

Harold Kelly Director Ward One Tony Norris
Director Ward Two

Guy Kay Director Ward Three Dave Finigan
Director Ward Four

Myrna Abramowicz

Director Ward Five

AGENDA

BOARD OF DIRECTORS SPECIAL MEETING

Monday June 8, 2009 2:00 P.M. 1195 Third Street, Third Floor, Napa, CA 94559

GENERAL INFORMATION

Agenda items will generally be considered in the order indicated below, except for Set Matters, which will be considered at the time indicated. Agenda items may from time to time be taken out of order at the discretion of the President.

The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the District Secretary. Requests for disability related modifications or accommodations, aids, or services may be made to the Secretary's office no less than than 48 hours prior to the meeting date by contacting (707) 259-8603.

Any member of the audience desiring to address the District on a matter on the Agenda, please proceed to the rostrum and, after receiving recognition from the President, give your name, address, and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit you comments to the specific subject under discussion. Time limitations shall be at the discretion of the President.

State law requires agency officers (Directors and Officers) to disclose, and then be disqualified from participation in, any proceeding involving a license, permit, or other entitlement for use, if the officer has received from any participant in the proceeding an amount exceeding \$250 within the prior 12 month period. State law also requires any participant in a proceeding to disclose on the record any such contributions to an agency officer.

All materials relating to an agenda item for an open session of a regular meeting of the Board of Supervisors which are provided to a majority or all of the members of the Board by Board members, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, on and after at the time of such distribution, in the Conservation, Development and Planning Department Office at 1195 Third Street, Suite 210, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.15, 6254.15, 6254.16, or 6254.22.

1. Call to Order and Roll Call

2. Public Comment

In this time period, anyone may address the Board of Directors regarding any subject over which the Board has jurisdiction but which is not on today's posted agenda. In order to provide all interested parties an opportunity to speak, time limitations shall be at the discretion of the President. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

3. Set Matters

None

4. Administrative Items

- A. Consideration of and potential approval of Minutes of Board of Directors meeting of May 11, 2009.
- B. Consideration of and potential approval of grant agreement with Raja Development Corporation to fund one-half of the costs of a property survey and fence construction for the common boundary between the District's Moore Creek property and property owned by Raja Development Corporation.
- C. Update on planning and projects related to Moore Creek (oral report)
- D. Receipt of report on expenditures, encumbrances and donations approved by the General Manager.
- E. Update on State legislation of interest to the District (oral report)
 - i. AB 979 (Berryhill)
 - ii. AB 608 (Evans)
 - iii. SB 211 (Simitian)
- F. Review of the District Projects Status Report.

5. Announcements by Board and Staff

In this time period, members of the Board of Directors and staff will announce meetings, events and other matters of interest. No action will be taken by the Board on any announcements.

6. Agenda Planning

In this time period, members of the Board of Directors and staff will discuss matters for possible consideration at future meetings. No action will be taken by the Board other than whether and when to agendize such matters, unless specifically noted otherwise.

A. August 4, 2009 Presentation to County Board of Supervisors regarding the District Master Plan 2008-2013

7. Adjournment

Note:

Due to a family emergency, the District Secretary has been unable to complete the Board minutes for the May meeting.

Therefore, approval of the minutes should be deferred until the July Board meeting.



STAFF REPORT

Date: June 8, 2009

Agenda Item: 4.B

Subject: Consideration of and potential approval of grant agreement with Raja Development

Corporation to fund one-half of the costs of a property survey and fence construction for the common boundary between the District's Moore Creek property and property

owned by Raja Development Corporation.

Recommendation

Authorize the General Manager to sign a grant agreement with Raja Development Corporation to fund one-half of the costs of a property survey and fence along the common boundary between District and Corporation lands.

Background

When Raja Development Corporation purchased lands from the prior owners of what is now the District's Moore Creek property, it entered into an agreement with the prior owners allowing unrestricted grazing of the property by Raja or its agents for 8 months of each year, until such time as the owners of the property (now the District) requested a boundary survey and fencing along the common property line. Pursuant to the agreement, the cost of the survey and fencing would be shared equally between the two parties.

The boundary survey and fencing needs to be completed for two reasons: (1) while the District will likely want to continue some level of grazing for fire and habitat management purposes, the District needs to be able to control the timing and intensity of grazing in order to protect habitat and control erosion, which it cannot do unless the fence is installed, and (2) the boundary fence will be necessary before the District's property is opened to public use in order to control potential trespass problems.

