

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

May 8, 2007

1. Call of Order; Roll Call.  
**THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA MET IN REGULAR SESSION ON TUESDAY, MAY 8, 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 9:03 A.M.**
2. Pledge of Allegiance.  
**HERBERT FORD OF ANGWIN LED THE SALUTE TO THE FLAG.**
3. Presentation of a proclamation declaring May 12, 2007 as National Association of Letter Carriers Food Drive Day. (Supervisor Moskowitz)  
**PRESENTATION MADE**
4. Public Comment.  
**PETER DRIER, RETIRED CITY OF NAPA HOUSING DIRECTOR, COMMENTED ON COUNTY ZONING ORDINANCE ISSUES RELATING TO FARMWORKER HOUSING AND REQUESTED THAT THE BOARD CONDUCT AN INDEPENDENT INVESTIGATION INTO THE POSSIBLE DELIBERATE LACK OF ENFORCEMENT OF THE ORDINANCE.**
5. Department Heads' Reports and Announcements.  
**NONE**

Consent Calendar

- 6A. District Attorney requests approval of and authorization for the Chair to sign an Anti-Drug Abuse Enforcement Program grant award for a maximum of \$123,800 for the term July 1, 2007 through June 30, 2008.
- 6B. District Attorney requests approval of and authorization for the Chair to sign a Gang Violence Suppression Multi-Component Program grant award for a maximum of \$431,750 for the term July 1, 2007 through June 30, 2008.
- 6C. District Attorney requests approval of and authorization for the Chair to sign a Vertical Prosecution Block Grant Program award for a maximum of \$125,041 for the term July 1, 2007 through June 30, 2008.
- 6D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4668 with Cope Family Center, Inc., decreasing the amount by \$3,642 for a new maximum of \$10,117 to provide home visitation services to CalWORKs families for Fiscal Year 2007-2008.

**A-4668  
(AMEND. 4)**

- 6E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4648 with Beverage Consulting Network, Inc., revising the Scope of Work to increase the number of trainings provided for the Responsible Beverage Service Program, clarify expectations regarding outreach and follow-up, and establish timeframes for the contractor's submission of state-required data, with no change to the contract maximum.  
**A-4648**  
**(AMEND. 4)**
- 6F. Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Community Impact Consulting, Inc., for a maximum of \$16,000 for the term May 8, 2007 through June 30, 2007, with an automatic annual renewal provision, for consulting services relating to the recruitment and retention of foster parents as specified in the Child Welfare Services (CWS) System Improvement Plan (SIP).  
**A-6805**
- 6G. Director of Public Works requests the following actions regarding the "City/County of Napa Fifth Street Parking Garage Project," PW 07-01:
1. Award of a design-build contract to West Bay Builders of Novato, California, based on its March 29, 2007 design-build proposal in the amount of \$12,100,000, and authorization for the Chair to sign the design-build contract;
  2. Authorization of payment of a \$20,000 stipend each to C. Overaa & Co. and to Howard S. Wright for submittal of the second and third ranked proposals; payment to be coordinated with the Auditor's office;
  3. Approval of and authorization for the Chair to sign an agreement with Harris and Associates of Concord, California for a maximum of \$65,807 for the term July 1, 2007 through June 30, 2008 to operate a labor compliance program containing the requirements outlined in Section 1771.5 of the Labor Code as required by Public Contract Code Section 20133 for design-build projects;  
**A-6806**
  4. Approval of and authorization for the Chair to sign an agreement with Ron Critchley for a maximum of \$100,000 for the term July 1, 2007 through June 30, 2008 to provide construction inspection services for various County construction projects including the Fifth Street Garage Project;  
**A-6807**
  5. Approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6674 with Watry Design, Inc. increasing the amount by \$160,000 for a new maximum of \$470,500 and amending the Scope of Work for unforeseen tasks during the concept design, bidding and construction administration phases; and,  
**A-6674**  
**(AMEND. 1)**
  6. Approval of Budget Transfer No. 61 appropriating \$4,642,000 in the Parking Garage budget with offsetting revenue of \$742,000 from the Accumulated Capital Outlay Fund and \$3,900,000 from three private participation agreements approved by the Board January 9, 2007, and canceling a designation and appropriating \$742,000 in the accumulated Capital Outlay Fund budget to allow for the transfer. (4/5 vote required) **BT-61**

