

Minutes For April 5, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

April 5, 2005

MINUTES

The Solano County Board of Supervisors met on the 5th day of April, 2005 in regular session in the Chambers of the Board of Supervisors of the County of Solano in the Solano County Administration Center, 675 Texas Street, Fairfield, California at 8:40 A.M. pursuant to County Code Section 2-1.103. Present were Supervisors Kromm, Reagan, Silva, and Vice-Chair Vasquez. Chairwoman Kondylis arrived at 8:43 A.M. Also present were Michael D. Johnson, County Administrator and Dennis Bunting, County Counsel.

Agenda Item No. 3
Closed Session

The Board of Supervisors recessed this meeting at 8:42 a.m. to convene in Closed Session on the following matters:

- A) Potential Litigation: 2 cases
- B) Labor Negotiations: Public Employees Union, Local 1 Units 6 & 16, California Federation of American Physicians and Dentists, Teamsters, Local 228, Attorneys, In-Home Health Support Services (IHSS), Chief Negotiators: Craig Jory, Yolanda Irigon, Steve Janice, Jim Ferguson, and Wayne Page

Agenda Item No. 4
Open Session

The Board of Supervisors reconvened in Open Session at 9:20 A.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 5
Report of Action in Closed Session

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

Agenda Item No. 6
Salute to the Flag and Moment of Silence

Carmen Ward, Chairwoman of the Court Appointed Special Advocate (CASA) Advisory Board and Aide to Chairwoman Kondylis, led all in the Pledge of Allegiance to the Flag and a Moment of Silence.

Agenda Item No. 7
Presentations/Introductions

The Board of Supervisors made the following presentations:

- A. Presented Proclamation of the Solano County Board of Supervisors recognizing the week of April 3rd through April 9th as "The Week of the Young Child"
- B. Adopted and presented Resolution No. 2005-065 proclaiming the Week of April 10-16 as National County Government Week in the County of Solano. (see Resolution Book)

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

C. Adopted and presented Resolution No. 2005-069 declaring April as Sexual Assault Awareness and Prevention Month. (see Resolution Book)

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

D. Adopted and presented Resolution No. 2005-064 recognizing April 2004 as Child Abuse Prevention Awareness Month and the Child Abuse Prevention Council Blue Ribbon Campaign. (see Resolution Book)

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

The following introductions of new County staff were made:

- A. Health and Social Services Director introduced the recent appointment of Fred Heacock as the new Deputy Director of Mental Health.
- B. County Counsel introduced Julie Barga as a recent appointment to the County Counsel staff working in the area of Child Protective Services and Public Administrator/Guardian.

Agenda Item No. 8
 Items From the Public/
 Board Member Comments

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. Chairwoman Kondylis noted that the Board of Supervisors would be holding a Special Board meeting on April 8, 2005 at 9:00 A.M. at 675 Texas Street, 6th Floor Conference Room, in the County Administration Center to meet with Senator Mike Machado and his staff to discuss legislation pertaining to Solano County.
- B. Chairwoman Kondylis requested that this meeting of the Board of Supervisors be adjourned in memory of Vallejo City Councilmember Pete Rey.
- C. Supervisor Vasquez requested that this meeting of the Board of Supervisors be adjourned in memory of Clinton "Clint" Holland.
- D. Supervisor Kromm requested that this meeting of the Board of Supervisors be adjourned in memory of Marge Kowalski.
- E. Supervisor Reagan requested that this meeting of the Board of Supervisors be adjourned in memory of Pope John Paul II.
- F. Supervisor Vasquez noted that the West Nile Virus season was beginning and had claimed its first death in Kern County.
- G. Supervisor Vasquez thanked the participants in the Strategic Planning Meeting held on Monday, March 21, 2005 held in the Becker-Balmer Meeting Room at the Fairfield Library.
- H. The Board of Supervisors received the following comments from the public regarding the inappropriate use of library computers: 1) Toni Horn, Vacaville, requested that the Board support filtering the internet at public libraries which could be removed upon requests in an effort to protect children from being exposed to pornography; 2) Holly Valentine, Vacaville, expressed her

support for the installation of filters on public library computers and felt that the County had the responsibility of protecting the children of the community from being exposed to inappropriate websites; 3) Deitra Cox, Vacaville, indicated that public libraries should be a safe place of learning for children and that they should be protected from being exposed to pornographic websites; 4) Mary Bourguignon, Fairfield, indicated that she was a nurse and a parent and preferred that her child not access pornography through the public library. However, she indicated that she felt it was important for protect the medical sites protected to allow individuals the opportunity to treat or care for their own illness or disease.

