-COMMITTEE

ML-BW-HM-DD-BD

11. Board of Supervisors' Committee Reports and Announcements.
CHAIR DODD REPORTED ON THE MEETING OF THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) STATING THAT THE FINAL ACTION WAS TAKEN TO MOVE THE EXPENDITURE PLAN TO THE BALLOT ON JUNE 6TH AS MEASURE H IN NAPA AND SOLANO COUNTIES.

HE ALSO REPORTED THAT THE RUTHERFORD DUST SOCIETY ADVANCED \$45,000 FOR STUDYING PHASE TWO OF THE ROUND ABOUT AT THE RUTHERFORD CROSSROAD.

THE JOINT NAPA COUNTY LEAGUE OF GOVERNMENTS (NCLOG) AND NCTPA INSTITUTIONAL ANALYSIS ON THE WORK PROGRAMS ARE ON-GOING WITH THE CITIES.

AND FINALLY, NCTPA APPROVED FUNDING FOR THE APPRAISAL OF THE PROPERTY DESIGNATED FOR THE DOWNTOWN MULTI-USE TRANSIT CENTER SLATED FOR SOSCOL AVENUE.

11. Continued

SUPERVISOR DILLON REPORTED ON THE NCLOG MEETING HELD LAST THURSDAY.

SUPERVISOR LUCE REPORTED ON THE MEETING OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) EXECUTIVE COMMITTEE MEETING LAST WEEK. DISCUSSION CENTERED ON ADMINISTRATIVE DIRECTOR'S SALARY/ FEES, PRESENTATION ON AVIAN FLU AND HOMELAND SECURITY FUNDING.

12. Board of Supervisors' Future Agenda Items.
NONE

SUPERVISOR DILLON REPORTED ON THE DISTRIBUTION OF AGENDA PACKETS AND REQUESTED THAT EFFORTS BE MADE TO DISTRIBUTE THE PACKETS ON THURSDAYS.

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 BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, JANUARY 31, 2006 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