

## Minutes For November 9, 2004

THIS MEETING OF THE  
SOLANO COUNTY BOARD OF SUPERVISORS  
WAS HELD IN THE BOARD CHAMBERS  
580 TEXAS STREET, FAIRFIELD

November 9, 2004

### MINUTES

The Solano County Board of Supervisors met in regular session on this day at 1:34 p.m. The meeting was called to order by Chairman Silva. All members were present.

CLOSED SESSION: The Board moved into Closed Session at 1:35 p.m. to discuss Potential Litigation: two (2. cases; Public Employee Performance Evaluation: County Counsel. The Board moved out of Closed Session at 2:10 p.m.

The Solano County Board of Supervisors reconvened on this day at 2:13 p.m. The Board meeting continued with the Pledge of Allegiance and a moment of silence.

### PRESENTATIONS

7A. RESOLUTION NO. 2004-202 DECLARING DECEMBER 1, 2004 AS WORLD AIDS DAY, ADOPTED

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2004-202. So ordered by a vote of 4-0, Chairman Silva excused. (see Resolution Book.

On behalf of the Board, Supervisor Kondylis presented Resolution No. 2004-202 to Monica Career, Co-Chair of the Solano County HIV Prevention Network.

Ms. Career noted this years program, the HIV quilt that will be on display throughout the County, the celebration will begin December 1, 2004 at Solano College, and outlined other festivities recognizing World Aids Day.

7B. RESOLUTION NO. 2004-203 PROCLAIMING NOVEMBER 19-25, 2004 AS FARM-CITY WEEK, ADOPTED

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-203. So ordered by a vote of 4-0; Chairman Silva excused. (see Resolution Book.

On behalf of the Board, Supervisor Vasquez presented the Resolution to Agricultural Commission Susan Cohen who discussed the inter relatedness of farms and cities, and recognizing the importance of the farm sector. Ms. Cohen further outlined the major commodities produced in the County and how they rank in production in the State, noted that 62% of the land in the County is in ag, the connection of agriculture and the urban areas, and provided the Board with a Farm-City Facts brochure, incorporated herein by reference.

There was a brief discussion regarding the increasing dilemma of balancing the needs between farm needs and city needs.

7C. PLAQUE OF APPRECIATION PRESENTED TO TAMMY L. HARRISON, CORRECTIONAL OFFICER

On behalf of the Board, Supervisor Kromm presented Tammy L. Harrison, Correctional Officer in the Sheriff's Department with a Plaque of Appreciation upon her retirement after eighteen years of service to Solano County.

Sheriff/Coroner Gary Stanton noted the difficult job Ms. Harrison has done and commended her for a job well done.

## PUBLIC COMMENT ON CONSENT CALENDAR

15C. Approve a lease agreement for the Board of Supervisors and Veterans Services at the Greater Vallejo Recreation District Administrative Offices, 401 Amador Street, Vallejo, in amount of \$11,200 for remainder of FY 2004/05; authorize County Administrator to execute lease agreement and any amendments.

Donald Tipton, Vallejo, questioned if a Supervisor's office is needed in Vallejo in light of the new County Administration Center facility in Fairfield, feels if all the Supervisors were in one office it would help eliminate the "North County/South County" stigmatism, and the funds that would be saved could be used for the Vallejo Veterans Building.

There was brief comment on the value of having the Vallejo offices.

## APPROVAL OF AGENDA

On motion of Chairman Silva and seconded by Supervisor Forney, the Board acted to approve the submitted Agenda, incorporated herein by reference, with the following modifications:

15A. Adopt resolution declaring portion of Assessor's Parcel Number 0129-240-090, Nut Tree Airport, Vacaville, surplus to needs of the County; set date for noticed/published hearing to consider selling the surplus property and related easement interests to City of Vacaville for total purchase price of \$351,000, removed from the Agenda.

19A. Adopt Resolution approving Solano County's Disadvantaged Business Enterprise (DBE) Program for Federally assisted transportation projects, and adopting a DBE goal of 9.9 percent for Federal Highway Administration assisted projects for Federal fiscal year 2004-05, removed from the Consent Calendar.

So ordered by a vote of 5-0.

## CONSENT CALENDAR

On motion of Supervisor Forney and seconded by Supervisor Kromm, the Board acted to approve the following Consent Calendar items by a vote of 5-0.

