

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

October 17, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, OCTOBER 17, 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.
SUPERVISOR DIANE DILLON LED THE SALUTE TO THE FLAG.

Presentations and Commendations

- 3A. Presentation of Retirement Proclamation to Miriam Ladrikan, Mental Health Counselor, in recognition of more than 27 years of service.
PRESENTATION MADE
- 3B. Presentation of Retirement Proclamation to Arlene Rust, Supervising Legal Clerk, in recognition of more than 34 years of service.
PRESENTATION MADE
- 3C. Presentation of a proclamation declaring October, 2006 as Domestic Violence Awareness Month. (Supervisor Dodd)
PRESENTATION MADE
4. Public Comment.
NONE
5. Department Heads' Reports and Announcements.
NONE

Consent Calendar

- 6A. Chief Probation Officer requests acceptance of a report regarding the 2005-06 Juvenile Justice Crime Prevention Act which supports the STAR (Success Through Acting Responsibly) Program at the Juvenile Justice Center mandated by Government Code 30061.
ITEM REMOVED FROM THE AGENDA
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign an Equipment Use and Space License Agreement with the Salvation Army, Napa Corps, for the term October 17, 2006 until terminated by either party, prescribing the terms and conditions under which the County's blast chiller and hand packaging system will be located and used at the Salvation Army's premises for the preparation of meals for the South Napa Shelter and during public emergencies.
A-6708

- 6C. Agricultural Commissioner/Sealer of Weights and Measures requests:
1. Approval of and authorization for the Chair to sign a funding agreement with the St. Helena Chamber of Commerce for a maximum amount of \$10,000, plus the actual cost of travel for County officials and employees, for the term of October 17, 2006 through June 30, 2010, to coordinate and facilitate the participation of the County in the Great Wine Capitals Global Network Annual Assembly; and **A-6709**
 2. Authorization for out of country travel for Dave Whitmer, Agricultural Commissioner/Sealer of Weights and Measures and Bill Dodd, Chair of the Board of Supervisors to attend the Great Wine Capitals Global Network Annual Assembly, to be held in Mendoza, Argentina, on November 12-16, 2006, at an estimated cost of \$10,000.

ITEM HELD FOR SEPARATE DISCUSSION

**APPROVED AGREEMENT WITH THE MODIFICATION THAT IT WILL EXPIRE ON JUNE 30, 2007, AND AUTHORIZED OUT OF COUNTRY TRAVEL.
ML-HM-BW-DD-BD**

- 6D. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with LSA Associates Inc. for a maximum of \$2,500 for the term October 17, 2006 through June 30, 2007 for staff training on the California Environmental Quality Act (CEQA) and related environmental issues. **A-6710**
- 6E. Director of Public Works requests the following actions regarding Priority One 2005/2006 winter storm and flood road repairs:
1. Review of the award of construction contracts, if any, to date by the Director of Public Works for Priority One winter storm and flood road projects pursuant to Public Contract Code Sections 20134(a) and 22050;
 2. Make the following findings:
 - a. That the condition of the Priority One roads damaged by the 2005-2006 storms and floods continues to deteriorate from ongoing breakdown, subsidence and slope failures creating an ongoing emergency in that this essential public infrastructure may become unusable if it is not fully repaired prior to the onset of the 2006-2007 rainy season;
 - b. That the one emergency contract awarded to date will be addressing only a portion of the problems;
 - c. That the overall repairs cannot be completed prior to the onset of the rainy season if delayed by the lengthy procedures required to formally adopt plans and specifications and solicit competitive bids for all of the repair work required;

6E. Continued.

3. Continue authorization for the Director of Public Works to acquire all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contracts awarded without adoption of plans and specifications and solicitation of competitive bids, as he determines appropriate to complete the work (4/5 vote required); and
4. Direct the Director of Public Works to prepare an agenda item for a regular meeting of the Board no later than 14 days from the date of this meeting to review the need to continue these emergency actions.

ITEM REMOVED FROM CONSENT CALENDAR AGENDA (SEE ADMINISTRATIVE CALENDAR ITEM 9A).

