

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

May 16, 2006

1. Call to Order; Roll Call.
THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, MAY 16, 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.
SUZANNE SHIFF, EXECUTIVE DIRECTOR OF NAPA COUNTY IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY, LED THE SALUTE TO THE FLAG.
3. Presentations and Commendations.
NONE
4. Public Comment.
NONE
5. Department Heads' Reports And Announcements.
HILLARY GITELMAN, DIRECTOR OF CONSERVATION, DEVELOPMENT AND PLANNING, AND PATRICK LOWE, DEPUTY PLANNING DIRECTOR, PRESENTED THE BOARD WITH RECOGNITION AWARDS FROM BOTH THE NATIONAL AND STATE ASSOCIATION OF ENVIRONMENTAL PROFESSIONALS RECOGNIZING AN OUTSTANDING BASELINE DATA REPORT FROM NAPA COUNTY.

JOHN TUTEUR, ASSESSOR-RECORDER-COUNTY CLERK-REGISTRAR OF VOTERS, REPORTED ON THE UPCOMING JUNE ELECTION. ABSENTEE BALLOTS WERE MAILED MAY 13, 2006. ANYONE WHO DID NOT RECEIVE THEIR MAILED BALLOT SHOULD CONTACT HIS OFFICE BY THE END OF THIS WEEK.

Consent Calendar

- 6A. County Fire Chief requests a waiver of competitive bidding requirements and sole source award for the purchase of one fire engine from Golden State Fire Apparatus/Pierce Manufacturing in Modesto, California, for a total of \$350,000 pursuant to County Ordinance Code 2.36.090.
- 6B. Director of Health and Human Services requests approval of and authorization for the Chair to sign renewals of the following revenue agreements with the City of Napa for the term July 1, 2006 through June 30, 2007 for the Family Self-sufficiency Program:
 1. Agreement No. 3668 for a maximum of \$91,807 for a Family Self-sufficiency Coordinator; and **A-3668**
 2. Agreement No. 4907 for a maximum of \$77,357 for a Family Self-sufficiency Counselor. **A-4907**
- 6C. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of Agreement No. 6401 with the Boys & Girls Club of Napa Valley, Inc., for a

6C. Continued.

maximum of \$36,000 for the term July 1, 2006 through June 30, 2007 for coordination of Friday Night Live, a substance abuse prevention program for middle and high school students.

A-6401

6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4668 with COPE Family Center, decreasing the amount by \$6,189 for a new maximum of \$13,759 for Fiscal Year 2006-2007 and revising the Scope of Work to include performance measures in the contractor's agreement to provide home visitation services to CalWORKs families.

A-4668

(AMEND. 3)

6E. Director of Health and Human Services requests the following in relation to the purchase of kitchen equipment for the South Napa Shelter:

1. Establishment of fixed assets in an amount not to exceed \$33,000; and

2. Waiver of competitive bidding requirements and sole source award to East Bay Restaurant Supply, Oakland, California, for a flash chiller and a re-thermalization oven pursuant to County Ordinance Code 2.36.090. (4/5 vote required)

6F. Director of Health and Human Services requests adoption of a resolution approving the Substance Abuse and Crime Prevention Act of 2000 County Plan and Funding Request for Fiscal Year 2006-2007.

R-06-97

6G. Director of Public Works requests approval of and authorization for the Chair to sign a Space License Agreement with the City of Calistoga for the Health and Human Services Women, Infant and Children (WIC) federally funded nutritional program, for the term May 16, 2006 through November 16, 2006 at no cost to the County.

A-6624

6H. Director of Public Works requests approval of and authorization for the Chair to sign a Communications Site License Agreement and a Memorandum of License Agreement with MetroPCS California/Florida, LLC., for a maximum revenue of \$16,800 to the Napa County Fair Association for the term May 16, 2006 through June 30, 2007, with automatic renewal, for MetroPCS' nonexclusive use of a portion of the Calistoga Fairgrounds, to construct and operate a wireless communications site.

A-6625

A-6625-1

6I. Director of Public Works requests approval of and authorization for the Chair to sign a Federal Apportionment Exchange Program and State Match Program Agreement with the State of California Department of Transportation (State Agreement No. X06-5921(038)) for Fiscal Year 2005-2006 to receive \$337,648 into the County Road Fund.