14. PROCLAMATIONS HONORING RYAN STROUD, KELLY COX, ALEX MILLER, REBEKAH SICK, TOM GELLER, AND JESSICA D. HOSFELT AS 2004 BOYS STATE/GIRLS STATE CITIZENS OF AMERICAN LEGION AUXILIARY UNIT 165, approved.

15B. THIRD AMENDMENT TO LEASE AGREEMENT FOR 354 PARKER STREET, VACAVILLE, as outlined in the Agenda Submittal from General Services dated November 2, 2004, incorporated herein by reference, approved and County Administrator authorized to sign said contract on behalf of Solano County.

15C. LEASE AGREEMENT WITH GREATER VALLEJO RECREATION DISTRICT RE OFFICE SPACE AT 401 AMADOR STREET, VALLEJO FOR BOARD OF SUPERVISORS AND VETERANS SERVICES, as outlined in the Agenda Submittal from General Services dated November 9, 2004, incorporated herein by reference, approved and County Administrator authorized to execute lease agreement and any amendments on behalf of Solano County.

16. CONTRACT AMENDMENT WITH ADVANCED BUSINESS SOFTWARE, INC. RE CONTRACT-TRACKING DATABASE, as outlined in the Agenda Submittal from Health and Social Services dated November 9, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

17A. RESOLUTION NO. 2004-204 AMENDING ALLOCATION LIST (PROBATION), adopted. (see Resolution Book)

17B. RESOLUTION NO. 2004-205 AMENDING ALLOCATION LIST (PROBATION - LIMITED TERM DEPUTY PROBATION OFFICER), adopted. (see Resolution Book)

APPROPRIATION TRANSFER IN THE AMOUNT OF \$46,200 IN UNANTICIPATED REVENUE, as outlined in the Agenda Submittal from Probation dated November 9, 2004, incorporated herein by reference, approved.

17C. RESOLUTION NO. 2004-206 APPROVING THE RECORDS RETENTION SCHEDULE OF THE PROBATION DEPARTMENT, adopted. (see Resolution Book)

18A. APPROPRIATION TRANSFER IN THE AMOUNT OF \$120,634 FROM SHERIFF CONTINGENCIES FUND TO AUTOMOBILE FINGERPRINT SPECIAL REVENUE FUND, AND ASSOCIATED APPROPRIATION TRANSFERS TO FACILITATE THE SYSTEM PURCHASE FROM THE SHERIFF'S FY 2004/05 CAL-ID PROGRAM BUDGET, as outlined in the Agenda Submittal from the Sheriff/Coroner dated November 9, 2004, incorporated herein by reference, approved.

18B. AGREEMENT WITH TRANSCOR AMERICA, LLC RE PRISONER TRANSPORT SERVICES, as outlined in the Agenda Submittal from Sheriff/Coroner dated November 9, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

19B. RESOLUTION NO. 2004-208 IN SUPPORT OF SOLANO COUNTY DEPARTMENT OF RESOURCES MANAGEMENT REQUEST FOR FUNDING FROM THE STATE DEPARTMENT OF HEALTH SERVICES FOR A TWO-YEAR GRANT TERM FOR \$125,000, TO CONDUCT A WATER VULNERABILITY STUDY, adopted. (see Resolution Book)

20. COOPERATIVE SERVICE AGREEMENT WITH US DEPARTMENT OF AGRICULTURE (USDA) RE WILDLIFE SERVICES SPECIALISTS, as outlined in the Agenda Submittal from Agriculture Department dated November 9, 2004, incorporated herein by reference, approved and Agricultural Commissioner/Sealer authorized to sign agreement and any amendments on behalf of Solano County.

SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:  
Rural North Vacaville Water District

21A and B. Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

#### ORDERS

19A. RESOLUTION NO. 2004-207 ADOPTING SOLANO COUNTY'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY ASSISTED TRANSPORTATION PROJECTS, AND ADOPTING A DBE GOAL OF 9.9 PERCENT FOR FEDERAL HIGHWAY ADMINISTRATION ASSISTED PROJECTS FOR FEDERAL FISCAL YEAR 2004-05, ADOPTED

The Board was provided with an Agenda Submittal from Resources Management/Public Works Division dated November 9, 2004, incorporated herein by reference, regarding the County Disadvantaged Business Enterprise (DBE) Program.

