

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

May 2, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, MAY 2, 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 9:03 A.M.

2. Pledge of Allegiance.
MRS. MARK DOMMEN, EXECUTIVE DIRECTOR OF WINE GROWERS OF NAPA COUNTY, LED THE SALUTE TO THE FLAG.

Presentations and Commendations.

- 3A. Presentation of a Proclamation declaring May, 2006 as "Celebrate Your Watershed Month" in Napa County.
PRESENTATION MADE
- 3B. Presentation of Retirement Resolution No. 06-80 to Mary Jean McLaughlin, Public Information Officer/Committees-Commissions, in recognition of more than 20 years of service.
PRESENTATION MADE
4. Public Comment.
NONE
5. Department Heads' Reports and Announcements.
JOHN TUTEUR, ASSESSOR-RECORDER-COUNTY CLERK-REGISTRAR OF VOTERS, PROVIDED AN UPDATE ON PREPARATIONS UNDERWAY FOR THE JUNE 6, 2006 PRIMARY ELECTION. HE ALSO ADVISED THAT THE SECRETARY OF STATE WILL BE VISITING NAPA COUNTY ON WEDNESDAY, MAY 3, 2006 TO ADDRESS NEW TECHNOLOGY HIGH SCHOOL. THE MONTH OF MAY HAS BEEN DESIGNATED AS VOTER REGISTRATION MONTH FOR HIGH SCHOOLS.

Consent Calendar

- 6A. Chief Probation Officer requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6600 with the Loyd Wolfe Juvenile Justice Network increasing the amount by \$127,000 for a new maximum of \$180,094 for the term May 2, 2006 through June 30, 2007 and amending the Scope of Work to include juvenile drug court services for youth and their families involved in drug court.
**A-6600
(AMEND. 1)**

- 6B. Chief Probation Officer requests the following regarding the Comprehensive Multi-Agency Juvenile Justice Plan (the Plan):
1. Adoption of a resolution approving the Fiscal Year 2006-2007 Plan previously approved by the Juvenile Justice Coordinating Council and authorizing its submission to the Corrections Standards Authority (CSA), a division of the California Department of Corrections and Rehabilitation in the amount of \$371,117 to provide services to minors on probation; and **R-06-84**
 2. Acceptance of the annual Progress Reports for the Fiscal Years 2001-2002 through 2004-2005.
- 6C. Acting Director of Corrections requests approval of Budget Transfer No. 63 appropriating \$34,972 in the Corrections budget with offsetting revenues from the Inmate Welfare Fund to reimburse for costs associated with the Inmate Services Coordinator's position. (4/5 vote required) **BT-63**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4074 with Martin Forst, Ph.D., incorporating agency-wide changes to the General Terms and Conditions and revising the Scope of Work to include performance measurements for evaluation services related to the tobacco control program at no additional cost to the County. **A-4074
(AMEND. 1)**
- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 4181 with Planned Parenthood-Shasta Diablo Inc., decreasing the amount by \$9,072 for a new maximum of \$11,340 and revising the Scope of Work to include performance measures relating to the provision of case management services to pregnant and/or parenting teenagers participating in the Cal Learn Program in Fiscal Year 2006-2007. **A-4184
(AMEND. 2)**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4832 with Napa Valley College increasing the amount by \$5,100 for a new maximum of \$30,600 and revising the Scope of Work to include performance measurements related to diagnostic learning disabilities assessments for CalWORKs clients. **A-4832
(AMEND. 3)**
- 6G. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6360 with Doug Marum, Ph.D., increasing the amount by \$3,000 for a new maximum of \$6,000 to provide additional counseling services in the Children's Behavioral Health/Child Welfare Services programs. **A-6360
(AMEND. 1)**

- 6H. Director of Health and Human Services requests authorization to accept and book as capital assets a donation of modular office partitions valued at \$38,000 from Alan Spence and Peter Riechers.
- 6I. Library Director requests approval to accept the Bill and Melinda Gates Foundation grant from the California State Library Foundation in the amount of \$7,500 to replace computers provided by the Gates Foundation in 2000.
- 6J. Director of Public Works requests the following actions relating to the Parking Garage:
1. Approval of Budget Transfer No. 67 reducing the General Fund Appropriations for Contingencies by \$200,000 with a corresponding increase in County Contributions and Revenue and Appropriations accounts in the Parking Structure Budget, to fund the demolition of the buildings located on the Sullivan block (4/5 vote required); and **BT-67**
 2. Director of Public Works requests award of the contract for the "Sullivan Block Demolition Project," PW 06-10, to Kemen and Son Engineering Contractors of Paradise, California, for their low base bid of \$111,960 and authorization for the Chair to sign the construction contract.
- 6K. Assessor-Recorder-County Clerk requests approval of and authorization for the Chair to sign an agreement with Sequoia Voting Systems, Inc. for a maximum of \$18,750 for the term January 1, 2006 through December 31, 2006 for a license and technical maintenance of the elections management and voter registration software system. **A-6616**
- 6L. Auditor-Controller requests the Board accept and instruct the Clerk of the Board to file the Audit Reports for the Napa County Local Transportation Fund and County of Napa Transportation Development Act Funds for Fiscal Year 2004-2005.
- 6M. Records Manager requests approval of Budget Transfer No. 66 increasing appropriations in the Records Management/Mail Services budget with offsetting revenues from General Fund - County Contributions (\$27,246) and establishment of a fixed asset in the amount of \$27,246 for the purchase of shelving for the Records Center. (4/5 vote required) **BT-66**
- 6N. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with Victor Kogler for a maximum of \$20,000 for the term April 17, 2006 through June 30, 2007 for consultation regarding completion of the Adult Correctional System Master Plan Phase I by identifying inmate and probation population needs in the area of substance abuse services currently available both in and out of custody, and providing recommendations for improvement. **A-6617**
- 6O. County Executive Officer requests adoption of a resolution obtaining membership in the California Rural Home Mortgage Finance Authority Homebuyers Fund, a Joint Powers Authority. **R-06-85**
- 6P. County Executive Officer requests the appointment of Robin Remondi to serve on the Napa Valley Workforce Investment Board (NVWIB) representing private sector business with the term of office to commence immediately and expire June 30, 2008.

