

Minutes For December 7, 2004

THIS MEETING WAS HELD
BOARD OF SUPERVISORS CHAMBERS
580 TEXAS STREET, FAIRFIELD

December 7, 2004

MINUTES

The Solano County Board of Supervisors met in regular session on this day at 8:34 a.m. The meeting was called to order by Chairman Silva. Present were Supervisors Forney, Kromm, Vasquez, and Chairman Silva, and Supervisor Kondylis arrived at 8:36.

CLOSED SESSION: The Board moved into Closed Session at 8:35 a.m. to discuss Property Negotiations: (1) Vacaville parcel numbers 129-220-170, 129-220-180, 129-220-060 and 129-240-070; negotiating parties: Veronica Ferguson, General Services Director, Kathy Gibson, County Administrator's Office, Dale Pfeiffer, City of Vacaville; under negotiation: price and terms; (2) 300 County Airport Road, Corporate Hangar #CH-A2, Vacaville; negotiating parties: Veronica Ferguson, General Services Director and Andy Swanson, Airport Manager and Mary Ann Rollison, Rollison Enterprises; under negotiation: price and terms; Potential Litigation: two (2) cases; Employee Performance Evaluation: County Counsel and County Administrator. The Board moved out of Closed Session at 9:30 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:35 a.m.

5. CORPORATE AIRCRAFT HANGAR ASSIGNED TO FUTURE AERO, INC.

County Counsel Dennis Bunting noted that by a vote of 5-0 the Board approved an assignment of an aircraft hangar between the County of Solano and Future Aero, Inc.

The Board meeting continued with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

7A. CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING FOR THE FISCAL YEAR ENDED JUNE 30, 2003 PRESENTED TO THE AUDITOR-CONTROLLER

Thomas Fil State Representative of the Government Finance Officers Association presented Auditor-Controller Simona Padilla-Scholtens with the Certificate of Achievement for Excellence in Financial Reporting for Fiscal Year Ended June 30, 2003, noting this is the second consecutive year Solano County has won this award through their high degree of dedication.

Ms. Padilla-Scholtens recognized the staff in her office for their commitment to high standards.

7B. PLAQUE OF APPRECIATION PRESENTED TO MS. CARMEL C. SNIFFEN, ADMINISTRATIVE SECRETARY

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to approve presentation of a Plaque of Appreciation for Ms. Carmel Sniffen.

On behalf of the Board Supervisor Vasquez presented Ms. Sniffen, Administrative Secretary Health and Social Services for 14 years of service to Solano County.

7C. RESOLUTION NO. 2004-210 RECOGNIZING JEANNE M. NEWTON UPON HER RETIREMENT FOR HER MANY YEARS OF SERVICE TO SOLANO COUNTY, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to adopt Resolution No. 2004-210. The Board further acted to authorize a Plaque of Appreciation for Jeanne M. Newton. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented Ms. Newton with Resolution No. 2004-210 and a Plaque of Appreciation honoring her upon her retirement after 27 ½ years of service to Solano County as a Social Services Supervisor in the Department of Health and Social Services.

Ms. Newton briefly discussed her career in Child Protective Services and Adult Protective Services, with seniors being the biggest challenge, and commended management for their support.

Linda Watt, Health and Social Services, noted Ms. Newton epitomizes a public servant, and noted it has been an honor to work with her.

Director of Health and Social Services Patrick Duterte noted what a fantastic job Jeannie has done, how special Jeannie is, and that she will be missed.

7D. PLAQUE OF APPRECIATION PRESENTED TO TODD W. LABAR

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to approve a plaque recognizing Todd Labar.

On behalf of the Board, Supervisor Forney presented Todd W. Labar, Correctional Officer/Journey, in the Sheriff's Department, with a Plaque of Appreciation upon his retirement after thirteen years of service to Solano County.

ITEMS FROM THE FLOOR

APPEARANCE BY DONALD TIPTON RE ROAD REPAIR PROBLEMS

Donald Tipton, Homeacres Improvement Association, voiced his concerns regarding the Vallejo Sanitation and Flood Control District (VSFCD) Storm Drain Improvement Program Phase II repairs. Mr. Tipton further discussed district requirements that are not being followed. There are compaction issues, and Mr. Tipton further expressed concern regarding road maintenance and repair after the roadway has been dug up for these repairs, payment for the work from redevelopment funds, and with "as built" plans.

Chairman Silva noted his office is working to resolve these concerns.

APPEARANCE BY KAREN ANTHONY AND ROBBIE WILSON RE LABOR ISSUES

Karen Anthony, Local 1 – Mid Managers Local 16, requested the Board give latitude at the negotiating table to resolve the negotiating issues.

