

Minutes For November 8, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

November 8, 2005

MINUTES

The Solano County Board of Supervisors met on the 8th 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 8:35 A.M. pursuant to County Code Section 2-1.103. Present were Supervisors Kromm, Reagan, Silva, Vasquez, and Chairwoman Kondylis. Also present were Michael D. Johnson, County Administrator and Wendy Getty, Assistant County Counsel.

Agenda Item No. 1
Closed Session

The Board of Supervisors recessed this meeting at 8:35 a.m. to convene in Closed Session on the following matters:

- A. Public Employee Appointment: Position Title: Assessor/Recorder
- B. Meet and Confer, SEIU, Local 1280, Probation Employees Units 12 & 15, Chief Negotiator: Yolanda Irigon
- C. Potential Litigation: 1 case

Open Session

The Board of Supervisors reconvened in Open Session at 9:33 a.m. All members were present. Chairwoman Kondylis presided.

Report of Action in Closed Session

Assistant County Counsel Wendy Getty reported that the Board did not make an appointment to the position of Assessor/Recorder and that, by virtue of state law, upon the retirement of the present Assessor/Recorder Skip Thomson, Marc Tonneson, as the Chief Deputy, will discharge all of the duties of the Assessor.

Salute to the Flag and Moment of Silence

This meeting of the Board of Supervisors continued with the Pledge of Allegiance to the Flag and a Moment of Silence.

Presentations

The Board of Supervisors made the following presentations:

- 2. Received a presentation from Resource Management on the selection of Harry Englebright for "Employee of the Month Parking" for November 2005.
- 3. Adopted a presented Resolution No. 2005-224 recognizing November 11, 2005 as Veterans Day, a time to honor the valor, sacrifice and commitment of our nation's veterans. (see Resolution Book)

MOTION: Reagan. SECOND: Vasquez.

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

4. Presented Proclamation declaring November, 2005 as Lung Cancer Awareness Month.

5. Accepted the America's Promise designation of Solano County as one of America's 100 Best Communities for Young People. Accepted the official entry of the Congressional Record from Congresswoman Ellen Tauscher's office.

6. Adopted and presented Resolution No. 2005-225 and Plaque of Appreciation honoring Linda McDaniel for 33 years of dedicated service to Solano County. (see Resolution Book)

MOTION: Kromm. SECOND: Silva.

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

7. Adopted and presented Resolution No. 2005-226 and Plaque of Appreciation honoring Frankie B. Vaughn for 21 years of dedicated service to Solano County. (see Resolution Book)

MOTION: Kromm. SECOND: Silva.

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

8. Adopted and presented Resolution No. 2005-227 proclaiming the second week of November as In-Home Supportive Service Care Worker Recognition Week. (see Resolution Book)

MOTION: Vasquez. SECOND: Silva.

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

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. Bernard Moore expressed his concern regarding a pump house that had been constructed on an easement of his property which was preventing him from making modifications to the property. Mr. Moore requested that County staff be directed to remove the pump house in a set time frame. Chairwoman Kondylis directed the County Administrator to review this matter and report back to the Board of Supervisors.

B. Donald Tipton, unincorporated Vallejo, expressed his concern regarding the complexity of the Information Technology sourcing services matter that was presented to the Board on November 1, 2005 and suggested that power point presentations be sent to the Board of Supervisors and the public prior to the meeting. Mr. Tipton noted that he was dissatisfied by the quality of the videos being shown on cable television of the Board of Supervisors' meeting. Supervisor Kromm expressed his preference in the Board and the public receiving information prior to the Board of Supervisors meetings.

C. Supervisor Reagan reported that 8.2 million Viet Nam era veterans will soon be joining the ranks of senior citizens which is approximately 30 percent of all living veterans and that there are 3.9 million World War II veterans.

D. Supervisor Reagan reported that the Archstone grant to form a Senior Coalition was unsuccessful and asked that the Board follow through on its commitment to create a Senior Coalition.

E. Supervisor Vasquez requested that this meeting of the Board of Supervisors be adjourned in memory of Evelyn "Evie" Nola and Ralph D. Morrell.

