

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

August 8, 2006

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, AUGUST 8, 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 PREVIOUSLY EXCUSED.**
2. Pledge of Allegiance  
**BLAINE CHERRINGTON LED THE SALUTE TO THE FLAG.**
3. Presentations and Commendations.  
**NONE**
4. Public Comment.  
**GREG GALE OF NAPA ADDRESSED THE BOARD REGARDING GRADING AND VINEYARD CLEARING BY THE HALL WINERY NEAR HIS ATLAS PEAK HOME. HE CONSIDERED THIS AN ILLEGAL ACTIVITY AND THE COUNTY PLANNING DEPARTMENT WAS UNRESPONSIVE. HE REQUESTED THE BOARD ADDRESS THE ISSUE.**
5. Department Heads' Reports and Announcements.  
**CHIEF PROBATION OFFICER MARY BUTLER INTRODUCED NEW ASSISTANT JUVENILE HALL SUPERINTENDENT CHRISTOPHER HOWARD.**

Consent Calendar

- 6A. Director of Child Support Services requests approval of and authorization for the Chair to sign the following agreements with the California Department of Child Support Services for the term of July 1, 2006 through June 30, 2007 to provide reimbursement for services performed by County employees:
  1. Renewal of Agreement No. 6528 (State No. 20-0055-07) for a maximum of \$92,865; and **A-6528**
  2. Agreement (State No. 20-0067-07) for a maximum of \$95,972. **A-6678**
- 6B. Agricultural Commissioner/Sealer of Weights and Measures requests adoption of a resolution amending the assessment roll portion of the Engineer's Report for Napa County Winegrape Pest and Disease Control District to properly identify qualifying properties subject to the District's assessment. **R-06-151**
- 6C. Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file the Notices of Completion with the Clerk/Recorder for 650 Imperial Way Flood Mitigation Contract No. FLD0506-650 and 650 Imperial Way Flood Mitigation Work Order FLD0506-650.

- 6D. Clerk of the Board requests adoption of a resolution authorizing consolidation of the general municipal elections for the Cities of Napa, Calistoga, American Canyon and St. Helena and the Town of Yountville with the statewide general election to be held on November 7, 2006 for the following purposes:
1. City of Napa: election of two (2) members of the City Council;
  2. City of American Canyon: election of Mayor and two (2) members of the City Council;
  3. City of Calistoga: election of Mayor and two (2) members of the City Council;
  4. City of St.Helena: election of Mayor and two (2) members of the City Council; and
  5. Town of Yountville: election of Mayor and two (2) members of the Town Council, and submission of Proposition F (increase in appropriations limit) to the voters.
- R-06-152**
- 6E. Communications Manager requests approval of and authorization for the Chair to sign an agreement with American Telesource, Inc. for a maximum of \$25,725 for the term April 1, 2006 through June 30, 2007 for voice mail maintenance and repair services. **A-6353-1**
- 6F. County Counsel requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4097 with Shute, Mihaly and Weinberger, LLP amending the Scope of Work to include services involving implementation measures, actions and performance milestones required by the Regional Water Quality Control Board's proposed Basin Plan Amendment (Napa River Sediment Reduction and Habitat Enhancement Plan). **A-4097 (AMEND. 3)**
- 6G. County Counsel requests adoption of a resolution authorizing consolidation of the Napa Valley Unified School District bond election with the statewide general election to be held on November 7, 2006. **R-06-153**
- 6H. County Executive Officer requests the following appointments to the State Council on Developmental Disabilities Area Board 4 with terms of office to commence immediately:
- | <u>Applicant</u>   | <u>Representing</u> | <u>Term Expiration</u> |
|--------------------|---------------------|------------------------|
| Blaine Cherrington | General Public      | December 31, 2006      |
| Robert Horon       | General Public      | December 31, 2007      |
7. Discussion of Items Removed from the Consent Calendar.  
**NONE**

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

Set Matters or Public Hearings

- 8A. 9:00 a.m.  
Auditor-Controller requests approval of the final appropriation and revenue levels and adoption of

8A. Continued.

a resolution adopting the final budget for Fiscal Year 2006-2007 for County Service Area No. 3. (4/5 vote required)

**ADOPTED RESOLUTION DD-ML-HM-BW-BD R-06-154**  
**X**

8B. 9:00 a.m.

