

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

October 23, 2007

1. Call to Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, OCTOBER 23, 2007 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIRMAN HAROLD MOSKOWITE, SUPERVISORS DIANE DILLON, BILL DODD, BRAD WAGENKNECHT AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN MOSKOWITE AT 9:04 A.M.**

2. Pledge of Allegiance.  
**GEORGE BACHICH OF NAPA LED THE SALUTE TO THE FLAG.**

Presentations and Commendations

- 3A. Presentation of Retirement Proclamation to Natasha Merkuloff, Director of Child Support Services, in recognition of 16 years of service.  
**PRESENTATION MADE**
- 3B. Presentation of Retirement Proclamation to Dennis Cooney, Alcohol and Drug Counselor III, in recognition of 15 years of service.  
**PRESENTATION MADE**
4. Public Comment.  
**NONE**
5. Department Heads Reports and Announcements.  
**COUNTY TREASURER-TAX COLLECTOR MARCIA HULL ANNOUNCED HER RETIREMENT EFFECTIVE DECEMBER 21, 2007.**

**COUNTY FIRE CHIEF ERNIE LOVELESS UPDATED THE BOARD ON THE ACTIVITIES OF NAPA COUNTY FIRE CREWS AND EQUIPMENT THAT HAD BEEN DISPATCHED TO ASSIST WITH THE FIRES IN SOUTHERN CALIFORNIA.**

**COUNTY AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES DAVE WHITMER UPDATED THE BOARD ON THE LIGHT BROWN APPLE MOTH INFESTATION.**

Consent Calendar

- 6A. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with the County of Sonoma:
  1. Renewal of revenue Agreement No. 4089 for a maximum of \$67,539 for the term July 1, 2007 through June 30, 2008 for emergency medical services administration; and
- 6A. Continued.

**A-4089**

2. A Memorandum of Understanding for a maximum of \$10,396 for the term October 23, 2007 through June 30, 2008 for the implementation of a hospital emergency notification system. **A-6904**
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 5069, a Memorandum of Understanding with the Special Education Local Plan Area/Local Education Agency (SELPA) revising the respective roles and responsibilities of SELPA and Napa County. **A-5069**  
**(AMEND. 1)**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign a Memorandum of Understanding with Harvest Pediatrics, Inc., for the term October 23, 2007 through October 22, 2010, to enable Harvest Pediatrics, Inc. to become a member of the Bay Area Regional Immunization Registry (BARR) Program. **A-6905**
- 6D. Director of Health and Human Services requests the following regarding the Substance Abuse and Crime Prevention Act of 2000 (Proposition 36):
1. Adoption of a resolution approving the Substance Abuse and Crime Prevention Act of 2000 County Plan and Funding Request for Fiscal Year 2007-2008; and, **R-07-141**
  2. Authorization to apply to the State Department of Alcohol and Drug Programs for supplemental funding in the amount of \$73,579 for Offender Treatment Programs (OTP).
- 6E. Director of Public Works requests approval of plans and specifications for the "Las Amigas Bike Lane Project" RDS 06-05; 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.
- 6F. Director of Public Works/Aviation requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 6675 with Vortex Industries, Inc., increasing the hourly rate for the term October 23, 2007 through June 30, 2008, for maintenance of hangars and sliding gates located at the Napa County Airport. **A-6675**  
**(AMEND. 2)**
- 6G. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 4 to Lease Agreement No. 81 with Margaret and John Kongsgaard modifying the agreement to reflect change in ownership and extending the term through November 30, 2008 for the telecommunication tower site. **A-81**  
**(AMEND. 4)**
- 6H. Assessor-Recorder-County Clerk requests the following:
1. Adoption of a resolution approving an application for funds under the Help America Vote Act of 2002 (HAVA); and **R-07-142**
  2. Approval of and authorization for the Chair to sign a revenue agreement with the California Secretary of State for a maximum of \$21,745 for the term October 15, 2007 through December 31, 2010 for reimbursement of county funds used for the purchase of HAVA compliant voting system. **A-6585-1**
- 6I. Assessor-Recorder-County Clerk requests the following:

1. Adoption of a resolution approving a contract with the California Secretary of State to implement the Elections Assistance for Individuals with Disabilities (EAID) Program under Section 261 of the Help America Vote Act of 2002 (HAVA); and **R-07-143**
2. Approval of and authorization for the Chair to sign a revenue agreement with the California Secretary of State for a maximum of \$7,244 for the term October 15, 2007 through May 31, 2008 for the purpose of providing federal reimbursement funds to assist in implementing EAID under HAVA. **A-6635-1**

- 6J. Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file the Audit Report for the County of Napa - County Executive Office - Insurance Revolving Fund for the Fiscal Year ended June 30, 2006.
- 6K. County Counsel requests adoption of a resolution approving a request for full exemption and a request for partial exemption from the Fiscal Year 2007-2008 assessments for County Service Area No. 4 for the following parcels:

