

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

February 28, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, FEBRUARY 28, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS DIANE DILLON, HAROLD MOSKOWITE, BRAD WAGENKNECHT, AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:08 A.M.
2. Pledge of Allegiance.
KATE KING, PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE NAPA CHAMBER OF COMMERCE, LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
ED SCHULZ SPOKE REGARDING THE ENVIRONMENTAL AND SAFETY HAZARDS ON VICHY AVENUE. HE REQUESTED ASSISTANCE FROM THE BOARD IN RECEIVING RESPONSES TO THE CORRESPONDENCE HE HAS SENT TO COUNTY PUBLIC WORKS AND OTHER AGENCIES REGARDING THESE HAZARDS.
5. Department Heads' Reports and Announcements.
HILLARY GITELMAN, DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING, INTRODUCED DARRELL MAYES AS THE NEW CHIEF BUILDING OFFICIAL.

FOLLOWING ADMINISTRATIVE ITEM 9B, JOHN TUTEUR, ASSESSOR-RECORDER-COUNTY CLERK-REGISTRAR OF VOTERS, INTRODUCED BRUCE MCPHERSON, SECRETARY OF STATE, WHO SPOKE REGARDING THE STATUS OF THE NEW VOTING SYSTEMS IN THE STATE. HE EXPRESSED HIS APPRECIATION TO MR. TUTEUR AND OTHER REGISTRARS IN THE STATE FOR THEIR PATIENCE IN IMPLEMENTING THE NEW VOTING SYSTEMS.

Consent Calendar

- 6A. Director of Child Support Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6252 with Cushman Computer Consulting, Inc. decreasing the related cost from \$4,800 a year to \$3,000 per year and changing the automated payment scanning system used by Napa County Child Support Services effective February 28, 2006.
Public Safety **A-6252**
(AMEND. 1)
- 6B. County Fire Chief requests authorization to accept a donation on behalf of the County Fire Department of a Zodiac boat and motor valued at \$3,500 from Michael Mondavi.

- 6C. Director of Health and Human Services requests approval of the following actions regarding the provision of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) services by Aldea, Inc.:
1. Authorization for the Chair to sign Amendment No. 1 to Agreement No. 6461 revising the Scope of Work to clarify additional regulatory requirements, add two treatment sites, and increase the amount by \$360,000 for a new maximum of \$800,000; and
**A-6461
(AMEND. 1)**
 2. Budget Transfer No. 38, increasing appropriations by \$550,000 in the Mental Health Budget with offsetting revenues from EPSDT and Medi-Cal billings to fund contract expenditures. (4/5 vote required)
BT-38
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign the Workforce Investment Act Subrecipient Release for the grant period April 1, 2003 through March 31, 2006.
A-6589
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Napa Valley Child Advocacy Network, Inc., dba Parent-Child Advocacy Network, for a maximum of \$30,000 for the term February 28, 2006 through June 30, 2006 to provide health care liaison services to families whose children are receiving services in the California Children's Services and Medical Therapy Programs.
A-6590
- 6F. Acting Director of Environmental Management requests adoption of a resolution authorizing an extension of the Napa County Abandoned Vehicle Abatement Authority, the Abandoned Vehicle Abatement Program, and the related one dollar vehicle registration fee for an additional ten years.
R-06-32
- 6G. Acting Director of Environmental Management requests the following:
1. Adoption of a resolution creating a Solid Waste Local Task Force pursuant to Public Resources Code Section 40950; and
R-06-33
 2. Appointment of the Acting Director of Environmental Management or her designee representing Napa County to serve on the task force with the term of office to commence immediately and expire December 31, 2008.
- 6H. Acting Director of Environmental Management and Health Officer request adoption of a resolution authorizing the Director of Environmental Management to accept delegation from the Napa County Public Health Officer, within the unincorporated areas of Napa County, those duties allowed for under Chapter 570 of the Statutes of 2005 pertaining to abatement of public nuisances resulting from the contamination of real property by methamphetamine lab, to the extent permitted by Health and Safety Code section 25400.17(b).
R-06-34
- 6I. Director of Public Works requests award of the contract for the "Energy Efficient Mechanical Improvements for the Administration Building Project," PW 06-08, to American Mechanical Services, Inc., of Walnut Creek, California, for their low base bid of \$100,929 and authorization for the Chair to sign the construction contract.

