



A Tradition of Stewardship
A Commitment to Service

AGENDA

NAPA COUNTY BOARD OF SUPERVISORS

Tuesday July 10, 2012 9:00 A.M.

Brad Wagenknecht
District 1

Mark Luce
District 2

Diane Dillon
District 3

Bill Dodd
District 4

Keith Caldwell
District 5

Nancy Watt
County Executive Officer

Gladys I. Coil, CCB
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.

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, at the time of such distribution, in the office of the Clerk of the Board of Supervisors, 1195 Third Street, Suite 310, 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, 6254.7, 6254.15, 6254.16, or 6254.22.

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 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.countyofnapa.org

1. CALL TO ORDER; ROLL CALL**2. PLEDGE OF ALLEGIANCE****3. APPROVAL OF MINUTES****4. PRESENTATIONS AND COMMENDATIONS**

- A. Presentation of a proclamation to Chief Probation Officer Mary Butler declaring the week of July 15, 2012 as "Probation and Community Supervision Week" in Napa County.

- B. Presentation of a proclamation to Andrea Arrescurrenaga, Women, Infants and Children Health Education Specialist, declaring July 2012 as "Rethink Your Drink Month" in Napa County.

- C. Director of Human Resources to introduce new County employees.

5. 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.

6. DEPARTMENT HEADS REPORTS AND ANNOUNCEMENTS**7. CONSENT ITEMS**Law & Justice

- A. Chief Probation Officer requests approval of and authorization for the Chairman to sign Amendment No.1 to Agreement No.7743 with 3M Electronic Monitoring, Inc. amending the scope of work to include additional electronic monitoring devices.

Public Safety

- B. County Fire Chief requests approval of and authorization for the Chairman to sign renewal of revenue Napa County Agreement No. 6089-1 (State Agreement No. 12YS0024) with the California Department of Veterans Affairs for a maximum of \$1,136,697 for the term July 1, 2012 through June 30, 2014 for reimbursement of fire protection services at the State's Veteran's Home of California in Yountville.

Community Resources & Infrastructure

- C. Director of Conservation, Development and Planning requests the following actions regarding the Napa County Wildlife Conservation Commission grant recommendations:
1. Approval of and authorization for the Chairman to sign the following grant agreements for the term July 10, 2012 through June 30, 2013 for proposals \$5,001 or greater for a total of \$8,613:
 - a. \$8,613 for the Institute for Conservation Advocacy, Research, and Education (ICARE) for the continued removal of the Himalayan blackberry and other exotic plant species, and native plant restoration within Suscol Creek
 2. Approval of the following grant proposal totaling \$2,810 not requiring a grant agreement:
 - a. \$2,810 for the Napa Valley State Parks Association (NVSPA, Bothe), with support from RCD to establish an environmental education summer camp at Bothe State Park to engage students; and
 3. Approval of the following amended grant agreements extending the term through June 30, 2013 for those unable to fully utilize WCC grant funding within the 2011-2012 fiscal year:
 - a. Amendment No. 1 to Agreement No. 7665, \$16,000 for the Napa County Resource Conservation District (RCD) to analyze steelhead and salmon otoliths and genetic samples to help determine origins of local salmonid populations and guide conservation and restoration activities;
 - b. Amendment No. 1 to Agreement No. 7666, \$10,000 for Napa County Regional Parks & Open Space District (RPOSD) to 1) establish native habitat in the 5 acre entry meadow with a mix of native grasses, shrubs, and trees, 2) engage students and other community groups with the restoration effort, and 3) improve the native plant interpretive trail located in the meadow; and
 - c. Amendment No. 1 to Agreement No. 7667, \$10,000 for the Land Trust of Napa County to develop, manufacture, and install illustrated ecological signage and trail markers for Land Trust property trail-heads and trails including: research for optimal signage locations/layout & production and implementation.
- D. Director of Library Services requests the following actions regarding the California Library Literacy Services (CLLS) Emergency Funding Project grant:
1. Authorization to accept CLLS funds in the amount of \$12,622 to be used to support the adult literacy program of the Literacy Center at the Napa County Library; and
 2. Authorize Budget Transfer No. LIB001 increasing appropriations in the Library's budget with offsetting revenues from the grant funding. (4/5 vote required)
- E. Director of Public Works requests approval of and authorization for the Chairman to sign a Purchase and Sale Agreement and other documents with Napa Valley Wine Train required for the acquisition of public utility easements needed for the Highway 29 Undergrounding of existing overhead utilities, said easements being located on APN #s 027-450-008 & 024, 030-270-011, 009-120-002 & 012 & 027, and 009-110-001, between Mee Lane and Charter Oak Avenue.
- F. Director of Public Works requests approval of and authorization for the Chairman to sign Amendment No. 1 to Agreement No. 7627 with Napa County Resource Conservation District, increasing the compensation by \$185,500 for a new maximum total contract amount of \$453,000 and extending the term through June 30, 2013 with a scope of work to include landowner liaison and monitoring activities for the Napa River Restoration - Rutherford Reach project, match grants for the Sulphur Creek sediment reduction project, provide sediment TMDL implementation support, and technical

support for stream gauge installations near Lake Berryessa.