Responding to questions posed by Supervisor Kromm regarding contracting activities at the Nut Tree Airport, questioned where there is not a general DBE goal policy for anything involving Federal money, and suggested having a County wide DBE goal policy to cover any potential Federal contracting activities to expand opportunities for disadvantaged businesses, responding Leo Flores, Engineering Services Supervisors, noted DBE goals are set for specific projects that are determined annually, and that DBE goals can differ since they are set agency by agency.

Responding to the suggestions by Supervisor Kromm, Paul Wiese, Department of Resources Management/Public Works Division, noted the department looked at the requirements for transportation projects, further research will be done to see if DBE goals could be incorporated into a larger program, but whatever is done must meet the exact requirements.

Chairman Silva noted this type of umbrella policy must be larger than just transportation projects.

On motion of Supervisor Kromm and seconded by Supervisor Forney, the Board acted to adopt Resolution No. 2004-207. So ordered by a vote of 5-0. (see Resolution Book)

23. EVENT PLANS TO COMMEMORATE THE COMPLETION AND GRAND OPENING OF THE SOLANO COUNTY GOVERNMENT CENTER, RECEIVED

PROCEEDS FROM THE EVENT TO BE DONATED TO THE SOLANO COMMUNITY FOUNDATION

County Architect Kanon Artiche reviewed the information contained in the Agenda Submittal from his department dated November 9, 2004, incorporated herein by reference, regarding plans for the celebrations to commemorate the completion and grand opening of the new County Administration Center (CAC) through a visual presentation, incorporated herein by reference. The visual presentation began with the Phased Move-In Schedule, Scheduled Events and Commemorations, Dedication of Solano County Government Center, the Gala Benefit Dinner, Dedicate Proceeds from the Gala, Solano County Government Center Community Celebration, and Community Celebration Events.

Responding to questions posed by Supervisor Kromm regarding not pressuring the artists to have work in place by December 16th, the event planner and the desire to have a local planner, who would be doing the food, Mr. Artiche agrees the artists should ensure a good long term installation and not necessarily meet the December 16th date and will be a focus of the March event, noted the event planner for the Gala is Events of Folsom, discussed the extensive recruiting efforts for an event planner that began with local vendors, and challenges to this event. Mr. Artiche noted Buckhorn Catering would be providing the food and featuring local vintners.

The Supervisors commended staff and the committee for using local people where possible, for all the extra work being done by staff, and the extensive intricacies of this event.

There was a brief discussion regarding music for the Gala and the March event that will include a large number of local service groups, Travis Air Force Base, and local schools.

There was consensus by the Board to conduct the community event that will be held in the plaza in April.

On motion of Supervisor Kromm and seconded by Supervisor Forney, the Board acted to receive the information regarding celebration plans, and to authorize any proceeds from the Gala be donated to the Solano Community Foundation. So ordered by a vote of 5-0.

24A. NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT RE BUSINESS AND PROFESSIONAL OFFICE (C-O) DISTRICT ZONING CODE AMENDMENTS, ADOPTED

ORDINANCE NO. 1653 AMENDING CHAPTER 28 OF THE SOLANO COUNTY CODE ADDING MERCHANDISE SHOWROOM, RESEARCH AND DEVELOPMENT AND COMPONENT ASSEMBLY AND INDOOR GENERAL STORAGE AS ALLOWED USES UNDER BUSINESS AND PROFESSIONAL OFFICE (C-O) DISTRICTS; ADDING MERCHANDISE SHOWROOM TO DEFINITIONS; AND ADDING PARKING REQUIREMENTS FOR GENERAL STORAGE, RESEARCH AND DEVELOPMENT, AND COMPONENT ASSEMBLY USES, ADOPTED

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 4-0; Supervisor Vasquez excused. Chairman Silva opened the public hearing.

Mike Yankovich, Resources Management, reviewed the information contained in the Agenda Submittal from his department dated November 9, 2004, incorporated herein by reference, regarding amending Chapter 28 to add Merchandise Showroom, Research and Development and Component Assembly, and Indoor General Storage, and noted this ordinance will only affect the Cordelia area only.

Responding to questions posed by Supervisor Kondylis regarding billboards, Mr. Yankovich noted billboards would not be allowed on these properties.

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

On motion of Supervisor Kromm and seconded by Supervisor Forney, the Board acted to adopt a Negative Declaration of Environmental Impact and Ordinance No. 1653. So ordered by a vote of 5-0.

INTRODUCTION OF ANDREW SWANSON AS THE NUT TREE AIRPORT MANAGER

Pam Ogle, Assistant Director of General Services, introduced Andrew Swanson the new Nut

Tree Airport Manager, and outlined a brief professional history as outlined in the press release, incorporated herein by reference.

