



AGENDA

NAPA COUNTY BOARD OF SUPERVISORS

Tuesday December 14, 2004 9:00 A.M.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Mike Rippey
District 5

Nancy Watt
County Executive Officer

Pamela Miller
Clerk of the Board

Robert Westmeyer
County Counsel

GENERAL INFORMATION

The Board of Supervisors meets each Tuesday at 9:00 A.M. at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580 (253-6088TDD).

The agenda is divided into three sections:

CONSENT ITEMS - These matters typically include routine financial or administrative actions, as well as final adoption of ordinances that cannot be both introduced and adopted at the same meeting. Any item on the CONSENT CALENDAR will be discussed separately at the request of any person. CONSENT CALENDAR items are usually approved with a single motion.

SET MATTERS - PUBLIC HEARINGS - These items are noticed hearings, work sessions, and items with a previously set time.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas. Immediately after approval of the CONSENT CALENDAR, if the time for hearing SET MATTERS has not arrived, ADMINISTRATIVE ITEMS will be considered.

Documents for all agenda items are on file with the Clerk of the Board.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA please proceed to the rostrum and, after receiving recognition from the Chair, 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 your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chair or Board.

AGENDA AVAILABLE ONLINE AT www.co.napa.ca.us

1. CALL TO ORDER; ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. PRESENTATIONS AND COMMENDATIONS**

- A. Presentation of Retirement Resolution No. 04-196 to Cathy Philipie, Supervising Public Health Nurse, in recognition of over 34 years of service.
- B. Presentation of Retirement Resolution No. 04-197 to Linda Barbour, Senior Legal Clerk, in recognition of over 21 years of service.
- C. Presentation of Resolution No. 04-199 to Mike Rippey, Member of the Board of Supervisors representing District 5 in recognition of 12 years of service.

4. PUBLIC COMMENT

In this time period, anyone may address the Board of Supervisors 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 Chair. As required by Government Code, no action or discussion will be undertaken on any item raised during this Public Comment period.

5. DEPARTMENT DIRECTORS' REPORTS AND ANNOUNCEMENTS**6. CONSENT ITEMS**Public Safety

- A. Sheriff requests approval of Budget Transfer No. 47 appropriating \$22,523 in the Sheriff's Department budget with offsetting revenues from the California State Office of Traffic Safety for traffic safety projects during holiday periods. (4/5 vote required)

Human Services

- B. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign renewals of the following agreements regarding the Transitional Residential Alliance and Integrated Network (TRAIN) grant for the term January 1, 2005 through December 31, 2005:
 - 1. Agreement No. 3989 with Community Action of Napa Valley, Inc., for a maximum of \$78,629 to provide counseling services for adult homeless persons and administer rent subsidies;
 - 2. Agreement No. 3990 with Napa Emergency Women's Services, Inc. (NEWS) for a maximum of \$31,000 to provide case management and referral for women and families including those with domestic violence issues; and
 - 3. Agreement No. 3991 with Progress Foundation for a maximum of \$28,938 to provide outreach and case management services to the homeless population.

- C. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 4458 with Barbara McCarroll, Ph.D., increasing the amount by \$84,500 for a new maximum of \$154,600 and extending the term through December 31, 2005 to provide an Infant/Child Mental Health Specialist for the Therapeutic Child Care Center.
- D. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6166 with ALDEA, Inc., increasing the amount by \$5,924 for a new maximum of \$28,979 to provide alcohol and drug prevention services, incorporating agency-wide changes to the General Terms and Conditions, and revising the Scope of Work to increase school sites and change meeting requirements.
- E. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements with J. Michael Kerr, Ph.D., for the term December 14, 2004 through June 30, 2005:
1. Agreement for a maximum of \$25,000 to provide conservatorship investigation services to clients of the Behavioral Health Program; and
 2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.
- F. Acting Director of Health and Human Services requests approval of and authorization for the Chair to sign an agreement with Victor Treatment Centers, Inc., for a maximum of \$31,360 for the term December 17, 2004 through June 30, 2005 to provide residential mental health services.
- G. Acting Director of Health and Human Services requests acceptance of the resignation of Patricia Tyler, M.D., from the office of Mental Health Director, effective December 14, 2004.