- 6J. Director of Public Works requests adoption of a resolution accepting an In Kind Gift from Balloons Above The Valley. **R-06-35**
- 6K. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following Audit Reports:
1. Health and Human Services Agency - Over the Counter Revolving Fund for the Fiscal Year ended June 30, 2005;
 2. Health and Human Services Agency - Family Preservation Revolving Fund for the Fiscal Year ended June 30, 2005;
 3. Health and Human Services Agency - Training and Employment Center Revolving Fund for the Fiscal Year ended June 30, 2005;
 4. Napa Special Investigations Bureau - Special Investigation Revolving Fund for the Fiscal Year ended June 30, 2005; and
 5. Department of Corrections - Inmate Cash Revolving Fund for the Fiscal Year ended June 30, 2005.
- 6L. County Counsel requests approval of and authorization for the Chair to sign a revenue agreement with the Circle Oaks Water District for a maximum of \$1,000 for the term February 28, 2006 through June 30, 2006 and a maximum of \$5,000 per fiscal year for the term commencing July 1, 2006 for legal services. **A-6591**
- 6M. County Counsel requests adoption of two resolutions authorizing consolidation of two special elections called by the City of American Canyon, with the statewide primary election to be held on June 6, 2006 for the following purposes:
1. Allow the voters of American Canyon to elect a Councilmember to fill a vacancy; and **R-06-36**
 2. Allow the voters of American Canyon to determine whether the Office of Mayor should be an elected position, and if so, whether the term should be two years or four years. **R-06-37**

ITEM APPROVED AS AMENDED

- 6N. County Executive Officer requests the following actions pertaining to the disability employment grants for people with disabilities seeking full employment:
1. Approval of Budget Transfer No. 54 appropriating \$274,367 in the Regional Training Employment budget with offsetting revenue from the State of California, Employment Development Department and the U.S. Department of Labor as follows (4/5 vote required):
 - a. \$189,920 from carry-in of Nurses Workforce Investment grant funds; and
 - b. \$84,447 from carry-in of INCLUSION Year 4 grant funds; and **BT-54**

6N. Continued

- 2. Approval of and authorization for the Chair to sign an agreement with the County of Sonoma, Human Services Department for a maximum of \$155,000 for the term July 1, 2005 through September 29, 2006 to implement Project INCLUSION and the Disability Program Navigator (DPN) project known as COMPASS; and **A-6592**
- 3. Approval of and authorization for the Chair to sign an agreement with Private Industry Council of Solano County, Inc. dba Workforce Investment Board of Solano County, Inc. for a maximum of \$40,000 for the term July 1, 2005 through June 30, 2006 to implement the DPN project known as COMPASS. **A-6593**

6O. County Executive Officer requests approval of and authorization for the Chair to sign the renewal of Agreement No. 3295-B with the Arts Council of Napa Valley for a maximum of \$55,600 with offsetting revenue from the State of California, for the term July 1, 2005 through June 30, 2006 for the Arts in Mental Health Artist Program. **A-3295-B**

6P. County Executive Officer requests the appointment/reappointment of the following applicants to serve on the Tobacco Advisory Board with terms of office to commence immediately and expire January 31, 2008.

<u>Name</u>	<u>Representing</u>
Mark S. Hiza*	Community
Marti Palmer*	Health Care Organization
James S. Tennant	At Large
Fred H. Thieme*	At Large
R. Elaine Wilmes*	Educational Institution
James Joseph Young	Community
*Incumbents	

6Q. 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-06-38**

6R. County Executive Officer/Purchasing Agent and Director of Public Works request authorization to declare certain items of personal property as surplus and no longer required for public use, remove them from inventory, and dispose of them at public auction. (4/5 vote required)

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

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

Set Matters or Public Hearings

- 8A. 9:15 a.m. County Counsel requests adoption of an ordinance calling a special election and consolidating it with the June 6, 2006 statewide primary election for the purpose of enabling the voters of Napa County to approve or reject Napa Valley Transportation Authority Ordinance No. 06-01.