Supervisor Vasquez noted that Library policy views pornographic sites as inappropriate and do monitor and turn off any computers being used in an inappropriate manner. Supervisor Vasquez requested that the County's Library Internet Policy be reviewed.

Supervisor Reagan noted that he felt that the First Amendment to the Constitution was only intended to restrict the government's ability to interfere with political and religious opinion and not to guarantee an audience. Supervisor Reagan noted that he supported the request made by the public. Board directed the County Administrator to coordinate with the County Librarian to bring the issue of library computers, internet policy, and the use of filters back to the Board of Supervisors for discussion after review by the County Counsel, District Attorney, and Mental Health.

- I. Supervisor Reagan provided an update on Base Realignment and Closure (BRAC) Commission. Supervisor Reagan noted that Commissioners have been appointed by the President which begins the process. Supervisor Reagan noted that the Department of Defense will deliver its recommendations no later than May 16, 2005, at which time they will become public record and will be able to be analyzed for its impact on Solano County and other communities in California. Supervisor Reagan noted that Solano County will be working with the State's Office on Military and Aerospace Affairs to put together a televised forum to provide the public with a quick analysis of what the affects will be on California as a result of those recommendations. The BRAC Commission will then have public comments on the Department of Defense recommendations, have staff review, and make recommendations on the process by September 2005.
- J. Supervisor Reagan noted that Travis Air Force Base hosted several community leaders to visit the Boeing C17 assembly plant in Long Beach to become familiar with the new weapons system that will be stationed at Travis.
- K. Supervisor Reagan noted that he presented certificates on behalf of the Board at the Rotary Firefighter of the Year celebration.
- L. Supervisor Kromm reported that Solano County will hold a Public Grand Opening of the Solano County Administration Center on Saturday, April 9, 2005 and that guided tours of the building will be held every half hour.
- M. Supervisor Kromm indicated that he had been notified that use of the Board of Supervisors Chambers would be reserved for a limited number of specified boards and commissions. Supervisor Kromm noted that the County Administration Center was a public building and should be used by the public. Supervisor Kromm expressed his feeling that the complexity of the technology in the new Board of Supervisors Chambers was prohibitive to the public. Staff was directed to bring discussion of this issue back to the Board at a later date.
- N. Supervisor Kromm noted that the proposed State of California Special Election in November would cost Solano County approximately \$750,000 and requested that the Board take a position on a future agenda to oppose this cost to the County.
- M. Chairwoman Kondylis noted that information had been received regarding a juvenile justice program implemented in the City of Portland "Justice Without Bars" and requested that the Chief Probation Officer Gemma Grossi make a presentation at a future Board meeting to update the Board on juvenile justice programs in Solano County. Supervisor Silva noted that he had been appointed by the California Supervisors Association of Counties (CSAC) to sit on a Juvenile Justice Reform Committee appointed by the Governor to review the California Youth Authority and the potential of making changes in probation and parole giving counties more control. Supervisor Silva noted that the Portland model had also been presented at the National Association of Counties conference in Washington D.C.

Agenda Item No. 9
Approval of Agenda

Approved the Solano County Board of Supervisors' agenda as submitted with the following amendment:

Item No. 13a – Rental agreement with Alliance for Community Care Corporation to provide Mental Health and Housing Services to mentally ill adults at 1935 Kidder Avenue, Fairfield, California removed from the Consent Calendar and renumbered as Agenda Item No. 16A.

MOTION: Kromm. SECOND: Silva.
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. There was no public comment.

Consent Calendar

Acted on the following Consent Calendar items:

13B. Approved and authorized the Chairwoman to sign a month to month rental agreement and the General Services Director to sign any subsequent amendments with Commercial Development Investments, LLC, for 8,004 square feet of office space and common area located on the ground floor of 470 Chadbourne Road, Fairfield at a cost of \$1.18 per sq. ft. as outlined in the Agenda Submittal from General Services, Property Management dated April 5, 2005, incorporated herein by reference. It was noted that the rate per sq. ft. was higher than average due to the nature of a month to month rental agreement for a short period of time.

13C. Approved the annual update of the Nut Tree Airport's Capital Improvement Plan for submission to the Federal Aviation Administration and authorized the General Services Director to sign the associated data sheets as outlined in the Agenda Submittal from General Services, Airport dated April 5, 2005, incorporated herein by reference.

