



AGENDA

NAPA COUNTY BOARD OF SUPERVISORS

Tuesday February 27, 2007 9:00 A.M.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Harold Moskowitz
District 5

Nancy Watt
County Executive Officer

Gladys I. Coil
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.

Check with the Clerk of the Board to view any additional documents that may have been filed related to any item on this agenda.

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**
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 HEADS' REPORTS AND ANNOUNCEMENTS**
6. **CONSENT ITEMS**

Human Services

- A. Director of Health and Human Services requests approval of and authorization for the Chair to sign the renewal of revenue Agreement No. 4089 with Sonoma County for a maximum of \$66,972 for the term July 1, 2006 through June 30, 2007 for emergency medical services administration.
- B. Director of Health and Human Services requests approval of and authorization for the Chair to sign the following agreements to provide counseling services in the Children's Behavioral Health/Child Welfare Services/SB 163 Wraparound Programs:
 1. Amendment No. 2 to Agreement No. 4649 with Gerane Park, LCSW, increasing the amount by \$4,250 for a new maximum of \$5,000;
 2. Amendment No. 3 to Agreement No. 4935 with Steven Boyd, LCSW, increasing the amount by \$9,000 for a new maximum of \$15,000; and
 3. Agreement with Sharon Harp, MFT, for a maximum of \$5,000 for the term February 27, 2007 through June 30, 2007.
- C. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 4657 with Nadhan, Inc., increasing the amount by \$5,840 for a new maximum of \$91,250, and revising the compensation due to an increase in the daily bed rate for inpatient mental health treatment services.
- D. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4705 with Preferred Healthcare Registry, Inc., increasing the vendor's hourly rate for the provision of occupational and physical therapy services, with no change to the contract maximum.

- E. Director of Health and Human Services requests approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6523 with Project Ninety, Inc., revising the Scope of Project to incorporate state and federal requirements for the operation of the residential substance abuse program.
- F. Director of Health and Human Services and the Human Resources Director request adoption of a resolution amending the Departmental Allocation List for the Public Health Division of the Health and Human Services Agency, deleting one (1) Medical Secretary and adding one (1) Secretary position, effective February 27, 2007.

Community Resources & Infrastructure

- G. Director of Conservation, Development and Planning requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. AUD-6426 with BMI Imaging Systems increasing the amount by \$32,625 for a new maximum of \$54,085 and amending the Scope of Work to include additional document imaging services.
- H. Director of Conservation, Development and Planning requests the following:
 - 1. Adoption of resolution approving the terms and conditions of and authorizing the Chair to sign an agreement with the State Coastal Conservancy to accept a \$60,000 grant for a feasibility study of recreational facilities in the Milliken watershed; and
 - 2. Approval of and authorization for the Chair to sign an agreement with LandPeople for a maximum of \$58,955 for the term of February 27, 2007 through December 31, 2007 to assist in the preparation of the feasibility study.
- I. Director of Public Works requests adoption of a resolution summarily abandoning an unused roadway and public use easement on Madrone Road, Angwin (Assessor's Parcel No. 024-192-031).
- J. Director of Public Works requests adoption of a resolution temporarily closing portions of Silverado Trail, Oak Knoll Avenue, Big Ranch Road, and El Centro Avenue from 7:00 A.M. to 12:30 P.M. on Sunday, March 4, 2007 for the 29th running of the Napa Valley Marathon.
- K. Director of Public Works requests approval of and authorization for the Chair to sign Amendment No. 1 to Agreement No. 6711 with Maximus, Inc. increasing the amount by \$30,000 for a new maximum of \$80,000 and amending the Scope of Work to provide enhanced services related to the filing of claims and disputes for the 2005-2006 New Year's Eve and April 2006 Flood events.
- L. Director of Public Works requests approval of Budget Transfer No. 47 increasing appropriations in the Equipment Pool budget with offsetting revenues from Mental Health Services and establishment of fixed assets in the amount of \$63,319 for the purchase of two handicap accessible vans. (4/5 vote required)

- M.** 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 06-18, "Circle Oaks Drive Slide Repair Project."
- N.** 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. RDS 06-20, "Silverado Trail MPM 17.6 Emergency Repairs Project."
- O.** 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. RDS 06-17, "Redwood Road Slide Emergency Repair Project."
- P.** Director of Public Works requests adoption of a resolution designating certain agents to execute documents relating to Federal and/or State financial assistance under the California Disaster Assistance Act.