TITLE READ

THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.

BW-DD-HM-ML-BD

ADOPTED ORDINANCE

BW-DD-HM-ML-BD

O-06-01

- 8B. 9:30 a.m. Recess to the Board of Equalization Meeting.
(SEE BOARD OF EQUALIZATION MINUTES)

- 8C. 10:30 a.m. Public Hearing

Consideration and possible action regarding an appeal filed by Farella Braun and Martel on behalf of their client, Tom Gamble, of a decision by the Zoning Administrator (ZA) on November 23, 2005 to approve a minor use permit modification (P05-0301-MODMINOR) for the Villa Berryessa subdivision. The modification would permit stick-built units or modular units, adjust the approved lot configuration, adjust the overall layout and street alignment, decrease the amount of grading work, and relocate the water intake system to comply with the applicable conditions and mitigation measures as approved by the Napa County Board of Supervisors in 1997. Additionally, some conditions of approval require minor changes in the timing of implementation. The Zoning Administrator also made advisory recommendations regarding minor and non-substantive changes to the conditions of the related Tentative Map (95071-SUB) for consideration by the Board at the time the final map comes before them for action. The project is located on a ±141.84 acre parcel, on the north side of Pope Canyon Road approximately 1500 feet west of its intersection with Berryessa-Knoxville Road within a PD (Planned Development) zoning district and an area designated UR (Urban Residential) by the Napa County General Plan (Assessor's Parcel Number #019-080-003), Napa, CA.

ENVIRONMENTAL DETERMINATION:

Addendum to a Supplemental Mitigated Negative Declaration to Environmental Impact Report - FEIR-038 prepared (State CEQA guidelines 15164 for minor changes to the project as approved by the Villa Berryessa Use Permit (95070-UP) and Tentative Map (95071-SUB)). (The proposed use permit modification does not constitute a substantial change to the project that would require major revisions to the prior environmental document due to the involvement of new significant environmental impacts. Also no substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance necessitates additional review. An explanation of the decision not to prepare an additional environmental document is contained in the Addendum pursuant to State CEQA Guidelines Section 15164.)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD DECLARED ITS INTENT TO DENY THE APPEAL AND CONTINUED THE MATTER TO APRIL 4, 2006 AT 2:30 P.M. FOR FINDINGS.

ML-HM-BW-DD-BD

N N

- 8D. 11:30 a.m. Recess to the Lake Berryessa Resort Improvement District special meeting
(**SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES**)
- 8E. 1:30 p.m. Recess to the Napa County Flood Control and Water Conservation District
special meeting. (**SEE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT MINUTES**)
- 8F. 2:30 p.m. Public Hearing. Consideration and possible action regarding an appeal filed by One
True Vine LLC concerning the following:
1. Planning Commissioner David Graves' decision not to recuse himself; and
 2. The Planning Commission's decision not to disqualify Commissioner David Graves
from hearing and participating in the Planning Commission's use permit revocation
hearing regarding One True Vine's use permit.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

**THE BOARD DENIED THE APPEAL AND UPHELD THE DECISION OF THE
PLANNING COMMISSION.**

DD-BW-HM-ML-BD

- 8G. 4:30 p.m. Recess to a joint meeting with the Napa City Council. (Napa City Hall)
1. Discussion and possible action to create a joint City and County Dangerous Dog
Task Force.

THE BOARD TOOK THE FOLLOWING ACTIONS:

1. **AUTHORIZED THE CREATION OF A JOINT CITY/COUNTY
DANGEROUS DOG TASK FORCE;**
2. **CONTINUED THE ITEM TO THE JUNE MEETING; AND,**
3. **APPOINTED THE FOLLOWING MEMBERS TO THE TASK FORCE.**
MARK VAN GORDER (CITY OF NAPA)
BRAD WAGENKNECHT (NAPA COUNTY)
WES JONES (HUMANE SOCIETY VETERINARIAN)
MARY ASHE (NAPA VALLEY DOG TRAINER)
SANDY BONIFIELD (DOG BREEDER/HANDLER)
CAROLINE RICE (INTERESTED CITIZEN – NON DOG OWNER)
KAY MATUSEK (INTERESTED CITIZEN – DON OWNER)
SGT. LEROY ANDERSON (EX OFFICIO – ANIMAL CONTROL)

