

Minutes For April 12, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

April 12, 2005

MINUTES

The Solano County Board of Supervisors met on the 12th 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, Vasquez, and Chairwoman Kondylis. 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: 1 case
- B) Labor Negotiations: California Federation of American Physicians and Dentists, In-Home Health Support Services (IHSS), Chief Negotiators: Yolanda Irigon, 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

Cadet Lieutenant D'Angelo Bryant from Hogan High School JROTC, led all in the Pledge of Allegiance to the Flag and a Moment of Silence.

Agenda Item No. 7 Presentations

The Board of Supervisors made the following presentations:

A. Adopted and presented the following Resolutions to the Junior Reserve Officer Training Corps (JROTC) programs recognizing the week of April 10-16, 2005 at JROTC Week in Solano County: (see Resolution Book)

1. Resolution No. 2005-070 – Fairfield High School
2. Resolution No. 2005-071 – Hogan High School
3. Resolution No. 2005-072 – Armijo High School
4. Resolution No. 2005-073 – Vanden High School

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

B. Adopted and presented Resolution No. 2005-066 declaring April 15th as Children's Light of Hope Day. (see Resolution Book)

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

C. Adopted and presented Resolution No. 2005-067 proclaiming the fourth Friday in April, April 22nd, as "Children's Memorial Day" in memory of children who have died by violence. (see Resolution Book)

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

D. Adopted and presented Resolution No. 2005-068 in support of Alcohol Awareness Month during the Month of April. (see Resolution Book)

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

Agenda Item No. 8 Items From the Public

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

A. Donald Tipton, unincorporated Vallejo, expressed his concern regarding an increase in fee for waste disposal and a decrease in the amount of service provided to the residents of unincorporated Vallejo.

B. Supervisor Silva requested that this meeting of the Board of Supervisors be adjourned in memory of Frances Howard Garrett Preissner.

C. Supervisor Kromm reported on the events that took place at the Grand Opening of the County Administration Center in Fairfield on Saturday, April 9, 2005.

Agenda Item No. 9 Approval of Agenda

Approved the Solano County Board of Supervisors' agenda as submitted.

MOTION: Reagan. 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:

13. Took the following action as outlined in the Agenda Submittal from General Services and the Sheriff's Office dated April 12, 2005, incorporated herein by reference:

- A. Approved agreement with Honeywell Building Solutions for replacement of the Sheriff's card reader access system at a cost of \$77,642.
- B. Authorized the Chairwoman to sign the agreement on behalf of the County and authorized the General Services Director to sign any amendments to the agreement within the established project budget.
- C. Approved an appropriation of \$47,642 in the Sheriff's budget recognizing unanticipated Public Safety Sales Tax Revenues to be used towards replacement of the card reader access system.
- D. Approved an Appropriation Transfer Request (ATR) to establish a project budget for replacement of the card reader access system in the amount of \$77,642 in the Accumulated Capital Outlay budget to be funded with \$30,000 from current appropriations in the Sheriff's budget and \$47,642 from increased Public Safety Sales Tax - Prop 172.

14A. Approved a report of Proposed Expenditures for the Rural Health Services Program (RHS) Funding for Fiscal Year 2004/2005; authorized the Chairwoman to sign a Certification approving the Proposed Expenditure Description; and approved an Appropriation Transfer Request (ATR) in the amount of \$84,957 to increase the appropriation in the FY 2004/2005 final budget to match the State funding as outlined in the Agenda Submittal from Health and Social Services dated April 12, 2005, incorporated herein by reference.

14B. Approved and authorized the Chairwoman to sign the Declaration of Intent to Apply for Emergency Medical Services Appropriation (EMSA) funding; authorized the Chairwoman to sign the Standard EMSA Agreement for Fiscal Year 2004-2005 as outlined in the Agenda Submittal from Health and Social Services dated April 12, 2005, incorporated herein by reference.

14C. Approved the submission of a Public Health Grant to the California Office of Traffic Safety in the amount of \$326,263 to fund the Solano Car Seat Connection for the period October 1, 2005 through September 30, 2007, for parents and caregivers with children ages 0-6 as outlined in the Agenda Submittal from Health and Social Services dated April 12, 2005, incorporated herein by reference.

15. Approved and authorized the Chairwoman to sign agreement with Yolo County regarding the rehabilitation of the bridge on Stevenson Bridge Road at Putah Creek as outlined in the Agenda Submittal from Resource Management dated April 12, 2005, incorporated herein by reference.

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

Item No. 18A
Community Development
Block Grant Program (CDBG)

Received a request from Supervisor Kromm to adopt a Resolution to support continuation of The Federal Community Development Block Grant Program (CDBG) and restoration of program funding as outlined in the Agenda Submittal from the County Administrator dated April 12, 2005, incorporated herein by reference.