- 6H. Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file a Notice of Completion with the Clerk/Recorder for Contract No. PW 07-10, "Hall of Justice Re-Carpet Project."
- 6I. Director of Public Works/Aviation requests authorization for the Chair to sign a Certificate of Acceptance of an Avigation and Hazard Easement Deed from Phez, LLC (Assessor's Parcel No. 057-210-045).
- 6J. Director of Public Works requests acceptance of the work as complete and authorization for the Chair to sign and Clerk of the Board to file a Notice of Completion with the Clerk/Recorder for Contract No. PW 06-23, "HHSR Trailer R & S Utility Installation Project".
- 6K. County Executive Officer/Purchasing Agent and Director of Public Works request authorization to declare certain items of personal property as surplus and no longer required for public use, remove them from inventory, and dispose of them at public auction. (4/5 vote required)
- 6L. County Executive Officer requests approval of and authorization for the Chair to sign an agreement with Mark Gaffney, dba Gaffney Display, for a maximum of \$5,000 for the term May 8, 2007 through June 30, 2007 for design, construction, transportation and installation of the Napa County display box in the California State Capitol building. **A-6808**
- 6M. 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.
- 6N. Clerk of the Board requests the following actions:  
1. Approve minutes of the regular meetings held on the following dates:  
a. October 10, 17 and 24, 2006; and,  
b. November 7, 14 and 21, 2006.
7. Discussion of Items Removed from the Consent Calendar.  
**NONE**

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

Set Matters or Public Hearings

- 8A. 9:10 a.m. - Auditor-Controller requests adoption of a resolution establishing the Maximum Criminal Justice Administrative Fee (Booking Fee); Arrestee Fee; and the Jail Access Fee, for Fiscal Year 2007-2008, pursuant to Section 29550 to 29552 of the California Government Code.  
**PUBLIC HEARING HELD – NO TESTIMONY PRESENTED**

**ADOPTED RESOLUTION AS CORRECTED**

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

- 8B. 11:00 a.m. - Community Partnership Manager requests discussion and acceptance of report on An Assessment of the Demand for Hired Farm Worker Housing in Napa County developed by the California Institute for Rural Studies (CIRS).  
**ACCEPTED REPORT BW-ML-DD-BD-HM**
- 8C. 11:00 a.m. - Recess to the Napa County Housing Authority meeting. **(SEE NAPA COUNTY HOUSING AUTHORITY MINUTES)**
- 8D. 12:00 p.m. - Recess to Annual Luncheon at the U.C. Cooperative Extension located at 1710 Soscol Avenue, Napa.

Administrative Items

- 9A. County Fire Chief requests the first reading and intention to adopt an ordinance amending the County Code by adding a new chapter 8.36 to provide regulations for fire protection weed and rubbish abatement in the unincorporated areas of Napa County and creating a hearing officer for a portion of the abatement process.  
**ITEM CONTINUED TO MAY 15, 2007 AT 11:00 A.M.**
- 9B. Director of Public Works requests the following actions regarding the Hall of Justice Booster Replacement Project, PW 07-30:
1. Acknowledge that the following findings made on May 1, 2007 are still in effect:
    - a. That the unexpected failure of a water system booster pump at the Hall of Justice constitutes an emergency as defined by Section 1102 of the Public Contract Code;
    - b. That there are only two booster pumps for the facility, and it is suspected that the remaining pump could also fail at any time, including during the time required to solicit competitive bids to replace the pump assembly;
    - c. That if the remaining pump fails before the first pump has been replaced, the County Jail portion of the Hall of Justice would no longer be habitable for the inmates;
    - d. That there currently is no alternate location to house the inmates in the event the County Jail portion of the Hall of Justice suddenly becomes uninhabitable and remains so during repair;
    - e. That the circumstances in (a), (b) and (c) create a need for immediate action to replace the entire pump assembly to prevent impairment of the health and safety of the inmates housed in the County Jail portion of the Hall of Justice and impairment of the essential public service of providing secure detention of inmates; and,
    - f. That upon the circumstances set forth in 1(a) through (e) and pursuant to Public Contract Code Sections 20134(a) and 22050(a)(2), that the foregoing emergency will not permit the delay that would result from adopting plans, specifications, strain sheets or working details or giving notice for competitive bids to replace the pump assembly.
  2. Per Public Contract Code Section 22050(C), review the emergency actions taken by the Board at the May 1 Board of Supervisors meeting, determine that there is a need to continue the emergency actions, and continue acquisition of all necessary materials, supplies, equipment and labor by direct purchase, force account, or emergency contract

9B. Continued.

awarded without adoption of plans and specifications and solicitation of competitive bids, as appropriate to complete the work (4/5ths vote required); and,

3. Direct the Director of Public Works to prepare an agenda item for a regular meeting of the Board no later than 14 days from the date of this meeting to review the need to continue these emergency actions.

**APPROVED REQUESTS                      BW-BD-DD-ML-HM**

9C. County Executive Officer and Human Resources Director request discussion and possible action pertaining to Blue Shield's recommendation to eliminate the CalPERS Blue Shield HMO in the County of Napa.