- G.** Director of Public Works requests approval of Budget Transfer No. PW001 making certain adjustments to the Fiscal Year 2012-2013 budget for rollover and new projects (4/5 vote required) and:
1. Approval of and authorization for the Chairman to sign an Option to Purchase-Cash Sale Agreement and a Certificate of Acceptance for Director's Deed from the State of California, acting through its Director of Transportation, agreeing to purchase approximately 1.63 acres of State right-of-way on Devlin Road, adjacent to APN 057-020-025;
 2. Adoption of a resolution stating the parcel on Devlin Road will be used for public purposes, as required by the State; and
 3. Authorization for the Chairman to sign any and all documents required to exercise the purchase option in the existing lease to acquire the property located at 3075 California Boulevard in Napa for the purpose of maintaining the current Corporation Yard.
- H.** Director of Public Works requests approval of Plans and Specifications for the "Trancas Street and Big Ranch Road Overlay Project," RDS 13-01, authorization to advertise for sealed bids and opening of the bids at a time, date, and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.
- I.** Director of Public Works requests approval of Plans and Specifications for the "American Canyon Road Overlay Project," RDS 13-03, authorization to advertise for sealed bids and opening of the bids at a time, date, and location to be published by the Director of Public Works pursuant to Section 20150.8 of the Public Contract Code.
- J.** Director of Public Works requests authorization to accept and approval for the Chairman to sign a letter of appreciation for a donation in the amount of \$1,208.35 to the Animal Shelter from Pet Food Express.

General Admin & Finance

- K.** Assessor-Recorder-County Clerk in his capacity as ex-officio Registrar of Voters requests that the Board declare elected those persons under its jurisdiction based on the certified results of the Presidential Primary Election held on Tuesday, June 5, 2012.
- L.** Chief Information Officer requests approval of and authorization for the Chairman to sign Master Agreement and Managed Internet Service Pricing with AT&T Corp. for a maximum of \$93,348 for the term July 10, 2012 through July 9, 2015 for internet services.
- M.** Clerk of the Board requests adoption of a resolution consolidating the general municipal elections for the Cities of Napa, Calistoga, American Canyon, St. Helena and the Town of Yountville with the consolidated general election to be held on November 6, 2012, for the following purposes:

1. City of Napa: election of Mayor and two (2) members of the City Council;
2. City of American Canyon: election of Mayor and two (2) members of the City Council and one (1) ballot measure;
3. City of Calistoga: election of Mayor and two (2) members of the City Council;
4. City of St. Helena: election of Mayor and two (2) members of the City Council; and
5. Town of Yountville: election of two (2) members of the Town Council.

N. County Counsel requests the following actions relating to the County Executive Officer:

1. Adoption of a resolution amending certain provisions of the existing employment agreement relating to severance entitlements including the current mandatory Government Code provisions relating to limitations on severance and a minor revision relating to deferred compensation to ensure consistency with the current regulations of the Internal Revenue Code and related regulations; and
2. Approval of and authorization for the Chairman to sign Amendment No. 2 to Agreement No. 6276 to reflect these changes.

O. Director of Human Resources and the Director of Health and Human Services request the adoption of a resolution amending the Departmental Allocation List for the Mental Health Division of the Health and Human Services Agency (HHS), by deleting one (1.0 FTE) Community Aide allocation and adding one (1.0 FTE) Mental Health Worker Aide allocation, effective July 21, 2012, with no net increase in the number of full time equivalents and no net increase in the General Fund.

P. Director of Human Resources and the Chief Probation Officer request adoption of a resolution amending the Department Allocation List and the Table and Index for the Probation Department, as follows, effective July 10, 2012, with no net increase in full time equivalent positions:

1. Amend the Departmental Allocation List to:
 - a. Add: One (1.0 FTE) Probation Officer III; and
 - b. Delete: One (1.0 FTE) Probation Officer I/II*

*Flexibly Staffed position to be deleted upon becoming vacant.