A-6626

6J. Assessor-Recorder-County Clerk requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4645-4 with the County of Calaveras extending the term through September 30, 2006 for a share of the cost of the Megabyte Systems Agreement for the provision of a base year tracking enhancement for the MPTS 2000 Property Tax System approved by the Board on December 11, 2001.

A-4645-4

(AMEND. 1)

- 6K. Clerk of the Board and County Counsel request the Board acknowledge the request of the Napa Valley Community College District's Bond Counsel, Stradling, Yocca, Carlson & Rauth, to not authorize the issuance of a tax and revenue anticipation note, thereby allowing the community college district to issue the note in its name, and authorize the Clerk of the Board to sign and return the acknowledgement to the District's Bond Counsel.
- 6L. County Counsel and the Assessor-Recorder-County Clerk request approval of and authorization for the Chair to sign an agreement with McDonough, Holland & Allen for a maximum amount of \$30,000 for the term May 16, 2006 through June 30, 2007 for legal services in connection with collection of documentary transfer tax from nonpaying entities in the County. **A-6627**
- 6. Discussion of Items Removed from the Consent Calendar.

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

Set Matters or Public Hearings

- 8A. 9:30 a.m. Recess to the Board of Equalization Meeting.
(SEE BOARD OF EQUALIZATION MINUTES)
- 8B. 10:30 a.m. Public Hearing
Consideration and possible action regarding an appeal filed by attorney James Rose on behalf of Lucia Abreu Vineyard, Howell Mountain, LLC of a decision by the Conservation, Development and Planning Commission on December 7, 2005, to approve Marc and Janice Mondavi's Rocky Ridge Winery Use Permit Application No. 05-0056-UP to: (1) construct a new 35,000 gallon per year winery and associated improvements including a new, two story 17,130 sq. ft. winery production facility (crushing, fermentation, barrel aging and storage, bottling, case good storage, administrative offices and laboratory); a cave; outdoor crush and grape delivery pad; five employees; parking; tours and tasting by appointment; retail wine sales by appointment; a marketing plan; and an on-site wastewater system; and (2) allow an exception to the County's Conservation Regulations (Section 18.108.027 (B)) to allow retention of less than the minimum of 60% tree canopy and 40% brush/grass cover existing on the parcel as it was configured on June 16, 1993, on a 20.65 acre parcel on the north side of Las Posadas Road, approximately 1/2 miles west of its intersection with Cold Springs Road and located at 383 Las Posadas Road, Angwin, APN 024-300-065. The project is located within an Agricultural Watershed: Airport Compatibility Overlay (AW:AC) zoning district and is designated in the General Plan as Agriculture, Watershed and Open Space (AWOS).
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 impacts in the following areas: noise and transportation. (CONTINUED FROM MARCH 14 AND APRIL 18, 2006)

PUBLIC HEARING HELD – TESTIMONY PRESENTED

**THE BOARD DECLARED INTENT TO DENY THE APPEAL AND CONTINUED THE
MATTER FOR FINDINGS TO JUNE 13, 2006 AT 10:00 A.M.**

HM-BW-ML-DD-BD

N N

Administrative Items

- 9A. First reading and intention to adopt an ordinance amending Section 2.58.160 of the Napa County Code Relating to the Continuance of the In-Home Supportive Services Public Authority of Napa 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.

TITLE READ

THE BOARD WAIVED READING THE BALANCE OF THE ORDINANCE.

ML-DD-HM-BW-BD

THE BOARD DECLARED INTENT TO ADOPT THE ORDINANCE.

ML-DD-HM-BW-BD

Legislative Items

10. Discussion and possible action concerning any and all issues related to Regional Housing Needs Allocations. (Unanimous vote of the Board members present required)

NONE

11. Board of Supervisors' Committee Reports and Announcements.

SUPERVISOR DILLON REPORTED ON HER ATTENDANCE AT A MEETING OF THE WESTERN INTERSTATE REGION OF THE NATIONAL ASSOCIATION OF COUNTIES (NACO) HELD IN SACRAMENTO LAST WEEK. SHE WAS A PANELIST ON A DISCUSSION OF HOUSING ISSUES.

