

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

April 4, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, APRIL 4, 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 9:01 A.M.
 2. Pledge of Allegiance.
BETH CARMICHAEL, EXECUTIVE DIRECTOR OF THE NAPA VALLEY CONFERENCE AND VISITOR'S BUREAU, LED THE SALUTE TO THE FLAG.
 3. Presentations and Commendations.
NONE
 4. Public Comment.
BETH CARMICHAEL, EXECUTIVE DIRECTOR OF THE NAPA VALLEY CONFERENCE AND VISITOR'S BUREAU, SUBMITTED THE ANNUAL TOURISM REPORT FOR 2005. SHE EXPRESSED HER APPRECIATION TO THE BOARD FOR THEIR PERSONAL AND FINANCIAL SUPPORT.

RON AZEVEDO COMMENTED ON THE CONGESTION CAUSED EACH SUNDAY AT THE FLEA MARKET AROUND HIS RESIDENCE ON KELLY ROAD. THE PROBLEM APPEARED TO BE GROWING AND COMPLICATED THE OPERATION OF HIS RANCH.
 5. Department Heads' Reports and Announcements.
NONE
- Consent Calendar
- 6A. Director of Child Support Services requests approval of and authorization for Director to sign a Plan of Cooperation (POC) with the State Department of Child Support Services (DCSS) at no cost, for the term from October 1, 2005 through September 30, 2007.
 - 6B. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4906-2(A-1) with the Corrections Standards Authority extending the term through August 27, 2006 for construction of the Juvenile Justice Center. **A-4906-2(A-1)
(AMEND. 4)**
 - 6C. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from HCV Napa Associates LLC. (Assessor's Parcel Nos. 057-020-006, 057-020-018, 057-020-020, 057-210-002, 057-020-017)

- 6D. Chief Information Officer requests approval of Budget Transfer No. 36 appropriating \$17,850 in the Information Technology Services budget with offsetting revenues from the State of California for the purchase of hardware and software necessary to implement the California Department of Justice's suspect photo database system. (4/5 vote required) **BT-36**
- 6E. County Counsel requests adoption of a resolution authorizing the Napa Valley Unified School District to issue General Obligation Bonds, Series 2006, in concert with Refunding Bonds of the District, pursuant to Education Code Section 15140 and 15146. **R-06-61**
- 6F. County Executive Officer requests the appointment of Council Member Leon Garcia to serve on the Board of Directors of the Watershed Information Center and Conservancy of Napa County (WICC) representing American Canyon with the term of office to commence immediately and expire August, 2006.
- 6G. County Executive Officer requests the appointment of Justin Laird to serve on the Farmworker Housing Advisory Committee (CSA #4) representing the category of planted vineyard land owner with the term of office to commence immediately and expire April 23, 2008.
- 6H. 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 6H.
DD-ML-HM-BW-BD**

Set Matters or Public Hearings

- 8A. 9:00 a.m. - Recess to the Monticello Public Cemetery District meeting.
(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)
- 8B. 9:50 a.m. - County Executive Officer and County Counsel request adoption of a resolution increasing fees for preparation of Findings of Fact for Assessment Appeal decisions by the Napa County Board of Equalization.
PUBLIC HEARING HELD – NO TESTIMONY PRESENTED
- ADOPTED RESOLUTION** **DD-ML-HM-BW-BD** **R-06-62**
N
- 8C. 10:00 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

8C. Continued.

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, JANUARY 10, 24 AND 31, 2006)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

A MOTION TO CONTINUE THE MATTER FAILED.

BW-ML-DD-HM-BD

N N N

THE BOARD TENTATIVELY UPHELD THE APPEAL AND SCHEDULED THE FINDINGS OF FACT FOR MAY 2, 2006 AT 10:30 A.M.

HM-DD-BW-ML-BD

N N

8D. 10:30 a.m. - County Executive Officer requests the Board hold a Fiscal Year 2006-2007 Budget Study Session, to include:

1. Receipt of the General Fund Five-Year Forecast;
2. Receipt of an update on various issues related to the Fiscal Year 2006-2007 Budget, including increased OMB A-87 and Information Technology Services charges, the creation of new funds and requests by Departments for new General Fund-supported positions and program enhancements; and
3. Possibly provide direction to staff regarding some of those Budget issues and Budget policies.

PRESENTATION MADE AND DISCUSSION HELD

8E. 1:30 p.m. - Recess to the Napa County Flood Control and Water Conservation District. (SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)

8F. 2:30 p.m. - County Counsel requests the Board consider and adopt a resolution of Findings of Fact and Decision on Appeal denying the 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 the application filed by Michael Rice as representative of Miller-Song Group and Nick Petsas for 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. 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 No. 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

8F. Continued.

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 documents due to the involvement of new significant environmental impacts. No substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance necessitates additional review.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

ML-HM-DD-BW-BD

R-06-63

N N

8G. 2:35 p.m. - Public Hearing

Conduct a Nuisance Abatement Hearing pursuant to County Code Section 1.20.060 to hear and consider all objections or protests, if any, to the notice of nuisance abatement issued for the property located at 1595/1597 Las Amigas Road in Napa, CA. (Assessor's Parcel Nos. 047-310-005 and 047-310-008), and at the conclusion of the hearing take one of following two actions:

1. Terminate the abatement proceedings; or

2. Find that a nuisance exists and adopt a Resolution Declaring the Existence of Public Nuisance and Ordering its Abatement, and directing the owner or other interested persons to abate the nuisance in a reasonable time (30 days).