Q. Director of Human Resources requests adoption of a resolution effective July 21, 2012, amending the Table and Index of Classes for the classifications of Lieutenant and Captain in the Sheriff's Department and the Chief District Attorney Investigator in the District Attorney's Office and amend the Management Compensation Plan, County Policy Part 1, 37C-2, to provide POST educational incentive pay for eligible Captains and the Chief District Attorney Investigator to address issues of compensation compaction.

R. Director of Human Resources requests adoption of a resolution amending the following sections of the County Policy Manual Part I, Section 37-C effective July 21, 2012, to update old language and clarify ambiguous provisions, as well as the following:

1. Amend Section 37C-1, to simplify vacation accrual language for new managers, and grant the same level of benefit for current managers that meet the eligibility criteria;
 2. Amend Section 37C-2, to provide protection for accrued leave for employees appointed to interim assignments in elected positions, revise severance language to reflect employment contracts and legal requirements, simplify vacation accrual language for new manager, and grant the same level of benefit for current managers that meet the eligibility criteria;
 3. Amend Section 37C-3, to simplify vacation accrual language for new managers, and grant the same level of benefit for current managers that meet the eligibility criteria; and
 4. Amend Section 37C-4.
- S.** Second reading and adoption of an ordinance ordering a special election and consolidating it with the November 6, 2012 statewide presidential general election for the purpose of enabling the voters of Napa County to approve or reject Napa Valley Transportation Authority (NVTA) Ordinance No. 2012-01 (more commonly known as the Napa Countywide Road Maintenance Act) which would, if approved by the voters, establish a one-half percent countywide sales tax, replacing the one-half percent flood control sales tax, that will take effect in 2018 and be used solely for road maintenance purposes.
- ENVIRONMENTAL DETERMINATION:** The adoption of this Ordinance ordering a sales tax election at the request of the Napa Valley Transportation Authority, a local transportation authority, is a ministerial action which is exempt from CEQA (Public Resources Code 21080(b)(1); 14 CCR 15268; *San Bernardino Associated Governments v. Superior Court* (2006) 135 Cal.App.4th 1106).
- T.** County Executive Officer/Purchasing Agent and Purchasing Manager request the following:
1. Declare certain items of personal property, which are fixed and non-fixed assets, as surplus and no longer required for public use;
 2. Authorize the disposal of fixed asset and non-fixed asset surplus property items at public auction (4/5 vote required);
 3. Authorize the disposal of non-fixed asset surplus property items by donation: and
 4. Accept a report of items disposed of by means of disposal and recycling.
- U.** County Executive Officer requests approval of the following:
1. Accept and file the 2011-12 Grand Jury Final Reports on Measure A, Napa County Jail, Napa County Juvenile Hall, California Public Safety Realignment Act and Shooting in Alta Heights; and
 2. Direct the County Executive Officer to prepare a response to the Grand Jury Report as prescribed by law.
- V.** County Executive Officer requests ratification of out-of-state travel for Supervisor Diane Dillon to Washington, D.C., from June 26th thru June 30th, 2012, for her attendance at the Oversight Hearing of the Subcommittee on Indian and Alaska Native Affairs.
- W.** County Executive Officer requests approval of and authorization for the Chairman to sign a letter providing assurances to the United States Department of Agriculture (USDA) regarding loans to Napa Berryessa Resort Improvement District.

- X. County Executive Officer requests reappointment of Carolyn Wrage to serve on the Board of Directors of the Area Agency on Aging Serving Napa and Solano representing District 1 with the term of office to commence immediately and expire July 1, 2014.
- Y. County Executive Officer requests the following reappointments to the Measure A Financial Oversight Committee (FOC) with terms of office to commence immediately:
- | <u>Applicant</u> | <u>Representing</u> | <u>Term Expires</u> |
|------------------|---------------------------|---------------------|
| Bernhard Krevet* | Friends of the Napa River | June 30, 2015 |
| Genji Schmeder* | Environmental Community | June 30, 2014 |
| James Shupe* | Town of Yountville | June 30, 2015 |
- *Incumbent
- Z. County Executive Officer requests appointment of Lola Cornish-Nickens to the Napa County Child Care Planning Council in the category of At Large representative with the term of office to commence immediately and expire June 30, 2015.
- AA. County Executive Officer requests the Board of Supervisors to appoint Leonore Wilson as the Napa County Poet Laureate, for the term commencing immediately and expiring in May, 2014.

8. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

9. SET MATTERS OR PUBLIC HEARINGS

A. 9:00 AM

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

B. 9:00 AM

Recess to the Monticello Public Cemetery District (MPCD) special meeting (See MPCD Agenda).