Community Resources & Infrastructure

- H. Acting Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6149 with Environmental Science Associates (ESA), increasing the amount by \$4,165 for a new maximum of \$99,370, for preparation of California Environmental Quality Act (CEQA) document for Saintsbury Vineyards (#01259-ECPA) and Hudson Vineyards (#99376 & #03-376) Erosion Control Plans.
- I. Acting Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign an agreement with Environmental Science Associates (ESA) for \$91,772 for the term December 14, 2004 through June 30, 2005 to prepare a California Environmental Quality Act (CEQA) document for Gallo - Sun Lake Vineyards, Pope Valley (P04-0446-ECP). (Assessor's Parcel No. 018-090-047)

- J.** Acting Director of Conservation, Development and Planning requests authorization for the Chair to sign Amendment No. 2 to Agreement No. 6160 with Jones & Stokes/EDAW increasing the amount by \$95,000 for a new maximum of \$1,720,224 for a public outreach/visioning process in support of the General Plan Update.
- K.** Director of Public Works requests partial release of retention for the "Cuttings Wharf Bike Lane Extension Project," RDS 04-05, to John Benward Construction of Sonoma, California, pursuant to Section 7107 of the Public Contract Code.
- L.** Director of Public Works requests award of the contract for the "Napa Valley Residential Stabilization Center Fire Sprinkler System Installation Project," PW 04-13R, to RCM Fire Protection, Inc. of Tracy, California, for their low base bid of \$135,700, and authorization for the Chair to sign the construction contract.
- M.** Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Sublease Agreement No. 4173 with Community Health Clinic Ole, for subleased space located at 661 Main Street, St. Helena extending the term through June 30, 2005 for an annual cost of \$3,000.
- N.** Director of Public Works requests approval of and authorization for the Chair to sign a Space License Agreement with St. Helena Outlet Partners, L.P., and BayWood Capital Corporation its General Partner for Sheriff substation facilities located at 3111 N. St. Helena Highway, St. Helena, commencing July 1, 2004 and continuing until terminated by either party.
- O.** Director of Public Works requests approval of a Quit Claim Deed to Napa Sanitation District relinquishing an easement for the old "dog pound" location (Assessor's Parcel No. 005-180-006) and a 40' access easement (portion of Assessor's Parcel No. 005-180-007) that was acquired in 1973 to serve the old "dog pound" location.
- P.** Director of Public Works requests adoption of a Resolution of Application requesting the Local Agency Formation Commission to undertake proceedings for the North Area annexation into County Service Area 3.
- Q.** Director of Public Works requests adoption of a resolution amending the Bylaws of the Napa County Parks and Open Space Advisory Committee (NCPOAC) to update the regular meeting location, to provide for meeting cancellation during emergencies, to make the Secretary a non-member staff appointee of the Public Works Director, to provide for elected first and second Vice-Chairs, and to approve various non-substantive technical changes.

- R. Director of Public Works/Aviation requests approval of and authorization for the Chair to sign an agreement with Silverado Electric for a maximum of \$50,000 for the term December 14, 2004 through June 30, 2005 with an automatic renewal option each fiscal year to provide specialized electrical services at the Napa County Airport.

General Admin & Finance

- S. Auditor-Controller requests the Board accept and instruct the Clerk of the Board to file the Audit Report of the Napa County Airport for Fiscal Year ended June 30, 2002.
- T. Auditor-Controller requests authorization to issue accounts payable checks totalling \$2,532.18 to twelve former extra-help employees who did not cash their payroll checks during the Calendar Years 2000-2002.
- U. Acting Communications Manager requests the following concerning the emergency purchase of communications equipment for Berryessa Peak:
1. Approval of Budget Transfer No. 45 in the total amount of \$17,000, increasing appropriations in the Communications budget with offsetting revenues of \$17,000 from Contingencies; and establishment of one fixed asset in the amount of \$12,940; (4/5 vote required)
 2. Ratify the emergency purchase of one Quantar radio repeater and supporting hardware for the total of \$17,000 pursuant to County Ordinance Code 2.36.100; (4/5 vote required) and
 3. Removal of one fire-damaged radio repeater from the Communications Division fixed asset inventory.
- V. County Counsel requests adoption of a resolution approving two property owners' requests to be exempted from the approved County Service Area No. 4 (CSA No. 4) assessment.
- W. County Counsel requests adoption of a resolution approving a first amendment to the County Executive Officer's Employment Agreement (Agreement No. 6276) which will increase the County Executive Officer's annual compensation as a result of a performance review held by the Board of Supervisors on December 7, 2004, with an effective date of December 18, 2004, and make related changes to the Agreement.
- X. Human Resources Director requests adoption of Retirement Resolution No. 04-198 to Barbara Lesco, Library Associate II, in recognition of 17 years of service.
- Y. Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Public Health Division of the Health and Human Services Agency with regards to deleting one (1) Assistant Public Health Manager Limited Term (LT) position through December 31, 2004 and adding one (1) Assistant Public Health Manager, effective December 18, 2004.