Raja Development Corporation desires to be the lead on the project, which means the District needs to have an agreement with Raja that specifies how the District's share of the cost will be granted to Raja upon completion of the work. A draft agreement has been prepared which staff believes is close to being signed by Raja, though this has not yet occurred. Time is of the essence in getting the agreement signed, in the hopes that the fencing can be installed prior to the next grazing cycle. Therefore, staff is requesting authorization to enter into the agreement as soon as it is signed by Raja. If there are any substantive changes or new issues arise, staff will defer signing the agreement and return to the Board at a future meeting for direction.

The exhibits to the agreement are attached; to save paper, the body of the agreement, which is basically boilerplate, has not been attached, but is available upon request.

EXHIBIT A

SCOPE OF WORK

GRANTEE shall provide DISTRICT with the following scope of services:

Surveying

The common property line separating DISTRICT and GRANTEE's respective properties shall be surveyed by a licensed surveyor through the use of a Global Positioning System. Monuments shall be set at key locations as needed and the results of the survey properly recorded. DISTRICT shall approve the survey in writing prior to GRANTEE's recordation thereof, and commencement of the installation of fencing.

Fencing

Barbed wire fencing shall be installed on GRANTEE's side of the property line dividing GRANTEE and DISTRICT's property, as indicated on the attached map.

- 1. Wire
 - a. Type: barbed wire, zinc coated, 13 gage or better, minimum breaking strength of 590 lbs.
 - b. Spacing: 4- strand, spacing from ground: 14 inches, 10 inches, 10 inches, 10 inches
 - c. All wire to be stretched tight.
 - d. Splices to be western union splices, wrapped a minimum of five times around the other wire.

Line Posts:

- a. Standard "Tee" or "U" section galvanized steel posts, weighing not less than 1.29 lbs per foot of length, exclusive of anchor plate.
- b. Posts to be studded, embossed or punched for the attachment of wire to the posts.
- c. Wire to be attached to the posts by wrapping 16 gage galvanized wire or with clips of equal or better strength.
- d. Post to be 6 foot length, set minimum of 2 feet into the ground. There should be less than 1 inch of horizontal movement at the top of the post when a horizontal force of 80 lbs is applied.
- e. 12 foot maximum post interval (6 foot maximum for final interval at corners and gates)
- f. Approximately every 100 feet the fence post shall be set in concrete.
- 3. Corner, Gate and Brace Posts
 - a. Corner and gate posts to be Galvanized steel posts, 3 inch diameter pipe, located at all corners and gates
 - b. Corner and gate posts to be set in concrete.

c. Bracing required at all corners, gates and at all definite angles in line fence. Top brace of 2 inch diameter pipe or angle iron, installed not less than 3 feet above ground line and no higher than top wire. A tension member composed to two complete loops of 12 ½ gauge double stranded barbed or smooth wire, shall extend from a point approximately six inches below the top of the brace post to ground level of the post being braced. The brace wire shall be twisted to secure the brace and provide needed rigidity.

<u>Gates</u>

Two gates of mutual benefit to DISTRICT and GRANTEE to be installed, at locations indicated on attached map, and verified in the field by both parties. Gates to be standard utility grade, made of galvanized pipe, and have a clearance between posts of 12 feet.

Signage

- (1) DISTRICT may install "Park Boundary—Do not cross" and other signs on gates and the fence, at DISTRICT's sole expense.
- (2) GRANTEE may install "No Trespassing" and other signs on gates and the fence, at GRANTEE's sole expense.

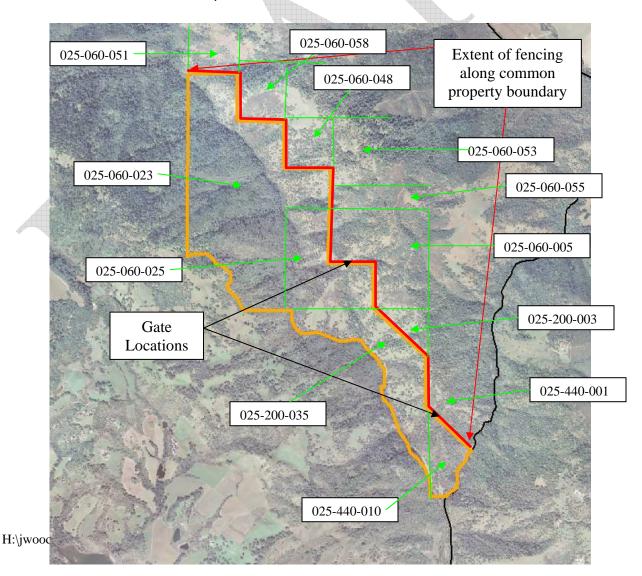


EXHIBIT B

COMPENSATION AND EXPENSE REIMBURSEMENT

DISTRICT shall pay GRANTEE for the PROJECT the sums indicated below.

