

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

November 21, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, NOVEMBER 21, 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 9:02 A.M.
2. Pledge of Allegiance.
DAVE WHITMER, COUNTY AGRICULTURAL COMMISSIONER-SEALER OF WEIGHTS AND MEASURES, LED THE SALUTE TO THE FLAG.

Presentations and Commendations

- 3A. Presentation of Retirement Proclamation to Dottie Hendricks, Assessment Records Assistant II, in recognition of more than 26 years of service.
PRESENTATION MADE
- 3B. Presentation of a proclamation declaring November 17-23, 2006 as Farm-City Week. (Supervisor Dodd)
PRESENTATION MADE
- 3C. Presentation of a proclamation to the Napa Valley Youth Symphony. (Supervisor Dodd)
PRESENTATION MADE
4. Public Comment
NONE
5. Department Heads' Reports and Announcements.
DAVE WHITMER, COUNTY AGRICULTURAL COMMISSIONER-SEALER OF WEIGHTS AND MEASURES, CONVEYED BEST WISHES TO THE BOARD FROM GOVERNMENT OFFICIALS IN MENDOZA, ARGENTINA. HE INFORMED THE BOARD THAT HE AND CHAIRMAN DODD WOULD REPORT ON THEIR ARGENTINE TRIP AT A FUTURE MEETING.

Consent Calendar

- 6A. District Attorney requests approval of and authorization for the Chair to sign an agreement (AUD No. 5742) with D. S. Stephens & Associates for a maximum of \$75,000 for the term May 1, 2005 through June 30, 2007 for forensic accounting and investigative services. Human Services.
HELD FOR SEPARATE DISCUSSION

APPROVED REQUEST

BW-ML-HM-DD-BD

A-6734

- 6B. Director of Health and Human Services requests approval of the following actions relating to two grants from the Napa Valley Vintners, dba Auction Napa Valley, for the term November 1, 2006, through October 31, 2007:
1. Acceptance of a grant in the amount of \$255,000 for the Universal Perinatal Home Visiting Program; **A-6735**
 2. Acceptance of a grant in the amount of \$200,000 for the South Napa Shelter Project; **A-6736**
 3. Authorization for the Chair to sign the grant agreements; and
 4. Budget Transfer No. 21 increasing appropriations in the Public Health budget by \$255,000 with offsetting revenue from the grant for the Universal Perinatal Home Visiting Program. (4/5 vote required) **BT-21**
- 6C. Director of Health and Human Services requests approval of the following actions regarding Public Health Preparedness staffing and professional services:
1. Authorization for the Chair to sign an agreement with the California Department of Health Services for the term August 31, 2006 through August 30, 2007 for Centers of Disease Control and Prevention (CDC) and Pandemic Flu funding, and for the term September 1, 2006 through August 31, 2007 for Health Resources and Services Administration (HRSA) funding, for a total maximum amount of \$580,924; and **A-6737**
 2. Budget Transfer No. 20 appropriating \$145,000 in the Public Health budget with Offsetting revenues from the Pandemic Flu allocation. (4/5 vote required) **BT-20**
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Progress Foundation, Inc., for a maximum of \$134,110 for the term December 1, 2006 through June 30, 2007 to implement the Transitional Housing Program-Plus (THP-Plus) for emancipated foster youth in Napa County. **A-6738**
- 6E. Director of Health and Human Services requests adoption of a resolution authorizing the Chair to sign the corrected Participating Physician Group Agreement No. 6613 between Blue Cross of California and the County of Napa for the term April 25, 2006, until terminated by either party, relating to the County Medical Services Program (CMSP). **R-06-196**
A-6613-1
- 6F. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Lease Agreement No. 6123 with Napa/Livermore Properties, LLC. increasing the amount by \$3,180 for a new maximum of \$40,564 and amending the Scope of Work to include janitorial \ services for leased warehouse space at 50 Executive Court. **A-6123**
(AMEND. 1)
- 6G. Director of Public Works/Aviation requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6573 with Mead and Hunt, Inc. increasing the amount by \$88,000 for a new maximum of \$421,800 and amending the Scope of Work to include design modification for the Runway 18R-36L Rehabilitation Project. **A-6573**
(AMEND. 1)