- Z.** Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Health and Human Services Agency and its divisions with regards to deleting 16 previously defunded positions, effective December 14, 2004.
- AA.** Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Communications Division of the Information Technology Services Division of the County Executive Office to extend the Limited Terms (LT) of the Acting Communications Manager (LT) and the Communications Technician (LT) from December 31, 2004 through June 30, 2005.
- BB.** Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for the Health and Human Services Agency with regards to deleting one (1) Secretary and one (1) Office Assistant II from the Training and Employment Center Division and adding one (1) Secretary and one (1) Office Assistant II to the Social Services Division, effective December 18, 2004.
- CC.** Human Resources Director requests adoption of a resolution regarding the following in connection with the Public Works Department, effective December 18, 2004:
1. Amend the Departmental Allocation List to add one (1) (M) Transportation Program Manager-Fiscal & Planning and delete one (1) Transportation Planner I/II;
 2. Amend the Table and Index to add Transportation Program Manager-Fiscal & Planning; and
 3. Amend appropriate policies to add Transportation Program Manager-Fiscal & Planning.
- DD.** Human Resources Director requests adoption of a resolution amending the Departmental Allocation List for Health and Human Services with regards to adding one (1) .75 Community Aide and four (4) Eligibility Worker I/II Limited Term (LT) positions through December 31, 2005, effective December 14, 2004.
- EE.** Human Resources Director requests adoption of a resolution approving equity adjustments for certain classifications in the Public Service Employee and Public Service Employee Supervisory Units using the formula established and agreed to during the recently concluded negotiations between the County and SEIU, Local 614.
- FF.** Human Resources Director requests adoption of a resolution approving equity adjustments for certain unrepresented employees using the same formula established and agreed to during the recently settled negotiations between the County and SEIU, Local 614.

- GG.** Human Resources Director requests adoption of the following four resolutions regarding non-classified, management and confidential employees' compensation and benefits:
1. Resolution amending Section 4.02 of the County of Napa 401(a) Retirement Savings Plan, which defines deferred compensation benefits, for the purpose of establishing a procedure enabling the Board to annually consider providing an employer non-match direct contribution for those eligible participants meeting certain performance standards and continue the procedure established in 2002 enabling the Board to annually consider providing an employer match contribution to the pre-tax sub-account of eligible participants;
 2. Resolution revising the Management Compensation Plan to include certain deferred compensation benefits, increased cell phone allowance, changes in insurance benefits, and formatting changes;
 3. Resolution implementing an employer non-match direct contribution of \$500 to the 401(a) pre-tax sub-account of eligible participants for calendar year 2005 if certain performance standards have been met within the participants' department; and
 4. Resolution implementing an employer match direct contribution of up to \$1,000 to the 401(a) pre-tax sub-account of eligible participants for calendar year 2005.
- HH.** County Executive Officer requests the reappointment of Jackie Dollar Harrison and Sarah Pritchard to serve on the First Five, Napa County (Children and Families Commission) with the term of office to begin January 1, 2005 and expire January 1, 2009.
- II.** County Executive Officer requests approval of Budget Transfer No. 46 appropriating \$680,218 in the Regional Training Employment Division budget with offsetting revenues from the United States Department of Labor and the State of California Employment Development Department for grants to provide increased employment opportunities to the Napa, Solano, Sonoma and Marin region.
(4/5 vote required)
- JJ.** Supervisor Dodd requests approval of and authorization for the County Executive Officer to send a letter on behalf of the Board of Supervisors supporting the memorialization of a portion of Highway 29 from Trancas north to be Robert Mondavi Highway.
- KK.** Approve minutes of the meetings held November 16 and 30, 2004.
- LL.** Approve amendment of minutes of September 28, 2004.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

8. SET MATTERS OR PUBLIC HEARINGS

A. 9:15 AM

Recess to the In-Home Supportive Services (IHSS) Public Authority of Napa County special meeting (See IHSS Agenda).

B. 9:30 AM

Recess to the Board of Equalization (See BOE Agenda).