I. Surveying

GRANTEE shall pay Larry D. Coughran, Land Surveyor, the lowest responsible bidder solicited by GRANTEE, as called for under the terms of the proposal attached as Exhibit C. GRANTEE shall invoice DISTRICT for one-half of such payments as the payments are made using an itemized billing invoice in a form acceptable to the DISTRICT Auditor which indicates, at a minimum, GRANTEE's Social Security or Taxpayer Identification Number, and a description of the task completed, the person(s) and subcontractor(s) actually performing the services, and the cost of each task. Upon receipt of the invoice, DISTRICT shall have 15 calendar days (all further references to "days" shall mean calendar days) to inspect the survey and determine whether the work has been completed as specified in Exhibit C. If the DISTRICT determines the work does not satisfy the specification as found in Exhibit C, it shall provide GRANTEE with a written explanation of the deficiencies, and DISTRICT shall not be obligated to release its grant payment until the deficiencies are corrected. When the work has been approved DISTRICT shall pay the invoice within 10 days.

II. Fencing

GRANTEE shall first obtain three bids from independent licensed contractors specializing in fence construction, including work schedule, materials schedule, billing schedule and profit schedule. Grantee shall then provide copies of the bids to DISTRICT for its review. Prior to subcontracting the work, GRANTEE must obtain prior written authorization from DISTRICT to commence the work. The maximum grant payment from DISTRICT to GRANTEE for the fence-related work shall be equal to one-half of the lowest responsible bid.

GRANTEE shall bill DISTRICT for exactly one half the expenses it has been billed by the subcontractor. DISTRICT shall have 15 days to inspect the work and determine whether the work has been completed as specified in Exhibit A. If the DISTRICT determines the work does not satisfy the specifications found in Exhibit A, it shall provide GRANTEE with a written explanation of the deficiencies and a punch-list of those items which the District determines, in its sole discretion, do not comply with the specifications found in Exhibit A. DISTRICT shall not be obligated to release its grant payment until the deficiencies are corrected. When the work has been approved, DISTRICT shall pay the statement within 10 days.

No subcontract shall be awarded by GRANTEE without the prior written approval of DISTRICT. DISTRICT shall be deemed to have granted written approval if DISTRICT does not respond in writing within 15 days after receiving request by GRANTEE.



STAFF REPORT

Date: June 8, 2009

Agenda Item: 4.d.

Subject: Receipt of report on expenditures, encumbrances, donations and grants approved by

the General Manager

Recommendation

Receive the report.

Background

Section III.A (7) authorizes the General Manager to bind the district for supplies, materials, labor and other valuable consideration, in accordance with board policy and the adopted District budget, up to \$10,000 for non-construction purposes and up to \$25,000 for construction purposes, provided that all such expenditures are subsequently reported to the Board of Directors. Section III.A(8) of the By-Laws authorizes the General Manager to apply for grants and receive donations, subject to reporting such actions to the Board of Directors.

Pursuant to this authorization, the following information is provided to the Board.

Date	Purpose	Recipient	Amount
5/6/2009	Miscellaneous Moore Creek expenses reimbursement	John Woodbury	\$46.40
5/6/2009	Miscellaneous office expenses reimbursement	John Woodbury	\$84.84
5/12/2009	Moore Creek expenses reimbursement	CJ Yip and Associates	\$740.40
5/6/2009	Meeting Room Expense	Pope Valley Farm Center	\$200.00
5/11/2009	Travel reimbursement	John Woodbury	\$72.05
5/6/2009	Travel reimbursement	John Woodbury	\$55.00