Robbie Wilson, Unit 16 President, discussed many issues facing staff that need to be addressed, requested equitable treatment for mid managers, and requested the Chief Negotiator to negotiate to resolve the labor issues.

INTRODUCTION OF CHRIS ROGERS AND DAVID CARRILLO MANAGEMENT ANALYSTS

Assistant County Administrator Darby Hayes introduced Chris Rogers and David Carrillo as the newest members of the County Administrator's staff, and outlined a brief professional background of Ms. Rogers and Mr. Carrillo.

APPROVAL OF AGENDA

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

16A. Adopt resolution declaring portion of Assessor Parcel Number 0129-240-090, Vacaville, surplus property to needs of the County; set date for noticed/published hearing to consider selling the surplus real property and related easement interests to Vacaville for total purchase price of \$351,000, correction of the public utilities easement should read 15 feet, and that the public hearing would be opened and continued to January 25, 2005.

17. Approve Certification and Results of Presidential General Election held on November 2, 2004, removed from the Consent Calendar.
- 18B. Approve contract in amount of \$1,475,765 with Alliance for Community Care, Corporation for period of December 1, 2004 to June 30, 2006 to provide mental health and housing services to mentally ill adults, removed from the Consent Calendar.
19. Approve nineteen-month master contracts with multiple Proposition 36 service providers for period of December 1, 2004 through June 30, 2006 for drug treatment services and drug testing services, removed from the Consent Calendar.
21. Adopt resolution amending Alphabetical Listing of Classes and Salaries to add new classification of Sheriff's Security Officer with approximate annual salary of \$32,206 – 39,147; adopt resolution amending allocation list to add 6.0 Sheriff's Security Officers, removed from the Consent Calendar.
- 23B. Second reading for adoption of ordinance amending Chapter 23 to revise and add requirements pertaining to solid waste, green waste, and recycleables in unincorporated areas of Solano County, removed from Consent Calendar.
- So ordered by a vote of 5-0.
- 30C. Reappointment of James Campbell to Solano County Planning Commission, later in the meeting this item was removed from the Agenda.
- 30E. Reappointments of Jacqueline Andersen and Margarite Kittyle to Silveyville Cemetery District, later in the meeting this item was removed from the Agenda.

CONSENT CALENDAR

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

14. PROCLAMATION HONORING THE FAIRFIELD HOST LIONS CLUB ON THEIR 80TH ANNIVERSARY FOR THEIR CONTRIBUTIONS TO THE COMMUNITY OF SOLANO COUNTY, approved
15. ANNUAL DISCLOSURE AND REVIEW OF PUBLIC FACILITIES FEES FOR FY2003/04, as outlined in the Agenda Submittal from County Administrator's Office dated December 7, 2004, incorporated herein by reference, approved.
- 16A. RESOLUTION NO. 2004-211 DECLARING A PORTION OF COUNTY OWNED REAL PROPERTY LOCATED IN THE CITY OF VACAVILLE SURPLUS TO THE NEEDS OF THE COUNTY AND NOTICE OF INTENTION TO SELL SURPLUS REAL PROPERTY (PORTION OF ASSESSOR PARCEL NUMBER 0129-240-090), adopted. (see Resolution Book)
- NOTICED/PUBLISHED HEARING TO CONSIDER SELLING THE SURPLUS REAL PROPERTY AND RELATED EASEMENT INTERESTS TO VACAVILLE, set for January 25, 2005, 2:00 p.m.
- 16B. RESOLUTION NO. 2004-212 APPROVING RECORDS RETENTION SCHEDULES FOR GENERAL SERVICES DEPARTMENT-ADMINISTRATION, FACILITIES OPERATIONS, PARKS & RECREATION, AND PROPERTY MANAGEMENT DIVISIONS OF THE DEPARTMENT, adopted. (see Resolution Book)
- 18A. AGREEMENT WITH ECHO CONSULTING SERVICES OF CALIFORNIA, INC. RE MAINTENANCE OF CLIENT AND MEDI-CAL DATABASE MANAGEMENT SYSTEM, as outlined in the Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

AGREEMENT WITH LEADERS IN COMMUNITY ALTERNATIVES, INC. RE IN-HOME SUPPORT SERVICES

CASE MANAGEMENT, as outlined in the Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

18C. TOBACCO MASTER SETTLEMENT AGREEMENT RELATED CONTRACT AMENDMENTS WITH SOLANO COALITION FOR BETTER HEALTH, THE CITY OF FAIRFIELD, THE CITY OF RIO VISTA, as outlined in the Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

18D. CONTRACT AMENDMENT WITH COUNTY MEDICAL SERVICES GOVERNING BOARD (CMSP) FOR MANAGED CARE PILOT, as outlined in the Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

CONTRACT EXTENSION WITH PARTNERSHIP HEALTHPLAN OF CALIFORNIA RE MANAGED CARE PILOT PROGRAM ADMINISTRATION, as outlined in the Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

APPROPRIATION TRANSFER IN AMOUNT OF \$400,000 FROM UNANTICIPATED REVENUE, as outlined in the Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, approved.