- 6F. 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 a Notice of Completion with the Clerk/Recorder for Contract No. PW 06-16, "Napa County Airport Tide Gate And Culvert Repair Project."
- 6G. 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 a Notice of Completion with the Clerk/Recorder for Agreement No. 3198 (The Anderson Family Trust).
- 6H. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Maximus for a maximum of \$50,000 for the term October 17, 2006 through December 31, 2007 for services related to the filing of claims and disputes related to the 2005-2006 New Year Eve and the April 2006 Flood events. **A-6711**
- 6I. Director of Public Works requests the following actions relating to the Napa County Airport:
1. Approval of Budget Transfer No. 16 appropriating \$21,485 in the Airport Capital Improvement budget with offsetting revenues from the Federal Aviation Administration (FAA), State and the Airport Enterprise Fund for construction of a Pollution Control Facility at the Napa County Airport; (4/5 vote required) and **BT-16**
 2. Director of Public Works requests award of the contract for the "Napa County Airport Pollution Control Facility Project," PW 06-15, to Northwest General Engineering of Santa Rosa, California, for their low base bid of \$128,174 and authorization for the Chair to sign the construction contract.
- 6J. Director of Public Works requests approval of plans and specifications for the "HHS Office Trailers R and S Utility Installations Project," PW 06-23, 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.
- 6K. Director of Public Works requests authorization to prepare a cost-share agreement with the Silverado Property Owners Association for a maximum of \$25,000 to be paid upon completion of a flood reduction and creek stabilization study along a portion of Milliken Creek.

- 6L. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Audit Report for the Uniform Transient Occupancy Tax Audit of Hillcrest Bed & Breakfast for the period of January 1, 2004 to September 30, 2005.
- 6M. Chief Information Officer requests approval of and authorization for the Chair to sign an agreement with IS Inc. dba Innovative Solutions, for a maximum of \$6,370 for the term October 17, 2006 through June 30, 2007 for software training. **A-6712**
- 6N. Human Resources Director requests the rescission of Resolution No. 06-168, approved September 12, 2006, and the adoption of a resolution amending the Departmental Allocation List for the Health and Human Services Agency and its divisions deleting one (1) (S) Supervising Mental Health Counselor II - Licensed from the Social Services Division, and adding one (1) (S) Supervising Mental Health Counselor II - Licensed to the Mental Health Division, effective October 17, 2006. **R-06-182**
- 6O. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with NewPoint Group, Inc. for a maximum of \$99,900 for the term May 1, 2006 through June 30, 2007 for specialized accounting services. **A-6713**
7. Discussion of Items Removed from the Consent Calendar.
SEE ITEMS 6A, 6C AND 6E.

**APPROVED CONSENT CALENDAR ITEMS 6B, 6D, AND 6F THROUGH 6O.
DD-BW-HM-ML-BD**

Set Matters or Public Hearings

- 8A. 9:15 a.m. Public Hearing
County Counsel requests the following actions relating to the County's 2004 Conflict of Interest Code:
1. Continue to accept public testimony at the Public Hearing regarding objections or protests with respect to amending the Code; and
 2. Close the Public Hearing and adopt the proposed resolution amending the 2004 Conflict of Interest Code. (CONTINUED FROM SEPTEMBER 12, 2006)

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION BW-DD-HM-ML-BD R-06-183

- 8B. 9:30 a.m. - Recess to the Board of Equalization Meeting.
(SEE BOARD OF EQUALIZATION MINUTES)
- 8C. 10:30 a.m. - Public Hearing
Consideration and possible action regarding an appeal filed by Farella Braun and Martel on behalf of their client, Tom Gamble, of a decision by the Zoning Administrator on July 31, 2006, to approve a minor change to the approved tentative map (P06-01097) for the Villa Berryessa subdivision (95071-SUB). The modification would adjust the approved lot configuration, adjust the overall layout and street alignment, decrease the amount of grading work, and relocate the

8C. Continued.

water intake system to comply with the applicable conditions and mitigation measures approved by the Napa County Board of Supervisors in 1997. Additionally, some conditions of approval require minor changes in the timing of implementation; however, the ultimate determination for substantial compliance with the approved tentative map is generally made at the time the Board of Supervisors approves the final map. In this case, the applicant has requested a formal determination for the minor changes to the approved tentative map. 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 Number #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 Tentative Map (95071-SUB)). The proposed minor change to the approved map does not constitute a substantial change to the project that would require major revisions to the prior environmental document due to the involvement of new significant environmental impacts. Also, no substantial changes in circumstances under which the project would be undertaken and no new information of substantial importance have occurred that might necessitate additional review. An explanation of the decision not to prepare an additional environmental document is contained in the Addendum pursuant to State CEQA Guidelines Section 15164.

THE BOARD APPROVED STAFF'S REQUEST FOR CONTINUANCE TO DECEMBER 12, 2006 AT 9:25 A.M.

ML-BW-HM-DD-BD

8D. 11:30 a.m.

Director of Conservation, Development and Planning requests discussion and possible action regarding initiation of a general plan amendment, environmental review, and additional planning activities regarding the Napa Pipe property.