Auditor-Controller requests approval of the final appropriation and revenue levels and adoption of a resolution adopting the final budget for Fiscal Year 2006-2007 for County Service Area No. 4. (4/5 vote required)

**ADOPTED RESOLUTION ML-HM-BW-DD-BD R-06-155**  
**X**

8C. 9:00 a.m.

Recess to the Lake Berryessa Resort Improvement District meeting.

**(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

8D. 9:00 a.m.

Recess to the Napa Berryessa Resort Improvement District meeting.

**(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

8E. 9:00 a.m.

Recess to the Silverado Community Services District meeting.

**(SEE SILVERADO COMMUNITY SERVICES DISTRICT MINUTES)**

8F. 9:00 a.m.

Recess to the Monticello Public Cemetery District meeting.

**(SEE MONTICELLO PUBLIC CEMETERY DISTRICT MINUTES)**

8G. 10:00 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. William 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. (CONTINUED FROM MARCH 14, APRIL 18, AND JUNE 6, 2006; APPELLANT REQUESTS CONTINUANCE TO SEPTEMBER 26, 2006 AT 9:15 A.M.)

**ITEM CONTINUED TO OCTOBER 3, 2006 AT 10:00 A.M.**

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

8H. 10:30 a.m. Public Hearing

Consideration and possible action regarding an appeal filed by Randy Mihm to a decision by the Director of Conservation, Development and Planning on May 26, 2006 denying a request for the refund of housing mitigation fees paid by Mr. Mihm regarding the property located at 5851 Knoxville Road. (Assessor's Parcel No. 019-060-009)

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

**ITEM REMOVED FROM THE AGENDA PURSUANT TO THE REQUEST OF THE DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING.**

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

**X**

8I. 1:30 p.m.

Director of Conservation Development and Planning requests the following:

1. Approval of and authorization to initiate an amendment to the Airport Industrial Area Specific Plan to allow continued operation of the Napa Flea Market at 303 South Kelly Road as a conditionally permitted use; and
2. Provide direction to staff regarding the continued operation of the flea market at its present size during preparation and consideration of the Specific Plan amendment.

**THE BOARD APPROVED THE APPLICANT'S REQUEST TO ALLOW THE CONTINUATION OF THE USE WHILE A SPECIFIC PLAN AMENDMENT IS PROCESSED.**

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

**X**

Administrative Items

- 9A. County Executive Officer/Director of Emergency Services requests adoption of a resolution confirming and extending the Proclamation of Local Emergency declared by the County Executive Officer acting as the Director of Emergency Services on August 2, 2006 in response to actual and threatened tidal flooding of portions of the Napa County Airport following failure of a tide gate west of the Napa County Airport. (4/5 vote required)

ENVIRONMENTAL DETERMINATION: This action is exempt from the California Environmental Quality Act pursuant to 14 California Code of Regulations section 15269 (b), "emergency repairs to publicly or privately owned service facilities necessary to maintain service essential to the public health, safety and welfare".

