

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

March 14, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, MARCH 14, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS DIANE DILLON, BRAD WAGENKNECHT, AND MARK LUCE. SUPERVISOR MOSKOWITE WAS EXCUSED. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:03 A.M.

2. Pledge of Allegiance.
LOUISA HUFSTADER LED THE SALUTE TO THE FLAG.

Presentations and Commendations.

3. Presentation of a proclamation declaring March, 2006 as "Professional Social Work Month" in Napa County.
PRESENTATION MADE
4. Public Comment.
LOUISA HUFSTADER STATED THAT SHE NO LONGER WORKS FOR KVON RADIO AND WANTED TO EXPRESS HOW MUCH SHE HAS ENJOYED COVERING LOCAL GOVERNMENT FOR THE RADIO STATION. SHE ANNOUNCED THAT SHE IS THE NEW VOLUNTEER MARKETING DIRECTOR FOR DREAMWEAVERS' THEATER.
VINCENT BLAKE SPOKE ON THE ELIMINATION OF THE EDGERLY ISLAND DISTRICT FROM THE FLOOD CONTROL PROJECT. HE QUESTIONED THE REASONING FOR THIS ACTION AND REQUESTED THAT IT BE PLACED BACK WITH THE FLOOD CONTROL DISTRICT.
5. Department Heads' Reports and Announcements.
NATASHA MERKULOFF, DIRECTOR OF CHILD SUPPORT SERVICES, REPORTED ON THE NAPA COUNTY CHILD SUPPORT SERVICES PROGRAM'S SUCCESSFUL CONVERSION TO THE STATE CHECK DISBURSEMENT SYSTEM AS OF MARCH 1, 2006. ALL CHILD SUPPORT CHECKS ARE NOW PROCESSED BY THE STATE. SHE COMMENDED HER STAFF FOR THEIR EXCELLENT WORK.

Consent Calendar

- 6A. Chief Probation Officer requests adoption of a resolution approving the Application for the Juvenile Accountability Block Grants (JABG) Program Set-Aside Grant with the Corrections Standards Authority (CSA) for the period March 1, 2006 through November 30, 2006 in the amount of \$171,029 to provide accountability-based programs for juvenile offenders.
R-06-47
- 6B. Napa Special Investigations Bureau (NSIB) Governing Board requests approval of the

6B. Continued.

following distribution totaling \$108,347 from seized and forfeited funds from narcotic/drug trafficking investigations in Napa County for Fiscal Year 2005-2006 (4/5 vote required):

- 1. Napa Sheriff's Department 41.5% \$44,964
- 2. Napa Police Department 23.5% 25,462
- 3. Bureau of Narcotic Enforcement 11.0% 11,918
- 4. St. Helena Police Department 9.0% 9,751
- 5. Calistoga Police Department 9.0% 9,751
- 6. Napa Probation Department 6.0% 6,501

6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6452 with S.P. Resources, Inc., dba MedSource Consultants, increasing the amount by \$115,000 for a new maximum of \$220,000 for the provision of temporary psychiatrist placement services.

**A-6452
(AMEND. 2)**

6D. Director of Conservation, Development and Planning requests the following actions relating to the Water for Fish and Farms (WFF) grant application submitted by the Napa County Resource Conservation District to the CALFED Watershed Program:

- 1. Approval of and authorization for the Chair to sign a letter in support of the WFF grant application; and
- 2. Approval of and authorization for the Watershed Information Center & Conservancy (WICC) Board to participate in WFF grant related activities.

6E. County Counsel requests adoption of a resolution approving the following request for exemption from the 2005-2006 assessments for County Service Area No. 4:

| | |
|-----------------------------|-----------------------|
| Owner | Assessor's Parcel No. |
| Harold Moskowite, TR et al. | 032-420-011-000 |

R-06-48

6F. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6395 with John Pearson increasing the amount by \$50,000 for a new maximum of \$120,000 and amending the Scope of Work to include facilitating the Adult Correctional System Master Plan process.