F. Supervisor Vasquez noted that he represented Solano County before Moodys and Standard and Poors, the insurance agencies for bond rating, in San Francisco along with other representative from the County.

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:

A. Item No. 11 - Amendment to Agreement with Cambria Environmental Technology, Inc to provide environmental engineering services at the former Hall of Records, 701 West Texas Street, Fairfield. Donald Tipton, unincorporated Vallejo questioned who the County purchased the property from and if there was disclosure to indicate there was any problem on the property. Staff noted that the County was not fully briefed on the property and purchased the subject property "as is".

Approval of Agenda

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

A. Item No. 10 – Extension to the existing lease agreement for the GAIN and Medi-Cal offices of the Health and Social Services Department at 201 Georgia Street, Vallejo was removed from the agenda.

B. Item No. 18 – Annual report for the English Hills Transportation Impact Fee Program was removed from the Consent Calendar.

MOTION: Reagan. SECOND: Silva.

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

Consent Calendar

Acted on the following Consent Calendar items:

9. Approved the Board of Supervisors' minutes of October 31, 2005 (Strategic Planning Retreat); November 1, 2005; and November 1, 2005 (In-Home Supportive Services)

11. Approved and authorized the General Services Director to sign Amendment No. 3 to an existing agreement with Cambria Environmental Technology, Inc. and any future amendments to the agreement that are within the established project budget, for an amount of \$103,652 to provide environmental consulting services for soil and groundwater contamination at the County owned former Hall of Records at 701 West Texas Street in Fairfield. Approved an Appropriation Transfer Request of \$74,000 from the Accumulated Capital Outlay (ACO) Contingencies' budget (9306) to cover a portion of the increased cost of environmental consulting services.

12. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-228 authorizing the Probation Department to participate in the FY 2005/2006 Juvenile Probation and Camps Funding Program (JPCF) administered by the California State Corrections Standards Authority (CSA) and authorized the Chief Probation Officer/Director of Probation to sign the JPCF Agreement and any extensions or amendments, thereby receiving \$1,748,360 in State funds. Approved the Probation Department's JPCF expenditure plan for FY 2005/2006. (see Resolution Book)

13. Approved Appropriation Transfer Request (ATR) of \$200,000 in unanticipated revenue from the U.S. Department of Justice to support the Family Violence Response Team in the Probation Department.

14. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-229 approving the parcel map and accepting the dedication of property for road purposes on Tremont Road and Runge Road for Minor Subdivision MS-01-10 (Mistler) (see Resolution Book)

15. Approved and authorized Chairwoman Kondylis to sign the Notice of Completion for the

Gordon Valley Road Bridge at Ledgewood Creek, constructed by Sonoma Engineering at a final cost of \$569,657.

16. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-230 approving and authorizing the Clerk of the Board to sign the Final Map for Subdivision S-00-01 entitled "Subdivision Map (Phases 4 & 5) of Lands of Poole; accepting the Offer of Dedication of Parcel "E", also known as "Wise Acres Lane", along with the accompanying slope easements and storm drainage easements, as shown on the Final Map for the Subdivision; and accepting Wise Acres Lane as a County-maintained road. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-231 approving Traffic Order Number 390 establishing a stop sign on Wise Acres Lane at Steiger Hill Road. (see Resolution Book)

17. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-232 approving the parcel map and accepting the dedication of property for road purposes on Olsen Road for Minor Subdivision MS-02-16 (IT Environmental Liquidating Trust). (see Resolution Book)

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

Item No. 18
English Hills Transportation Impact Fee Program

Reviewed and accepted the annual report for the English Hills Transportation Impact Fee Program for fiscal year 2004-2005.

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

Agenda Item No. 19
Proposed Coalition of Bay Area Counties

At the conclusion of discussion, the Board directed the County Administrator to send a letter to Santa Clara County requesting that they coordinate a meeting at the CSAC Annual Conference with Bay Area Counties to discuss the issue of a proposed coalition of Bay Area Counties for advocacy at the State.