24B. RESOLUTION NO. 2004-209 APPROVAL OF USE PERMIT APPLICATION NO. 7-04-08 OF KPIX/DAVID EVANS AND ASSOCIATES, ADOPTED

Chairman Silva opened the public hearing.

Planner Alex Morin, Resources Management, reviewed the information contained in the Agenda Submittal from his department dated November 9, 2004, incorporated herein by reference, regarding a proposal by KPIX television to replace an existing microwave relay tower with a Doppler Weather Radar Facility through a visual presentation, incorporated herein by reference. The additional conditions imposed by the Planning Commission relate to changing the color of the tower from white to gray, and the operating angle of the antenna to zero degrees horizontal.

Responding to questions posed by Supervisor Vasquez regarding the color of the ball on the tower, Mr. Morin noted the ball would be white, not the tower. In the summer, the Planning Commission believes the gray would reduce the visibility of the tower on the Mt. Vaca ridgeline.

Responding to questions posed by Supervisor Kondylis regarding why the insistence on white, if the tower would have a red light on top, Deborah Stein, Attorney for KPIX, noted white is the standard color of these towers, discussed the problems in turning off the facility for several weeks to paint the tower and maintaining the paint when the tower is in place, and the reduction of aviation visibility if the tower is painted gray. Ms. Stein noted the tower is less than 200 feet high so a red light is not required.

There was a brief discussion regarding the difficulties and risks of painting a tower that is 123 feet in the air.

Supervisor Forney questioned if all other towers in the area are going to be required to be painted gray, Mike Yankovich, Resources Management, noted as new sites are developed the antennas will be required to be compatible with the background.

Mr. Morin continued his presentation with the operating angle of the antenna, the required and additional radiation studies for safety, the need for a negative two degrees angle of operation and the additional studies associated with this finding.

Ms. Stein noted the current request seeking permission to only drop one degree below the horizon, which will meet the County's requirements for Public Health and Occupational Safety, the need to drop the one degree to provide better information to determine the weather, and the new information that the Planning Commission did not review.

Supervisor Kondylis posed questions where are the people that had voiced concerns at the Planning Commission meetings, Ms. Stein noted the concerns have or will be resolved, and discussed the Interference Report voluntarily done by KPIX, and the desire of KPIX to work with everyone and with Mr. May.

Responding to questions posed by Supervisor Vasquez relative to licensed and unlicensed users, Ms. Stein discussed unassigned frequency uses, interference.

Ms. Stein noted the two conditions that were imposed will have an impact on the operation of the antenna, discussed the antenna orientation in relation to other antennas in the area and requested language changes to "a maximum negative elevation of no more than one degree". Ms. Stein discussed the differences between the zero and negative one degree, the added benefits to detecting storms, discussed the distance and the highly direction signal eliminating public exposure to the radar, the County methodology determining compliance with exposure standards, conservative assumptions by KPIX to determine compliance with exposure standards as outlined in the new report that the Planning Commission did not have when adding the additional conditions. Relative to the color of the paint, the Planning Commission felt gray would be less visible from I-80 and more attractive than white, the legal standards require if the structure is within  $\frac{3}{4}$  mile of a scenic road then the scenic road element applies farther away the structure must be consistent within the surrounding area. This tower is not within  $\frac{3}{4}$  mile of a scenic road, the tower can be seen from portions of I-80, it is difficult to distinguish the individual antennas, and with antennas closer to I-80 it is hard to distinguish colors, and discussed the potential of harming agricultural and water shed lands if the scenic road requirements are applied. This project is consistent with the environment, it is difficult to distinguish the colors, white does not stay white for long, this tower is not more prominent than many other towers currently there, impacts on public welfare if the tower is painted and repainted, potential impacts on aviation safety, potential detrimental impacts from loss of information when the tower is shut down for painting; Ms. Stein summarized feels white is the safest color and requested the condition regarding color be eliminated, and that the condition regarding the antenna orientation be amended to allow operation of the antenna one degree below the horizon.