**ADOPTED RESOLUTION**

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

**R-06-156**

**X**

- 9B. County Executive Officer/Director of Emergency Services requests adoption of a resolution confirming and extending the Proclamation of Local Emergency declared by the County Executive officer acting as the Director of Emergency Services on August 4, 2006 in response to a work shortage of employees of the County's ambulance and emergency medical service provider, Piner's Napa Ambulance Services, Inc. (4/5 vote required)

**ITEM REMOVED FROM THE AGENDA.**

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

**X**

Legislative Items

- 10A. Discussion and possible action concerning any and all issues related to Regional Housing Needs Allocations.  
**SUPERVISOR DILLON REPORTED THAT THE LEGISLATIVE COMMITTEE MET YESTERDAY AND REVIEWED ALL OF THE PROPOSITIONS ON THE BALLOT. THE COMMITTEE WILL BRING THE MATTER BEFORE THE BOARD IN SEPTEMBER.**
11. Board of Supervisors' Committee Reports and Announcements.  
**SUPERVISOR DILLON REPORTED ON HER ATTENDANCE LAST WEEK AT A MEETING OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG). DISCUSSION FOCUSED ON THE HOUSING METHODOLOGY AND THE VISIONING PROCESS.**
- SUPERVISOR DILLON AND CHAIRMAN DODD ATTENDED THE NAPA COUNTY LEAGUE OF GOVERNMENTS' (NCLOG) MEETING. CONGRESSMAN MIKE THOMPSON WAS THE GUEST SPEAKER.**
- CHAIRMAN DODD ALSO ATTENDED A MEETING OF THE COMMUNITY DEVELOPMENT STRATEGY (CDS) TASK FORCE, A SUBCOMMITTEE OF NCLOG.**
- HE FURTHER REPORTED ON HIS ATTENDANCE AT THE NATIONAL ASSOCIATION OF COUNTIES (NACO) CONFERENCE. HE ATTENDED A NUMBER OF SEMINARS INCLUDING WEBCASTING OF PUBLIC INFORMATION AND SAVING MONEY DURING DIFFICULT FINANCIAL PERIODS. HE WAS PLEASED TO REPORT THAT NAPA COUNTY HAS ALREADY INCORPORATED MOST OF THE RECOMMENDATIONS FROM THE SEMINARS.**
- SUPERVISOR LUCE REPORTED ON HIS ATTENDANCE AT A LOCAL AGENCY FORMATION COMMISSION (LAFCO) MEETING HELD MONDAY, AUGUST 7, 2006.**
12. Board of Supervisors' Future Agenda Items.  
**CHAIR DODD REQUESTED THAT THE ISSUE OF ADDRESSING OTHER AREAS OF AFFORDABLE HOUSING BE PLACED ON THE AGENDA.**
- HE ALSO REQUESTED A DISCUSSION OF THE COUNTY'S CONTRIBUTION OF \$250,000 TO THE CONFERENCE AND VISITOR'S BUREAU BE PUT ON A FUTURE AGENDA.**
13. County Executive Officer Reports and Announcements.  
**COUNTY EXECUTIVE OFFICER (CEO) NANCY WATT REPORTED ON A MEETING OF THE COMMUNITY DEVELOPMENT STRATEGY (CDS) TASK FORCE. SHE REMINDED THE BOARD OF THEIR RECOMMENDATION THAT THE FORMATION OF AN ARTS COMMISSION BE REFERRED TO THAT GROUP. THE COMMITTEE DIRECTED CITY MANAGERS AND THE COUNTY EXECUTIVE OFFICER TO MEET AND CLARIFY THE STRUCTURE OF NAPA COUNTY LEAGUE OF GOVERNMENTS SPECIFICALLY ADDRESSING THE ESTABLISHMENT OF SUBCOMMITTEES SUCH AS AN ARTS COMMISSION.**

13. Continued.

**CEO WATT REPORTED FURTHER THAT RECRUITMENT FOR A NEW EXECUTIVE DIRECTOR FOR THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY HAD COMMENCED.**

14. Closed Session

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 933 Water Street, Napa (Assessor's Parcel No. 003-242-003)  
Agency Negotiator: Robert Peterson, Director of Public Works and Michael Stoltz, Deputy Director of Public Works  
Negotiating Parties: Copia  
Under Negotiation: Terms of sale

**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)

**ITEM REMOVED FROM THE AGENDA.**

15. Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, AUGUST 15, 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