13D. Ratified three grant applications totaling \$550,000 for Update of the Airport Layout Plan, Update of the Airport Master Plan, and Environmental Assessments for Property Acquisitions/Future Projects as outlined in the Agenda Submittal from General Services, Airport dated April 5, 2005, incorporated herein by reference.

14. Approved a \$120,500 amendment to a contract with Families First, Inc. to provide three additional beds in a 24 hour intensive residential care program for the period ending June 30, 2005 for a new contract total of \$435,500. Approved an Appropriation Transfer Request in the amount of \$120,500 from unanticipated State Short/Doyle Medi-Cal, Child Health Fees (EPSDT), and State Aid Mental Health Realignment revenues.

15. Adopted and authorized the Chairwoman to sign Resolution No. 2005-074 authorizing the District Attorney to renew the State Board of Control, Victim Compensation and Government Claims Board Contract as a two year project for July 1, 2005 through June 30, 2007 in Solano County. (see Resolution Book)

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

Item No. 17
Revitalization of Solano County Fairgrounds

The Board received a report from the County Counsel requesting consideration of a Second Amendment to Memorandum of Intent (Second MOI Amendment) with the Solano County Fair Association and the Mills Corporation for the revitalization of the Solano County Fairgrounds as outlined in the Agenda Submittal dated April 5, 2005, incorporated herein by reference.

Brian Clark, Mills Corporation, appeared before the Board and reported on the progress that has been made and outlined the proposed project. It was noted that this was a complex project and that they were charting new territory. Mr. Clark noted that they were very close in completing the revised master plan concept which will be presented to the County in the near future and are in the process of completing the traffic study and noted that there were significant issues within the transportation infrastructure today and any future development will have to address existing failures. Mr. Clark noted that they have addressed key issues through community outreach and have incorporated ideas from the community into the plan which included improved pedestrian access and improved green space and landscaping, and working with local merchants to establish a cooperative marketing plan. Mr. Clark noted that the proposed project would include a Regional Marketing Initiative and promoting Solano County.

Mr. Clark noted that they would meet the deadline of providing a new master plan concept on May 15, 2005. Mr. Clark noted that he would like to come back to the Board on April 26, 2005 to present the plan for the Board's comment. Mr. Clark noted that the proposed MOI would provide the time for Mills Corporation to put the project together and would provide the Board with additional time to make comments. In addition, Mills Corporation would provide more outreach to the community, reactivate their website, utilize cable television to provide the plans to the community, and provide a slide show on a CD for distribution. Mr. Clark indicated that their next step would be to begin the CEQA process for environmental studies and an Environmental Impact Report (EIR). Preliminary Studies have begun at this time.

Lou Franchimon, Napa Solano Building Trade, expressed his support for Mills Corporation and noted that he felt it was important to take the time needed to properly accomplish the project. Mr. Franchimon noted that poorly designed, poorly planned projects create cost overruns and delays.

Al Fleming, Executive Director of Fighting Back Partnership, a non profit community based, multi cultural coalition, in Vallejo which works to help develop neighborhood revitalization, job development and economic development to help strengthen neighborhoods. Mr. Fleming noted that they supported the proposed project by Mills Corporation as it was an opportunity to revitalize the fairgrounds while increasing the financial position of the County and the City of Vallejo. The proposed project would replace run down facilities and add new ventures that would benefit the residents of Solano County.

Mike Browne, Vice-President of Marketing in the Vallejo Convention and Visitors Bureau in the Solano County film office. Mr. Browne expressed his support for the redevelopment of the fairgrounds and the need to extend the planning process. Mr. Browne noted that the revitalization of the fairgrounds would provide added value to visitors to the area. Mr. Browne noted that the extension of time would allow for the proper planning in providing a one of a kind, year round destination that Mills Corporation will help develop.

Chairwoman Kondylis noted that there was a need in the community for jobs and transportation and felt that the proposed project would provide gainful employment to those who live in the area.

Supervisor Silva noted that the Master Plan was the key element and that a lot of work has been done to provide a project that is reflective of what the community has requested. Supervisor Silva noted that he and the Solano County Administrator met with Larry Siegel and other executives of Mills Corporation in Arlington, Virginia and felt assured that they were excited and moving forward on the project. Supervisor Silva noted that this was a unique private/public partnership in revitalizing the fairgrounds and bringing in a destination/retail component. Supervisor Silva noted that Mills Corporation has expressed a desire to provide a product that is done right. Supervisor Silva further noted that the revitalization of the fairgrounds would assist in the revitalization of downtown Vallejo.