20. RESOLUTION NO. 2004-213 AUTHORIZING SUBMISSION OF AN APPLICATION FOR GRANT FUNDING (PUBLIC DEFENDER), adopted. (see Resolution Book)

22. RESOLUTION NO. 2004-216 AUTHORIZING THE EXECUTION OF AN OFFER TO DONATE REAL PROPERTY AND WARRANTY DEED BY AND BETWEEN CITY OF FAIRFIELD, COUNTY OF SOLANO AND UNITED STATES GOVERNMENT TO TRANSFER 6.48 ACRES OF LAND TO TRAVIS AIR FORCE BASE, adopted. (see Resolution Book)

OFFER TO DONATE REAL PROPERTY AND WARRANTY DEED, as outlined in the Agenda Submittal from Resource Management/General Services dated December 7, 2004, incorporated herein by reference, approved and County Administrator authorized to execute said documents on behalf of Solano County.

23A. APPROPRIATIONS INCREASE FOR OTHER PROFESSIONAL SERVICES REVENUE IN THE AMOUNT OF \$80,124, as outlined in the Agenda Submittal from Resource Management dated December 7, 2004, incorporated herein by reference, approved.

CONTRACT AMENDMENT WITH KEN SOLOMON RE CONTRACT PLANNING SERVICES TO MANAGE SHILOH I (ENXCO) ENVIRONMENTAL IMPACT REPORT AND PROCESS LAND USE ENTITLEMENTS, as outlined in the Agenda Submittal from Resource Management dated December 7, 2004, incorporated herein by reference, approved and Director of Resource Management to sign contract amendment and any future amendments if needed to complete project on behalf of Solano County.

23C. ORDINANCE NO. 1655 AMENDING SECTIONS 4.4-12, 35, 42, 44, 51, 53, 55, 56, 60, 62, 70, 80, 81, 81.2, 83, 84.1, 84.2, 85, 56, 87, 87.1, 87.2, 88, 89, 89.1, 90 AND TABLE 2 OF CHAPTER 6.4 TO THE SOLANO COUNTY CODE, RELATING TO ON SITE SEWAGE DISPOSAL, adopted. (see Ordinance Book)

ORDERS

18B. AGREEMENT WITH ALLIANCE FOR COMMUNITY CARE, CORPORATION RE MENTAL HEALTH AND HOUSING SERVICES, APPROVED

The Board was provided with an Agenda Submittal from Health and Social Services dated December 7, 2004, incorporated herein by reference, regarding housing services for mentally ill adults. Responding to concerns voiced by Supervisor Kondylis relative to equal services throughout the

County, Kathy Cramer, Health and Social Services, discussed the outreach efforts and contract monitoring to ensure the entire County will be served.

Director of Health and Social Services Patrick Duterte discussed a recent homeless grant that will have a close link to this project.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to approve the agreement with Alliance for Community Care Corporation. So ordered by a vote of 5-0.

19. NINETEEN-MONTH MASTER CONTRACTS WITH PROP 36 SERVICE PROVIDERS KARTARGEO, LATINO COMMISSION, AND PRINCIPLES RE DRUG TREATMENT AND TESTING SERVICES, APPROVED

The Board was provided with an Agenda Submittal from the Probation Department dated December 7, 2004, incorporated herein by reference, regarding agreements with Prop 36 service providers to provide substance abuse and drug testing services.

Responding to concerns voiced by Supervisor Kondylis regarding measurable outcomes, there was a brief discussion regarding issues with the State relative to Proposition 36, additional legislation that is to be introduced mid-December, and the problems relative to past legislation.

Supervisor Kondylis expressed the need for the Safe from the Start video to be used in these programs for training.

Supervisor Kromm noted opposition to these agreements and feels these agreements are a waste of money.

On motion of Supervisor Kondylis and seconded by Chairman Silva, the Board acted to approve the agreements with Kartargeo, Latino Commission, and Principles. So ordered by a vote of 4-1, Supervisor Kromm voted no.