Agenda Item No. 20
South County Government Center

Received an update on the South County Government Center and took the following action:

- A. Authorized initial preconstruction activities for Phase One of the South County Government Center project subject to available funding.
- B. Approved the concept of relocating the Public Health Lab facility to Fairfield and to co-locate with clinic space.
- C. Approved the preliminary phasing plan and project delivery method for the design and construction of the South County Government Center Project and Public Health Lab/Clinic Relocation Project and directed staff to consult with the Napa Solano Building and Construction Trades Council pertaining to Project Labor Agreements.
- D. Approved an agreement with Michael Brandman Associates for Environmental Consulting Services for capital projects in the amount of \$167,185; and authorized the Director of General Services to sign individual work orders that are within the established project budget.

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

Agenda Item No. 21
IHSS Advisory Committee Annual Report

Accepted a presentation on the annual report from the In-Home Supportive Services Advisory Committee.

Agenda Item No. 22
Appointment of County Surveyor

Approved the appointment of Stanley J. Schram as County Surveyor effective November 8, 2005.

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

Agenda Item No. 24
Appointment Authority

Approved the appointment of Dr. John Howard to the Animal Care Advisory Commission fulfilling the veterinarian position on the commission.

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

Agenda Item No. 25
Child Abuse Prevention Council

Deferred consideration of appointments to and resignations from the Child Abuse Prevention Council to a later date.

Recess

The Board of Supervisors recessed this meeting at 12:10 p.m. and reconvened at 2:05 p.m. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 26
Rezoning Petition No. Z-04-02 (Pippo)

The Board introduced and waived full reading of an Ordinance amending Chapter 28, Section 28-15 of the Solano County Code to rezone approximately 90 acres of property, comprising three parcels, located in the English Hills area north of Cantelow Road opposite its intersection with Gibson Canyon Road, and easterly of English Hills Road; from Exclusive Agricultural (A-20) to Rural Residential (RR-2 ½).

MOTION: Vasquez. SECOND: Reagan.
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 90 acres of property from Exclusive Agriculture (A-20) to Rural Residential (RR-2 ½) which would bring the zoning of the property into conformance with the Rural Residential land use designation (2.5 to 10 acre per unit) of the General Plan.

At the conclusion of the public hearing, the Board acted to adopt a Negative Declaration of Environmental Impact as recommended by the Planning Commission and adopted and authorized

Chairwoman Kondylis to sign Ordinance No. 2005-1667 approving Rezoning Petition No. Z-04-02, as recommended by the Planning Commission, rezoning the approximately 90-acre property from Exclusive Agricultural (A-20) to Rural Residential (RR-2/12)

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

County Administrator Michael D. Johnson was excused from this meeting at 2:50 p.m. Kathy Gibson, County Administrator's Office, was present on his behalf.

Agenda Item No. 23
 Library's Internet and
 Electronic Information Use Policy

Received a follow-up report on the Library's Internet and Electronic Information Use Policy and provided options to be considered. Received public comments regarding the concerns of citizens regarding internet security.

At the conclusion of discussion, it was moved by Supervisor Kromm to adopt Alternative 6 to consider all or parts of motions passed by the library boards and commissions and direct staff to continue monitoring and enforcing the behavior policy to include a three strike policy, maintain data on the number of Internet violations and report back in 6 months on how these measures are working. Motion was seconded by Chairwoman Kondylis. Motion failed by the following vote:

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

At the conclusion of further discussion, the Board acted to approve Option No. 5 to direct staff to install filtering software on all public computers at County libraries under the jurisdiction of Solano County. Children under the age of 18 would have filtered access all the time unless their parents requested they have unfiltered access. Adults could request unfiltered access. Directed staff to report back to the Board in 6 months regarding customer complaints, problems encountered by staff, and to provide the Board with the current policy in use in Sacramento County for review.

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

Recess

The Board of Supervisors recessed this meeting at 3:50 p.m. and reconvened at 6:00 p.m. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 27
 Dove Creek Trail, Vacaville

The Board held a continued public hearing to consider Planning Commission recommendation to adopt the Mitigated Negative Declaration of environment impact; an ordinance approving Rezoning Petition No. Z-01-03 and Policy Plan Overlay District PP-01-03, rezoning two parcels comprising approximately 80 acres combined from A-20, Exclusive Agriculture, to RR2-1/2, Rural Residential with a Policy Plan Overlay; and approve Major Subdivision application S-01-03 subdividing th4e 80 acres into 32 lots ranging in size from 1.3 to 3.8 acres, with additional common area parcels for property located at the southwest terminus of Dive Creek Trail; 7471 Dove Creek Trail.