In response to a question posed by Supervisor Kromm, it was noted that presentation of the proposed master plan concept would allow additional input prior to submitting a final master plan.

Supervisor Kromm noted that he had previously inquired if Mills Corporation was in negotiations with Indian gaming casinos and had not received a reply. Mr. Clark expressed his apologies for not responding and stated that Mills Corporation had no interest with any venue that pertained to gaming.

Supervisor Vasquez noted that he felt that the County was taking the necessary precautions for this project and expressed his support for the extension of time.

Chairwoman Kondylis noted that this was a difficult project as it is visible from all sides.

At the conclusion of discussion, the Board approved and authorized execution of a Second Amendment to Memorandum of Intent (Second MOI Amendment) between the County of Solano, the Solano County Fair Association and the Mills Corporation for the Revitalization of the Solano County Fairgrounds.

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

The Board of Supervisors recessed this meeting at 11:00 A.M. and reconvened at 11:20 A.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 18A Renewable Energy Feasibility Evaluation

The Board received a presentation of Renewable Energy Feasibility Evaluation prepared by R.W. Beck, Inc. and a request to consider policy goals relating to renewable energy use in Solano County facilities as outlined in the Agenda Submittal from the County Administrator dated April 5, 2005, incorporated herein by reference.

Ken Mellor, R.W. Beck, Inc., provided a power point presentation and a Renewable Energy Evaluation for Solano County dated March 2005, incorporated herein by reference. The evaluation included an Energy Use Profile; Matching of loads and renewable resources; ability to substitute renewable resources (direct access, green power purchase, on-site generation, and substitution); and potential renewable energy resources in Solano County (wind energy, biomass, and PG&E options). Mr. Mellor noted that the County could provide renewable energy by 1) purchase of Renewable Energy Certificates (RECs) at an annual cost of \$24,000 to \$30,000; 2) continue contracts with PG&E, SMUD, and NorCal; 3) invest in Denverton site evaluation; and 4) track industry changes to see what options are as they unfold. Long term option would include waiting for direct access to be reinstated and become economic again.

Supervisor Kromm noted that he was opposed to investing \$24,000 to \$30,000 that would only be on paper and only for the first year.

Supervisor Vasquez expressed his agreement with Supervisor Kromm and noted that perhaps the \$24,000 - \$30,000 would best be utilized for evaluation of the Denverton Site.

Mr. Mellor noted that many corporations are buying green energy. If the County wanted to be responsible for the generation itself, the Board may want to commit \$25,000 per year to meet the commitment in the future by purchasing a tower at a SMUD generation site; however, at this point, the County wouldn't be able to bring the energy home. Mr. Mellor noted that the County needed to decide how important the objective is to the County to be able to say that they are 100% resource of their own generation or renewables by setting a budget.

Supervisor Reagan noted that he would not support paying a premium price to own and generate wind.

Supervisor Silva noted that SMUD, NorCal and others are coming into the County and taking the wind energy and felt there should be some opportunity, during the Environment Impact Report process, to mitigate electricity for the County through a grid.

In response to the comment made by Supervisor Silva, Mr. Mellor noted that that process was considered direct access which is currently denied to the County by State law. However, in the future, the laws may change.

Chairwoman Kondylis noted that the Board expressed an interest in reviewing the wind turbine project, the feasibility of the Denverton and Kings Ranch Site, and pursuing the new vertical cylinder design. It was noted that the Board was interested in clean energy if reasonably priced.

In response to a question posed by Chairwoman Kondylis, Mr. Mellor noted that the County was a wholesaler not a retailer and retailers will buy Renewable Energy Certificates (RECs) and then sell green power to their customers at a premium. Mr. Mellor cautioned the County that if the County were to become a retailer in the near future, there would be exit fees associated with the departing load replaced by this renewable resource that will make it cost prohibitive as the exist fees would be approximately \$300,00 - \$400,000.

At the conclusion of the Board's discussion, the Board indicated that they would review this matter in one year and directed Resource Management to provide the Board with a report on the County's relationship with SMUD as it relates to energy, land operation, and farming. The Board took no further action on this matter.

Agenda Item No. 18C
County Appointed Special Advocate (CASA)

Received a presentation by the Court Appointed Special Advocate (CASA) Advisory Board on the transition of the program to a nonprofit corporation as outlined in the Agenda Submittal from the County Administrator's Office dated April 5, 2005, incorporated herein by reference.

