

MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF NAPA

March 18, 2008

1. Call to Order.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION TUESDAY, MARCH 18, 2008 AT 9:00 A.M. WITH THE FOLLOWING MEMBERS PRESENT: CHAIR BRAD WAGENKNECHT, SUPERVISORS DIANE DILLON, BILL DODD, HAROLD MOSKOWITE AND MARK LUCE. THE MEETING WAS CALLED TO ORDER BY CHAIR WAGENKNECHT.
2. Pledge of Allegiance.
ASSISTANT BEHAVIORAL HEALTH CARE MANAGER NANCY SCHULZ LED THE ASSEMBLY IN THE PLEDGE OF ALLEGIANCE.

Approval of Minutes

- 3A. Clerk of the Board requests approval of minutes of the meetings held on February 5, 2008 (Supervisor Dillon was excused)*.
**APPROVED MINUTES WITH ABSTENTIONS AS DECLARED ABOVE.
BD-HM-DD-ML-BW**
4. Presentations and Commendations.
NONE
5. Public Comment.
LOIS BATUELLO ADDRESSED THE BOARD OF SUPERVISORS REGARDING POTENTIAL TERRORIST THREATS.
6. Department Heads Reports and Announcements.
DIRECTOR OF ENVIRONMENTAL MANAGEMENT STEVE LEDERER ANNOUNCED THAT THE ENVIRONMENTAL MANAGEMENT DEPARTMENT RECEIVED AN EXCELLENT RATING FROM THE STATE OF CALIFORNIA FOR THEIR WORK WITH FARMWORKER HOUSING.

AGRICULTURAL COMMISSIONER/SEALER DAVE WHITMER REPORTED ON "A DAY AT THE FARM". THIS IS A PROGRAM FOR ELEMENTARY SCHOOL CHILDREN ON THE RAISING OF LIVESTOCK AND AGRICULTURAL COMMODITIES GROWN IN THE COUNTY OF NAPA.

Consent Calendar

- 7A. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 2 to Agreement No. 3534 with Mental Health Consumer Concerns, Inc., decreasing the amount by \$4,319 for a new maximum of \$101,271, revising the Scope of Work to discontinue the Self Help Program, and revising the contractor's budget to reflect only the provision of mental health patient rights advocacy services. **A-3534
(AMEND.2)**
- 7B. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4573 with Suzanne Seymour, dba Falcon Truck School, increasing the amount by \$11,400 for a new maximum of \$22,800 to provide training services to clients participating in the Training and Employment Center Program. **A-4573
(AMEND.1)**
- 7C. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Queen of the Valley Medical Center, Inc., for a maximum of \$10,000 for the term March 18, 2008 through June 30, 2008, with a provision for automatic annual renewal, to provide drug testing services for clients of the Child Welfare Services Division. **A-6976**
- 7D. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Lilliput Children's Services, Inc., for a maximum of \$157,560 for the term March 18, 2008 through June 30, 2008, with a provision for automatic annual renewal, to coordinate the Kinship Support Services Program (KSSP). **A-6977**
- 7E. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with SYA Group, Inc., for a maximum of \$32,242 for the term March 18, 2008, through September 30, 2008, to develop an Agency-wide continuity of operations and continuity of government plan for the continuation of essential Health and Human Services Agency operations in the event of a disaster. **A-6978**
- 7F. Agricultural Commissioner/Sealer of Weights and Measures requests approval of and authorization for the Chair to sign new revenue agreement with the California Department of Food and Agriculture (CDFA) for a maximum of \$51,786 for the term March 1, 2007 through June 30, 2007 for reimbursement of expenditures for activities related to Light Brown Apple Moth trapping program. **A-6979**
- 7G. Director of Public Works requests the following for the "650 Imperial Way ADA Compliant Automated Sliding Glass Doors Project":
1. Award of the contract for PW 07-45 to Pinguelo Construction Inc. of Fairfield, CA. for its low base bid of \$10,000 and authorization for the Chair to sign the Construction Contract; and,
 2. Approval of new plans and specifications for PW 07-45-A Phase II; 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.

7H. Director of Public Works requests approval of and authorization for the Chair to sign an agreement with Rauch Communication Consultants Inc., for a maximum of \$39,570 for the term March 18, 2008 through June 30, 2009 to provide public outreach assistance for the Milliken-Sarco-Tulocay Recycled Water Project. **A-6980**

ITEM PULLED FOR SEPARATE DISCUSSION.

7I. Auditor-Controller requests authorization for out of state travel for Pamela Kindig, Auditor-Controller, to attend the annual Government Finance Officers Association (GFOA) Conference in Fort Lauderdale, Florida from June 14, 2008 - June 18, 2008.