SUPERVISOR WAGENKNECHT ADVISED THAT THE MONTH OF MAY IS "WATERSHED CELEBRATION MONTH." HE REPORTED THAT AT A MEETING HE RECENTLY ATTENDED, EXPERTS ON FISH COMMENTED THAT THE NAPA RIVER WATERSHED IS THE MOST IMPORTANT WATERSHED FOR STEELHEAD AND SALMON IN THE BAY AREA. FURTHER, THAT NAPA COUNTY IS THE BEST HOPE IN THE BAY AREA FOR FULL RESTORATION OF THESE RESOURCES.

SUPERVISOR WAGENKNECHT ALSO ATTENDED A MEETING AT THE CARNEROS SCHOOL WHERE ED WEBER, COUNTY DIRECTOR OF U.C. COOPERATIVE EXTENSION, GAVE A PRESENTATION ON THE VIABILITY OF RECLAIMED WATER FOR VINEYARD IRRIGATION.

SUPERVISOR MOSKOWITE ATTENDED A SIMILAR MEETING HELD AT SILVERADO MIDDLE SCHOOL.

SUPERVISOR LUCE REPORTED ON HIS ATTENDANCE AT A MEETING OF THE NAPA VALLEY ECONOMIC DEVELOPMENT CORPORATION (NVEDC) HELD AT NAPA VALLEY COLLEGE YESTERDAY. IT WAS AN OPPORTUNITY TO BRAINSTORM AS TO WHAT IT IS THAT MAKES NAPA VALLEY UNIQUE. THIS IS JUST A FIRST OF A NUMBER OF FORUMS THAT WILL BE HELD DISCUSSING THIS TOPIC.

SUPERVISOR DODD REPORTED ON HIS ATTENDANCE ALONG WITH SUPERVISOR LUCE, AT THE FOSTER PARENTS APPRECIATION DINNER.

HE ALSO BRIEFED THE BOARD ON A FLOOD CONTROL ISSUE THAT WILL BE COMING UP ON NEXT WEEK'S BOARD AGENDA. THE "IN HARMS WAY" GROUP APPEARED TUESDAY EVENING AT THE NAPA CITY COUNCIL MEETING REQUESTING TO REPRIORITIZE THE NAPA CREEK PROJECT AND RESEQUENCE IT AHEAD OF THE BYPASS PROJECT. SUPERVISOR DODD STATED THAT IT IS CLEAR THAT THE RESIDENTS OF NAPA CREEK SUFFERED MORE THAN THOSE LOCATED NEAR THE BYPASS DURING THE DECEMBER FLOODS. HOWEVER, HE CAUTIONED THAT IT WILL TAKE A GREAT DEAL OF PREPARATION AND UNDERSTANDING OF THE TECHNICAL ASPECTS OF THE FLOOD PROJECT BEFORE A DECISION CAN BE MADE TO REPRIORITIZE PROJECTS.

12. Board of Supervisors' Future Agenda Items.

SUPERVISOR WAGENKNECHT REQUESTED A DISCUSSION OF RECYCLED WATER ISSUES AND ASSESSMENT DISTRICTS, AND THE POSSIBILITY OF THE CARNEROS DISTRICT BEING INCLUDED IN THIS ISSUE CURRENTLY BEING REVIEWED BY FELIX RIESENBERG.

13. County Executive Officer Reports and Announcements.

NONE

14. Closed Session

A. PUBLIC EMPLOYEE APPOINTMENT/ONGOING RECRUITMENT OF THE FOLLOWING POSITIONS (Government Code Section 54957):

Director of Environmental Management

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

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8) Property: 2030 Airport Road, Napa County

Agency Negotiator: Robert Peterson, Director of Public Works and Wanda Kennedy, Airport Manager

Negotiating Parties: Commemorative Air Force Under Negotiation: Terms of lease

CLOSED SESSION HELD – NO REPORTABLE ACTION

14. Continued.

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code

Section 54956.8) Property: Assessor's Parcel Nos. 057-210-029 and 057-210-059

Agency Negotiator: Robert Peterson, Director of Public Works and Wanda Kennedy,

Airport Manager Negotiating Parties: HCV Montalcino Investors, LLC Under

Negotiation: Terms of sale of development rights

CLOSED SESSION HELD – NO REPORTABLE ACTION

Adjournment

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY,
MAY 23, 2006 AT 9:00 A.M.**

HAROLD MOSKOWITE, Chairperson

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