The CASA Executive Director appeared before the Board and provided an overview of their program and a status report on the transition of this program to a nonprofit corporation, and a financial report. It was noted that the CASA Program has steadily increased the balance of their nonprofit account; however, they were not in a position at this time to stand alone financially as an independent non-profit corporation and encouraged that County to continue to share in the financial support of the program and continue to aid Solano County's dependent children with a guaranteed funding commitment to CASA of Solano County for the next two fiscal years.

Carmen Ward, Chairwoman of the CASA Board of Directors, thanked the Board for their support and felt that this was a committed group working to improve the life of a child whose voice often goes unheard.

In review of the financial report, it was noted that the average monthly cost of a child in the CASA Program was \$2,035 which was approximately one-half of the cost of placing a child in a group home and far less than having a child in the Probation system.

J. Paul Cohen, Chair of the CASA Advisory Committee for the County of Solano, thanked the Board for their initial support for getting the program off the ground, expressed his feeling that it was important to keep the program in operation, and their commitment to strive for a nonprofit status by looking for corporate sponsorships and applying for grant funding,

Supervisor Kromm expressed his concern that the current fundraising effort was at approximately six percent and that there was no fundraising plan submitted. Supervisor Kromm noted that the transition of the program to a nonprofit status would not be successful if it was dependent on funds from the government.

Supervisor Silva noted that the cost of providing for a child through the CASA Program was substantially less than the probation system or the California Youth Authority. Supervisor Silva expressed his support for the program and noted that once the program had nonprofit status, they would have more support. Supervisor Silva further indicated that he felt that there was a need for transitional housing for those who are part of the program and reach 18 years of age.

Agenda Item No. 21A
Williamson Act Contracts Updates for
Policy and Uniform Regulations

The Board of Supervisors reviewed the information contained in the Agenda Submittal from Resource Management dated April 5, 2005, incorporated herein by reference, updating the Board on recent changes to the Williamson Act and related issues that have been identified through discussion with the State Department of Conservation and requesting the Board to direct the Agricultural Advisory Committee to review and make recommendations to update "Policy and Uniform Regulations Governing Administration of Agricultural Preserves in Solano County."

Harry Englebright, Resource Management, provided the Board with an update on the latest provisions under the Williamson Act and the need for review and update to the "Policy and Uniform Regulations Governing Administration of Agricultural Preserves in Solano County". It was noted that AB 1492, which went into effect on January 1, 2004, established new penalties on property owners for a material breach of a Williamson Act contract. Four key issues that have been discussed by the State Department of Conservation included 1) lands under contract that are no longer in commercial agriculture use; 2) land uses established on contracted land that are not incidental to commercial agriculture use; 3) contracted lands that are subdivided for residential use; and 4) Williamson Act contracts initiated within city spheres of influence. Mr. Englebright noted that the requirements of Williamson Act and the State Department of Conservation interpretation of compatible land uses raised several issues as to how the County administered Williamson Act contracts which included: 1) Lands under contract that are no longer in Commercial Agriculture Use; 2) Land uses established on contracted land that are not incidental to Commercial Agriculture Use; 3) Contracted lands that are subdivided for residential use; and 4) Williamson Act Contracts within a City Sphere of Influence. Mr. Englebright stated that because of the potential penalties that may be imposed on property owners

under AB 1492, staff had been taking action to address the issues of 1) residential building permits on contracted land; 2) subdivision of contracted land; and 3) Certificate of Compliances on contracted land

At the conclusion of discussion, the Board acted to direct the Agricultural Advisory Committee to review and make recommendations to update "Policy and Uniform Regulations Governing Administration of Agricultural Preserves in Solano County.

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

The Board of Supervisors recessed this meeting at 1:10 P.M. and convened in Closed Session on the following item:

Labor Negotiations: Public Employees Union, Local 1 Units 6 & 16, California Federation of American Physicians and Dentists, Teamsters, Local 228, Attorneys, In-Home Health Support Services (IHSS), Chief Negotiators: Craig Jory, Yolanda Irigon, Steve Janice, Jim Ferguson, and Wayne Page

The Board of Supervisors reconvened this meeting in regular session at 2:20 P.M. All members were present. Chairwoman Kondylis presided

Agenda Item No. 18B
Reimbursement of Maintenance and Security
Costs at County Government Center

The Board received a request from the County Administrator's Office to consider an Operating Agreement with the City of Fairfield and Fairfield Redevelopment Agency for reimbursement of maintenance and security costs at the County Government Center, reimbursement for development costs and fees, and an option to lease the Courthouse Annex property at 600 Texas Street, Fairfield, for a parking lot as outlined in the Agenda Submittal dated April 5, 2005, incorporated herein by reference.

