

Minutes For November 1, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

November 1, 2005

M I N U T E S

The Solano County Board of Supervisors met on the 1st day of November, 2005 in regular session in the Chambers of the Board of Supervisors of the County of Solano in the Solano County Administrative Center, 675 Texas Street, Fairfield, California at 8:33 a.m. pursuant to County Code Section 2-1.103. Present were Supervisors Kromm, Reagan, Silva, and Chairwoman Kondylis. Supervisor Vasquez arrived at 8:34 a.m. Also present were Michael D. Johnson, County Administrator and Dennis Bunting, County Counsel.

Agenda Item No. 1 Closed Session

The Board of Supervisors recessed this meeting at 8:34 a.m. to convene in Closed Session on the following matters:

- A. Real Property Negotiations: Property Address: 740 Coach Lane, Vallejo, CA 94589; Negotiating Parties: Veronica Ferguson, Mark Bryant and Kim Alexander-Yarbor, Solano County; and John Heubner, Genever Fox and Mike Brown, Property Owners: Under Negotiation: Price and Terms
- B. Meet and Confer: SEIU, Local 1280, Probation Employees Unit 12 and Supervising Probation Employees Unit 15, Chief Negotiator: Yolanda Irigon
- C. Meet and Confer: Local 228, Attorneys, Unit 1, Chief Negotiator: Craig Jory
- D. Meet and Confer: Solano County Sheriff's Custody Association, Correctional Officers, Unit 13, Chief Negotiator: Craig Jory

Open Session

The Board of Supervisors reconvened in Open Session at 9:10 a.m. All members were present. Chairwoman Kondylis presided.

Report of Action in Closed Session

County Counsel Dennis Bunting noted that there were no reports from Closed Session.

Salute to the Flag and Moment of Silence

The meeting continued with the Pledge of Allegiance to the Flag and a Moment of Silence.

Presentations

The Board of Supervisors made the following presentations:

Agenda Item No. 2

Received presentation from the Food Bank of Contra Costa and Solano. Approved and authorized Chairwoman Kondylis to sign a letter to the Contra Costa County Supervisors and Employees to accept the 2005 Counties Care Holiday Food Drive Challenge.

MOTION: Vasquez. SECOND: Kromm.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 3

Presented proclamation honoring Elizabeth Fry and Debbie Wood for establishing the Solano Midnight Sun Foundation to serve the women of Solano County who are facing breast cancer treatment and financial challenges.

Items From the Public

The Chairwoman invited individuals of the public to make statements on matters relating to the business of the Solano County Board of Supervisors. The following individuals made public comments:

A. Donald Tipton, Vallejo, noted that he attended the Solano County Strategic Planning Retreat held on October 31, 2005 and indicated that comments made at the retreat by County staff and the County Supervisors were candid, frank and open. Mr. Tipton noted that weaknesses and strengths were discussed and expressed his concern regarding the cost to purchase an agenda packet of the Board of Supervisors' meeting, time limits for public comment at the Board of Supervisors' meeting, the need for a living wage in Solano County, a place for homelessness, representation from the unincorporated area of the County on the Planning Commission, and inadequate information sent out to the public regarding the use of the ballots for the upcoming election.

B. Doug Darling, Vallejo, expressed his concern with regards to a public meeting that was held at the Solano County Fairgrounds to review a presentation by the Mills Corporation, proponents of the revitalization of the fairgrounds, and the disruptiveness of the meeting by opponents of the project who set up competing displays.

C. Chairwoman Kondylis noted that a letter had been received from Santa Clara County to join a proposed coalition of Bay Area Counties for advocacy at the State and that consideration of the letter would be scheduled on the Board of Supervisors' agenda for November 8, 2005.

D. Supervisor Kromm requested that this meeting of the Solano County Board of Supervisors be adjourned in memory of Marjorie Deming.

Approval of Agenda

Approved the Solano County Board of Supervisors' agenda as submitted with the following clarification and amendments:

Item No. 10 - Smile in Style Dental Disease Prevention Program – page 2 to read "Two extra-help staff, who are Registered Dental Hygienists Health Education Specialists, have been providing the Smile in Style program for over fifteen years."

Item No. 12 – Appropriation of unanticipated revenue totaling \$1,152,105 from the California Office of Homeland Security was removed from the Consent Calendar.

Item No. 13 – Selection of Apptis, Inc. to provide a countywide radio interoperability solution was removed from the Consent Calendar.