After a brief discussion, the Board adopted and authorized the Chairwoman to sign Resolution No. 2005-074 supporting continuation of the Federal Community Development Block Grant Program (CDBG) and restoration of program funding to the FY 2004 level of \$4.7 billion. (see Resolution Book)

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

Agenda Item No. 18B
Support for Biotechnology

Received a request from Supervisor Reagan to adopt a Resolution to support biotechnology and its contributions to world health and agricultural improvements as outlined in the Agenda Submittal from the County Administrator dated April 12, 2005, incorporated herein by reference.

Supervisor Reagan noted that Solano County has a tremendous amount of biotech crops as well as biotech cluster of research, development and manufacturing and noted that Solano County was on the leading edge in advances in human science to improve the world.

Supervisor Kromm expressed his support for biotech but was concerned that the proposed resolution, as written, would discredit other counties.

Chairwoman Kondylis inquired if the proposed resolution pertained to genetic engineering.

Michael Ammann, President, Solano Economic Development Corporation, indicated that they actively recruit and help biotechnology companies grow in Solano County. Mr. Ammann noted that it was important that the County have a positive stance in relationship to attracting new biotechnology companies to the area. Mr. Ammann indicated that the biotechnology industry is becoming a leading industry in the United States and almost every state and developed country are trying to recruit and develop biotechnology companies.

Barbara LeVake, California Women for Agriculture, reported that the 23-campus California State University system-wide biotechnology program opposed the anti-GM initiatives in Butte, San Luis Obispo, Humboldt, and Marin counties that would prohibit the cultivation of biotech crops. These initiatives narrowly and selfishly serve the purposes of the anti-biotech community by attempting to prohibit the cultivation of biotech crops that have been proven to be beneficial to agriculture in general, and farmers and the environment in particular.

Eric Warnken, Solano County Farm Bureau, noted that the use of GMO crops made farming safer by using softer, safer herbicides. Mr. Warnken noted that the public was not educated in this area which created a fear with GMO products.

Chairwoman Kondylis noted that her opposition to generically modified products was that they were not labeled as such.

Supervisor Kromm noted that people in a different community with different crops may have concerns how genetically modified organisms potentially enter food chains or the environment. Supervisor Kromm noted that the best informed scientist that he had spoken with in the past did not have the answers and to assume science was always right was dangerous. Therefore, he would be supportive of the proposed resolution if the last "whereas" paragraph was removed.

At the conclusion of discussion, the Board adopted and authorized the Chairwoman to sign a Resolution in support of biotechnology and its contributions to world health and agricultural improvements with the deletion of the last "whereas" paragraph. (Resolution No. 2005-078 was superseded with the following action.

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

Adopted and authorized the Chairwoman to sign Resolution No. 2005-075, in support of biotechnology and its contributions to world health and agricultural improvements with the deletion of the word "misguided" in the last "whereas" paragraph.

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

The Board of Supervisors recessed this meeting at 10:30 A.M. and reconvened at 10:50 A.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 18C
Reconsideration of Board Action
Minor Subdivision Application – James Coppel

Supervisor Reagan requested reconsideration of Board action of April 5, 2005, denial 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 to adopt a resolution approving Minor Subdivision Application MS-03-12. The property is located on Mace Blvd. in an "A-40" Exclusive Agricultural Zoning District.

County Counsel Dennis Bunting noted that the Board was unable to reconsider this matter at this time and that the matter be removed from the Board's agenda due to the fact that the Board took action on the above matter in a quasi judicial manner where a hearing was required, evidence was taken, the Board based its decision on the facts that were presented, and the decision was final. Mr. Bunting further noted that included in this type of action is a Subdivision Map Act matter. The general rule being that when an administrative body has no power to grant a rehearing or reconsider a previous final decision unless there is a statute that authorizes that power. There was no provision in the Subdivision Map Act which granted the Board the authority to reconsider final decisions on subdivision matters. County Counsel noted that the applicant could seek court review of the Board's decision or resubmit his application. In resubmitting his application, there was no time limit and the applicant could address the Board and bring forth any other evidence that he felt would be persuasive to the Board. The applicant would be required to pay the fee upfront and could follow with a request for waiver of fee when the Board heard this matter.

Agenda Item No. 19A
Legislative Advocate

The County Administrator's Office provided a report to the Board from the County's Legislative Advocate concerning 1) new developments on the 2005-06 State Budget, including the Governor's IHSS proposal; 2) progress on the County's 2005 legislative priorities; 3) status of the Governor's proposals for a November, 2005 statewide special election; and 4) proposed legislation for Board's consideration.