In response to a question posed by Supervisor Reagan, Kurt Johnson, City of Fairfield Redevelopment Agency, noted that the proposed parking lot at 600 Texas Street, Fairfield, would serve the customers utilizing the northwest and southwest corner of Texas Street as well as the downtown merchants.

At the conclusion of discussion, the Board approved and authorized the Chairwoman to sign an Operating Agreement with the City of Fairfield and the Fairfield Redevelopment Agency for reimbursement of maintenance and security costs at the County Government Center, reimbursement for development costs and fees, and an option to lease the Courthouse Annex property at 600 Texas Street for a parking lot.

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

Agenda Item No. 13A
Alliance for Community Care Corporation

Approved and authorized the General Services Director to sign a rental agreement with any subsequent amendments and extensions with Alliance for Community Care Corporation to provide mental health and housing services to mentally ill adults on County owned real property located at 1935 Kidder Avenue, Fairfield, California for \$100 per month as outlined in the Agenda Submittal from General Services, Property Management dated April 5, 2005, incorporated herein by reference.

MOTION. Vasquez. SECOND: Kromm.
AYES: Kromm, Silva, Vasquez, Kondylis
NOES: Reagan. (Supervisor Reagan disapproved of the process of ratifying an agreement after funds

had been committed)

Agenda Item No. 19
ABAG Spring General Assembly

Discussed the ABAG Spring General Assembly to be held on April 28 and 29, 2005 in San Francisco and appointed Supervisor Kromm as the Board's delegate to attend.

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

Agenda Item No. 20
Tax Collector's Statement
And Security for Taxes

Introduced and waived full reading of an Ordinance amending Solano County Code Chapter 26, Section 26-103.3, Tax Collector's Statement and Security for Taxes,

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

The Board of Supervisors reviewed the information contained in the Agenda Submittal from the Treasurer-Tax Collector-County Clerk dated April 5, 2005, incorporated herein by reference, regarding the first reading of an ordinance amending Solano County Code Chapter 26, Section 26-103.3, relating to Tax Collector's Statement and Security for Taxes to align the County Code with the State Code in an effort to provide greater flexibility to the public.

The Board introduced the proposed ordinance amending Solano County Code Chapter 26, Section 26-103.3, Tax Collector's Statement and Security for Taxes and set May 10, 2005 for consideration of adoption.

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

Agenda Item No. 21B
City-County Coordinating Council Subcommittee

Received and approved recommended changes from the Board's Subcommittee for the City-County Coordinating Council as outlined in the Agenda Submittal from Resource Management dated April 5, 2005, incorporated herein by reference. Birgitta Corsello, Director of Resource Management reviewed how this Council had operated in the past, noted that she had consulted with the mayors and the representatives of the Board of Supervisors, and put together a proposed approach. Ms. Corsello noted that the proposal would accommodate the request to hold quarterly meetings with formalized staffing and a formalized steering committee to review the plan on an annual basis.

Chairwoman Kondylis indicated that it was their hope that they would have a means to share information more openly and more frequently in an effort to avoid misunderstandings.

Supervisor Vasquez indicated that he would support the Board meeting with the various city councils and make an offer to discuss issues.

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

Agenda Item No. 24A
Minor Subdivision Application – James Coppel

Acted to deny the application.

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

Agenda Item No. 24B
Minor Subdivision Application – Jess Jones

Approved staff recommendation.

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

The Board of Supervisor recessed this meeting at 4:15 P.M. and reconvened at 4:30 P.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 22
Housing and Urban Development (HUD)

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

Agenda Item No. 23
Appointment Authority

Approved the following:

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

The Board of Supervisors recessed this meeting at 4:35 P.M. and convened in Closed Session on the following matter:

The Board of Supervisors adjourned from Closed Session at 4:45 P.M. and recessed this meeting to 6:30 P.M.
The Board of Supervisors reconvened in regular session at 6:40 P.M. All members were present. Chairwoman Kondylis presided

Agenda Item No.
Closed Session

The Board of Supervisors reconvened in Closed Session at XX:XX A.M. to discuss the following matters:

Potential Litigation: 1 case. Meet and Confer: SEIU, Local 1280; SEIU, Local 535; Public Employees Union, Local 1; Units 6 and 16; Chief Negotiator-Craig Jory; In-Home Supportive Services (IHSS) SEIU Local 1280, Jim Ferguson; Teamsters Local 228, Unit 1, Steve Janice; UAPD, Unit #11, Wayne Page.