7J. County Executive Officer requests the following reappointments to the "Measure A" Financial Oversight Committee (FOC):

Applicant	Representing	Term Expiration
Robert Biale*	Agricultural Industry Representative	June 30, 2010
Michael Moffett*	Business Community Representative	June 30, 2010

*Incumbents

7K. Second reading and adoption of an ordinance amending Agreement No. 1464 with the Board of Administration of CalPERS to provide Fourth Level of 1959 Survivor Benefits for employees who receive safety retirement benefits. 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. **O-1302**

8. Discussion of Items Removed from the Consent Calendar.
SEE ITEM 7H.

**APPROVED CONSENT CALENDAR ITEMS 7A THROUGH 7K.
BD-DD-HM-ML-BW**

Set Matters or Public Hearings

9A. 9:00 A.M. - Recess to the Board of Equalization Meeting. (See BOE Agenda)
(SEE BOARD OF EQUALIZATION MEETING MINUTES)

9B. 9:30 A.M. - Recess to the Napa County Housing Authority (NCHA) meeting. (See NCHA Agenda)
(SEE NAPA COUNTY HOUSING AUTHORITY MEETING MINUTES)

9C. 9:45 A.M. Public Hearing.
Director of Conservation, Planning and Development requests adoption of a resolution regarding the proposed assessment for abatement costs for 1595/1597 Las Amigas Road (Assessor's Parcel Nos. 043-310-005/047-310-008) by allowing for one of the following actions:
1. Confirm the \$43,019.78 proposed assessment;
2. Deny the \$43,019.78 proposed assessment; or
3. Order such modifications and revisions of the proposed assessment as the Board deems appropriate.

**ITEM CONTINUED TO APRIL 22, 2008 AT 9:45 A.M.
HM-ML-BD-DD-BW**

9D. 10:00 A.M. Public Hearing.

County Executive Officer requests approval of a Certificate of Public Convenience or Necessity for Type 20 Retail Off-Sale Alcoholic Beverage License for Roney Concessionaire, LLC, as required by the State Department of Alcoholic Beverage Control for property located at 7856 St. Helena Highway, Oakville, California.

PUBLIC HEARING HELD - NO TESTIMONY PRESENTED

APPROVED REQUEST

BD-DD-HM-ML-BW

9E. 1:30 P.M. Public Hearing.

Director of Conservation, Development & Planning and Director of Community & Intergovernmental Affairs request that the Board of Supervisors receive the Planning Commission's March 5, 2008 recommendation, hold a public hearing regarding the 2008 General Plan Update, and either continue the public hearing to the Board's regular meeting of April 1, 2008 or consider adoption of a motion of intent to adopt two resolutions as follows:

1. A resolution certifying that the Final Environmental Impact Report (EIR) regarding the 2008 General Plan Update has been completed in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and local implementing guidelines, that the Board has reviewed and considered the information contained in the Final EIR, and that the Final EIR reflects the County's independent judgment and analysis; and,
2. A resolution rescinding all elements of the existing Napa County General Plan except for the Housing Element, and replacing them with the 2008 General Plan Update, consisting of the December 3, 2007 Public Review Draft together with the list of errata and text changes contained in exhibits to the resolution, adopting a mitigation monitoring program, and adopting CEQA findings, including findings of overriding considerations related to unavoidable significant impacts.

DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING HILARY GITELMAN AND DIRECTOR OF COMMUNITY AND INTERGOVERNMENTAL AFFAIRS HOWARD SIEGEL UPDATED THE BOARD REGARDING THE PROGRESS MADE ON THE GENERAL PLAN.

PUBLIC HEARING OPENED - TESTIMONY PRESENTED.

PUBLIC HEARING CONTINUED TO APRIL 8, 2008 AT 9:00 A.M.

9F. 10:15 A.M. - Recess to the Lake Berryessa Resort Improvement District (LBRID) Special Meeting (See LBRID Agenda). **(SEE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT MINUTES)**

Administrative Items

10A. County Fire Chief requests the following actions to provide regulations for fire protection and fire hazard abatement in the unincorporated areas of Napa County:

1. Second reading and adoption of an ordinance amending Chapter 8.36 of the County Code; and

10A. Continued.

ADOPTED ORDINANCE	ML-DD-BD-HM-BW	0-1303
	N	

2. Adoption of a resolution amending the Napa County Defensible Space Guidelines. ENVIRONMENTAL DETERMINATION: The project consists of the adoption of an ordinance changing enforcement mechanisms for gaining compliance with current standards and does not change any current fuel management standards. The proposed ordinance does not have the potential to result in a direct or indirect change to the environment, and therefore does not meet the definition of a “project” under the California Environmental Quality Act (CEQA) pursuant to Section 15378(a). Furthermore, fuel management activities presently authorized under the proposed and current ordinance are categorically exempt from the provisions of CEQA pursuant to Section 15304(i).