23B. ORDINANCE NO. 1654 AMENDING SECTIONS 23-12, 20, 21, 22, 23, 30, 32, 31.1, 31.2, 31.3, 32, 33, 34, 35, 56, 37, 38, 39, 40, 41, 50, 51, 60, 70, 71, 72 AND ADDING SECTION 23-52 OF CHAPTER 23 TO THE SOLANO COUNTY CODE, RELATING TO SOLID WASTE, RECYCLABLES AND GREEN WASTE, ADOPTED

Scheduled on the agenda for this day was consideration of an ordinance that would revise and add requirements pertaining to solid waste, green waste, and recyclables.

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

Supervisor Kondylis voiced concern with the restrictions on private people picking up construction waste and the way the ordinance is constructed.

Chairman Silva opened the public hearing.

Donald Tipton, Homeacres Improvement Association, feels there should be a fee for an exemption, voiced concern with the increase cost for the Homeacres area, and requested the Homeacres area be exempted from the administration and franchise fees.

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 Chairman Silva, the Board acted to adopt the proposed Ordinance. So ordered by a vote of 4-1, Supervisor Kondylis voted no. (see Ordinance Book)

16C. INCREASED FUNDING RE CONSTRUCTION OF CAT ADOPTION CENTER IN ANIMAL CARE CENTER IN THE AMOUNT OF \$26,000 IN ACCUMULATED CAPITAL OUTLAY (ACO) FUNDS, APPROVED

The Board was provided with an Agenda Submittal from General Services dated December 7, 2004, incorporated herein by reference, regarding construction at the Cat Adoption Center.

Responding to concerns voiced by Supervisor Kromm regarding marketing, Director of General Services Veronica Ferguson noted this is the first step in showing the cats in a more favorable environment for adoption, and discussed other avenues being explored to improve adoption of the animals.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to authorize the use of \$26,000 in Accumulated Capital Outlay Funds to complete construction of the Cat Adoption Center, and to authorize the General Services Director to sign Change Order No. 1 in amount of \$14,864 on behalf of Solano County. So ordered by a vote of 5-0.

17. CERTIFICATION AND RESULTS OF PRESIDENTIAL GENERAL ELECTION HELD ON NOVEMBER

2, 2004, APPROVED

The Board was provided with an Agenda Submittal from Department of Information Technology/Registrar of Voters dated December 7, 2004, incorporated herein by reference, regarding certification of the results of the November 2, 2004 Presidential General Election. Supervisor Kromm discussed the three technology changes over the last three elections, and all Supervisors commended the election staff with their ability to adapt to the new technology and conducting successful elections.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to certify the results of the Presidential General Election of November 2, 2004. So ordered by a vote of 5-0.

21. RESOLUTION NO. 2004-214 AMENDING ALPHABETICAL LISTING OF CLASSES AND SALARIES (SHERIFF'S SECURITY OFFICER), ADOPTED

RESOLUTION NO. 2004-215 AMENDING ALLOCATION LIST (SHERIFF'S SECURITY OFFICER), ADOPTED

The Board was provided with an Agenda Submittal from Human Resources and the Sheriff's Office dated December 7, 2004, incorporated herein by reference, regarding to add the new classification of Sheriff's Security Officer and add six Sheriff's Security Officers.

Responding to questions posed by Supervisor Kromm regarding the PERS Classification, Steve Janis, Human Resources noted this classification would be under Miscellaneous not under Peace Officers/Public Safety and briefly discussed keeping the classification separate.

Sheriff Gary Stanton noted the Lagori Security officers are doing a good job, but noted their limitations. This classification will give the County more alternatives for security purposes such as courtroom Security, and noted there is interest from other departments for security.

Responding to questions by Supervisor Kromm relative to police officers handing off clients that are brought into Mental Health Crisis to these security officers, Sheriff Stanton discussed the benefits the security officers would be at Mental Health Crisis.

County Administrator Michael Johnson noted this is the model security the Courts are ultimately looking for to help reduce costs in the future, and discussed the need for visible security in the new County Administration Center which these officers could do.

There was a brief discussion relative to promotional and educational opportunities for this position.

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2004-214 Amending Alphabetical Listing Of Classes and Salaries (Sheriff's Security Officer), and Resolution No. 2004-215 Amending Allocation List (Sheriff's Security Officers). So ordered by a vote of 5-0. (see Resolution Book)

25A. 2004 SOLANO COUNTY ANNUAL REPORT, RECEIVED

The Board was provided with an Agenda Submittal from the County Administrator's Office dated December 7, 2004, incorporated herein by reference, presenting the 2004 Annual Report.