- 6H. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Napa Fire Equipment Company, Inc. for an amount not to exceed \$20,000 for the term November 21, 2006 through June 30, 2007 for the maintenance of existing Fire Protection Systems in County buildings. **A-6739**
- 6I. Director of Public Works requests authorization to extend the completion date for road and drainage improvements on Devlin Road as required by Subdivision Agreement No. 3289 between TMT Properties, Inc. and Napa County to August 8, 2007.\
- 6J. County Counsel requests adoption of a resolution approving the following request for exemption from the Fiscal Year 2006-2007 assessments for County Service Area No. 4:
Owner Assessor's Parcel No. John Monhoff 020-390-005 **R-06-197**
- 6K. County Executive Officer requests the reappointment of Renate Halliday representing the Town of Yountville and Bernhard Krevet representing the Friends of the Napa River to serve on the "Measure A" Financial Oversight Committee (FOC) with the term of office to commence immediately and expire June 30, 2009.
- 6L. Approve minutes of the regular meetings held July 12, July 19, July 26, and August 2, 2005.
7. Discussion of Items Removed from the Consent Calendar.
SEE ITEM 6A.

**APPROVED CONSENT CALENDAR ITEMS 6B THROUGH 6L.
BW-DD-HM-ML-BD**

Set Matters or Public Hearings

- 8A. 9:15 a.m. Public Hearing
Director of Public Works requests the following:
1. Adoption of a resolution amending Section 3 of the County's adopted Road and Street Standards to allow grant of an exception to the Road and Street Standards and defining the "inspection authority" under section 1270.08 of the State Responsibility Area Fire Safe regulations based on the recommendations of the Ad Hoc Committee; and **R-06-198**
 2. Second reading and adoption of an ordinance expanding the duties of the Zoning Administrator to include hearing and deciding certain applications for exceptions to the County's Road and Street Standards.
ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action 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)]. **O-1284**

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

TITLE READ

8A. Continued

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

**THE BOARD ADOPTED THE RESOLUTION AND THE ORDINANCE.
ML-BW-HM-DD-BD
N**

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 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, JUNE 6, AUGUST 8, AND OCTOBER 3, 2006)
**THE BOARD APPROVED STAFF REQUEST TO CONTINUE THE MATTER TO A TIME UNCERTAIN.
ML-BW-HM-DD-BD**

8D. 11:30 a.m. Public Hearing
Consideration and possible action regarding an appeal filed by John Stephens on behalf of the Living Rivers Council of a decision by the Conservation, Development and Planning Commission on September 20, 2006 to approve an exception to the Conservation Regulations in the form of a Use Permit (No. P04-0511-UP-CONSETB) to allow construction of a 792 square foot garage and 280 square foot workshop at a setback of 3 feet where 35 feet is required on a .53 acre parcel within the Agricultural Watershed (AW) Zoning District (Assessor's Parcel No. 034-212-010; 1109 Darms Lane, Napa).
ENVIRONMENTAL DETERMINATION: Negative Declaration Prepared. According to the proposed Negative Declaration, the proposed project would have no potentially significant environmental impacts. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.
PUBLIC HEARING HELD – TESTIMONY PRESENTED

**THE BOARD TENTATIVELY DENIED THE APPEAL, REFERRED THE MATTER TO COUNTY COUNSEL FOR FINDINGS, AND CONTINUED THE PUBLIC HEARING TO DECEMBER 19, 2006 AT 2:30 P.M.
BW-ML-HM-DD-BD**

8E. 1:30 p.m. Public Hearing

Director of Conservation, Development and Planning requests two actions related to farm management uses:

1. First and final reading and adoption of an ordinance amending Sections 18.08.040, 18.16.030, 18.20.030 and 18.104.220 of the Napa County Code to define farm management uses, to include farm management uses as an agricultural use, and to establish standards for when farm management uses will be allowed with and without a use permit; and **O-1285**

2. Adoption of a resolution temporarily waiving investigation fees for buildings constructed or modified without building permits that are proposed to be legalized as part of a farm management use.

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration Prepared. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Aesthetics. This project does not affect any known site on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5. (CONTINUED FROM NOVEMBER 7, 2006) **R-06-199**

PUBLIC HEARING HELD – TESTIMONY PRESENTED

THE BOARD ADOPTED THE ORDINANCE AND THE RESOLUTION.

ML-BW-HM-DD-BD

8F. 2:00 p.m.

Director of Public Works requests discussion and possible direction regarding proposed Stormwater Management Construction Site Runoff Control Requirements.

REPORT PRESENTED

STAFF TO PREPARE A RESOLUTION TO BE PLACED ON THE DECEMBER 5, 2006 BOARD AGENDA.

