

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

March 21, 2006

1. Call To Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, MARCH 21, 2006 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN BILL DODD, SUPERVISORS DIANE DILLON, HAROLD MOSKOWITE, AND MARK LUCE. SUPERVISOR WAGENKNECHT WAS EXCUSED. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN DODD AT 9:02 A.M.
2. Pledge of Allegiance.
DAVE WHITMER, COUNTY AGRICULTURAL COMMISSIONER, LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
HERB FORD OF ANGWIN SPOKE ON THE APPEARANCE OF THE FRONT ENTRANCE TO THE COUNTY ADMINISTRATION BUILDING.
5. Department Head Reports And Announcements.
BOB PETERSON, DIRECTOR OF PUBLIC WORKS, RESPONDED TO MR. FORD'S COMMENTS ABOUT THE FRONT ENTRANCE OF THE COUNTY ADMINISTRATION BUILDING. HE SPOKE OF THE CURRENT EFFORTS UNDERWAY TO REPLACE THE TRELLIS WHICH WAS REMOVED DUE TO SAFETY CONCERNS.

Consent Calendar

- 6.A Chief Probation Officer requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6268 with Wilbur H. Dixon, doing business as Madeira Group International, increasing the Fiscal Year 2005-2006 maximum compensation by \$9,800 for a new maximum of \$32,500 for pre-employment background investigations of certain prospective employees of County's Probation and Juvenile Hall Departments. **A-6268
(AMEND. 3)**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following amendments to provide additional services in the Mental Health Outpatient Managed Care Program due to an increased number of clients:
 1. Amendment No. 1 to Agreement No. 4552 with Gregory Matsumoto, Pys.D., increasing the amount by \$9,000 for a new maximum of \$20,000; **A-4552
(AMEND. 1)**
 2. Amendment No. 1 to Agreement No. 4539 with Judith Speed, Ph.D., increasing the amount by \$5,000 for a new maximum of \$10,000; **A-4539
(AMEND. 1)**

6B. Continued.

3. Amendment No. 1 to Agreement No. 6323 with Joan Marie Seidel, MFT, increasing the amount by \$7,500 for a new maximum of \$12,500; **A-6323**
(AMEND. 1)
 4. Amendment No. 1 to Agreement No. 6327 with Nancy Waldeck, MFT, increasing the amount by \$15,000 for a new maximum of \$35,000; and **A-6327**
(AMEND. 1)
 5. Amendment No. 1 to Agreement No. 6457 with Matthew Smith, MFT, increasing the amount by \$10,000 for a new maximum of \$15,000. **A-6457**
(AMEND. 1)
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to revenue Agreement No. 6435 with the Napa County Transportation Planning Agency (NCTPA) increasing the amount by \$14,365 for a new maximum of \$67,538 to fully fund the cost of the Transportation Coordinator through June 30, 2006. **A-6435**
(AMEND. 1)
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6441 with Napa Valley Child Advocacy Network, dba Parent-Child Advocacy Network (PCAN), increasing the amount by \$37,399 for a maximum of \$337,093 to provide family advocacy services. **A-6441**
(AMEND. 1)
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with the County of Marin for a maximum of \$3,475 for the first year of the term July 1, 2005 through June 30, 2007, for the County of Marin to coordinate the administration of Medi-Cal Administrative Activities and Targeted Case Management. **A-6597**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with the City of Napa for a maximum of \$15,300 for the term January 1, 2006 through April 30, 2006 to share the cost of three Extra Help employees hired by the City to manage the Flood Assistance Center. **A-6598**
- 6G. Director of Conservation, Development and Planning and Director of Public Works request approval of and authorization for the Chair to sign a letter commenting on the California Department of Fish and Game's Draft Environmental Impact Report covering their proposal to restore tidal wetlands and open water habitat on 1,400 acres of salt ponds and associated lands south of the Napa County Airport.
- 6H. Director of Conservation, Development and Planning and Acting Director of Environmental Management request approval of and authorization for the Chair to sign a comment letter to the San Francisco Bay Regional Water Quality Control Board (RWQCB) regarding proposed Total Maximum Daily Load (TMDL) allocation and a Basin Plan Amendment addressing pathogens in the Napa River Basin.

6H. Continued.

ITEM REMOVED FOR SEPARATE DISCUSSION.

AUTHORITY GIVEN TO THE WATERSHED INFORMATION CENTER AND CONSERVANCY COMMITTEE TO STRENGTHEN THE LETTER AND SUBMIT TO CHAIRMAN DODD OR IN HIS ABSENCE, VICE-CHAIRMAN MOSKOWITE, FOR SIGNATURE.

DD-ML-HM-BW-BD

X

6I. Director of Public Works requests approval of plans and specifications for the "Sullivan Block Demolition Project," PW 06-10, authorization to advertise for sealed bids and opening of the bids at a time, date and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.

6J. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following Audit Reports:

1. District Attorney's Office Special Investigation Revolving Fund for the Fiscal Year Ended June 30, 2005;

2. District Attorney's Office Child Recovery Fund for the Fiscal Year Ended June 30, 2005; and,

2. County of Napa Sheriff's Department for the Fiscal Year Ended June 30, 2004.

ITEM REMOVED FOR SEPARATE DISCUSSION.