<u>Owner</u>	<u>Assessment Parcel No.</u>	<u>Exemption %</u>
Guffy Trust	047-043-017	100%
Solari Family/Napa Valley Farm & Ranch	017-130-053	95.45%
Solari Family/Napa Valley Farm & Ranch	017-130-054	95.45%
Solari Family/Napa Valley Farm & Ranch	017-130-055	95.54%
Solari Family/Napa Valley Farm & Ranch	017-160-001	95.54%

**R-07-144**

- 6L. Human Resources Director requests adoption of a resolution adopting Policy 37Z, "Reimbursement of Relocation and Temporary Living Expenses." **R-07-145**
- 6M. Human Resources Director requests adoption of a resolution amending the Table and Index of Classes adding Elections Equipment Maintenance Technician, effective October 23, 2007. **R-07-146**
- 6N. County Executive Officer recommends that the Board appoint Lety Vandervegt as Acting Director of Child Support Services, effective from October 27, 2007 until a permanent Director of Child Support Services is hired.
7. Discussion of Items Removed from the Consent Calendar.  
**NONE**

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

Set Matters or Public Hearings

- 8A. 9:00 A.M. - Presentation by the Napa County legislative advocate, Don Peterson, regarding the recently completed 2007 California legislative session and prospects for the 2008 legislative session.  
**PRESENTATION MADE**
- 8B. 10:00 A.M. Public Hearing.

Consideration and possible action regarding an appeal filed by Charles Meibeyer on behalf of his client, Richard Frank, of a decision by the Conservation, Development and Planning Commission on August 1, 2007, to approve Use Permit Modification P06-0102 to the Frank Family Vineyards winery to allow: (1) crush activities; (2) construction of a new crush pad, entry gate and two-story building; (3) demolition of the existing visitor/tasting building; (4) increased parking; (5) an increase in the number of employees; (6) an increase in the number of tours and tastings by appointment only; (7) revisions to the marketing activities; (8) installation of new site landscaping; (9) modification of the existing sewage disposal system; and (10) revisions to certain prior conditions of approval. The winery has a production capacity of 564,500 gal/yr approved in 1997 and is located on a 5.15-acre site on the east side of Larkmead Lane, between Silverado Trail and State Highway 29, approximately 2,400 feet north of Highway 29 and approximately 100-200 feet south of the Napa River within an AP (Agricultural Preserve) zoning district. (Assessor's Parcel No. 020-290-007) 1091 Larkmead Lane, Calistoga, CA.

ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following area: Biological Resources. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. This project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

**PUBLIC HEARING OPENED**

**MOTION TO PROCEED BASED ON ADMINISTRATIVE RECORD  
DD-BW-BD-ML-HM**

**PUBLIC HEARING HELD – TESTIMONY PRESENTED**

**CLOSED PUBLIC HEARING**

**ADOPTED A MOTION OF INTENT TO DENY THE APPEAL AND REFERRED THE  
MATTER TO COUNTY COUNSEL FOR PREPARATION OF A RESOLUTION OF  
FINDINGS AND DECISION ON APPEAL AT THE FIRST MEETING IN JANUARY,  
2008.  
DD-BW-BD-ML-HM**

8C. 11:00 A.M. - Recess to the Napa County Housing Authority (NCHA) special meeting (See NCHA Agenda).

**(SEE NAPA COUNTY HOUSING AUTHORITY MINUTES)**

8D. 11:30 A.M. - Public Hearing.

County Counsel requests the following:

1. First reading and intention to adopt an ordinance amending Chapter 6.16 of the Napa County Code relating to potentially dangerous and vicious animals; and

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.

2. Adoption of a resolution establishing a schedule of penalty fines for violations involving potentially dangerous or vicious dogs.

8D. Continued

ENVIRONMENTAL DETERMINATION: The proposed action is exempt from the California Environmental Quality Act pursuant to title 14, California Code of Regulations, section 15273(a) (1) and (2).

**TITLE READ**

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

**THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE.  
BW-BD-DD-ML-HM**

**ADOPTED RESOLUTION                      DD-BW-BD-ML-HM                      R-07-147**

- 8E. 12:00 P.M. - Recess to a joint luncheon and presentation by the Airport Advisory Commission at the Napa County Airport, 2000 Airport Road, Napa.