Chairman Silva commended the County Administrator on the timing and quality of this report, and discussed the many successes throughout the County in 2004 that have followed the Boards priorities to improve the lives of children, improve the health of those who live and work here, maintain a safe community free from violence, to promote and protect agriculture, support responsible land use, and invest in the future.

County Administrator Michael Johnson presented the 2004 Annual Report and reviewed the changes that add to the readability of the report, and discussed highlights of the report.

Supervisor Kondylis suggested including some information in the 2006 report on where the County dollars are being spent, County statistics on growth relative to the County goals, and to prominently display the County website address.

The report was received.

25B. STATUS REPORT ON LEGISLATION OF IMPORTANCE TO SOLANO COUNTY RECEIVED

2005 SOLANO COUNTY STATE LEGISLATIVE PLATFORM, ADOPTED

Paul Yoder, Legislative Analyst, Shaw & Yoder, reviewed the information contained in the Agenda Submittal from County Administrator's Office dated December 7, 2004, incorporated herein

by reference, regarding three changes to the 2005 County legislative platform. Mr. Yoder also discussed the new legislators in Sacramento, and the projected \$7 Billion State deficit. Mr. Yoder suggested monitoring the Battin Bill relative to the Sexual Abuse of Children, noted technical changes relative to the County Surveyor legislation, and technical changes for the Pilot Project for family violence data collection.

Supervisor Kondylis posed questions relative to rumors of the California Performance Review (CPR) recommendations and how that will be monitored, feels many of the issues will get lost in the shuffle, Mr. Yoder discussed how the recommendations would be monitored, and how the Governor and legislature will deal with the recommendations.

There was a brief discussion relative to the potential changes to the Public Employees Retirement System (PERS), and review of the effects of the decline in funding for the five managed care programs around the State relative to the CPR.

On motion of Supervisor Kondylis and seconded by Supervisor Forney, the Board acted to approve the 2005 State Legislative Platform. So ordered by a vote of 5-0.

25C. STATUS REPORT ON THE FORMATION OF THE NON-PROFIT CORPORATION FOR THE COURT APPOINTED SPECIAL ADVOCATES (CASA) PROGRAM, RECEIVED

Assistant County Administrator Darby Hayes reviewed the information contained in the Agenda Submittal from his department dated December 7, 2004, incorporated herein by reference, regarding the status of the formation of the non-profit corporation for CASA. Mr. Hayes noted a meeting with the CASA Board of Directors scheduled for December 15, 2004, and with the CASA Advisory Board in January to discuss the changes, agreement with the courts for the change, will work to adhere to the proposed timeline to allow as much overlap time as possible for the 501C3, and the possibility of some County owned office space for CASA.

Supervisor Kondylis noted the improved outcomes for children that have had a CASA volunteer to help them. This transition was reviewed by the Administrative Office of the Courts (AOC) resulting in a letter to the Solano County CASA Director Carolyn Thomas-Wold commending the office for the fine work that has been done in the development of the program, and pointing out the strengths and weaknesses resulting in a grant award from the National CASA. Supervisor Kondylis noted we are making concrete changes for these children by participating in the program.

Supervisor Forney feels the transition should be done as soon as possible, and the County should look for a way to provide a no cost or minimal cost facility to use for one year.

Supervisor Kondylis noted the goal is to have the changes done by June 2005, discussed the difficulty in recruiting Board of Director members, and feels that family violence needs to be approached on an integrated level.

The report was received.

25D. RESOLUTION NO. 2004-217 ADOPTING FINDINGS AND DECLARATIONS FOR THE NEED FOR GOVERNMENTAL OVERSIGHT AND COORDINATION OF THE MULTIPLE AGENCIES DEALING WITH FAMILY VIOLENCE TO AUTHORIZE A FEE INCREASE FOR ISSUANCE OF MARRIAGE LICENSES AND CONFIDENTIAL MARRIAGE LICENSES AND FOR CERTIFIED COPIES OF CERTAIN RECORDS AND REVISED FEE SCHEDULES FOR THE TREASURER/TAX COLLECTOR/COUNTY CLERK AND THE ASSESSOR/
RECORDER, ADOPTED

The Board was provided with an Agenda Submittal from the County Administrator's Office dated January 7, 2004, incorporated herein by reference, regarding increasing fees for all marriage licenses, certified copies of marriage certificates, birth certificates, fetal death records, and death records by \$2.

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

Supervisor Kondylis feels the Board needs to decide where the funds will be spent, and feels the Office of Family Violence needs to develop a work program.

Supervisor Kromm noted these funds are not to be used for direct services, and feels we need to use the money to go after grants for more services, responding Gail Feldman, County Administrator's Office, noted the funds are to be used for the coordination and oversight of governmental activities related to family violence.