As there was no one further who wished to speak on this matter, the public hearing was closed. Supervisor Kromm noted visiting the site, feels the issue of painting is inconsequential, and based on the information is comfortable with allowing the operation at the maximum negative elevation of no more than one degree relative to the horizon, and feels this tower will be a benefit to the County. Supervisor Kondylis requested the two issues be separated feels the color can be done very easily during our long periods of good weather. Chairman Silva noted the difficulties and the risks of painting such a tower that is twenty feet wide and 110 feet in the air.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt a Negative Declaration of Environmental Impacts and approve the use permit allowing the color of the tower to remain white. So ordered by a vote of 4-1, Supervisor Kondylis voted no.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-209 Approval of Use Permit Application No. U-04-08 of KPIX/David Evans and Associates, a Negative Declaration of Environmental Impacts and allowing the operation at the maximum negative elevation of no more than one degree relative to the horizon. So ordered by a vote of 5-0. (see Resolution Book)

**SPECIAL DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS:**  
Rural North Vacaville Water District

24A and B. Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

**APPOINTMENTS/RESIGNATIONS TO BOARDS AND COMMISSIONS:**

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve the following appointments and/or resignations to Boards and Commissions. So ordered by a vote of 5-0.

26. SUE KING REAPPOINTED TO THE IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY ADVISORY COMMITTEE, as outlined in the Agenda Submittal from Health and Social Services dated November 9, 2004, incorporated herein by reference, approved.

CLOSED SESSION - The Board moved into Closed Session at 4:35 p.m. to discuss Meet and Confer: All Bargaining Units with Craig Jory, Chief Negotiator. The Board moved out of Closed Session at 5:40 p.m.

28. ORDINANCE REGARDING REFUSE AND GARBAGE ADOPTED ON FIRST READING; SECOND READING SET FOR DECEMBER 7, 2004

Scheduled on the agenda for this day was consideration of a proposed ordinance, which would amend Chapter 23 of the Solano County Code relating to refuse and garbage.

On motion of Supervisor Forney and seconded by Supervisor Kromm, the Board directed that the proposed ordinance be read by title only. So ordered by a vote of 5-0.

Terry Schmidtbauer, Environmental Health Manager with Resources Management, replaced Exhibit A, incorporated herein by reference.

Responding to questions posed by Chairman Silva relative to the issues in the ordinance being circulated at the public meetings, Mr. Schmidtbauer noted the amendments showing the mandatory service area and the exemptions were circulated and discussed in detail in the Vacaville and Fairfield/Suisun area meetings.

Mr. Schmidtbauer provided the Board with the Garbage Contract Boundary Map and Attachment D to Garbage Contracts, incorporated herein by reference, and reviewed the proposed ordinance changes as presented at the public meetings as outlined on a summary incorporated herein.

County Counsel Dennis Bunting noted the Board must be satisfied that the material aspects of the changes to the ordinance were discussed and the public had the opportunity to address the issues at the public meetings, then the replacement Attachment A can be accepted and continue the hearing.

Responding to questions posed by Supervisor Kondylis regarding if this to be a franchise or a service agreement, and what is the legal authority for not doing an RFP, Mr. Schmidtbauer noted the ordinance is being written to pertain to either a franchise or service agreement. Mr. Bunting noted this is an interim measure for the next 5 years, at the end of this term there will be an RFP, this

basically is a 5-year notice to comply with the Public Resource Code, and discussed the current implied 5 year contracts with the providers, and that there will be an RFP at the end of the 10 year period, and reviewed a history of garbage collection in the County, State requirements to reduce waste and formalized agreements.

There was consensus to proceed with the public hearing.

Chairman Silva opened the public hearing.

Mr. Schmidtbauer presented a visual presentation titled "Revision Chapter 23, Solid Waste Ordinance", incorporated herein by reference. The presentation included Changes to Proposed Amendments.

There was a brief discussion regarding mandated waste reductions, diversion rates, the 1998 baseline, and the non-compliant fine of \$10,000 per day.

Mr. Schmidtbauer continued the presentation with a brief background, the County's Diversion Status, Public Input, Recommended Changes,

Harry Englebright, Resources Management, continued the visual presentation by outlining the Service Area Boundaries, Mandatory Service Areas, and Exemptions from Mandatory Service Areas, Exemption Criteria, Exemption Fee Determination, and Recommendations to the Board.

Responding to questions posed by Supervisor Kondylis regarding not meeting the 50% reduction requirement, Mr. Englebright noted the County could be fined up to \$10,000 per day. Currently the County has gotten an extension to meet the goal, and as part of the extension, the County agreed to enter into formal agreements with the service providers to get the programs in place and get some uniform recording to demonstrate we can meet the requirements.

There was a discussion regarding the exemption process and showing ways of meeting the diversion requirements through documentation, and not being in compliance since 2000.