MOTION: Silva. SECOND: Vasquez.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 10 Public Comment on Consent Calendar

The Chairwoman invited individuals of the public to make public comment on Consent Calendar Items. The following comments were received:

Item No. 6 – Property Tax Administration Fees for FY 2005/06. Donald Tipton expressed his concern that funds were being collected from small lighting districts and spent countywide.

Item No. 9 – Agreement with the Regents of the University of California to oversample in Solano County as part of the 2005 California Health Interview Survey (CHIS). Supervisor Reagan requested staff to provide a presentation to the Board regarding an analysis and status of Master Settlement Agreement funds.

Item No. 17 – Establishment of a historic district at Pleasants Ranch, located along Pleasants Valley Road. Ethel Hoskins thanked the Board for their assistance in her efforts to form a historic district on her property, known as Pleasants Ranch which was settled by her grandfather in 1850.

Item No. 18 – Parcel Map and dedication of property for road purposes on Aspen Court in the Homeacres area of unincorporated Vallejo for Minor Subdivision MS-03-06 (Condiotti). Donald Tipton indicated that LAFCo had taken action that in order to divide property in this area of unincorporated Vallejo, that the property had to be annexed to the City of Vallejo.

Consent Calendar

Acted on the following Consent Calendar items:

4. Approved the Board of Supervisors' minutes of October 11, 2005 and October 25, 2005.
5. Ratified proclamation recognizing the attainment of Eagle Scout by Jonathan Edward Schansman Coffman.
6. Approved the Property Tax Administration Fees in the amount of \$4,017,264 for fiscal year 2005/2006. The amount to be recovered is \$1,520,356.
7. Accepted the County Treasurer's Quarterly Report for the period of July 1, 2005 through September 30, 2005.
8. Approved and authorized Chairwoman Kondylis to sign a 3-year lease agreement for the Sheriff's Department to occupy 975 square feet of space at 409 Benicia Road, Vallejo, CA at a lease rate of \$1,500 per month from November 15, 2005 through November 14, 2008. Authorized the County Administrator to execute any lease amendments or extensions.
9. Approved and authorized Chairwoman Kondylis to sign an agreement with the Regents of the University of California in the amount of \$87,366 for the time period July 1, 2005 through April 30, 2007, to oversample in Solano County as part of the 2005 California Health Interview Survey (CHIS).
10. Approved an Appropriation Transfer Request (ATR) in the amount of \$34,320 to transfer appropriations from extra-help salaries to contracted direct services and other operating expenses for the Smile in Style Dental Disease Prevention Program.
11. Took the following action regarding current agreement with Valley Toxicology, Inc:
 - A. Approved Amendment #3 between the County of Solano and Valley Toxicology, Inc. by \$10,000 for new contract total to \$357,319 for the term September 1, 2003 through October 31, 2005.
 - B. Approved a \$687,750 contract for drug screening services between the County of Solano and Valley Toxicology, Inc. for the term November 1, 2005 through June 30, 2008 in accordance with Request for Proposal PROB-06-01.

C. Authorized the Chief Probation Officer/Director of Probation to approve and execute any contract amendments limited to minor modifications to scope of services, terms and conditions, and adjustments to total compensation provided they do not exceed 10% of the annual contract amount.

14. Accepted a \$74,966 grant from the United States Environmental Protection Agency to conduct a study for underground injection wells throughout the central valley region of Solano County. Approved an appropriation transfer request of \$53,200 in unanticipated revenue to cover expenditures for professional services, equipment, computer software, and supplies for FY 2005/06.

15. Approved and authorized the County Administrator to sign amendment 1 to existing professional services agreement with Bureau Veritas for construction plan review and site inspection services of the Shiloh Wind Partners (PPM) Shiloh I Wind Plant Project and the enXco wind turbine replacement project in an amount of \$86,000 for a total contract amount not to exceed \$314,000. Approved appropriation transfer request to increase building permit revenue in the amount of \$86,000 to cover additional professional services costs.

16. Approved Change Order work in an amount up to 17 percent for the construction of the bridge on Suisun Valley Road at Suisun Valley Creek.

17. Approved a waiver of the 60-day comment period for the establishment of a historic district at Pleasants Ranch, located along Pleasants Valley Road about two miles south of Putah Creek Road. Authorized the Director of Resource Management to send a letter granting the waiver.

18. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-219 approving the parcel map and accepting the dedication of property for road purposes on Aspen Court for Minor Subdivision MS-03-06 (Condiotti).