Plan of Projects

Status Report for June 8, 2009

Status Report for June 8, 2009			
Name of Project	<u>Description</u>	Status	
Bay/River Trail An	nerican Canyon to Napa An 8+ mile recreational trail between the cities of American Canyon and Napa generally following the Napa River and interior levees of associated wetlands.	Feasibility study completed. Environmental review has been completed, and a Use Permit obtained, for the first phase of the project (American Canyon to Green Island Road. The District has been awarded a \$1,032,300 grant from the California River Parkway Grant Program; this grant was frozen in December 2008 pending resolution of the State budget crisis, and remains frozen despite announcement to the contrary by the Governor in April. The City of American Canyon, the Waste Management Authority and the District are close to agreement on terms for a spur trail around the closed American Canyon landfill. The County Board of Supervisors has approved \$50,000 for planning for the next phase of the trail. The District has prepared a draft MOU with DFG for the phase one trail, which is now under review by DFG. BCDC has indicated DFG is still required to have a public trail north of Green Island Road despite problems with the planned alignment.Questa Engineering has been hired to prepare the PUC permit application for a public crossing of the SMART tracks.	
Berryessa Estates	Acquire 160 acres next to Berryessa Estates from BLM at no fee through their Recreation and Public Purpose Act procedure. Would serve as a wilderness park for local residentseventually be the northern trailhead for a trail between Berryess Estates and Pope Canyon.	CDF and the Pope Valley Volunteer Fire Department have added a proposal to construct a fire substation on a corner of the property. CDF has indicated its crews will most likely be available to clear brush for a combined firebreak and trail. A community meeting with about two dozen attendees was held March 10, 2009 at the Pope Valley Farm Center to get input from and determine level of support in the community. The draft R&PP application to BLM has been submitted. The District has completed the donation to the District of a small, 0.2 acre property that provides critical access to the northeast corner of the property.	
Berryessa Vista	Planning and stewardship of this 224 acre wilderness park.	Volunteers working with the District have completed detail GIS mapping showing all existing roads, creek crossings, vista points and potential campsites. Continuing damage by off-road vehicles trespassing on the property was noted. A letter introducing the District and the park adjacent and nearby landowners is in preparation, and planning for signage and gate(s) is underway.	
Blue Ridge/Berryess	s Peak Trail Obtain right of way and construct trail to provide public access to extensive federal lands on Blue Ridge and to Berryessa Peak	Obtained donated trail easement from the Ahmann family to close gaps between existing public lands on Blue Ridge. Undertook a reconnaissance of the trail route in December 2008. Based on this reconaissance, a revised easement description has been drafted, approved by the landowner and recorded. Botanical surveys needed for CEQA review are currently underway.	
Camp Berryessa	Redevelopment of former Boy Scout Camp into a	MOU with Bureau of Reclamation has been approved by BOR and by the District granting District an 18 month period to develop a plan for the camp. Due to delays caused by BOR's need to conduct a cultural survey for the site. BOR is now preparing an extension of the MOU (which otherwise expires in	

group/environmental education camp.

District Non-profit Foundation

Organize a non-profit foundation to raise funds for District projects

ed to conduct a cultural survey for the site, BOR is now preparing an extension of the MOU (which otherwise expires in June 2009). Questa Engineering has begun the market analysis and prepared . BOR has completed its cultural survey, and Questa has finished soil testing field work. BOR plans to operate primitive camping at the site this summer due to the temporary closure of up to four of the other resorts at the lake have been dropped.

The District Board has approved the goals, objectives and basic structure for a non-profit foundation to assist the District with fundraising. Staff is now working with the Board to contact potential future members of the foundation governing board.

Lake Hennessey North Shore Trails

Would open up several miles of existing dirt access road, and construct approximately 1 mile of new single track trail, into a loop trail system on the north side of Lake Hennessey, and connecting to the planned Moore Creek Open Space Park trail system.

This project is being combined with the Milliken Ridge Trail project for purposes of seeking City of Napa approvals to construct and operate trails on their property. The District is still waiting for City staff to schedule a presentation to the Napa City Council to get Council direction.

Milliken Reservoir Trails and Picnic Area

Would construct approximately 3 miles of Bay Area Ridge Trail plus addional feeder and loop trails, along with a staging and picnic area

The feasibility study has been completed, and accepted by the Board of Directors. After review by City of Napa staff, the proposal has been modified, and the District is now waiting for City staff to schedule a presentation to the Napa City Council to get Council direction. . Staff is continuing to meet with property owners to the north of the Milliken property to discuss potential extensions of the trail to the north and northwest.