There was a brief discussion regarding requirements for diversion, increasing recycling showing a "good faith" effort for diversion, and the exemption request form.

Bernard Riehl, Vacaville, noted his objections to mandatory garbage, the small amount of garbage he generates, measures he takes to recycle, feels he should be exempt, should only be charged when there is garbage to pickup, and questioned how there will be a 50% reduction in garbage when there is a 50% increase in population.

There was a brief discussion regarding the population increases and how that is factored into the calculations for the diversion rates each year, and how the calculation is based on a per person basis.

Ken Tilly, Vacaville, currently subscribes to Vacaville Sanitary services, noted objection that Vacaville Sanitary does not currently pick up his garbage curbside that he has to take his garbage 1 1/2 miles down to Mix Canyon Road to a pickup site, suggestions to correct that problem and to reduce rates for people that have to cart their own garbage, differences between current and new subscribers, asked that current subscribers be allowed to use smaller containers for recyclables to encourage continued recycling.

Responding to questions posed by Supervisor Kromm regarding negotiating for use of smaller trucks in the Mix Canyon and the hill areas around Vacaville, Narcisa Untal, Senior Planner Resources Management, noted there is a pup truck service in the Fairfield Suisun area available at an additional cost. The issue was reviewed with Vacaville Sanitary, but with high costs it was determined not to go forward with that service. Vacaville Sanitary has agreed to charge \$5.00 per quarter mile off the public road for closer pickup services.

Supervisor Kondylis voiced concern regarding what the recycling incentive is when the garbage company is making people take 96 gallon totes.

Supervisor Vasquez noted there are problems for citizens getting the totes up and down their driveways on Mix Canyon Road.

Benjamin Davenport, Vacaville, noted opposition to changing the ordinance, and feels if there are changes that everyone should be included, not just stop at the 5 acre size; voiced concern with garbage trucks coming from all over the bay area dumping here, and voiced concern regarding State control.

Bob Hanson, Tolenas, feels mandatory garbage will not divert waste from the landfills, most rural residents handle green waste on their own property, recyclables are sold back for a profit, and feels this is a backdoor tax that should be submitted for public approval.

Ken Mathison, Allendale, noted recyclables that are turned in at the Davis Street facility are noted on the receipt as trash, voiced concern with paying for something they already do, feels he should be exempt and explained actions he takes to reduce waste, suggested setting up a recycling center in the County, and would like to know the criteria for exemption.

June Guidotti, Suisun, discussed the garbage tipping fee the County receives from other jurisdictions dumping garbage here, discussed regulations outlined in Senate Bill 939, a waste energy site, and

noted a letter she submitted dated November 7, 2004 incorporated herein by reference, that included suggested changes, discussed requirements for Potrero Landfill expansion.

George Gaudet noted he recycles, composts, voiced concerned with hauling waste cans to the roadway for pickup, noted the toters must have wheels on them.

Hans Herb, Santa Rosa, represents the Independent Waste Recovery Association that is basically waste debris box haulers from construction sites, discussed the competitive bidding, and proposed an exemption for the debris box haulers. Mr. Herb discussed the practice for debris box haulers in Sonoma County, the value of competitive bidding, and exemptions for commercial debris boxes in other counties.

Supervisor Kromm posed questions on where it is written in the ordinance that construction debris boxes are prohibited, Terry Schmidtbauer, Resources Management noted these are exclusive agreements with the garbage companies and will prohibit independent haulers from operating. Supervisor Kondylis discussed the section, 23-32, relative to exclusive permits, Chairman Silva noted there is a typical franchise agreement.

As there was no one further who wished to speak on this matter, the public hearing was closed. Responding to questions posed by Chairman Silva regarding establishment of the 5 acre or less parcel, Harry Englebright, Resources Management, noted the criteria was based on the zoning district not necessarily on the parcel size, it is in areas where there are concentrations and density. Responding to questions posed by Supervisor Kromm regarding increasing diversion, in the calculation estimating recycling of green waste in rural areas, Ms. Untal noted even though more people are mandated for garbage pickup this will enable us to document the additional recycling in the area.

Responding to questions posed by Supervisor Kromm regarding the calculation for estimating recycling of green waste in rural areas, Mr. Englebright discussed the County base year was reset, how the State calculated the estimates for the base year, mandatory service will provide programs to separate out the recyclables resulting in less to dispose of and develop uniform reporting, requirements for the extension, and doing all to show a good faith effort.