General Admin & Finance

- Q.** Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, a letter reporting on the status of management recommendations made in the audit report for the County of Napa District Attorney's Office for the Fiscal Year ended June 30, 2005.
- R.** Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, the Napa County Airport Concessionaire, R. A. Bridgeford Inc., Audit Report for Fiscal Year ended June 30, 2005.
- S.** Auditor-Controller requests the Board accept, and instruct the Clerk of the Board to file, a letter reporting on the status of management recommendations made in our letter of July 11, 2001 pertaining to the Napa County Airport and derived from the 2001 R. A. Bridgeford, Inc. audit.
- T.** Chief Information Officer requests approval of and authorization for the Chair to sign an agreement with Dell Computer Corporation for a maximum of \$15,420 for the term February 27, 2007 through August 30, 2007 for software and training.
- U.** Clerk of the Board requests the appointment of David Courtney to serve on the Board of Directors of the Circle Oaks County Water District with the term of office to commence immediately and expire December 31, 2008.

- V. County Counsel requests approval of and authorization for the Chair to sign Amendment No. 4 to Agreement No. 4097 with Shute, Mihaly and Weinberger LLP for the term January 16, 2007 through June 30, 2007 for supplementary legal services in connection with the Soscol Gateway Redevelopment Plan.
- W. County Counsel and Human Resources Director request adoption of a resolution related to the proposed reorganization of the County Counsel Department, amending the Departmental Allocation List and Policy Manual, effective February 27, 2007 (no net increase in FTE):
1. Amend the Departmental Allocation List to delete:
 - a. One (1) (M) Chief Deputy County Counsel;
 - b. Seven (7) (M) Attorney IV;
 - c. One (.8) (M) Attorney IV; and
 - d. Three (3)(M) Attorney I/II/III;
 2. Amend the Departmental Allocation List to add:
 - a. Two (2) (M) Chief Deputy County Counsel*;
 - i. One attorney subsequent vacancy will be deleted upon promotion.
 - b. Seven (7) (M) Attorney IV*;
 - c. One (.8) (M) Attorney IV*; and
 - d. Three (3) (M) Attorney I/II/III*;

*Positions within the flexibly staffed Attorney I/II/III series filled prior to February 27, 2007 will remain Management Classified and vacant positions that are filled on or after February 27, 2007, will be designated as "at-will" Management Non-Classified (Other).
 3. Amend the Napa County Policy Manual to:
 - a. Amend reference to the flexibly staffed Attorney I/II/III, the Attorney IV, and the Chief Deputy County Counsel to Attachment 1, Part A, Section 2 of Part I: Section 37-C1, to include the following statement: Positions filled prior to February 27, 2007, will remain Management Classified;
 - b. Add reference to "at-will" flexibly staffed Attorney I/II/III, the "at-will" Attorney IV, and the "at-will" Chief Deputy County Counsel to Attachment 1, Part A, Section 2 of Part I: Section 37-C3, Management Compensation Plan-Management Non-Classified (Other) to include the following statement: Vacant positions that are filled on or after February 27, 2007, will be designated as "at-will" Management Non-Classified (Other).
 - c. Amend such other personnel policies as the Human Resources Director determines is appropriate to reflect these amendments.
- X. Human Resources Director requests adoption of a resolution rescinding and replacing Resolution No. 07-04, adopted January 9, 2007, to cite the correct salaries for the management classes of Community Partnership Analyst I and Community Partnership Analyst II, effective January 13, 2007.
- Y. Human Resources Director requests a three (3) month extension of Leave Without Pay for an Assessment-Records Assistant I in the Recorder-County Clerk Department through June 1, 2007.
- Z. County Executive Officer requests approval of and authorization for the Chair to sign Amendment No. 2 to Parking Garage Cooperative Agreement No. 6372 with the City of Napa to reflect modifications to location and partnership arrangement.

- AA.** County Executive Officer requests the appointment of Environmental Management Director Steve Lederer to serve as the County of Napa alternate representative on the Bay Area Hazardous Waste Management Facility Allocation Committee, a subcommittee of the Association of Bay Area Governments (ABAG).
- BB.** County Executive Officer requests the reappointment of Peter Murphy representing the City of St. Helena to serve on the "Measure A" Financial Oversight Committee (FOC) with the term of office to commence immediately and expire June 30, 2009.
- CC.** County Executive Officer requests approval of and authorization for the Chair to sign the following agreements with Renne Sloan Holtzman Sakai, LLP for the term February 7, 2007 through March 1, 2008:
1. Agreement for a maximum of \$40,000 for investigative and neutral fact finding in employment matters; and
 2. Business Associate Agreement setting forth the terms and conditions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Rule.
- DD.** County Executive Officer requests the following reappointments to the Napa County Winegrape Pest and Disease Control District with the term of office to commence immediately and expire March 26, 2010.