Moore Creek Open Space Park Development

the District adacent to City of Napa watershed lands at Lake Hennessey to protect habitat, provide recreational trails, and overnight camping facilities.

Development of open space park on 673 acres acquired by Escrow closed on December 24, 2008. An initial planning charette with community experts was held February 28 and 41 people attended. Improvements to the rental house and main ranch house on the property are in process. A joint V-O-CAL volunteer weekend took place May 15-17; over 90 volunteers rerouted most of a section of the existing road/trail to remove it from the streambed. ____V-O-CAL held a two day crew leader training session at the ranch house in March with about 20 volunteers. The County Road Crew has provided some excess gravelly soil to fill a low spots in the existing access road, and will do more in the future.

Napa River Ecological Reserve Restoration

Remove invasive plants and restore native vegetaion in the entryway meadow, replace damaged signage and information panels, restorate the interior trail and interpretive elements, and if feasible install a seasonal bridge.

The Coastal Conservancy has approved a \$100,000 grant for restoration, environmental education and signage; this grant was frozen in December 2008 due to the State budget crisis, and despite a Governor's announcement to the contrary continues to be frozen. CEQA review is complete, and the grant contract has been signed and the District's partners on the project have met to review approaches and roles. The District is continuing to work with the RCD on contract documents. One of the District's proposed partners, Acorn Soupe, closed its doors due to financial difficulties; the Center for Land-Based Learning is now planned to work with the RCD to provide the student environmental education responsibilities which Acorn Soupe had been slated to provide. Audubon has obtained a small grant which will help the District work with volunteers to do some invasive plant removal on the northeast side of the river.

Newell Preserve Improvements

Provide on-site water supply for group campground and so cattle can be restricted from access to riparian areas.

As part of the arrangement with the land trust on the District's purchase of Berryessa Vista, the land trust is willing to use some of the proceeds from the transaction to fund a well pump and distribution system at the Preserve. However, the first well drilled by the City of American Canyon came up dry. The City has dropped plans for digging any more test wells. Instead, another attempt to extend a city water line to the property is being considered.

Oat Hill Mine Trail

Grand opening to the Oat Hill Mine Trail with weekend of signage installation, brush removal and erosion control

A major volunteer work party weekend took place May 16-18, 2008, and the trail was then formally opened. A second group of 18 volunteers in November 2008 spent a day doing additional erosion control work. The judge hearing the legal challenge to the trail in December 2008 denied the substance of all of the issues raised by the plaintiff; the County is now waiting to see whether the plaintiff will drop the challenge or appeal the ruling. The plaintiff in late April 2009 selected new legal counsel to represent him; this is now the third legal counsel he has used on this case.

Rector Ridge/Stags Leap Ridge Trail

Construction of staging area and 6+ miles of Ridge Trail climbing east from Silverado Trail near Rector Creek.

CEQA on this project was completed several years ago--though minor updating will be required due to the passage of time. The project concept has been approved by the District Board, and is being positively viewed by the Veterans Home administration. District staff with assistance from the Ridge Trail Council has completed a draft agreement which is now being considered by the Veterans Home staff.

River to Ridge Trail

Lot line adjustment to legalize River to Ridge Trail as constructed (it curently encroaches on private property in two locations), and improvements to the Highway 221 entrance to the trail

Lot line adjustment approved by Syar Properties. However, the California Department of General Services decided it cannot do a lot line adjustment without legislative authorization; County-sponsored legislation carried by Assemblymember Evans to grant the necessary authority has passed the Assembly and is now in the Senate. The new information kiosk installed at the entrance in December 2008 as part of a Boy Scout project leaked during the past rains, and needs to be repaired. A volunteer team to do tree pruning and brush clearance is now being assembled.

Skyline Park Protection

Permanent Protection for Skyline Park

Three past legislative efforts to authorize sale to the County failed due to unrelated disagreements between the state legislature and administration. The County is monitoring the situation in Sacramento to see if it makes sense to try again for such authorization. Separately, the County is pursuing development of a park overlay zone to protect public lands such as Skyline Park. New language has been included in the new draft General Plan to allow development of a park overlay zone. Staff is now preparing an amendment to the Zoning Ordinance to accomplish this. Chandler and Chandler was retained in November 2008 to assist with the preparation of a Master Plan for the park; that work is now underway. The draft Master Plan and zoning amendment will be brought to the District Board for review and comment at its <u>July</u> 2009 meeting.