Administrative Items

- 9A. Director of Conservation, Development and Planning requests adoption of a resolution authorizing the City of Napa to utilize \$25,000 in Proposition 40 grant funds for landscaping and site improvements at Kennedy Park rather than for the Silverado Sports Field as previously authorized by Resolution 05-223.

ADOPTED RESOLUTION

BW-DD-HM-ML-BD

R-06-200

- 9B. County Executive Officer requests:

1. The appointment of one (1) member and one (1) alternate member of the Board of Supervisors to serve on the California State Association of Counties (CSAC) Board of Directors for the 2007 Association year beginning November 28, 2006 (CONTINUED FROM NOVEMBER 14, 2006);

THE BOARD APPOINTED SUPERVISOR WAGENKNECHT AS THE REGULAR MEMBER.

HM-DD-BW-ML-BD

THE BOARD APPOINTED SUPERVISOR LUCE AS THE ALTERNATE MEMBER.

DD-BW-HM-ML-BD

9B. Continued.

2. Approval of an amendment to the Guidelines for Appointment of Board Members to Serve on Committees, Commissions and Other Bodies (Rule 29) of the Rules of Conduct of the Board of Supervisors (Part 1, Section 8B of the Napa County Policy Manual) to define whether "seniority" for purposes of appointment of Board members to committees and commissions is to be measured based on the most recent period of continuous service or total number of years of service on the Board.

**THE BOARD REFERRED THE MATTER TO STAFF FOR FURTHER REVIEW.
BD-BW-HM-ML-DD**

10. Legislative Items.

SUPERVISOR LUCE STATED THAT HE AND SUPERVISOR DILLON WERE CONTINUING TO STUDY THE LEGISLATIVE PLATFORM FOR 2007. THEY ALSO ARE REVIEWING SENATOR FEINSTEIN'S BILL REGARDING CASINOS.

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR WAGENKNECHT REPORTED ON HIS ATTENDANCE AT A NAPA COUNTY TRANSPORTATION PLANNING AGENCY (NCTPA) MEETING. THE AGENCY IS ANXIOUS TO FIND OUT THE AMOUNT OF FUNDING THAT WILL BE AVAILABLE TO THE COUNTY FROM THE STATE.

CHAIRMAN DODD REPORTED ON HIS MEETING WITH THE CURRENT AND PAST CHAIRS OF THE METROPOLITAN TRANSPORTATION COMMISSION (MTC). CHAIRMAN DODD SUGGESTED THAT THE NORTH BAY COUNTIES (NAPA, MARIN, SONOMA, SOLANO) NEED TO WORK TOGETHER TO FIND A SOLUTION TO THE MAJOR TRANSPORTATION PROBLEMS IN THE AREA.

SUPERVISOR WAGENKNECHT ALSO REPORTED ON HIS ATTENDANCE AT A TRAINING SESSION CONDUCTED BY THE URBAN LAND INSTITUTE (ULI).

SUPERVISOR LUCE REPORTED ON HIS ATTENDANCE AT AN EXECUTIVE COMMITTEE MEETING OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG). THE MAJOR TOPIC OF DISCUSSION WAS THE FORCASTING OF HOUSING GROWTH IN THE BAY AREA.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT A ST. HELENA ROTARY MEETING WHERE COUNTY EXECUTIVE OFFICER NANCY WATT ALONG WITH AUDITOR –CONTROLLER PAM KINDIG MADE A PRESENTATION ON LOCAL GOVERNMENT FINANCE. THE PRESENTATION WAS WELL RECEIVED.

SUPERVISOR DILLON ALSO ATTENDED GENERAL PLAN MEETINGS AT THE BERRYESSA SENIOR CENTER AND THE FARM CENTER IN POPE VALLEY.

CHAIRMAN DODD GAVE A BRIEF REPORT ON HIS VISIT ALONG WITH NAPA COUNTY AGRICULTURAL COMMISSIONER DAVE WHITMER TO ARGENTINA TO ATTEND THE GREAT WINE CAPITALS CONFERENCE.

12. Board of Supervisors' Future Agenda Items.
NONE
13. County Executive Officer Reports and Announcements.
NONE
14. Closed Session.
A. PUBLIC EMPLOYEE PERFORMANCE EVALUATIONS (Government Code Section 54957) Title: Director of Health and Human Services and County Executive Officer
CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY,
DECEMBER 05, 2006 AT 9:00 A.M. IN MEMORY OF GEORGINA DILLON.**

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