A short discussion followed regarding previous funding distribution.

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2004-217. So ordered by a vote of 5-0. (see Resolution Book)

29B. PUBLIC HEARING TO CONSIDER APPROVING MINOR SUBDIVISION APPLICATION NO. MS-04-10 OF LOWRIE FAMILY PARTNERSHIP, CONTINUED TO JANUARY 11, 2005, 2:00 P.M.

The Board was provided with an Agenda Submittal from Resource Management dated December 7, 2004, incorporated herein by reference, regarding approving a minor subdivision for the Lowrie Family Partnership.

There was a brief discussion regarding the Board addressing this matter since the property is in a Williamson Act contract.

Chairman Silva opened the public hearing, and continued the hearing to January 11, 2005, at 2:00 p.m.

30C. REAPPOINTMENT OF JAMES CAMPBELL TO SOLANO COUNTY PLANNING COMMISSION, REMOVED FROM THE AGENDA

30E. REAPPOINTMENT OF JACQUELINE ANDERSEN AND MARGARITE KITTYLE TO SILVEYVILLE CEMETERY DISTRICT, REMOVED FROM THE AGENDA

26A. REPORT ON STATUS OF LOW-EMISSION VEHICLES IN THE COUNTY FLEET, RECEIVED
SUPPORT FOR ELECTRIC VEHICLE LOANER PROGRAM, APPROVED

Dave Basham, Fleet Manager General Services, reviewed the information contained in the Agenda Submittal from his department dated December 7, 2004, incorporated herein by reference, regarding low-emission vehicle status in the Solano County Fleet, beginning with a brief history, the current state of the fleet, technology, fuel options, the need for a diverse type of vehicles in the fleet, and the Electric Vehicle Promotional Loaner Program.

Responding to questions posed by Supervisor Kromm regarding fueling sites for Liquid Natural Gas (LNG) vehicles, Dan Borges, Solano Garbage Company, noted there is a LNG station on Walters Court that is owned by Solano Garbage, and noted the station would be up and running in the next few months.

Supervisor Kromm posed questions regarding using LNG for heavy vehicles, reduction of emissions for heavy equipment, Mr. Basham noted LNG can be viable for equipment, discussed the use of equipment by the County that does not allow for the burnoff the emissions that are captured in the catalic converters and development of improved catalic converters.

Supervisor Kromm suggested adopting a policy that the County only buy low-emissions vehicles, with exception only with special findings, responding Mr. Basham noted coming back to the Board relative to recommendations developed through the Yolo-Solano Air Board for the purchase of vehicles with low emissions.

There was a brief discussion regarding purchasing used vehicles versus the deep discounts of purchasing new vehicles, and promoting the use of electric vehicles.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to support the Electric Vehicle Promotional Loaner Program. So ordered by a vote of 5-0.

26B. PUBLIC HEARING TO CONSIDER ACQUISITION OF REAL PROPERTY LOCATED AT 1516 SOLANO AVENUE AND 1331 VIRGINIA STREET, VALLEJO (SOLANO COUNTY ASSESSOR PARCEL #057-165-040 AND #057-165-140), CONTINUED TO DECEMBER 14, 2004

The Board was provided with an Agenda Submittal dated December 7, 2004 from General Services regarding purchasing property in Vallejo.

Chairman Silva opened the public hearing, and continued the hearing to December 14, 2004.

27. AGREEMENT WITH CHILD WELFARE LEAGUE OF AMERICA RE EVALUATION OF THE SYSTEM OF POLICIES, PROCEDURES, TRAINING STRUCTURE AND ORGANIZATIONAL EFFICIENCY IN THE CHILD WELFARE SERVICES DIVISION

Director of Health and Social Services Patrick Duterte reviewed the information contained in the Agenda Submittal from his department dated December 7, 2004, incorporated herein by reference, regarding evaluation of the policies, procedures, training structure and organization efficiency in the Child Welfare Services Division of his department.

There was a brief discussion regarding minimum qualifications for Child Protective Services workers,

with children being the Board's top priority, with the collaborative work done in the County, and support to improve the department.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to approve an agreement with Child Welfare League of America. So ordered by a vote of 5-0.

28. RECOMMENDATIONS FOR ALLOCATION OF SOLANO COUNTY CHILDREN'S TRUST FUND FOR THE REMAINDER OF THE FY2003-2005, APPROVED

Sonja New, Solano Children's Alliance, reviewed the information contained in the Agenda Submittal dated December 7, 2004, incorporated herein by reference, which included three recommendations for allocation of the Children's Trust Fund dollars for the funding cycle of FY 2003-2005.