Skyline Park Improvements

Partner-sponsored improvement include a second greenhouse and a covered equestrian arena.

The proposals for a second greenhouse and a covered arena improvements were approved by the Department of General Services and by the County Board of Supervisors. The sponsors of these projects are now raising funds for implementation.

South Napa Wetlands Habitat Area

Transfer to the District those wetlands owned by the Napa County flood control district between the Napa River, Highway 29 and Newport Drive for use as habitat and nature-based recreation Transfer approved in concept by the flood control district. Staff led a tour of the property on May 22, 2008 in conjunction with the Napa County Watershed Symposium to discuss options and constraints at the site related to public use and environmental education. The District sponsored a workshop with high school science teachers in October to discuss ways to use the site for educational purposes. Park District staff has prepared the first draft of a transfer agreement, which is now under review by the flood district. Flood District and Park District staff met with the President of the Yacht Club in early May to discuss access issues and future possible uses for the property.

Vallejo Lakes

Possible purchase of 1100 acres of surplus Vallejo Water District lands, of which 200 acres are located in Napa County Staff-level discussions between the District, the Land Trust of Napa County, the County of Solano and the Solano Land Trust indicate a common desire to work together to purchase this property adjacent to Skyline Park. The City Council of the City of Vallejo has officially authorized staff to pursue surplusing of the property. District staff and our partners are continuing to research issues related to the property, including potential public access locations, potential trail alignments, and easements and other encumbrances which affect the property. The State Coastal Conservancy has indicated an interest in assisting with the funding necessary to purchase the property. We are now waiting for the City to complete title research for the property so that an appraisal can be prepared. The surplusing process has slowed down due to new discussions between the City and residents of Green Valley over overall water supply arrangements.

Vine Trail

A Class I bicycle/pedestrian path extending from Calistoga to the Vallejo Ferry Terminal

The District has entered into an MOU with the Vine Trail Coalition to provide assistance as requested by the Coalition in receiving funds, preparing plans and environmental documents, constructing and operating the trail. The District on May 1st submitted a request to Congressman Thompson to include the Vine Trail as an authorized project within the next federal surface transportation program.

Wild Lake Ranch

Possible joint management of trails, camping and picnic areas through agreement between the Land Trust, the District and State Parks

The District is participating in the development of a strategic plan for the property, together with other public lands in the area, that is being led by the Land Trust of Napa County. The advisory committee has met once, and completed a field trip to inspect the property. The planning process was put on hold due to the freeze in state bond funded grant; this plus staff layoffs at the land trust in June make it unclear when the planning process will restart.

Completed Projects

Berryessa Vista Acquisition

Purchase of 224 acres from the Land Trust of Napa County for use as a public park completed in early 2008 using State Prop 12 funds.

Connolly Ranch

Construction of patio, restrooms and cooking facilities completed in 2008 using State Prop 12 funds.

Linda Falls

Conservation easement accepted in spring 2008 from Land Trust of Napa County to provide additional protection for this 39 acre property, which is owned by the

Master Plan Development

The Master Plan for 2008-2013 was approved in January 2009

Moore Creek Open Space Park

Acquisition of 673 acres in the Moore Creek Watershed completed in December 2008. Trail reroute to remove two stream crossings mostly completed in May

Napa River Ecological Reserve

Parking area paved, and rock barrier installed to control vehicular access in 2007. Trash enclosure constructed and entry signs restored by volunteers in 2008. Deteriorated kiosk removed in 2008. The District in July 2008 assumed the County's role in managing the preserve under the joint management agreement with DFG. A new maintenance contract with the non-profit organization Options 3 was started in January 2009. The old deteriorated information kiosk, which had become a serious eyesore, was removed in November 2008.

Napa River Flood Control Easement

Conservation easement accepted by District in 2007 to facilitate Flood District project and grant funding

River to Ridge Trail Enhancements

Installation of animal silouettes along the entryway fence illustrating the types of birds and mammals that can be found in the area completed by Eagle Scout candidate in 2008. In November 2008 five Valley Oak trees were planted at the Highway 221 entrance to the trail with the assistance of a volunteer from CNPS.

Skyline Park Improvements Phase I

Erosion control work on Lake Marie Road, and paving of campground loop road, completed in 2007 using State Prop 12 funds.