C. 9:45 AM

County Executive Officer (CEO) requests authorization to finalize a franchise agreement with Napa Recycling and Waste Services to provide solid waste and recyclable collection services in Garbage Zone One, under the following conditions: Should the CEO be unable to successfully finalize a franchise agreement with Napa Recycling and Waste Services, then negotiations with Napa Recycling and Waste Services shall be terminated; and, the CEO shall finalize a franchise agreement with the second ranked proposer. Should the CEO be unable to successfully finalize an agreement with the second ranked proposer, the County shall terminate the negotiations, and then initiate finalizing an agreement with the third ranked proposer.

D. 10:30 AM

County Counsel requests the Board consider and adopt a resolution of Decision on Appeal and Findings of Fact denying the appeal filed by the Howell Mountain Mutual Water Company regarding the decision by the Conservation, Development and Planning Commission on August 18, 2004 to approve Outpost Wines, True Vineyard LLC, Use Permit Request No. PO4-0180-UP and Variance Request No. P04-0329-VAR to modify a small winery Use Permit Exemption for Applicant to allow two winery buildings to encroach 20-40 feet into the required 300 foot private road setback, and to (1) increase production capacity from 20,000 gallons to 30,000 gallons per year; (2) replace two buildings totaling 2,700 sq. ft. with two buildings totaling 6,820 sq. ft.; (3) construct a 2,335 sq. ft. covered fermentation building and a 3,500 sq. ft. uncovered crush pad; (4) provide custom crushing activities for up to 3 custom producers utilizing 50% (15,000 gallons) of the total approved winery production; (5) add tours and tasting by appointment only with 4 visitors/day maximum, average of 6 visitors per week; (6) add a marketing plan consisting of: 5 events per year with a maximum of 25 people per event and two events per year with a maximum of 50 people per event; (7) add one part-time employee for a total of one full-time and 2 part-time employees; (8) construct a special design wastewater system. The project is located on a 42.3 acre parcel at 2075 Summit Lake Drive, Angwin, within an Agricultural Watershed (AW) Zoning District. (Assessor's Parcel No. 018-200-026)

ENVIRONMENTAL DETERMINATION: In conjunction with the approval of the Use Permit and Variance Request, the Commission adopted a Mitigated Negative Declaration. According to the Mitigated Negative Declaration, the project would have, if mitigation measures were not included, potentially significant environmental impacts in the following areas: biological resources, and hydrology/water quality.

E. 11:30 AM

Recess to Old Timers Luncheon at River City, 505 Lincoln Avenue.

F. 2:00 PM CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a))

Name of case: Barbour v. Napa County Department of Corrections (Case No. 26-21011)

9. ADMINISTRATIVE ITEMSHuman Services

- A. Acting Director of Health and Human Services to make a presentation regarding the Mental Health Services Act (Proposition 63).

Community Resources & Infrastructure

- B. Director of Public Works requests authorization to proceed with the following:
1. Preparation of a Memorandum of Understanding (MOU) between the County and the Napa County Flood Protection and Watershed Improvement Authority (Authority) for the appropriation of Measure "A" Funds to develop the project scope and funding plan for a future Milliken-Sarco-Tulocay recycled water project and a master plan for possible future Angwin/Deer Park community water supply reliability improvements; and
 2. Implementation of a proposed Water Resources Work Plan for the above two water resource planning efforts, contingent upon approval of the MOU by the Authority.

General Admin & Finance

- C. Discussion and possible direction to staff regarding Napa County representation on the Association of Bay Area Governments' (ABAG) Regional Airport Planning Committee. (Supervisor Rippey)

10. LEGISLATIVE ITEMS

- A. The Legislative Subcommittee will present a report concerning the proposed 2005 Napa County legislative platform. The Board may or may not take action on any or all items presented for discussion. (Unanimous vote required)

11. BOARD OF SUPERVISORS' COMMITTEE REPORTS AND ANNOUNCEMENTS

12. BOARD OF SUPERVISORS' FUTURE AGENDA ITEMS

13. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

14. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code Section 54956.9(a))

Name of case: Napa Citizens for Honest Government et. al. v. Napa County Board of Supervisors
(Case No. 26-04014)

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:
(Four cases)

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

Agency Designated Representatives: Dennis Morris, Human Resources Director
Unrepresented Employees: Non-Classified, Management and Confidential Employees of the County of Napa (Excluding Elected Officials)

D. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Government Code Section 54957)

15. ADJOURNMENT

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, JANUARY 04, 2005
AT 9:00 A.M.**