MOTION: Reagan. SECOND: Vasquez.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Item No. 12

Acquisition of Special Equipment and Vehicles Associated with Homeland Security Efforts

At the conclusion of discussion, the Board acted to appropriate unanticipated revenue in the amount of \$1,152,105 to special revenue bureau 2579 (Homeland Security V) for the FY 2005/06 budget year. Approved the acquisition of fixed assets totaling \$1,059,500 for special equipment and vehicles associated with Homeland Security efforts. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-218 accepting the Emergency Management Program Grant (EMPG) in the amount of \$84,775 as required by the State Office of Emergency Services; (funding included in above appropriations).

MOTION: Kromm. SECOND: Reagan.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 13

Countywide Radio Interoperability

As administrator of the Memorandum of Understanding (MOU) for the Solano County Emergency Communications Activities (SECA), the Board took the following action:

A. Approved the selection of Apptis, Inc. to provide radio interoperability improvements to serve the County, its seven cities, and first responder agencies.

B. Approved and authorized Chairwoman Kondylis to sign a \$3,000,000 contract for a countywide radio interoperability solution between the County of Solano and Apptis, Inc. for the term of November 15, 2005 through September 30, 2007 in accordance with Request for Proposal RFP 58-835-06.

C. Authorized the County Administrator to approve and execute any contract amendments to the scope of services, terms and conditions, and total compensation provided they do not exceed 10% of the total contract amount.

MOTION: Kromm. SECOND: Reagan.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 19

Memorandum of Understanding

Unit #13 Correctional Officer Employees

Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-220 approving the Memorandum of Understanding (MOU) for Unit #13 – Correctional Officer Employees represented by the Solano County Sheriff's Custody Association, for the term of October 9, 2005 through October 7, 2006.

MOTION: Silva. SECOND: Vasquez.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 20

Pension Funding Bonds

Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-221 authorizing the execution and delivery of a First Supplemental Indenture, a Bond Purchase Contract, a Continuing Disclosure Agreement, a Preliminary Official Statement and an Official Statement in connection with the issuance and sale of County of Solano Taxable Pension Funding Bonds, Series 2005, and other matters relating to them in an amount not to exceed \$50MM at a rate not to exceed 6%. Authorized the Treasurer-Tax Collector-County Clerk to execute the necessary documents for the issuance.

MOTION: Silva. SECOND: Vasquez.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 21

Information Technology Sourcing Work Plan

At the conclusion of a presentation received from Gartner, Inc. on their proposed Information Technology sourcing work plan, the Board took the following action:

A. Approved the selection of Gartner, Inc. to assist with a review of the County's information technology sourcing needs and the development of the technology infrastructure sourcing RFP process.

B. Authorized the County Administrator to execute a \$642,000 contract for the sourcing contract between the County of Solano and Gartner, Inc. for the term November 1, 2005 through March 31, 2007 in accordance with Request for Proposal RFP H-901-06.

C. Authorized the County Administrator to approve and execute any contract amendments to the scope of services, terms and conditions, and total compensation provided they do not exceed 10% of the total contract amount.

MOTION: Silva. SECOND: Reagan.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Recess

The Board of Supervisors recessed this meeting at 10:50 a.m. and reconvened at 11:10 a.m. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 22
General Plan Update Guiding Principles

Adopted a Preamble for the Solano County General Plan Update Guiding Principles and that the title of the document be expanded to include: "Planning for a Sustainable Solano: Solano County General Plan Update" followed by "Guiding Principles".

MOTION: Kondylis. SECOND: Vasquez.

AYES: Kromm, Vasquez, Kondylis.

NOES: Reagan, Silva. (Supervisor Reagan did not support inclusion of political "buzzwords". Supervisor Silva felt that the word sustainable "to stand the test of time" exceeded its definition in the Guiding Principles.)

Agenda Item No. 23
Citizens Advisory Committee
For General Plan Update

Authorized the establishment of a fifteen (15) member Citizens Advisory Committee for the Solano County General Plan update and five (5) alternates – one alternate from each district.

Established the following criteria:

- A. Each member of the Board of Supervisors will have three (3) appointments and one (1) alternate member.
- B. Appointments may be countywide.
- C. Appointee must be a resident of Solano County.
- D. Fifteen member Citizens Advisory Committee will have voting capability.
- E. Five (5) alternates who will participate but will not have voting capability unless permanent member is no longer serving on the Committee.