**A-6395
(AMEND. 3)**

6G. County Executive Officer requests the appointment/reappointments of the following individuals to the Mental Health Board with the terms of office to commence immediately and expire January 1, 2009.

| <u>Name</u> | <u>Representing</u> |
|------------------------|----------------------------------|
| Angelica Fernandez* | Family Member of Consumer |
| Beryl Nielsen** | Interested and Concerned Citizen |
| Gerald S. Levin** | Interested and Concerned Citizen |
| Dennis Craig Simpson** | Interested and Concerned Citizen |

*Recommended by the Mental Health Board

**Incumbent/Recommended by the Mental Health Board

- 6H. 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-06-49**
- 6I. County Executive Officer/Purchasing Agent and Director of Public Works request the following concerning disposal of a fixed asset:
1. Declare Asset # 8844, a mobile file system, as surplus and no longer required for public use;
 2. Authorize the Purchasing Agent to sell Asset # 8844, for cash, by sealed bid public auction in accordance with Government Code Section 25363 and Napa County Code Sections 2.36.040 and 2.36.130. (4/5 vote required)
- 6J. Second reading and adoption of an ordinance amending Section 2.71.100 of the Napa County Code to require the First 5 Children and Families' Commission to measure the outcomes of its funded programs. ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 6: 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. The project will not impact an environmental resource of hazardous or critical concern, has no cumulative impact, there is no reasonable possibility that the activity will have significant effect on the environment due to unusual circumstances, will not result in damage to scenic resources, is not located on a list of hazardous waste sites, cause substantial adverse change in the significance of a historical resource or extract groundwater in excess of the Phase 1 groundwater extraction standards as set by the Department of Public Works. [See Class 6 ("Information Collection") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15306.]

ADOPTED ORDINANCE

O-1274

7. Discussion Of Items Removed from the Consent Calendar.

APPROVED CONSENT CALENDAR ITEMS 6A- THROUGH 6J.

DD-BW-ML-HM-BD

X

Set Matters or Public Hearings

- 8A. 9:10 a.m. Public Hearing
Consideration and possible action regarding an appeal filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain, LLC of a decision by the Conservation, Development and Planning Commission on December 7, 2005, to approve Marc and Janice Mondavi's Rocky Ridge Winery Use Permit Application No. 05-0056-UP to: (1) construct a new 35,000 gallon per year winery and associated improvements including a new, two story 17,130 sq. ft. winery production facility (crushing, fermentation, barrel aging and storage, bottling, case good storage, administrative offices and laboratory); a cave; outdoor crush and grape delivery pad; five employees; parking; tours and tasting by appointment; retail wine sales by appointment; a marketing plan; and an on-site wastewater system; and (2) allow an exception to the County's

Conservation Regulations (Section 18.108.027 (B)) to allow retention of less than the minimum of 60% tree canopy and 40% brush/grass cover existing on the parcel as it was configured on June

8A. Continued.

16, 1993, on a 20.65 acre parcel Napa County on the north side of Las Posadas Road, approximately 1/2 miles west of its intersection with Cold Springs Road and located at 383 Las Posadas Road, Angwin, APN 024-300-065. The project is located within an Agricultural Watershed: Airport Compatibility Overlay (AW:AC) zoning district and is designated in the General Plan as Agriculture, Watershed and Open Space (AWOS). ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration prepared. According to the Mitigated Negative Declaration, the proposed project may have, if mitigation measures are not included, potentially significant impacts in the following areas: noise and transportation. (BOTH PARTIES HAVE AGREED TO CONTINUE THIS ITEM TO APRIL 18, 2006 AT 10:30 A.M.)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD CONTINUED THE PUBLIC HEARING TO APRIL 18, 2006 AT 10:30 A.M.

BW-ML-HM-DD-BD

X

8B. 9:15 a.m. Public Hearing

Consideration and possible action regarding an appeal filed by Tom Carey of Dickenson, Peatman & Fogarty, on behalf of their client, Mr. Bill Smith, 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 # 02057-UP for a property located at 1181 Las Posadas Road, Angwin. (Assessor's Parcel No. 025-060-001) 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.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD CONTINUED THE PUBLIC HEARING TO APRIL 18, 2006 AT 9:15 A.M.