DISCUSSION HELD – NO ACTION TAKEN

8E. 2:30 p.m. Public Hearing

County Counsel requests consideration and adoption of a Resolution of Findings of Fact and Decision on Appeal denying the appeal filed by David Rice on behalf of Ren and Marilyn Harris to a decision by the Planning Commission on July 19, 2006 to approve Tom and Collette Gamble / Gamble Winery Variance Application No. 03156-VAR and Use Permit Application No. 03155-UP (the Project), located at 1851 Cook Road, Yountville, CA on a +10.00-acre parcel (after a Lot Line Adjustment) at the terminus of Cook Road approximately 2,050 feet from its intersection with Yount Mill Road within an Agricultural Preserve (AP) zoning district, (Assessor's Parcel No. 031-110-018). The appeal challenged the Commission's adoption of the Mitigated Negative Declaration and approval of the Variance and Use Permit.

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 environmental impacts in the following area: Geology & Soils; Hydrology & Water Quality. The Board needs to readopt the Mitigated Negative Declaration prior to approving the Project.

ADOPTED RESOLUTION

BW-ML-HM-DD-BD

R-06-184

Administrative Items

- 9A. Director of Public Works to present a status report of work completed to date regarding Priority One 2005/2006 winter storm and flood road repairs and request the following actions:
1. Approval of plans and specifications for the "Redwood Road Slide Emergency Repair Project", RDS 06-17 and authorization to open bids at a time, date and location published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code and
 3. Approval of plans and specifications for the "Circle Oaks Drive Slide Repair Project" RDS 06-18 and authorization to open bids at a time, date and location published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.

REPORT PRESENTED

APPROVED PLANS AND SPECIFICATIONS

BW-DD-HM-ML-BD

10. Legislative Items.
NONE.
11. Board of Supervisors' Committee Reports and Announcements.
SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT A MEETING OF THE UPPER VALLEY WASTE MANAGEMENT AGENCY. SHE ANNOUNCED THAT GOOD PROGRESS HAS BEEN MADE IN FINDING A RESOLUTION TO PROBLEMS OF THE RATE PAYERS. ALSO, THE AGENCY HAS BEEN INNOVATIVE IN FINDING BETTER WAYS TO RECYCLE AND HAS BEEN STUDYING ALTERNATIVE PROCESSING METHODS.
- SUPERVISOR DILLON ALSO ATTENDED THE SECOND TO LAST ASSOCIATION OF BAY AREA GOVERNMENTS' (ABAG) HOUSING METHODOLOGY MEETING. METHODOLOGY PROPOSALS WERE PRESENTED.**
- SHE ALSO REPORTED THAT SHE ALONG WITH NATE GALAMBOS, PUBLIC WORKS PRINCIPAL ENGINEER, AND ANNA MARTINEZ, PUBLIC WORKS ASSISTANT ENGINEER, MET WITH BERRYESSA HIGHLANDS RESIDENTS.**
- SUPERVISOR DODD COMMENDED SUPERVISORS DILLON AND LUCE ON THEIR WORK WITH THE ABAG HOUSING METHODOLOGY COMMITTEE.**
- SUPERVISOR DODD REPORTED THAT HE PRESENTED A PROCLAMATION TO JUSTIN-SIENNA HIGH SCHOOL ON THEIR 40TH ANNIVERSARY LAST SUNDAY.**
- HE ALSO REPORTED THAT HE AND SUPERVISOR LUCE WERE ABLE TO SPEAK WITH STATE SENATOR ALAN LOWENTHAL, CHAIRMAN OF THE SENATE TRANSPORTATION AND HOUSING COMMITTEE, ON HIS RECENT VISIT TO NAPA COUNTY.**

11. Continued.

SUPERVISOR DODD ALSO REPORTED THAT AT THE NAPA COUNTY LEAGUE OF GOVERNMENTS (NCLOG) RECENT MEETING THE DECISION WAS MADE TO CONCLUDE THE WORK OF THE COMMUNITY DEVELOPMENT TASK FORCE (CDS) AS AN AD HOC COMMITTEE OF NCLOG. THE NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) WILL DISCUSS WHETHER OR NOT A NEW ENTITY NEEDS TO BE CREATED TO ASSUME THE ROLE OF THE CDS TASK FORCE.

12. Board of Supervisors' Future Agenda Items.
NONE

13. County Executive Officer Reports and Announcements.
NANCY WATT, COUNTY EXECUTIVE OFFICER, REPORTED THAT AT THE LAST CDS TASK FORCE MEETING, THE COMMITTEE APPROVED A RESOLUTION ENDORSING THE CREATION OF AN ARTS COMMISSION. IT IS EXPECTED THAT THIS COMMISSION WILL BECOME A PART OF THE CDS/NCTPA MERGER.

14. Closed Session.
A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)
Agency Designated Representative: Mark Gregersen, Human Resources Director
Employee Organization: SEIU Local 614 - NAPE (Public Services Employee Unit & Supervisory Unit of the County of Napa)
ITEM REMOVED FROM THE AGENDA

Adjournment

ADJOURN TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, OCTOBER 24, 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