Responding to questions posed by Supervisor Kromm regarding the exemption program and those costs, Mr. Schmidtbauer suggested a nominal \$25 annual fee for an exemption until further cost studies can be done for actual costs.

Supervisor Kromm noted that any fees must be set at the Board level in a public venue, and voiced concern with exclusive agreements.

Supervisor Kondylis voiced concern with exclusive agreements, feels we may be adding more garbage to the landfills, people are willing to recycle if it is convenient.

Chairman Silva noted not everyone is contentious recyclers, supports mandatory service, exemptions should apply to the garbage and recycling, noted Benicia does not charge for an exemption, discussed people dumping stuff, contentious people should have the opportunity to have the exemption from mandatory garbage service with no fee, and feels the garbage companies need to have smaller trucks to service hilly areas. Chairman Silva feels the County should move forward with mandatory garbage service since there is a good exemption program.

Supervisor Vasquez noted that for large parcels it is foolish to have them recycle yard waste since typically diversion is occurring on site, State mandates for diversion of recyclable products, the application of urban standards to rural areas, and endorses the exemption program.

Supervisor Forney feels many rural residents will qualify for the exemption, the exemption information will show the State the good faith efforts to divert waste in the County, and understands the State imposing these requirements.

Responding to questions posed by Supervisor Kondylis regarding the cities getting credit for rural residents recycling, the reduction in the city recycling as the County begins keeping track, Ms. Untal noted yes the cities do get that credit, discussed provisions if the agreements are approved to address the recyclables that are taken into the cities and compiling information garnered from surveys in the mandatory service areas.

There was a brief discussion regarding specific needs for each service area.

Responding to questions posed by Supervisor Kondylis regarding just contracting out for recyclables, Ms. Untal discussed determinations by the consultant prior to negotiations and due to low residency no one would bid on such a contract.

Supervisor Kromm feels the County should recycle, endorses the exemption process with no fee to apply, would like to include language for independent waste haulers to do work on construction sights.

Supervisor Kromm noted he is not comfortable with exclusive agreements, responding, County Counsel Dennis Bunting noted the agreements are contingent on the ordinance approval, suggested introducing the ordinance and give direction on what the agreements should include.



Supervisor Kromm made the motion to move and amend the ordinance "with the intent there not to be exclusive contracts with providers", that later died for lack of a second.

Supervisor Kondylis read a portion of the ordinance that spells out the exclusivity of providers, feels the ordinance sets the right for the County to enter into exclusive service agreements, and opposes exclusive agreements.

Supervisor Kromm feels there should be exclusive agreements for typical residential and commercial pickup with the difference relative to construction site activities.

Mr. Bunting noted staff could be directed to come back with alternative language setting up the exclusive service agreement.

Responding to questions posed by Supervisor Kondylis regarding the absence of language of what can not be put in the garbage, i.e. television sets, Mr. Schmidtbauer noted the companies would spell out what could be put into their waste stream, and industry standards in State laws governing universal waste.

Supervisor Vasquez noted he is not concerned regarding exclusive agreements, the next five years would be exclusive given the intent of the past gentlemen's agreement, before an RFP would be issued.

The motion made by Supervisor Kromm died for lack of a second.

Supervisor Kondylis requested the gender references in the ordinance be corrected, and to add language regarding hazardous waste materials to comply with Federal and State laws. Supervisor Kondylis noted with the mandatory garbage the State should be restricting things like milk cartons that are not recyclable and other packaging that is not recyclable.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to adopted the proposed Ordinance and to include language changes to the ordinance, to adopt the definition of the mandatory service areas, and direct that no fees be charged for exemptions. So ordered by a vote of 4-1, Supervisor Kondylis voted no.

## 29. SERVICE AREA AGREEMENTS, RATES, AND ADMINISTRATIVE FEES FOR THE COLLECTION OF SOLID WASTE AND RECYCLING MATERIALS FOR UNINCORPORATED VACAVILLE/DIXON, UNINCORPORATED FAIRFIELD/SUISUN, AND UNINCORPORATED VALLEJO, CONTINUED TO DECEMBER 7, 2004

Director of General Services Veronica Ferguson noted the presentation would be for information only, the request for approval of the services agreements would be presented after the ordinance is adopted.