<u>Name</u>	<u>Vineyard Location</u>
Frank Leeds	Rutherford
Andy Bledsoe	Oakville

- EE.** Approve minutes of the regular meetings held on the following dates:
1. September 13, 20 and 27, 2005;
 2. October 4, 11, 18 and 25, 2005;
 3. November 1, 15 and 22, 2005; and
 4. December 6 and 13, 2005.

7. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

8. SET MATTERS OR PUBLIC HEARINGS

A. 9:30 AM

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

B. 10:00 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Earth Defense for the Environment Now (EDEN) of decisions by the Director of Conservation, Development and Planning (Planning Director) to adopt a mitigated negative declaration and to approve Erosion Control Plan No. 02253-ECPA for earthmoving activities related to establishment of a vineyard by Napa Canyon LLC on a site northeast of the intersection of American Canyon Road and Flosden Road (Assessor's Parcel No. 050-040-065).

ENVIRONMENTAL DETERMINATION: A Mitigated Negative Declaration (MND) has been prepared and adopted pursuant to CEQA, the State CEQA Guidelines, and the County's local procedures. According to the MND, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: air quality, biological resources, cultural resources, hazards & hazardous materials, and hydrology & water quality. The adequacy of the mitigated negative declaration is the subject of the appeal. If the Board upholds the appeal, the project may be remanded back to the Department of Conservation, Development and Planning for further environmental review which may include preparation of an Environmental Impact Report (EIR). If the Board denies the appeal, it will need to re-adopt the mitigated negative declaration and associated mitigation monitoring program prior to re-approving the project. The project site is not on any of the lists of hazardous waste sites enumerated under Government code section 65962.5.

(CONTINUED FROM DECEMBER 19, 2006; APPELLANT REQUESTS WITHDRAWAL OF THE APPEAL)

C. 10:15 AM

Recess to the Lake Berryessa Resort Improvement District (LBRID) special meeting (See LBRID Agenda).

D. 10:30 AM

Recess to the Napa Berryessa Resort Improvement District (NBRID) special meeting (See NBRID Agenda).

E. 11:00 AM PUBLIC HEARING

County Counsel requests adoption of a resolution rejecting an offer of dedication for public use, subject to conditions, of Parcel D of Berryessa Highlands Unit No. 2 [APN 019-410-003].

9. ADMINISTRATIVE ITEMSGeneral Admin & Finance

- A. County Executive Officer requests that the Board make appointments/reappointments to the Board of Directors of the Watershed Information Center and Conservancy of Napa County (WICC) from the

following applicants, with the terms of office to commence immediately and expire August 2010.

<u>Name</u>	<u>Representing</u>
Councilmember Gary Kraus	City of Calistoga

<u>Name</u>	<u>Representing - One Appointment Only</u>
Katherine (Kate) Dargan*	Public at Large
Chris Sauer	Public at Large

* Incumbent

10. LEGISLATIVE ITEMS

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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957)

Title: Library Director

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

- i. Initiation of litigation pursuant to subdivision (c) of Government Code Section 54956.9:
(Three cases)
- ii. Significant exposure to litigation pursuant to subdivision (b) of Government Code Section 54956.9:
(One case)

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

Agency Designated Representatives: Mark Gregersen, Human Resources Director
Employee Organizations: SEIU Local 614 - NAPE (Employee Unit & Supervisory Unit of the County of Napa); Napa County Deputy Sheriffs' Association (Employee Unit & Supervisory Unit of the County of Napa)

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Government Code Section 54956.8)

Property: Airport Road and Highway 29, Napa (Assessor's Parcel No. 057-210-055)

Agency Negotiator: Robert Peterson and Michael Stoltz

Negotiating Party: Roger Gunn and Ron Greenslate as co-trustees for the Jane V. Gunn Trust

Under Negotiation: Terms of Sale, including price and terms of payment

15. ADJOURNMENT

**ADJOURN TO BOARD OF SUPERVISORS' REGULAR MEETING, TUESDAY, MARCH 06, 2007
AT 9:00 A.M.**