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1/Categorical Exemption Class 21: 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") and Class 21 ("Enforcement Actions by Regulatory Agencies") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301 and 15321; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

PUBLIC HEARING HELD – TESTIMONY PRESENTED

ADOPTED RESOLUTION AS AMENDED

R-06-64

BW-HM-ML-DD-BD

8H. 3:00 p.m. - Recess to the Lake Berryessa Resort Improvement District meeting.

(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)

Administrative Items

9A. Director of Conservation, Development and Planning requests direction regarding the request to amend the Zoning Ordinance to define farm management companies as an agricultural use. (Supervisor Dodd)

DISCUSSION HELD

STAFF DIRECTED TO PROCEED WITH ORDINANCE AMENDMENTS.

- 9B. Director of Public Works requests appointment of two members of the Board of Supervisors to serve on an ad hoc committee to review the exception criteria for road modifications and report back to the Board of Supervisors within four months.

**THE BOARD APPOINTED CHAIRMAN DODD.
ML-DD-HM-BW-BD**

**THE BOARD APPOINTED SUPERVISOR LUCE.
BD-DD-HM-ML-BW**

- 9C. University of California Cooperative Extension Director to make a presentation of a new report: "Suitability Study of Napa Sanitation District Recycled Water for Vineyard Irrigation".

REPORT PRESENTED

- 9D. County Executive Officer and County Counsel request direction regarding whether or not the process of separating the duties of the Registrar of Voters from the duties of the County Clerk and making the position of Registrar of Voters appointive should commence.

ITEM REMOVED FROM AGENDA TO BE PLACED ON APRIL 11, 2006 AGENDA.

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)

UPDATE PRESENTED

A MOTION TO SEND A LETTER IN SUPPORT OF AB2158 FAILED AS THE VOTE WAS NOT UNANIMOUS.

DD-ML-HM-BW-BD

N

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE ALONG WITH SUPERVISOR LUCE AT THE CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) LEGISLATIVE CONFERENCE IN SACRAMENTO THIS PAST WEDNESDAY AND THURSDAY. COUNTY EXECUTIVE OFFICER NANCY WATT AND MANAGEMENT ANALYST II ANDREW CAREY ALSO ATTENDED.

SUPERVISOR DILLON ALSO REPORTED ON HER ATTENDANCE AT ROUNDTABLE DISCUSSIONS HELD IN ST. HELENA AND CALISTOGA DEALING WITH YOUTH DRUG AND ALCOHOL ABUSE.

SUPERVISOR DILLON ALSO ATTENDED, ALONG WITH OTHER MEMBERS OF THE BOARD, THE RETIREMENT CELEBRATION OF JUDGE RICHARD A. BENNETT LAST SATURDAY EVENING AND PRESENTED A PROCLAMATION CELEBRATING HIS RETIREMENT FROM THE NAPA SUPERIOR COURT.

SUPERVISOR LUCE REPORTED ON THE CSAC LEGISLATIVE CONFERENCE AND THE VARIOUS INITIATIVES THAT WERE DISCUSSED.

11. Continued.

SUPERVISOR WAGENKNECHT REPORTED THAT HE AND SUPERVISOR DILLON ATTENDED THE RECENT FARMWORKER HOUSING OVERSIGHT COMMITTEE MEETING. THE RENOVATION PROJECTS AT THE CALISTOGA AND MONDAVI FARMWORKER CAMPS WERE DISCUSSED.

CHAIRMAN DODD REPORTED THAT HE WAS IN WASHINGTON, D.C. LAST WEEK ON BEHALF OF THE FLOOD CONTROL DISTRICT. HE WILL MAKE A FULL REPORT ON THE TRIP AT THE NEXT FLOOD CONTROL DISTRICT MEETING.

SUPERVISOR LUCE REPORTED THAT HE ATTENDED THE GOOD-BYE CEREMONY TUESDAY NIGHT FOR MAYOR TODD CARLSON OF THE TOWN OF YOUNTVILLE.

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR DILLON REQUESTED CLARIFICATION ON CALIFORNIA STATE ASSOCIATION OF COUNTIES (CSAC) MEMBERSHIP VOTING REQUIREMENTS.

13. County Executive Officer Reports and Announcements.

NANCY WATT, COUNTY EXECUTIVE OFFICER, REMINDED EVERYONE THAT THE ANNUAL BOARD OF SUPERVISORS RETREAT WAS SET FOR NEXT WEEK.

14. Closed Session

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

CLOSED SESSION HELD – NO REPORTABLE ACTION

B. 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 A SPECIAL MEETING OF THE BOARD OF SUPERVISORS ON MONDAY, APRIL 10, 2006 AT 9:00 A.M. AT THE NAPA COUNTY OFFICE OF EDUCATION, 2121 IMOLA AVENUE, 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