Narcisa Untal, Senior Planner Resources Management, reviewed the information contained in the Agenda Submittal from her department dated November 9, 2004, incorporated herein by reference, regarding the collection of solid waste and recycling materials in the unincorporated areas of the Vacaville/Dixon, Fairfield/Suisun, and unincorporated Vallejo through a visual presentation incorporated herein by reference.

Bruce Murphy, Principal with Intel Waste, discussed development of service contracts under the Vacaville Sanitation and Solano Garbage Company service areas, goals of the agreements, negotiations resulting in a 3% reduction in rates from the 2003 rates, to add recycling into the basic garbage package. Mr. Murphy feels that with the reduction of rates and enhanced service at no additional charge is worth giving the companies a longer term agreement.

Ms. Untal discussed the resulting community meetings after the negotiations, the process used to determine the proposed rates by collection area, enhancements to service, and responses to community concerns in each service area.

There was a brief discussion regarding the use of the 96 gallon totters and the potential of utilizing 32 gallon receptacles, and the exemption process.

There was further discussion regarding the Vallejo area rates that are being rolled into the 10-year service agreement arrangement as with the other service areas, the increased services, the proposed rate increase for Vallejo, modifications of the four annual cleanup days, the makeup of the administrative fee.

There was a brief discussion regarding the annual cost of approximately \$130,000 for pickup of roadside waste in the unincorporated areas.

Responding to questions posed by Supervisor Kondylis regarding the tipping fee covering the cost for roadside waste pickup, Clif Covey, Resources Management, that part of the mitigation fee imposed on the landfill is to help cover the cost of roadside waste pickup.

Supervisor Kromm posed questions as to what the 4% portion of the administration fee to General Services would be used for, the recourse if someone does not meet the exemption requirements, Ms. Ferguson noted the funds would be used for such things as auditing the financial

records, compliance issues, staff time associated with customer service interaction, complaint process, the lien process, and any other costs associated with solid waste.

Supervisor Kromm posed questions as to what recourse the County has if someone does not meet the exemption requirements, Mr. Covey noted if people do not follow the exemption permit requirements the permit would be revoked and would be required to subscribe to the waste collection, noted the exemption permit must be updated annually and the revocation process.

Several Supervisors expressed concern with the amount of roadside dumping that occurs and the costs for the County associated with that, and addressing ways to stop the dumping.

Responding to questions posed by Supervisor Forney regarding adding staff to assist with the compliance portion of the program, Mr. Covey noted currently the department would be using existing resources and to see if additional staff will be needed.

Responding to questions posed by Supervisor Kondylis regarding a receipt being received that stated trash instead of recyclables if that is acceptable, who has the liability of the bills, Ms. Untal noted Vacaville Sanitary will address that administrative issue, the bills will be attached to the property.

Chairman Silva opened the public hearing.

Donald Tipton, Vallejo, voiced concern that no public meetings were held in the Vallejo area regarding the garbage service, and that fees up County have been lowered and customers will be receiving more services. Homeacres rates are being increased, there was no public outreach, services are being reduced, and must pay consultant fees. Homeacres should not have to pay the franchise fees for the rest of the County; the background work when Homeacres got service, and Mr. Tipton requested the franchise fees not be charged in the Vallejo service area, retain the unlimited four times a year cleanup, did not get the wheeled toters, requested recyclable containers with wheels on them, and wants all the services the other areas are going to receive.

Responding to questions posed by Supervisor Kromm regarding the most common level of service in Homeacres, Ed Farewell, Operations Manager Vacaville Sanitary, noted the common service is the 96 gallon toter.

George Gaudey, Vacaville, feels the ordinance should have some penalties with substance such as imposing a fine of \$1,000 for not following through with the exemption.

Scott Sherman, Fairfield, noted the community support given by the Solano Garbage Company, and discussed the difficulties of companies to make a profit.

Steve Handel, Fairfield, noted the proposed changes will increase efficiencies for waste and recycling with a fee reduction, support for Solano Garbage and their community support, and endorses the ordinance changes.

Laura Peters, Vacaville, made suggestions regarding setting up a test area to show how much is really recycled, suggested providing some orange garbage bags for the neighbors to use when picking up the roadside refuge, the ordinance needs to contain some real penalties, and requested more code compliance enforcement.

Chairman Silva noted there was no one further who wished to speak on this matter, and continued the public hearing to December 7, 2004.

ADJOURN - This meeting of the Board of Supervisors adjourned at 10:30 p.m.

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John F. Silva, Chair

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Maggie Jimenez  
Clerk to the Board of Supervisors