

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

February 5, 2008

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, FEBRUARY 5, 2008 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIR BRAD WAGENKNECHT, SUPERVISORS BILL DODD, HAROLD MOSKOWITE AND MARK LUCE. SUPERVISOR DIANE DILLON WAS EXCUSED. THE MEETING WAS CALLED TO ORDER BY CHAIR WAGENKNECHT.
2. Pledge of Allegiance.
ASSISTANT AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES GREG CLARK LED THE SALUTE TO THE FLAG.

Presentations and Commendations

- 3A. Presentation of Retirement Proclamation to Mike Bousquet, Appraiser II, in recognition of over 17 years of service.
PRESENTATION MADE
4. Public Comment.
NONE
5. Department Heads Reports and Announcements.
REGISTRAR OF VOTERS JOHN TUTEUR UPDATED THE BOARD ON THE PRIMARY ELECTION PROCESS.

Consent Calendar

- 6A. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement for Transfer of Real Property, and related documents as may be required, for the purchase by the Napa County Regional Park and Open Space District of the 224 acre property known as Berryessa Vista from the Land Trust of Napa County, using funds provided to the County by the Proposition 12 Per Capita grant program. **A-6960**
- 6B. Director of Environmental Management requests adoption of a resolution authorizing Napa County Transportation and Planning Agency (NCTPA) to engage in climate protection activities effective upon ratification by all member jurisdictions. **R-08-24**
- 6C. Director of Environmental Management requests adoption of a resolution authorizing the Director to enter into agreement with the California Environmental Protection Agency for a maximum grant amount of \$54,715.49 to fund local implementation of the Aboveground Petroleum Storage Tank Act for the period of July 1, 2008 through January 1, 2010. **R-08-25**

- 6D. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Quality Air Services, a division of Chase Contracting, Inc., for a maximum of \$67,952 for the term February 5, 2008 through June 30, 2008 for heating, ventilation and air conditioning exhaust and supply duct cleaning in the Napa County Jail located at 1125 Third Street, Napa, CA 94559. **A-6961**
- 6E. Director of Public Works requests authorization to extend Subdivision Agreement No. 4105 with Barrel Ten Quarter Circle Land Company to February 5, 2009 for required roadway improvements on Devlin Road.
- 6F. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Coastland Civil Engineering, Inc., for a maximum of \$53,316 for the term February 5, 2008 through June 30, 2008, for geotechnical, environmental, and design and construction administration support services for repairs in the 4800 Block of Redwood Road. **A-6962**
- 6G. Director of Public Works requests approval of plans and specifications for the "Conn Creek Bike Lane Project" RDS 07-02; 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.
- 6H. Director of Public Works requests adoption of a resolution temporarily closing portions of Dry Creek Road, Oakville Grade, Oakville Cross Road and Silverado Trail from 9:00 am to 1:00 pm on Tuesday, February 19, 2008 for the Amgen Tour of California bike race. **R-08-26**
- 6I. Director of Public Works requests adoption of a resolution temporarily closing portions of Silverado Trail, Oak Knoll Avenue, Big Ranch Road, and El Centro Avenue from 7:00 A.M. to 1:00 P.M. on Sunday, March 2, 2008 for the 30th running of the Napa Valley Marathon. **R-08-27**
- 6J. County Executive Officer requests the Board:
1. Accept and file the 2007-2008 Grand Jury Final Report on Napa County Municipal Fire Departments with the Clerk of the Board; and,
 2. Direct the County Executive Officer to prepare a response to the Grand Jury Report by April 17, 2008 as prescribed by law.
- 6K. Clerk of the Board requests approval of minutes of the meetings held on;
1. December 18, 2007; and,
 2. January 8, 2008.
7. Discussion of Items Removed from the Consent Calendar.
NONE

APPROVED CONSENT CALENDAR ITEMS 6A THROUGH 6K.

BD-HM-DD-ML-BW

X

Set Matters or Public Hearings

- 8A. 9:00 A.M. - County Executive Officer and the UC Agriculture and Natural Resources North Coast and Mountain Regional Director, Kimberly Rodrigues will introduce the Interim Director of Napa County UC Cooperative Extension Morgan Doran and briefly discuss the process and status of filling vacant UC Farm Advisor Viticulture and County Director position.

UPDATE PRESENTED

- 8B. 9:00 A.M. - Public Hearing.
Agricultural Commissioner/Sealer of Weights and Measures requests the adoption of a resolution establishing a new fee, and increasing existing fees for services provided by the Agricultural Commissioner/Sealer. The registration fee is paid by structural pest control businesses who are required to register with the Agricultural Commissioner prior to applying pesticides in the County. 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.

PUBLIC HEARING HELD – NO TESTIMONY PRESENTED

ADOPTED RESOLUTION

ML-BD-DD-HM-BW

R-08-28

X

- 8C. 9:00 A.M. - Recess to the Napa Berryessa Resort Improvement District meeting.
(SEE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)
- 8D. 9:00 A.M. - Recess to the Napa County Flood Protection and Watershed Improvement Authority Special meeting. **(SEE NAPA COUNTY FLOOD PROTECTION AND WATERSHED IMPROVEMENT AUTHORITY MINUTES)**
- 8E. 10:15 A.M. Closed Session.
CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
1. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case) (Responsible Growth Initiative: See agenda Board Letter and attachments for facts and circumstances); and,

2. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9: (One case).