Paul Yoder, Legislative Advocate, reported there was an increase in new revenue to the State as a result of an improved economy in California. Mr. Yoder noted that he felt that the legislature would reject the Prop 42 suspension to the extent that there are shelf ready transportation projects and felt that the Governor and the legislature would agree to fund those projects. Mr. Yoder indicated that there has been speculation that the State will lower the State gas tax, increase the State sales tax, and place a transportation bond on the ballot in 2006 in an effort to get California moving again. Mr. Yoder reported that the legislature was unwilling to go along with the Governor on cuts In-Home Supportive Services and that the Governor had withdrawn his pension reform proposal until at least June, 2006. Mr. Yoder noted that there were still three initiatives to go on the November ballot which included teacher reform; spending budget gap, and redistricting reform.

Mr. Yoder reviewed the 2005 Legislative Platform for Solano County as outlined in the Agenda Submittal from the County Administrator dated April 12, 2005, incorporated herein by reference.

At the conclusion of discussion, the Board acted to support the following:

- A) SB 803 (Ducheny) – Proposition 36
- B) AB 783 (Jones) – Reimbursement of counties for special election costs
- C) AB 486 (Leslie) – Urban open space and recreation
- D) SB 842 (Machado) – Domestic violence

MOTION: Reagan. SECOND: Silva.

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

The Board acted to oppose AB 126 (Dymally) – Beilensen hearings

MOTION: Kromm. SECOND: Vasquez.

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

The Board acted to reconsider SB 609 (Romero) – Corrections restructuring at the next presentation by the Legislative Advocate Paul Yoder.

The Board acted to oppose SB 926 (Florez) – Sewage sludge.

MOTION: Kromm. SECOND: Silva.

AYES: Kromm, Reagan, Silva, Vasquez.

NOES: Kondylis

Paul Yoder informed the Board that they would be able to utilize their web page to access a matrix of legislation with up to the minute data available on the status of the legislation. Supervisor Reagan noted that he would like staff to review and separate CSAC's position by departments and ask that the department heads monitor and report to the Board on legislation that is important to them.

The Board expressed their interest in receiving a report from staff in the future regarding the purchase of the Old County Courthouse by the Courts and funding options available.

Agenda Item No. 19B

Exchange of Real Property with City of Fairfield and Fairfield Redevelopment Agency

The Board received an Agenda Submittal from the County Administrator dated April 12, 2005, incorporated herein by reference, requesting the Board consider a Memorandum of Understanding between the City of Fairfield and the County of Solano to exchange City and County owned properties to facilitate the economic development and commercial revitalization of downtown Fairfield. It was noted that the County property located at 701 Texas Street was no longer needed for use by the County Recorder and was surplus to the needs of the County. The City of Fairfield would exchange City owned property at 600 Kentucky for the Texas Street property, and would finance the balance owed for the Kentucky Street property through a promissory note. The current lease on the Kentucky Street property with the U.S. Postal Service would be assigned to the County, which was expected to offset the acquisition costs over four years.

Chairwoman Kondylis opened the hearing to the public.

Donald Tipton, unincorporated Vallejo, questioned the need for another County facility and noted that it was not guaranteed how long the U.S. Postal Service would be staying at the Kentucky Street site in that the City was actively pursuing the relocation of the Post Office to another site owned by the City and the term of the tenancy of the Postal Service at Kentucky Street could not be guaranteed. Mr. Tipton noted that he felt that the County should sell its property to the City and not pursue any other property until it was needed by the County.

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

Gail Feldman, County Administrator's Office, noted that the property located at 701 Texas Street, Fairfield was surplus property for the County and the City of Fairfield and the Fairfield Redevelopment Agency was interested in utilizing the space for a mixed use building in an effort to revitalize downtown Fairfield. It was noted that the County's interest in the 600 Kentucky Street site was to eventually move its fleet operation to this location and utilize the fenced area for the storage of County vehicles. Ms. Feldman noted that the lease with the U.S. Postal Service would be up for renewal in March 2006 and did not feel that they would be prepared to relocate at that time and the County would be able to renew the lease at a higher rate.

County Administrator Michael D. Johnson stated that the existing Post Office was more suitable than the existing facility which was located on Texas Street as well as the issues of parking and security and that there was a fence built around the Post Office. The current fleet operation location would then tie into the Court operations and expansion project.

The Board expressed concern regarding the interest rate on the promissory note and questioned the discussion that took place during negotiations.

Kurt Johnson, City of Fairfield Economic Development, noted that the interest rate was part of the negotiation. Mr. Johnson stated that the lease would increase from \$248,000 to \$298,000 per year in March 2006. Mr. Johnson noted that if the County preferred to pay cash that they would be acceptable to either option.