MOTION: Reagan. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item Nos. 24 and 25
In-Home Supportive Services

Agenda Item Nos. 24 and 25 are contained in the minutes of the In-Home Supportive Services Public Authority.

Agenda Item No. 29
CSAC Board of Directors

Acted to elect Chairwoman Barbara R. Kondylis as a member of the California State Association of Counties (CSAC) and Supervisor John Silva as the alternate.

MOTION: Vasquez. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 30 thru 39
Appointment Authority

Approved the following:

- 30. Appointment of Maria Moses to the Child Abuse Prevention Council for a term to expire

November 1, 2007.

31. Appointment of Neil R. Hamilton as Trustee of Reclamation District No. 501 for a four year term to expire December 4, 2009.
32. Appointment of Mark Palamountain and Edward Linscheid as trustees of Reclamation District No. 1607 for a four year term to expire December 4, 2009.
33. Appointment of H.N. Kuechler IV as Trustee of Reclamation District No. 2060 for a four year term to expire December 4, 2009.
34. Appointment of Clifford DeTar and Ross Rasmussen as Trustees of Reclamation District No. 2068 for a four year term to expire December 4, 2009.
35. Appointment of Terrance C. Connolly, Tom Newton, Carrell May and Todd Cerini as Trustees of Reclamation District No. 2129 for a four year term to expire December 4, 2009.
36. Appointment of James Edgar, Mike Temps and Gary Frugoli as Trustees of Reclamation District No. 2136 for a four year term to expire December 4, 2009.
37. Appointment of Robert S. Currey as Director of Division 1 and Robert Hanson as Director of Division 5 of the Solano Irrigation District for a four year term to expire December 4, 2009.
38. Appointment of Bob Dorsett, Jim Frische and Carl A. Hakenen, Jr. as Directors of the Cordelia Fire Protection District for a four year term to expire December 4, 2009.
39. Appointment of Henry N. Kuechler as Director of Division 3 of the North Delta Water Agency, Division 3, for a four year term to expire December 4, 2009.

MOTION: Kromm. SECOND: Reagan.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 41

Appointment Authority

Workforce Investment Board of Solano County

The Board of Supervisors, as the local legislative body and as authorized in Section 117(1)(2) (A) of the 1998 Workforce Investment Act (WIA), ratified the September 16, 2005 action of the Workforce Investment Board of Solano County (WIBSC) and appointed Ms. Elsa Hassler, Human Resource Manager for Copart, as a Business Representative on the Board of Directors of WIBSC and authorized Chairwoman Kondylis to sign and effect a Certificate of Appointment and Oath of Office.

MOTION: Kromm. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Recess

The Board of Supervisors recessed this meeting at 11:55 a.m. and reconvened at 2:00 p.m. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 40

Appointment Authority

Child Abuse Prevention Council

Deferred consideration of appointments to and resignations from the Child Abuse Prevention Council to November 8, 2005.

Agenda Item No. 26
 Minor Subdivision Application
 No. MS-05-02 - Craig McNamara

At the request of County staff, the Board continued public hearing to December 6, 2005 at 2:00 p.m. to consider approval of Minor Subdivision Application No. MS-05-02 of Craig McNamara to subdivide a 325 acre parcel into three parcels of 41 acres, 144 acres, and 138 acres respectively; adopting a resolution approving Minor Subdivision Application MS-05-02. The property is located at 5193 Putah Creek Road in an "A-40" Exclusive Agricultural Zoning District.

Agenda Item No. 27
 Agricultural Preserve Application
 B&S Properties (Scott Stewart)

At the conclusion of a public hearing to consider Agricultural Preserve Application Nos. 1342 (for 13.94 acres); No. 1343 (for 44.55 acres); No. 1344 (for 54.09 acres); and No. 1345 (for 57.58 acres) of B&S properties (Scott Stewart), the Board took the following action:

- A. Rescinded County standard Land Conservation Contracts (Williamson Act) Nos. 605 and 606.
- B. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-223 rescinding Land Conservation (Williamson Act) Contracts Nos. 605 and 606 and concurrently establishing Land Conservation Contract Nos. 1342, 1343, 1344, and 1345 for B&S Properties (Scott Stewart) and directed that they be recorded.

MOTION: Vasquez. SECOND: Kromm.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No. 28
 Dove Creek Trail, Vacaville

The Board introduced and waived full reading of an Ordinance amending Chapter 28, Section 28-15 of the Solano County Code to rezone approximately 80 acres of property, comprising two parcels, located at the southwest terminus of Dove Creek Trail, 7471 Dove Creek Trail; APN's: 0105-080-460 & -470, from Exclusive Agricultural (A-20) to Rural Residential (RR-2-1/2) and to impose a Policy Plan Overlay zoning district (PP-01-03) on such property.