Responding to questions posed by Supervisor Kromm regarding who would be reviewing the RFP's for the mini-grant program, Patrick Duterte, Director Health and Social Services, noted initial concerns regarding loans and wants to ensure funds are repaid by requesting a Fidelity Bond and audit of the facility to ensure financial stability. Health and Social Services will take part in the oversight to ensure the funds are expended and accounted for. Many of the organizations are experiencing cash flow issues, these loans will help sustain these programs.

Supervisor Kromm feels zero interest loans are a bad idea since it removes the incentive to go out and raise funds, and suggested a 3 to 5% rate that would at least cover the administration cost of running the program.

Ms. New noted the organizations have to provide proof that there is money in the pipeline, and is going to come.

Chairman Silva voiced concern with the program, and noted the need to handle this program differently, and questioned what the consequences would be if the loan is not repaid, responding Mr. Duterte noted the Fidelity Bond would cover the note if not repaid.

Supervisor Kondylis voiced concern with the cost of administration of the mini-grants, feels the program should be observed for a year then determine if interest is warranted.

Mr. Duterte requested that if the administrative costs are too much of a problem they can be eliminated, and Supervisor Kromm agreed.

Supervisor Kondylis wants to be informed if the interest is eliminated.

Supervisor Forney voiced concern with charging interest to some of these groups that are already struggling to stay afloat.

County Administrator Michael Johnson noted that the County has charged interest on loans at a rate of the earnings the County has lost on the Treasury.

Supervisor Kromm noted many of these organizations do not always work under the best business practices, and charging the interest could encourage good business practices.

Responding to questions posed by Supervisor Vasquez regarding the amount in the revolving fund, Ms. New noted there would be \$74,285 that would be allocated on a first come first service basis.

Mr. Duterte discussed loan requirements, Fidelity Bonds, and the need to determine the maximum loan amount.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to approve the recommendations, but to add a short-term interest rate of 3-5% to be determined by Staff and the Children's Network as long as administrative costs are not unreasonable, if administrative costs are too high they can be eliminated. So ordered by a vote of 4-1, Chairman Silva voted no.

29A. RESOLUTION NO. 2004-218 ESTABLISHING A BUSINESS LICENSE RENEWAL FEE FOR RESOURCE MANAGEMENT DEPARTMENT, BUILDING AND SAFETY DIVISION - CODE ENFORCEMENT, ADOPTED

Clif Covey, Resource Management, reviewed the information contained in the Agenda Submittal from his department dated December 7, 2004, incorporated herein by reference, regarding establishing a \$25 business license renewal fee.

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

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2004-218. So ordered by a vote of 5-0. (see Resolution Book)

31. PUBLIC HEARING RE AN ORDINANCE ADDING CHAPTER 27 TO THE SOLANO COUNTY CODE AND AN ORDINANCE AMENDING CHAPTER 28 (ZONING ORDINANCE) OF THE SOLANO COUNTY CODE, RELATING TO CONFINED ANIMAL FACILITIES CONTINUED TO JANUARY 25, 2005 AT 2:00

P.M.

Scheduled on the agenda for this day was a public hearing to consider confined animal facilities. Chairman Silva opened the public hearing, and continued the matter to January 25, 2005.

29C. ORDINANCE NO. 1656 AMENDING CHAPTER 28, SECTION 28-15 OF THE SOLANO COUNTY CODE TO REZONE PROPERTIES IN THE UNINCORPORATED HOMEACRES AREA FROM NEIGHBORHOOD COMMERCIAL (CN) TO ONE-FAMILY RESIDENCE (RS6); FROM NEIGHBORHOOD COMMERCIAL (CN) TO RESIDENTIAL ESTATE (RE-1/2); FROM NEIGHBORHOOD COMMERCIAL (CN) TO SERVICE COMMERCIAL (CS); FROM NEIGHBORHOOD COMMERCIAL (CN) AND RESIDENTIAL ESTATE (RE-1/2) TO ONE-FAMILY RESIDENCE (RS6); FROM NEIGHBORHOOD COMMERCIAL (CN) AND RESIDENTIAL ESTATE (RE-1/2) TO NEIGHBORHOOD COMMERCIAL (CN); FROM SERVICE COMMERCIAL (CS) TO RESIDENTIAL ESTATE (RE-1/2); FROM SERVICE COMMERCIAL (CS) TO ONE-FAMILY RESIDENCE (RW6); FROM SERVICE COMMERCIAL (CS) AND RESIDENTIAL ESTATE (RE-1/2) TO MULTIPLE RESIDENCE (R-M1); FROM RESIDENTIAL ESTATE (RE-1/2) TO MULTIPLE RESIDENCE (R-M1); FROM RESIDENTIAL ESTATE (43-1/2 TO SERVICE COMMERCIAL (CS); FROM RESIDENTIAL ESTATE (RE-1/2) TO NEIGHBORHOOD COMMERCIAL (CN); FROM MULTIPLE RESIDENCE (R-M4) TO ONE-FAMILY RESIDENCE (RS6); FROM MULTIPLE RESIDENCE (4-M4) TO MULTIPLE RESIDENCE (R-M1); FROM MULTIPLE RESIDENCE (R-M4) TO SERVICE COMMERCIAL (CS) ; FROM MULTIPLE RESIDENCE (R-M4) AND RESIDENTIAL ESTATE (RE-1/2) TO SERVICE COMMERCIAL (CS); AND FROM MULTIPLE RESIDENCE (4-M4 TO DUPLEX RESIDENCE (R-D), ADOPTED