Deputy County Counsel Bernadette Curry, indicated that the Board could proceed with this item today directing staff to bring back the deed of trust and promissory note at a later time. This would allow escrow to be completed and closed when the Board makes the final determination.

Supervisor Vasquez noted that it was his understanding that the U.S. Postal Service would be at the current location and would lease from the County for the next five years which would bring the cost down to zero for the County.

Mr. Johnson noted that the current facilities for the U.S. Postal Service are inadequate and that they were looking for a way to improve service to its customers. Mr. Johnson noted that this uncertainty and the length of the lease was reflected in the purchase price. Mr. Johnson noted that the agreement states that 701 Texas Street, Fairfield must close prior to 600 Kentucky Street, Fairfield and then the County would have a 6 month due diligence process during which time the details of the lease with the U.S. Postal Service would be clearer. Therefore, entering into the agreement was not a conclusive determination by the County that they would buy the property located at 600 Kentucky Street, Fairfield and the County may determine at that time that it is or is not in their best interest to purchase the property. The County at this point would be securing 6 months of site control whereby the City of Fairfield cannot sell to another party.

Supervisor Silva noted that he felt it was best for the County to finance the building itself and felt that if the tenant were to move out that there should be some consideration as to the loss of income returned to the County if the City of Fairfield relocates the U.S. Postal Service to another location.

At the conclusion of the discussion, the Board acted to adopt Resolution No. 2005-076 authorizing the execution of two purchase and sale agreements with the City of Fairfield, with the reconstruction of the financing terms built into the agreement that if the lease with the U.S. Postal Service was terminated before the County recovered its full cost, that there would be consideration given for loss of income to the County by the City of Fairfield and authorized the County Administrator to effectuate the transactions.

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

Agenda Item No. 20 Fire District Impact Fees

The Board acted to read the proposed ordinance adding Article XVI of Chapter 11 of the Solano County Code relating to Fire District Impact Fees by title only and waived further reading.

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

The Board of Supervisors reviewed the information contained in the Agenda Submittal from the County Counsel dated April 12, 2005, incorporated herein by reference, regarding the first reading of an ordinance adding Article XVI of Chapter 11 of the Solano County Code relating to Fire District Impact Fees and received a staff presentation.

At the conclusion of the first reading of the proposed ordinance, the Board set April 26, 2005 for adoption of said ordinance.

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

Agenda Item No. 21 Acceptance of Real Property – Mount Vaca

The Board received an Agenda Submittal from General Services dated April 12, 2005, incorporated herein by reference, requesting the Board to consider the acceptance of 38.52 acres of surplus real property of the United States Government (Solano County APN 0121-010-010 and Napa County APN 033-200-001-000) located on the ridgeline of Mount Vaca within the Blue Ridge Range between Solano and Napa Counties.

The Board expressed their feeling that the purchase of this property would provide opportunities for scout organizations, for public access to roads and wireless communication for the rural areas of the County.

Donald Tipton, unincorporated Vallejo, expressed his concern that there may be costs associated with the cleanup of the property that was previously used by the Navy as a communication site.

At the conclusion of the discussion by the Board, the Board adopted and authorized the Chairwoman to sign Resolution No. 2005-077 authorizing acceptance of surplus real property from

the federal government located at the ridgeline of Mount Vaca within the Blueridge Range between Solano and Napa Counties (Solano County Assessor's Number 0121-010-010 and Napa County Assessor's Number 0330-200-001-000).

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

Agenda Item No. 22
 Appointment Authority

The Board took the following action:

- A. Appointed Reverend Tony Ubalde, Jr. to the Solano-Napa Agency on Aging, representing District 2, for a term to expire June 30, 2006.
- B. Accepted the resignation of Nancy Calvo as Solano County First Five Commissioner for Health and Social Services.
- C. Appointed Norma Thigpen to fill the unexpired term of Nancy Calvo as Solano County First Five Commissioner for Health and Social Services effective April 12, 2005 through June 24, 2007.

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

The Board of Supervisors recessed this meeting at 12:25 P.M. and convened in Closed Session on the following matter:

Labor Negotiations: California Federation of American Physicians and Dentists, In-Home Health Support Services (IHSS), Chief Negotiators: Yolanda Irigon, Jim Ferguson, and Wayne Page.

The Board of Supervisors adjourned from Closed Session at 12:45 P.M. There were no reports from Closed Session.

Agenda Item No. 23
 Adjournment

The Board of Supervisors adjourned this meeting at 12:45 P.M. in memory of Frances Howard Garrett Preissner.

The Board of Supervisors will hold a Special Meeting at the Solano County Library, Becker-Balmer Room, 1150 Kentucky Street, Fairfield on Monday, April 18, 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
 Patty Crittenden, Chief Deputy Clerk