APPROVED REQUESTS

DD-ML-HM-BW-BD

X

6K. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the following Audit Reports:

1. Uniform Transient Occupancy Tax Audit of Elsie's Conn Valley Inn for the Period of January 1, 2004 to March 31, 2005;

3. Uniform Transient Occupancy Tax Audit of Forest Manor Bed & Breakfast for the Period of October 1, 2004 to September 30, 2005; and

4. Uniform Transient Occupancy Tax Audit of Meadowlark Country House for the Period of January 1, 2004 to March 31, 2005.

ITEM REMOVED FOR SEPARATE DISCUSSION.

APPROVED REQUESTS

DD-ML-HM-BW-BD

X

6L. Auditor-Controller requests the following actions regarding the Napa County Fair:

1. Authorization to draw a warrant in the amount of \$31,000 payable to the Napa County Fair, from the Napa County Fair Fund, State's Millennium Flex Program, for the purpose of replenishing the Fair's Operating Fund; and

2. Authorization to approve the transmittal of the 2nd, 3rd and 4th allocations of the State's Millennium Flex Program for the Napa County Fair for this Fiscal Year,

6L. Continued.

in the amount of \$31,000 each, upon receipt of said funds by the County Treasurer-Tax Collector.

6M. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Public Works-Engineering with regard to adding one (1) Senior Office Assistant position, effective March 21, 2006. **R-06-50**

6N. County Executive Officer requests the appointment of Council member Bill Dutton to serve as the regular member and Council member Steven Rosa to serve as the alternate member on the Napa County Farmworker Housing Oversight Committee representing the Town of Yountville with the term of office to commence immediately and expire September 30, 2007.

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

APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6G, 6I, AND 6L THROUGH 6N.

**DD-ML-HM-BW-BD
X**

Public Hearings

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

8B. 10:30 a.m. Public Hearing
First and final reading and adoption of an ordinance adding a new Section 18.104.400 (Hot Air Balloon Launching Site - Findings) and amending Sections 18.120.010, 18.126.030, 18.126.060 and 18.126.070 of the Napa County Code to allow: (1) Balloon launching sites in any zone upon grant of a use permit; and, (2) A maximum of thirty-six balloon launchings per year at the same location in any zone upon issuance of an administrative permit. ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 5: 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 may 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 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

PUBLIC HEARING HELD – TESTIMONY PRESENTED

PUBLIC HEARING CONTINUED TO MAY 25, 2006 AT 9:30 A.M.

**ML-HM-BW-DD-BD
X**

8C. 11:15 a.m. Public Hearing
First and final reading and adoption of an ordinance amending Sections 18.16.030 and 18.20.030 (To Allow Certain Small Agricultural Processing Facilities In The Agricultural Preserve (AP) and Agricultural Watershed (AW) Zoning Districts Upon Grant Of A Use Permit) and Section 18.104.090 (To Allow Storage, Warehousing and Manufacturing of Less Than 200 Gallons of Wine Under A Home Occupation Permit) of the Napa County Code. ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 5: 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 may 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 5 ("Minor Alterations in Land Use Limitations") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15305; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

TITLE READ

THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.

DD-ML-HM-BW-BD

X

ORDINANCE ADOPTED

DD-ML-HM-BW-BD

0-1275

X

Administrative Items

9A. Agricultural Commissioner requests approval of and authorization for the Chair to sign the Napa County Weed Management Area Memorandum of Understanding.

APPROVED REQUEST

ML-DD-HM-BW-BD

A-6599

X

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)

ANDREW CAREY, MANAGEMENT ANALYST, UPDATED THE BOARD ON HOUSING LEGISLATION.

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT THE BOARD OF DIRECTORS' MEETING OF THE REGIONAL COUNCIL OF RURAL COUNTIES (RCRC) IN SACRAMENTO LAST WEDNESDAY.

11. Continued.

SHE ALSO REPORTED ON HER ATTENDANCE WITH CHAIRMAN DODD AT THE SWEARING IN CEREMONY OF NEW SUPERIOR COURT JUDGE DIANE PRICE.

CHAIR DODD REPORTED ON HIS ATTENDANCE AT THE JOINT POLICY COMMITTEE MEETING OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG), THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD), AND THE METROPOLITAN TRANSPORTATION COMMISSION (MTC). HE ADVISED THAT STAFF HAVE COME BACK WITH A PLAN FOR REGIONAL HOUSING ALLOCATIONS AND A PLAN FOR REGIONAL RESOURCE PROTECTION.

12. Board of Supervisors' Future Agenda Items.

NONE

13. County Executive Officer Reports and Announcements.

NANCY WATT, COUNTY EXECUTIVE OFFICER, INTRODUCED NEW SENIOR MANAGEMENT ANALYST KAREN GRATTON FROM THE COUNTY EXECUTIVE OFFICE.

14. Closed Session.

A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Designated Representatives: Mark Gregersen, Human Resources Director
Employee Organization: SEIU Local 614 - NAPE (Public Services Employee Unit & Supervisory Unit of the County of Napa) and Deputy Sheriffs' Association (Law Enforcement Unit & Supervisory Unit of the County of Napa)

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

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

E. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957) Title: Library Director

CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment.

**IN MEMORY OF LOU JEFFERSON AND MARGARET LEE, ADJOURN TO BOARD
OF SUPERVISORS' REGULAR MEETING, TUESDAY, MARCH 28, 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