Administrative Items

- 9A. Director of Health and Human Services to brief the Board on a significant change in Medi-Cal procedural requirements resulting from the Federal Deficit Reduction Act of 2005, concerning additional documentation requirements for Medi-Cal applicants and recipients who declare themselves to be U.S. citizens or U.S. nationals.  
**UPDATE PRESENTED**

- 9B. Director of the Conservation, Development and Planning Department and the County Fire Chief will provide an update on the status of the 2007 California Building Standards Code adoption, discuss staff recommendations for proposed amendments to the Codes designed to improve structure and wildland fire risk, and request direction from the Board before returning in November with proposed amendments.  
**UPDATE PRESENTED**

**THE BOARD DIRECTED STAFF TO MOVE FORWARD WITH THE PROPOSED AMENDMENTS.                      ML-DD-BD-BW-HM**  
**A                      N**

- 9C. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an Agreement with the Napa County Regional Park and Open Space District granting a maximum of \$127,000 in Proposition 12 funds to the District for the purchase of three parcels, commonly known as Berryessa Vista, from the Land Trust of Napa County for the development of a low-intensity use regional park.  
**APPROVED REQUEST                      BD-DD-BW-ML-HM                      A-6906**

9D. Director of Public Works to discuss and seek possible direction regarding actions taken by the Napa County Transportation and Planning Agency Governing Board on October 17, 2007 concerning the possible creation of an independently staffed agency.

**THE BOARD APPROVED STAFF RECOMMENDATIONS ASSISTING NCTPA TO BECOME AN INDEPENDENT EMPLOYER EFFECTIVE JUNE 30, 2008.**

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

9E. County Executive Officer requests 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 2008 Association year beginning November 15, 2007.

**THE BOARD REAPPOINTED SUPERVISOR WAGENKNECHT AS THE MEMBER AND SUPERVISOR LUCE AS THE ALTERNATE.**

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

9F. Director of Conservation, Development and Planning, County Fire Chief and Director of Public Works to provide an update on the status of efforts to implement the transportation and fire protection mitigation measures contained in the Environmental Impact Report prepared and adopted for the Gateway Hotel Project and request concurrence with staff recommendations to implement the measures as follows:

1. Transportation - an agreed upon formula for determining the fair share of traffic mitigation measures, which includes a portion of the fair share contribution being a dedicated right of way or fee transfer and financial conditions; and

2. Fire Protection - a one time only payment in the amount \$131,043 to meet the Applicant's obligation to fund sufficient fire service level requirements with the County Fire Fund being responsible for any further ongoing costs.

**UPDATE PRESENTED**

**APPROVED REQUEST**

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

10. Legislative Items.  
**NONE**

11. Board of Supervisors Committee Reports and Announcements.

**SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT THE 50<sup>TH</sup> ANNIVERSARY CELEBRATION OF THE MONTICELLO DAM HELD AT WOODEN VALLEY WINERY.**

**SUPERVISOR WAGENKNECHT REPORTED ON THE MEETINGS HE ATTENDED ON INDIAN GAMING AS A MEMBER OF THE NORTHERN CALIFORNIA COUNTIES TRIBAL MATTERS CONSORTIUM. LOCAL GOVERNMENT INVOLVEMENT CONTINUES TO BE AN IMPORTANT ISSUE.**

**SUPERVISOR WAGENKNECHT ALSO ATTENDED A STRATEGIC PLAN MEETING OF THE BAY CONSERVATION AND DEVELOPMENT COMMISSION (BCDC).**

**SUPERVISOR DODD REPORTED ON HIS ATTENDANCE ALONG WITH SUPERVISOR DILLON AT A MEETING OF THE COMMISSION ON AGING CAREGIVER PERMIT INITIATIVE COMMITTEE.**

11. Continued.

**SUPERVISOR DODD ALSO REMINDED THE BOARD ABOUT THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG)/ METROPOLITIAN TRANSPORTATION COMMISSION (MTC) SUMMIT TO BE HELD THE FOLLOWING FRIDAY AT THE OAKLAND MARRIOTT.**

**SUPERVISOR LUCE REPORTED ON HIS ATTENDANCE AT A MEETING OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) HAZARDOUS WASTE ALLOCATION COMMITTEE MEETING. DISCUSSION CENTERED ON GREEN BUSINESSES. OVER 1000 GREEN BUSINESSES HAVE NOW BEEN CERTIFIED IN THE BAY AREA.**

12. Board of Supervisors Future Agenda Items.  
**NONE**
  
13. County Executive Officer Reports and Announcements.  
**COUNTY EXECUTIVE OFFICER NANCY WATT ANNOUNCED THAT SHE HAD RECENTLY ATTENDED THE ANNUAL MEETING OF THE CALIFORNIA COUNTY ADMINISTRATORS ASSOCIATION AND WOULD PROVIDE A DETAILED REPORT AT A FUTURE MEETING.**
  
14. Closed Session.
  - A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (Four cases)  
**CLOSED SESSION NOT HELD**
  
  - B. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)  
**CLOSED SESSION HELD – NO REPORTABLE ACTION**
  
15. Adjournment.  
**ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, NOVEMBER 6, 2007 AT 9:00 A.M.**

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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