**THE BOARD AUTHORIZED THE CHAIR TO SIGN A LETTER TO THE CALPERS BOARD IN SUPPORT OF THE CONTINUED OFFER OF BLUE SHIELD HMO UNDER SOME SCENARIO.                      DD-BW-BD-ML-HM**

10. Legislative Items.

**NANCY WATT, COUNTY EXECUTIVE OFFICER, INFORMED THE BOARD THAT THE LEGISLATIVE SUBCOMMITTEE MET YESTERDAY AND DISCUSSED AB1019 RELATING TO LAND USE AND HOUSING, SB137 RELATING TO CHILDREN'S HEALTH, AND THE PRISON REFORM BILL. THE SUBCOMMITTEE IS WAITING FOR MORE INFORMATION BEFORE TAKING ANY FORMAL ACTION ON THE ITEMS.**

11. Board of Supervisors' Committee Reports and Announcements.

**SUPERVISOR DODD REPORTED ON HIS ATTENDANCE ALONG WITH SUPERVISORS DILLON AND LUCE AT THE CHILDREN'S HEALTH INITIATIVE CELEBRATION WHERE A PROCLAMATION ON BEHALF OF THE BOARD OF SUPERVISORS WAS PRESENTED.**

**SUPERVISOR DODD ALSO REPORTED ON THE EFFICIENCY OF CALTRANS TO REPAIR THE DAMAGE ON THE HWY #580 CONNECTOR TO HWY #80 IN EMERYVILLE. HE COMMENTED THAT AN EXCELLENT JOB HAD BEEN DONE.**

**SUPERVISOR WAGENKNECHT REPORTED ON HIS ATTENDANCE AT A MEETING OF THE BAY AREA AIR QUALITY MANAGEMENT DISTRICT (BAAQMD) BOARD. THE AIR BOARD TOOK ACTION TO RAISE CERTAIN PERMIT FEES AND ALSO AWARDED NAPA \$100,000 FOR THE PURCHASE OF A HYBRID SCHOOL BUS. HE FURTHER REPORTED THAT THE AIR BOARD HAS ENOUGH FUNDS FOR FOUR SPARE THE AIR DAYS THIS FISCAL YEAR, SHOULD THEY BE NECESSARY.**

**SUPERVISOR WAGENKNECHT ALSO ATTENDED A SPECIAL TASK FORCE MEETING OF THE NAPA COUNTY CHILD CARE PLANNING COUNCIL WHERE DISCUSSION CENTERED ON LAND USE FOR CHILD CARE FACILITIES.**

**SUPERVISOR WAGENKNECHT ANNOUNCED THAT THE HOUSING AUTHORITY IS MOVING FORWARD WITH THE WELL WHICH SEEMS TO HAVE A LARGE POTABLE WATER SUPPLY. FURTHER TESTING OF THE WATER CONTINUES.**

11. Continued.

**SUPERVISOR WAGENKNECHT FURTHER ANNOUNCED THAT THE LOCAL AGENCY FORMATION COMMISSION WAS IN THE PROCESS OF SCHEDULING A RETREAT IN JULY TO DISCUSS GENERAL PLAN SERVICE PROVISIONS FOR THE LAND VACATED BY NAPA PIPE.**

12. Board of Supervisors' Future Agenda Items.

**SUPERVISOR DILLON SUGGESTED THAT IN LIGHT OF THE COMMENTS BY MR. DRIER DURING PUBLIC COMMENT, PERHAPS STAFF COULD RETURN TO THE BOARD WITH A TIMELINE ON THE COURSE OF EVENTS THAT HAVE UNFOLDED OVER THE LAST FEW MONTHS REGARDING FARMWORKER HOUSING EXPENDITURES BY THE NAPA VALLEY HOUSING AUTHORITY.**

13. County Executive Officer Reports and Announcements.

**NANCY WATT, COUNTY EXECUTIVE OFFICER, REPORTED ON A LETTER RECEIVED FROM THE CITY OF AMERICAN CANYON REGARDING THE CREATION OF A BLUE RIBBON COMMITTEE TO DISCUSS WATER RESOURCES. SHE STATED THAT THE MATTER WILL BE PLACED ON AN AGENDA.**

14. Closed Session.

A. CONFERENCE WITH LABOR NEGOTIATOR (Government Code Section 54957.6)

Agency Designated Representatives: Mark Gregersen, Human Resources Director

Employee Organization: SEIU Local 614 - NAPE (Employee Unit & Supervisory Unit of the County of Napa)

**CLOSED SESSION HELD – NO REPORTABLE ACTION**

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

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

**CLOSED SESSION HELD – NO REPORTABLE ACTION**

15. Adjournment.

**ADJOURNED TO BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, MAY 15, 2007 AT 9:00 A.M.**

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HAROLD MOSKOWITE, Chairman

ATTEST:

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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