Chairwoman Kondylis opened the hearing to the public. The Board received comments from the public expressing their concerns regarding use of agricultural well water for landscaping and a recreational pond at Dove Creek Trail Project, the possibility of water shortages in the future, Policy Plan Overlay, asphalt roads would have more runoff than gravel

roads, light pollution from the cluster of homes, additional runoff into Sweeney Creek containing fertilizer and oils from washing cars, use of agricultural land and open space for housing, possible use of eminent domain for a private development, and threat to the rural life style of the current residents.

The Board received comments from the public expressing their support for the project and felt that there would be an increase in value of the surrounding properties, provide flood control measures, improve roads and reduce response time for the fire department, provide a solution to the shortage of housing and the need for this type of housing in the area, would provide good land planning consistent with zoning in the area, provide local jobs and boost the economy, generate property tax revenue, provide a centralized detention basin, green project, little opportunity for ground water contamination due to the amount of clay in the soil, public maintenance of creeks, and use of ponds to assist in fighting grass fires.

Staff provided response to concerns regarding the public road easement; septic systems and groundwater quality; lot size and Policy Plan Overlay; groundwater usage – maintenance, monitoring, and solutions; landscaping; gated community and property fencing.

The Board of Supervisors recessed this meeting at 7:30 p.m. and reconvened at 7:40 p.m. All members were present. Chairwoman Kondylis presided.

In response to a concern expressed by Supervisor Reagan, staff noted that language could be included in the Policy Plan Overlay that the agricultural well on the property could not be used during drought situation and to identify a drought situation.

Supervisor Reagan noted that the value in public safety, improvements to the road, storm water detention, and improvements to Sweeney Creek were significant benefits to the general public in the area and justified the Policy Plan Overlay. Supervisor Reagan noted that he would support language to curtail the use of the agricultural well during drought conditions.

Supervisor Kromm expressed his concern regarding the accumulation of sedimentation in the pond, the need for a long term annual inspection and maintenance plan, and financing of the plan; water runoff from the property and flood control issues. Supervisor Kromm noted that the clustering of homes would preserve open space and would be a more desirable land use. Supervisor Kromm noted that the flood control issue was critical and would support an assessment district controlled by a public agency to minimize flood control downstream and would provide a large public benefit. Supervisor Kromm noted the importance of having fire protection in this area and the use of the pond for this purpose would be a benefit for the public.

Chairwoman Kondylis noted that it was her feeling that this housing project was an urban subdivision and that country living included gravel roads and few services.

Supervisor Silva noted that clustering of housing would create more open space that was beneficial for the public. Supervisor Silva expressed his support for the suggested Conditions of Approval that landscaping include drought tolerant plants, that there be regulation for the use of the well, and the ability to use the pond for fire purposes. Supervisor Silva expressed his support that Dove Creek Road be a public road and that there be conversation to provide what is needed without the use of eminent domain.

In regards to a proposed assessment district, it was suggested that the assessment district be developed independent of the homeowners association, set the assessment level and suspend the assessments as long as the homeowners association was handling the costs. It was further suggested that there be someone independent of the homeowners association who would oversee those funds and utilize them for annual inspections.

The applicant, Brian West, noted that he would support creating an endowment to start the special district with a certain level of funding used to hire independent inspectors to make inspections a certain intervals and perhaps a sinking fund to be used in case of an emergency situation.

At the conclusion of receiving input from the public and from staff, the Board acted to adopt the Mitigated Negative Declaration of environmental impact as amended by the Planning Commission. Continued to December 13, 2005, to give staff time to work out agreements and language for additional conditions above, adoption of 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. Continued to December 13, 2005, approval of 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.

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

Agenda Item No.
Adjournment

The Board of Supervisors adjourned this meeting at 8:25 P.M. in memory of Evelyn "Evie" Nola and Ralph D. Morrell.

The next meeting of the Board of Supervisors will be November 22, 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