BW-DD-ML-HM-BD

X

8C. 10:15 a.m.

County Executive Officer requests that the Board review and accept the Fiscal Year 2005-2006 Mid-Year Fiscal Review and approve the following budget transfers and other fiscal actions (4/5 vote required):

1. Budget Transfer No. 56, appropriating \$153,000 in the Conflict Public Defender budget and reducing the General Fund Contingency by an equivalent amount, to cover attorney fees and other costs related to a number of murder cases. **BT-56**
2. Budget Transfer No. 57:
 - a. Appropriating an additional \$2,511,455 in the County Contributions budget, canceling a \$1 million General Fund designation for the Parking Garage and reducing the General Fund Contingency by \$1,511,455, to allow for a transfer

Administrative Items

- 9A. County Executive Officer requests the following appointments to the Napa Child Care Planning Council with the terms of office to commence immediately and expire as indicated.

At Large Representative Term Expires June 30, 2007

Sara Featherstone*

Community Representative (One Position) - Term Expires June 30, 2006

Cynthia Dianne Meza

Herbert Salinger*

Consumer Representative - Term Expires June 30, 2007

P. Angela Murry-Smith*

*Recommended by the Child Care Planning Council

THE BOARD APPOINTED SARA FEATHERSTONE, HERBERT SALINGER AND P. ANGELA MURRY-SMITH.

BW-DD-HM-ML-BD

X

- 9B. County Executive Officer requests the Board receive a status report on discussions with the City regarding the proposed downtown Napa Parking Garage and provide any direction regarding this issue your Board deems appropriate.

REPORT PRESENTED

Legislative Items

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

NONE

SUPERVISOR DODD REQUESTED AN UPDATE AT THE NEXT BOARD MEETING ON ASSEMBLY MEMBER EVAN'S STANCE ON THE HOUSING ISSUE.

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR LUCE REPORTED ON HIS MEETING IN WASHINGTON, DC ON BEHALF OF THE NAPA SANITATION DISTRICT REGARDING RECLAIMED WATER ISSUES.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT A GENERAL PLAN MEETING LAST WEDNESDAY EVENING IN ANGIN.

SUPERVISOR DODD ACKNOWLEDGED THE NAPA HIGH INDIAN GIRLS WHO MADE IT TO THE NOR-CAL CHAMPIONSHIPS AND THUS, BROUGHT CREDIT AND DISTINCTION TO NAPA.

12. Board of Supervisors' Future Agenda Items.
SUPERVISOR DILLON REQUESTED THAT A DISCUSSION ON THE ROAD EXCEPTION ISSUE, PARTICULARLY, NOTICE PROVISIONS BE PLACED ON AN AGENDA.
13. County Executive Officer Reports and Announcements.
NONE
14. Closed Session.
 - A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Library Director
CLOSED SESSION NOT HELD
 - B. PUBLIC EMPLOYEE APPOINTMENT/ONGOING RECRUITMENT OF THE FOLLOWING POSITIONS (Government Code Section 54957):
Director of Environmental Management
Director of Corrections
Mental Health Director
CLOSED SESSION HELD – NO REPORTABLE ACTION
 - C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: Assessor's Parcel Nos. 003-213-008, 003-213-009, 003-213-010 Agency Negotiator: Robert Peterson, Director of Public Works
Negotiating Parties: City of Napa
Under Negotiation: Price and terms of payment
CLOSED SESSION HELD – NO REPORTABLE ACTION
 - D. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a) Name of case: Jorge Deharo, Hector Olvera, Latinos Unidos de Napa, an Unincorporated Association v. County of Napa et. al. (Case No. 26-22255)
CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, MARCH 21, 2006 AT 9:00 A.M. IN MEMORY OF EDA YOUNG.

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