MOTION: Kromm. SECOND: Silva.
 AYES: Kromm, Reagan, Silva, Vasquez, Kondylis

Chairwoman Kondylis opened the hearing to the public.

Solano County Department of Resource Management provided an overview of the proposed project to rezone approximately 80 acres of property and subdivide into 32 rural residential lots in a gated community with additional common area parcels for property located at the southwest terminus of Dove Creek Trail; 7471 Dove Creek Trail. Staff noted that the proposed project would include improvements to Sweeney Creek to correct existing site drainage deficiencies and reduce the rate of peak storm flows, reduce turbidity (suspended sediment), and provide greater control of runoff that reaches Sweeney Creek compared to past conditions. The proposed project would also require the subdivider to dedicate the necessary right-of-way from the northern boundary of the subject property to Cantelow Road, and to construct the public road within this right-of-way, including two new bridges, one each across Sweeney Creek and English Creek. The subdivider would be required to offer the necessary right-of-way for dedication through negotiations with the landowners. If the subdivider is unable to negotiate an agreement with affected property owners at the time of filing the final map, the County would be able to acquire that right-of-way through eminent domain with costs paid by the subdivider. This action would provide a through road from

Peaceful Glen Road to Cantelow Road. Staff noted that the Solano County Planning Commission added the following Conditions to: 1) enable the County to maintain all common area and other required improvements within the subdivision should the subdivision homeowners association disband or otherwise cease to perform said maintenance responsibilities; 2) require the subdivider to initiate a groundwater (hydrological) study and furnish a groundwater monitoring and reporting program prior to recordation of the Final Map; and 3) require the subdivider to offer for dedication 60 feet of public right of way along Dove Creek Trail from Peaceful Glen Road to the north boundary line of the subdivision. Staff requested that the Board take the following action:

- A. Adopt the Mitigated Negative Declaration of environmental impact as amended by the Planning Commission.
- B. Adopt the proposed Ordinance approving Rezoning Petition No. Z-01-03 rezoning the approximately 80-acre property, comprising two parcels, from A-20, Exclusive Agricultural, to RR-2 ½, Rural Residential and approving PP-01-03, Policy Plan Overlay District.
- C. Approve Major Subdivision S-01-03, to subdivide the approximately 80 acre property located at the southwest terminus of Dove Creek Trail into 32 residential lots with additional common area parcels, subject to the conditions of approval recommended by the Planning Commission, as amended.

The Board received a presentation from the applicant, Brian West, Dove Creek Partners. Mr. West noted that their proposed project met all the federal, state, and regional requirements for this type of development and met all the requirements of the Negative Declaration. Mr. West indicated that the proposed project provided tangible benefits to Solano County and was approved by the Planning Commission by a 4-1 vote.

The Board of Supervisors recessed this meeting at 3:25 p.m. and reconvened at 3:40 p.m. All members were present. Chairwoman Kondylis presided.

The Board received comments from the public expressing their concerns regarding lot size, density, consistency of proposed land use with surrounding land uses, quality and availability of ground water for existing domestic wells offsite, the ability of the Rural North Vacaville Water District to serve the project given that less than 2-1/2 acre lots are proposed, site drainage, off-site flooding concerns, increased traffic including cross through traffic on Dove Creek Trail, road conditions, road design, road dust, road maintenance, noise, preservation of oak trees, pond wildlife concern, use of pond for recreational purposes, gated community, and preference for a road barrier along the private segment of Dove Creek Trail.

At the conclusion of receiving public input, Chairwoman Kondylis closed the hearing to the public and the Board acted to continue this matter to November 8, 2005 at 6:00 p.m. in the Solano County Board of Supervisors' Chambers.

MOTION: Kromm. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez, Kondylis.

Agenda Item No.
Adjournment

The Board of Supervisors adjourned this meeting at 5:20 p.m. in memory of Marjorie Deming. The next meeting of the Board of Supervisors will be November 8, 2005 at 8:30 a.m.

BARBARA R. KONDYLIS, Chairwoman
Solano County Board of Supervisors

MICHAEL D. JOHNSON, Clerk of the
Solano County Board of Supervisors

By
Patricia J. Crittenden, Chief Deputy Clerk