ADOPTED RESOLUTION	ML-DD-BD-HM-BW	R-08-45
	N	

10B. Director of Public Works requests:

1. Adoption of a resolution approving specific projects to be constructed utilizing the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Proposition 1B) revenue; and,

ADOPTED RESOLUTION	BD-ML-DD-MH-BW	R-08-46
---------------------------	-----------------------	----------------

2. Discussion regarding update of the financial condition of the Road Fund and the programs it supports.

DISCUSSION HELD

10C. Director of Public Works requests approval of and authorization for the Chair to sign the following agreements for the term beginning March 18, 2008 and ending at varying dates no later than December 31, 2017 (based upon requirements for entering into temporary construction easements with the County for project construction) at no cost, for participating landowners to provide approval for conducting environmental review and Right of Entry for final design of the Napa River Rutherford Reach Restoration Project (aka Rutherford Dust Society Restoration Project):

- | | |
|--|---------------|
| 1. Agreement with Angaston LLC | A-6981 |
| 2. Agreement with Cakebread Properties | A-6982 |
| 3. Agreement with Carpy-Conolly LLC | A-6983 |
| 4. Agreement with CJW Estate Vineyards LLC | A-6984 |
| 5. Agreement with Clarevale LLC | A-6985 |
| 6. Agreement with David J. Guggenhime | A-6986 |
| 7. Agreement with El Encino LLC | A-6987 |
| 8. Agreement with Emmolo Vineyards | A-6988 |
| 9. Agreement with Frogs Leap Winery | A-6989 |
| 10. Agreement with Robert L. Glos | A-6990 |
| 11. Agreement with Honig Vineyard and Winery Company | A-6991 |
| 12. Agreement with Erika M. Mee | A-6992 |
| 13. Agreement with Allan F. and Nancy L. Mueller | A-6993 |
| 14. Agreement with Nickel and Nickel LLC | A-6994 |
| 15. Agreement with Opus One Winery | A-6995 |

10C. Continued.

- 16. Agreement with Round Pond **A-6996**
- 17. Agreement with Rutherford Wine Studios LLC **A-6997**
- 18. Agreement with J. Charles Sawyer **A-6998**
- 19. Agreement with Skalli Corporation **A-6999**
- 20. Agreement with Star Vineyards **A-7000**
- 21. Agreement with Clarke W. Swanson, Jr. **A-7001**

APPROVED REQUEST BD-ML-DD-HM-BW

- 10D. County Executive Officer and Director of Conservation Development and Planning to discuss and seek possible direction regarding a response to the City of Napa’s request regarding the following:
- 1. Participate in a public planning process for three specific sites located in the unincorporated area but adjacent to the City; and,
 - 2. Discontinue processing the general plan amendment related to the Napa Pipe project.

**APPROVED STAFF RECOMMENDATIONS AS AMENDED.
BD-ML-DD-HM-BW**

Legislative Items

- 11A. Approval of and authorization for the Chair to sign a letter of support for SB 375 Sustainable Communities Strategies.

**APPROVED AUTHORIZATION WITH REVISIONS.
ML-DD-BD-HM-BW**

12. Board of Supervisors Committee Reports and Announcements.

SUPERVISORS DILLON AND WAGENKNECHT REPORTED THEIR ATTENDANCE AT A CONFERENCE IN YOSEMITE WHERE THE AHWAHNEE PRINCIPLES ON GLOBAL WARNING WERE ADDRESSED.

SUPERVISOR WAGENKNECHT REPORTED THAT HE MET WITH BARBARA NEMKO, SUPERINTENDENT OF THE NAPA COUNTY OFFICE OF EDUCATION AND JOHN GLAZER, SUPERINTENDENT OF THE NAPA VALLEY UNIFIED SCHOOL DISTRICT, REGARDING THE COLLABORATION BETWEEN THE SCHOOL DISTRICTS AND THE NAPA COUNTY PROBATION AND SHERIFF DEPARTMENTS.

SUPERVISOR WAGENKNECHT ALSO REPORTED ON THE WORKFORCE INVESTMENT BOARD’S (WIB) ANNUAL REPORT.

13. Board of Supervisors Future Agenda Items.

SUPERVISOR WAGENKNECHT REQUESTED A REPORT FROM STAFF SERVICES MANAGER BRUCE WILSON ON THE ACTIVITIES OF THE WORKFORCE INVESTMENT BOARD.

14. County Executive Officer Reports and Announcements.

NONE

15. Closed Session.
A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9: (One case)
CLOSED SESSION NOT HELD
16. Adjournment.
ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, APRIL 01, 2008 AT 9:00 A.M.

BRAD WAGENKNECHT, Chair

ATTEST:

GLADYS I. COIL, Clerk of the Board

KEY

Vote: DD = Diane Dillon; BD = Bill Dodd; HM = Harold Moskowitz;

BW = Brad Wagenknecht; ML = Mark Luce

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