ML-DD-HM-BW-BD

2. Status report and presentation regarding financing strategies for the Soscol Gateway
Implementation Plan including a Redevelopment Project Area and Community
Facilities District. (STAFF REPORTS TO BE PROVIDED SEPARATELY)

REPORTS PRESENTED

Administrative Items

- 9A. Director of Conservation, Development and Planning requests adoption of a resolution waiving all
but certain Building Permit Fees for repair of electrical, mechanical, plumbing systems, and if

9A. Continued.

necessary, structural damage caused by the 05/06 New Year's Eve Flood.

ADOPTED RESOLUTION

DD-BW-HM-ML-DD

R-06-39

9B. Appointment of Supervisor Brad Wagenknecht to serve on the Preschool For All Committee.

APPOINTED SUPERVISOR WAGENKNECHT

DD-ML-HM-BW-BD

Legislative Items

10A. Discussion and possible action concerning any and all issues related to Regional Housing Needs Allocations. (Unanimous vote of the Board members present required)

SUPERVISORS DILLON AND LUCE GAVE AN UPDATE ON THEIR DISCUSSION WITH ASSEMBLY MEMBER EVANS ON THIS ISSUE.

10B. Approval of and authorization for the Chair to sign a letter of support for SB 1226 – Surplus State Property: Napa County (Skyline Park). (Unanimous vote of the Board members present required)

APPROVED REQUEST

BW-DD-HM-ML-BD

11. Board of Supervisors' Committee Reports and Announcements.

AS A REPRESENTATIVE OF THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC), SUPERVISOR DILLON REPORTED ON HER MEETING WEDNESDAY WITH ASSEMBLY SPEAKER NUNEZ. SHE ALONG WITH OTHER INTERESTED AGENCY REPRESENTATIVES DISCUSSED THEIR CONCERNS REGARDING SPEAKER NUNEZ'S NEW BOND PROPOSAL.

SUPERVISOR WAGENKNECHT REPORTED ON THE FOLLOWING:

- 1. HIS ATTENDANCE AT THE INDIAN GAMING REGIONAL MEETING;**
- 2. THE NAPA COUNTY FIRST FIVE MEETING (CHILDREN AND FAMILIES COMMISSION) CELEBRATING THEIR FIRST FIVE YEARS OF OPERATION;**
- 3. HIS ATTENDANCE AT THE ARTS COMMISSION MEETING HELD MONDAY, FEBRUARY 27, 2006;**
- 4. HIS ATTENDANCE AT A MEETING OF THE COUNTY MEDICAL SERVICES PROGRAM HELD IN SACRAMENTO WHERE MENTAL HEALTH PROGRAMS AND FUNDING WAS DISCUSSED; AND,**
- 5. HE ALSO ATTENDED A MEETING OF THE BAY CONSERVATION AND DEVELOPMENT COMMISSION WHERE THE VALLEJO LANDFILL AND ITS EXPANSION WAS DISCUSSED.**

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR LUCE REPORTED THAT HE MET WITH COUNTY CORRECTIONAL OFFICERS CONCERNING VANDALISM TO THEIR CARS WHILE PARKED IN THE COUNTY LOT. HE ASKED THE PUBLIC WORKS DEPARTMENT TO STUDY THE MATTER IN ORDER TO PROVIDE MORE SECURE PARKING.

13. County Executive Officer Reports and Announcements.

NANCY WATT, COUNTY EXECUTIVE OFFICER, EXPRESSED HER APPRECIATION TO BRITT FERGUSON, ASSISTANT COUNTY EXECUTIVE OFFICE, FOR HIS HARD WORK DURING HER MATERNITY LEAVE OF ABSENCE.

14. Closed Session.
- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
 - 1. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Four cases)
 - 2. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (One case)

14. Continued.

B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)

C. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a)) Name of case: (EEOC Case No. 370-2005-02633)

CLOSED SESSION HELD – NO REPORTABLE ACTION.

Adjournment.

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,
MARCH 07, 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