There were no reports from Closed Session.

Agenda Item No. 25
Confined Animal Facilities – Dairies

Agenda Item No.
Adjournment

The Board of Supervisors adjourned this meeting at 10:20 P.M. in memory of the following:

- A. Pope John Paul II
- B. Clinton "Clint" Holland
- C. Vallejo City Councilmember Pete Rey
- D. Marge Kowalski
- E.

The next meeting of the Board of Supervisors will be April 8, 2005 at 9:00 A.M. in the County Administration Center Conference Room, 675 Texas Street, Suite 6500, Fairfield, California.

Agenda Item No. 24A
Minor Subdivision Application – James Coppel

The Board of Supervisors received an Agenda Submittal from Resource Management dated April 5, 2005, incorporated herein by reference, requesting the Board to hold a continued public hearing from March 22, 2005 to consider approval of Minor Subdivision Application No. MS-03-12 of James Coppel to subdivide a 517 acre parcel into twelve parcels of 43 acres each and adopt a resolution approving Minor Subdivision Application MS-03-12. The property was located on Mace Blvd. in an "A-40" Exclusive Agricultural Zoning District.

Matt Walsh, Senior Planner, briefed the Board and noted that at the previous public hearing that a concern was expressed by an area farmer that the proposed development would impede his ability to spray his fields by air.

The Chairwoman opened the hearing to the public and received the following comments.

Eric Warnken, Solano County Farm Bureau, noted that they did not feel that the subdivision was compatible to the farming operations in the area. Mr. Warnken noted that those who move to the country to have more acreage and are not farmers, tend to let their weeds go, let their dogs run loose, and oppose the farming noises. Any of these issues would be detrimental to the farmer.

David Viguie, noted that the advantage of the subdivision would go to the new property owners and detrimental to the farmer.

Albert Martinelli, farmer, noted that the application of pesticides by the air was determined by the weather conditions and it was difficult to know if the pesticides are carried past the buffer zones.

Solano County Agriculture Commissioner Susan Cohen presented an overview of pesticide conditions in Solano County and noted that there were four areas of concern which included State law, pesticide labels, permit conditions, and judgment. Deputy Agriculture Commission reviewed the conditions for use of pesticides near residential homes and noted that conditions imposed on the nearby farmers would not prevent the farmer from using the pesticide but would impact the farmer by requiring additional monitoring.

In response to a question posed by Supervisor Kromm, it was noted that a residential area as being proposed would impact the surrounding farmers by restricting their use of pesticides.

William Schoeningh, William Schoeningh Farms, noted that the proposed project would be a blight on the farmer and would place added responsibility on the existing farmers in the area.

Rick Martinez, Triad Farms, indicated that he felt that the added restrictions that would be placed on the surrounding farmers of the proposed project would be detrimental and would require the farmer to change their farming pattern.

Scott Stone, representing the property owner of the proposed project, noted that they have been working with the County staff and the farmers to work out a plan that would be compatible to all involved. Mr. Stone noted that they were proposing to place a 500 foot buffer on the property of the proposed development and turning the lots around in an effort to create less impact.

As there was no one else who wished to speak on this matter, the Chairwoman closed the public hearing.

At the conclusion of discussion, the Board acted to deny Minor Subdivision Application No. MS-03-12 of James Coppel to subdivide a 517 acre parcel into twelve parcels of 43 acres each.

MOTION: Silva. SECOND: Kondylis.

AYES: Kromm, Reagan, Silva, Kondylis.

NOES: Vasquez.

Agenda Item No. 24B

Minor Subdivision Application – Jess Jones

The Board of Supervisors received an Agenda Submittal from Resource Management dated April 5, 2005, incorporated herein by reference, requesting the Board to hold a continued public hearing from March 22, 2005 to consider approval of Minor Subdivision Application No. MS-04-13 of Jess Jones to subdivide an 88 acre parcel into two parcels of 42 acres and 46 acres respectively. The property is located at 7179 Rio Dixon Road in an "A-40" Exclusive Agricultural Zoning District.

Chairwoman Kondylis opened the hearing to the public.

Jess Jones, applicant, indicated that the federal government had a lien on his property and if he did not pay, they would step in and take his whole property including his home. Mr. Jones noted that this was Class I soil and would most likely be used for high end crops.

Chris Lerch, land surveyor for Mr. Jones, indicated that someone could put a home on the 40 acres but that was not the intention at this time.