C. 9:15 AM

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

D. 9:20 AM

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

E. 9:30 AM PUBLIC HEARING

County Counsel requests the following actions relating to County Service Area No. 4 (CSA 4):

1. Open Public Hearing to consider any objections or protests with respect to the proposed assessment for CSA 4;
2. Close Public Hearing and direct the Clerk of the Board or Clerk's designees to tabulate ballots from qualifying landowners on the proposal to reauthorize the imposition of assessments for an additional 5 years and impose an assessment in the amount of \$10.00 for Fiscal Year 2012-2013 and recess the meeting to complete such tabulation;
3. Reconvene item, receive ballot results and, depending on the outcome of the balloting, adopt a resolution authorizing and levying assessments for Fiscal Year 2012-2013 on qualifying property owners.

F. 9:45 AM PUBLIC HEARING

County Counsel requests adoption of a resolution amending Napa County's Conflict of Interest Code (last amended in 2010).

G. 10:00 AM

Recess to the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) special meeting (See NCFPWIA Agenda).

H. 11:00 AM PUBLIC HEARING

Consideration and possible action regarding an appeal filed by Salon Blue Trust, Robert Pursell Trustee, to a decision by the Zoning Administrator on April 6, 2012 to approve Minor Modification P11-00424-VMM amending the Cedar Knolls Winery Use Permit #00243-UP to allow two blue direction signs and one winery monument sign, located at 4029 Hagen Road within an AW (Agricultural Watershed) Zoning District. (Assessor's Parcel No. 049-27-019).

ENVIRONMENTAL DETERMINATION: Categorical Exemption Class 1: It has been determined that this type of project does not have a significant effect on the environment and is exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.] The project consists of the addition of the addition of signage for an existing winery involving no expansion beyond existing use.

I. 1:30 PM

Recess to the Napa County Flood Control and Water Conservation District (NCFCWCD) meeting

(See NCFCWCD Agenda).

10. ADMINISTRATIVE ITEMS

Community Resources & Infrastructure

- A. Director of Public Works requests the following actions to the "Napa River Rutherford Restoration Project, Reach 8A, PW 11-21":
1. Reject the bid from K.W. Emerson, Inc. of San Andreas, CA in the amount of \$1,307,677 for failing to attend a mandatory site walk through;
 2. Waive the minor irregularity in Sitework's bid; and
 3. Award the contract to Siteworks Construction, Inc. of Lafayette, CA, for their low base bid of \$1,345,584, and authorization for the Chairman to sign the construction contract.

General Admin & Finance

- B. County Counsel requests that the Board take the following actions:
1. Receive from staff the report the Board ordered prepared pursuant to Section 9111 of the Elections Code discussing Measure "U" (the "Angwin General Plan Amendment Initiative"); and
 2. Take one of the following actions:
 - a. Adopt the "Angwin General Plan Amendment Initiative" without alteration at a regular or special meeting of the Board on or before July 20, 2012; or
 - b. Adopt a resolution placing the "Angwin General Plan Amendment Initiative" on the ballot of the next statewide general election which is scheduled to be held on November 6, 2012, for the purpose of enabling the people of Napa County to approve or reject the Initiative.
 3. Determine whether or not the Board desires to have an argument filed for or against the Angwin General Plan Amendment Initiative by:
 - a. The Board; or
 - b. A member or members of the Board.
- C. County Executive Officer requests discussion and possible action to authorize the Chairman to sign a letter transmitting a response to the 2011-2012 Grand Jury Report on the Reorganization of the Napa County Fire Department.
(CONTINUED FROM JUNE 26, 2012)

11. LEGISLATIVE ITEMS

12. BOARD OF SUPERVISORS COMMITTEE REPORTS AND ANNOUNCEMENTS

13. BOARD OF SUPERVISORS FUTURE AGENDA ITEMS

14. COUNTY EXECUTIVE OFFICER REPORTS AND ANNOUNCEMENTS

- A. County Executive Officer to present a status report on the Strategic Objectives.

15. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

1. Significant exposure to litigation pursuant to subdivision (b)(3)(A) of Government Code Section 54956.9: (3 cases)
2. Significant exposure to litigation pursuant to subdivision (b)(3)(C) of Government Code Section 54956.9: (1 case)

16. ADJOURNMENT

**ADJOURN TO THE BOARD OF SUPERVISORS REGULAR MEETING, TUESDAY, AUGUST 07, 2012
AT 9:00 A.M.**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON (FILL IN DATE) BY (FILL IN TIME). A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE CLERK OF THE BOARD OF SUPERVISORS AND AVAILABLE FOR PUBLIC INSPECTION.

Gladys I. Coil (By e-signature)
GLADYS I. COIL, Clerk of the Board