6. Discussion of Items Removed from the Consent Calendar.
**APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6P.
BW-ML-HM-DD-BD**

Set Matters or Public Hearings

8A. 9:15 a.m. Recess to the Silverado Community Services District special meeting.
(SEE SILVERADO COMMUNITY SERVICES DISTRICT MINUTES)

8B. 9:30 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 (Minor alterations in land use limitations): It has been determined that this type of project would 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 a 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, will not 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.]
(CONTINUED FROM MARCH 21, 2006)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

**THE BOARD CONTINUED THE PUBLIC HEARING TO 2:45 P.M.
HM-ML-BW-DD-BD**

PUBLIC HEARING CONTINUED AT 2:45 P.M. – ADDITIONAL TESTIMONY PRESENTED

TITLE READ

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

ADOPTED ORDINANCE

ML-HM-BW-DD-BD

0-1276

N

8C. 10:30 a.m. Consideration and possible action regarding the withdrawal of an appeal filed by Mr. Tom Carey on behalf of Mr. Dirk Fulton to a partial denial by the Director of Public Works of an exception from the County Road and Street Standards requested by the appellant in connection with his application for Use Permit No. 04065-UP relating to the construction and operation of a winery on property located at 263 Petrified Forest Road, Calistoga. (Assessor's Parcel No. 020-430-006) ENVIRONMENTAL DETERMINATION: It can be seen with certainty that there is no possibility the proposed action accepting the withdrawal may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)]. (CONTINUED FROM NOVEMBER 22, 2005, JANUARY 10, 24, 31 AND APRIL 4, 2006. APPELLANT REQUESTS WITHDRAWAL.)

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

THE BOARD APPROVED THE APPELLANT'S REQUEST TO WITHDRAW THE APPEAL. DD-BW-HM-ML-BD

8D. 11:00 a.m. Public Hearing
Director of Conservation, Development and Planning, Director of Public Works, and Acting Director of Environmental Management request adoption of a resolution decreasing certain fees, and establishing and increasing development-related fees utilizing a phased approach spanning the next three fiscal years.

PUBLIC HEARING HELD - TESTIMONY PRESENTED

ADOPTED RESOLUTION DD-BW-HM-ML-BD R-06-86
N

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

8F. 2:00 p.m. Director of Public Works requests the following regarding alternative locations for the proposed City/County parking garage:

1. Board discussion and direction regarding alternative locations for the proposed garage in light of future County space needs; and
2. Approval of and authorization for the Chair to sign a letter to the City requesting to delay for six months the bid process for the current Sullivan Block Garage project to enable the County to further refine components of the South of the Jail Parking Garage (Alternative 2) at three stories and to continue to negotiate financial participation with nearby development interests with a goal of funding an additional floor.

APPROVED REQUEST DD-ML-HM-BW-BD

- 8G. 2:30 p.m. Public Hearing
County Counsel requests the following actions regarding Auction Napa Valley 2006:
1. Open the Public Hearing to consider approval of a Category 5 Temporary Event application submitted by the Auction Napa Valley for Auction Napa Valley 2006; and
 2. Close the Public Hearing and adopt a resolution approving the application.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

DD-BW-HM-ML-BD

R-06-87

Administrative Items

- 9A. County Counsel requests adoption of a resolution assigning certain additional duties to the County's Hearing Officer pursuant to Napa County Code Section 2.22.040.

ITEM REMOVED FROM THE AGENDA

ML-HM-BW-DD-BD

- 9B. County Executive Officer requests the appointment/reappointment of one member of the Board of Supervisors to serve on the Local Agency Formation Commission (LAFCO) as a regular member for a four year term of office commencing immediately and expiring May 2010.

THE BOARD REAPPOINTED CHAIRMAN BILL DODD.

DD-ML-HM-BW-BD

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)

SUPERVISOR DILLON REPORTED ON A MEETING OF THE LEGISLATIVE COMMITTEE ON MONDAY, MAY 1, 2006.

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR WAGENKNECHT REPORTED ON A PRESCHOOL FOR ALL FORUM WHERE PROPOSITION 82 (PRESCHOOL FOR ALL ACT) WAS DISCUSSED. HE ALSO INFORMED THE BOARD THAT A PROPOSAL TO FORM A COUNTY ARTS COMMISSION WILL PROBABLY BE PRESENTED TO THE BOARD AT A JUNE MEETING.

CHAIRMAN DODD REPORTED ON THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) MEETING HE ATTENDED. MONEY HAS BEEN ALLOCATED TO THE AGENCY TO MAKE COUNTYWIDE BIKE LANE IMPROVEMENTS.

11. Continued.

SUPERVISOR DILLON REPORTED ON A MEETING OF THE REGIONAL COUNCIL OF RURAL COUNTIES' (RCRC) WHERE ONE OF THE ISSUES DISCUSSED WAS SB1733 WHICH GIVES PREFERENTIAL TREATMENT TO SMALL WASTEWATER DISTRICTS. A SURVEY WILL BE PREPARED TO INVENTORY THE NUMBER OF DISTRICTS CURRENTLY IN EXISTENCE THROUGHOUT THE STATE.

12. Board of Supervisors' Future Agenda Items.
NONE

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,
MAY 9, 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