Brian Stocking, Vacaville, indicated that the farmers needed options to subdivide their property if necessary.

As there was no one else present who wished to speak on this matter, the Chairwoman closed the public hearing.

In response to a question posed by Supervisor Kromm, staff noted that the proposed property was not a sensitive property in terms of surrounding residents and that Highway 113 as a natural barrier. At the conclusion of discussion, the Board took the following action:

- A) Adopted a Negative Declaration of Environmental Impact
- B) Approved Minor Subdivision Application MS-04-13 to subdivide an 88 acre parcel into two parcels of 42 acres and 46 acres
- C) Adopted the suggested findings and Resolution No. 2005-075 approving Minor Subdivision Application No. MS-04-13 of Jess Jones

MOTION: Reagan. SECOND: Silva.

AYES: Reagan, Silva, Vasquez, Kondylis.

NOES: Kromm.

The Board of Supervisors recessed this meeting at 4:15 P.M. and reconvened at 4:30 P.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 22

Housing and Urban Development

These minutes are contained in the Solano County Housing Authority records.

The Board received an Agenda Submittal from Resource Management dated April 5, 2005, incorporated herein by reference, requesting the Board consider authorizing the Executive Director to submit to U.S. Department of Housing and Urban Development (HUD) the Solano County Housing Authority 5-Year Plan; Annual Plan and Certification of Compliance with Plans.

The Chairwoman opened the hearing to the public. As there was no one present who wished to

speak on this matter, the public hearing was closed.

The Board took the following action:

- A) Approved and authorized the Executive Director to submit to Department of Housing and Urban Development (HUD) the Solano County Housing Authority 5-Year Plan and Annual Plan.
- B) Approved and authorized the Executive Director to submit to Department of Housing and Urban Development (HUD) the Solano County Housing Authority Certification of Compliance with Plans.

MOTION: Kromm. SECOND: Reagan.

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

Agenda Item No. 23 Appointment Authority

Approved the following appointments:

- A) Barbara Jones to the Equal Employment Opportunity Committee, to fill an unexpired term, due to expire April 7, 2006.
- B) Ronald Gustav Heinrich to the Library Advisory Council, to fill an unexpired term, due to expire September 30, 2005.
- C) Angelina Joseph to the Area Agency on Aging, for a term to expire June 30, 2006.

MOTION: Reagan. SECOND: Kromm.

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

The Board of Supervisors recessed this meeting at 4:35 P.M. and convened in Closed Session on the following matter:

The Board of Supervisors recessed from Closed Session at 4:40 P.M. and reconvened this meeting at 6:40 P.M. All members were present. Chairwoman Kondylis presided

Agenda Item No. 25 Confined Animal Facilities (Dairies)

The Board received an Agenda Submittal from Resource Management dated April 5, 2005, incorporated herein by reference, requesting the Board to continue the public hearing from March 1, 2005 concerning the First reading of an ordinance adding Chapter 27 to the Solano County Code and the First reading of an ordinance amending Chapter 28 (Zoning Ordinance) of the Solano County Code, relating to confined animal facilities.

County Counsel Dennis Bunting noted that the proposed ordinances were in the introductory stage and that the Board had the opportunity to make changes to the proposed ordinances as submitted.

Matt Walsh, Senior Planner, Resource Management, noted that the Board had expressed an interest in receiving experts in the various areas of concern including liners, agronomics, and manure.

Dr. Thomas Harter indicated that they had done research on dairies regarding the monitoring of nitrate and salts and keeping them from entering the water supply. Dr. Harter noted that sandy soils caused problems in that it allowed nitrates and salts to get into the soils. Dr. Harter noted that the challenge would be to get the management of the dairies to where manure could be utilized the same as fertilizer. In response to a question posed by Supervisor Vasquez, Dr. Harter noted that the soils in Solano County were much heavier as it contained a lot of clay.

Supervisor Vasquez noted that there were other industries that were responsible for putting nitrates into water such as golf courses.

Dr. Stewart Pettygrove, provided an overview of his study in crop nutrient management. Dr.

Pettygrove noted that the agronomic rate is the rate that will provide the amount of nitrogen needed by the crop while minimizing the amount of nitrogen that enters the groundwater. Dr. Pettygrove noted that nitrogen can affect drinking water. Dr. Pettygrove

BARBARA KONDYLIS, Chairwoman
Solano County Board of Supervisors

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

By
Patty Crittenden, Chief Deputy Clerk