CLOSED SESSION HELD – NO REPORTABLE ACTION

- 8F. 10:45 A.M. - Public Hearing.
Consideration and possible action regarding an appeal filed by Lucio Perez to a decision by the Conservation, Development and Planning Commission on November 7, 2007 to approve a Major Modification (File No. P05-0184) to the V. Sattui Winery Use Permit to increase marketing activities, legalize certain existing activities and add parking facilities, located at the southeast corner of State Route 29 and White Lane within Commercial Limited (CL), Agricultural Watershed (AW), and Agricultural Preserve (AP) Zoning Districts. (Assessor's Parcel No. 030-020-029 & 030-260-035, 1111 White Lane, St. Helena).
ENVIRONMENTAL DETERMINATION: Subsequent Mitigated Negative Declaration Prepared. According to the Subsequent Negative Declaration, the proposed project would have, if mitigation

8F. Continued.

measures are not included, potentially significant environmental impacts in the following areas: land use planning and transportation/traffic. If the Board decides to deny the appeal, it would need to affirmatively readopt the Subsequent Mitigated Negative Declaration prior to approving the project. The site is not on any of the lists of hazardous waste sites enumerated under Government Code Section 65962.5.

PUBLIC HEARING HELD – TESTIMONY PRESENTED

A MOTION BY CHAIR WAGENKNECHT TO CONTINUE THE MATTER DIED FOR LACK OF A SECOND

MOTION TO PROCEED BASED ON ADMINISTRATIVE RECORD

BD-HM-DD-ML-BW

X

ADOPTED A MOTION OF INTENT TO DENY THE APPEAL AND REFERRED THE MATTER TO COUNTY COUNSEL FOR PREPARATION OF A RESOLUTION OF FINDINGS OF FACT AND DECISION ON APPEAL ON APRIL 1, 2008 AT 9:30 A.M.

ML-HM-BD-DD-BW

X N

8G. 11:00 A.M. - County Counsel requests that the Board take the following actions:

- 1. Receive from staff the report the Board ordered prepared pursuant to Section 9111 of the Elections Code discussing the "Napa County Responsible Growth Initiative"; and,

APPROVED REQUEST

BD-ML-DD-HM-BW

X

- 2. Take one of the following actions:

- a. Adopt the "Napa County Responsible Growth Initiative" without alteration at a special meeting of the Board on or before February 15, 2008;

- b. Adopt a resolution placing the "Napa County Responsible Growth Initiative" on the ballot of the next statewide general election to be held on June 3, 2008, for the purpose of enabling the people of Napa County to approve or reject the Napa County Responsible Growth Initiative; or,

ADOPTED AMENDED RESOLUTION

R-08-29

ML-HM-DD-BD-BW

X

- c. Take no action should the Board conclude that the Napa County Responsible Growth Initiative clearly and without question violates one or more of the statutory procedural requirements applicable to county initiatives that are set forth in the California Elections Code.

8H. 1:30 P.M. - Recess to the Napa County Flood Control and Water Conservation District

(SEE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MINUTES)

Administrative Items

- 9A. Director of Public Works to present an update on the status of the remaining permanent repair projects related to the 2005/2006 flood events.

UPDATE PRESENTED

- 9B. Director of Public Works requests the following:

1. Approval of the Gordon Huether public art design to be installed on the City/County Parking Garage; and,

2. Authorization for the Purchasing Agent to sign the Product Purchase Agreement for a maximum amount of \$25,000. (Continued from January 29, 2008)

APPROVED REQUESTS

BD-ML-DD-HM-BW

A-6963

X N

- 9C. County Executive Officer and Director of Conservation Development and Planning will discuss compensation for members of the Conservation Development and Planning Commission currently established at a per diem rate of \$150 per meeting and Airport Land Use Commission currently at per diem rate of \$100 per meeting and, if the Board wishes, adoption of a resolution rescinding Resolution No. 00-61 and increasing the per diem.

DISCUSSION HELD

ADOPTED RESOLUTION

BD-HM-DD-ML-BW

R-08-23

X

- 9D. County Executive Officer requests the appointments of two applicants to serve on First 5, Napa County (Children and Families Commission) representing category "c" as members with both terms of office to commence immediately with one to expire January 1, 2011 and the other to expire January 1, 2012. Member Category "c" (as described in the Executive Summary and Background) (Choose two)

* Recommended by First Five, Napa County (Children and Families Commission).

Mary Baracco*

Dee Cuney

Caroline Owen*

Kristie Brandt

Sharon Macklin

Jennifer D. Kresge

APPOINTED MARY BARACCO AND CAROLINE OWEN

ML-BD-DD-HM-BW

X

Legislative Items

- 10A. County Executive Officer requests adoption of a resolution in support of full funding of the US Army Corps of Engineers capability for Fiscal Year 2009 for the Napa River Flood Protection Project.

ADOPTED RESOLUTION

BD-ML-DD-HM-BW

R-08-30

X

11. Board of Supervisors Committee Reports and Announcements.
NONE

12. Board of Supervisors Future Agenda Items.
NONE

13. County Executive Officer Reports and Announcements.
NONE

14. Closed Session
 A. PUBLIC EMPLOYEE RECRUITMENT/APPOINTMENT (Government Code Section 54957) Title: Director of Corrections
 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)
 CLOSED SESSION HELD – NO REPORTABLE ACTION

15. Adjournment.
ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, FEBRUARY 26, 2008 AT 9:00 A.M. AT THE LINCOLN THEATER ON THE HISTORIC GROUNDS OF THE VETERANS HOME OF CALIFORNIA, YOUNTVILLE, 100 CALIFORNIA DRIVE.

BRAD WAGENKNECHT, Chair

ATTEST:

GLADYS 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