Scheduled on the agenda for this day was consideration of a proposed ordinance, which would approve General Plan Amendment G-04-02 to rezone the unincorporated Homeacres area.

On motion of Supervisor Vasquez 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.

Mike Yankovich, Planning Manager Resource Management, reviewed the key items listed in the Agenda Submittal from his department dated December 7, 2004, incorporated herein by reference, noting that 54 properties would be rezoned, and that John Cooney is requesting his property at Taylor and Benicia Road be designated as duplex residential.

Responding to comments by Supervisor Kromm regarding making the area zoning consistent with the current uses, and long range planning, Mr. Yankovich noted yes the rezoning is to recognize current uses, and discussed a number of constraints for long-range plans for the area.

There was a discussion regarding the possible annexation of the Homeacres area and/or annexation of parcels directly adjacent to the City of Vallejo boundaries into the City of Vallejo.

Chairman Silva discussed the financing problems that many of the property owners are experiencing since their zoning does not match the use.

Mr. Yankovich further outlined the request by Bradley Lewis about retaining the current (RM4) zoning on his property, the RM4 zoning does exceed the density per the current General Plan and the recommendation is to eliminate all RM4 zoning and rezone to RM1 to reduce the density. The RM1 zoning is compatible with the consistency of the General Plan, and will encourage any type of development within the city.

Responding to questions posed by Supervisor Forney regarding the request by Mr. Cooney, Mr. Yankovich noted the recommendation to recognize the existing use and rezone that property at RD to recognize the duplex unit.

Responding to questions posed by Supervisor Vasquez regarding the zoning for the adjacent property to the east in the City of Vallejo, and additional utility hookups for higher density, Mr. Yankovich noted the adjacent property is the cemetery. The properties requesting additional hookups would have to be annexed into the city prior to being connected.

Chairman Silva opened the public hearing.

Donald Tipton, Homeacres Improvement Association, discussed opposition to some commercial activities on Benicia Road as noted in a letter to the Planning Commission dated November 1, 2004 specifically Tri-City Fence and Valley Diaz.

Bradley Lewis, Vallejo, noted he purchased his property zoned as is at a premium price, voiced concern with rezoning and the loss of about 80% of the potential value of developed property, feels it will still conform with residential properties if the zoning would remain, noted the many commercial uses that have gone on for a number of years that are not in compliance, and requested his property be exempt from the rezoning.

Responding to questions posed by Supervisor Kromm regarding the zoning when Mr. Lewis purchased his property, Mr. Lewis noted the zoning was RM4 when he purchased his property and further noted the extreme devaluation and reduction in the number of units if the zoning is changed

to RM1.

Responding to questions posed by Supervisor Kondylis regarding where Mr. Lewis' property is, Mr. Lewis outlined the area of his 5 contiguous parcels he owns. Supervisor Kondylis noted no one is guaranteed to keep any zoning, and that if the properties were developed Mr. Lewis would be required to annex to the City of Vallejo.

Responding to questions posed by Supervisor Kondylis regarding changing zoning if the land is not developed, County Counsel Dennis Bunting noted if the property was developed you could be denying the owner use of the property.

Joe Panetta, Vallejo, noted ownership of the property north of Benicia Road and next to property owned by the Vallejo Unified School District, that it was his understanding that the zoning on his property would remain as it was per a call from Mr. Yankovich. Mr. Panetta noted he currently has a kennel on the property that is consistent with the Residential Commercial zoning that is on the front of his property and the back is zoned RE1/2.

John Cooney, owns the duplex at 1276 Taylor/Benicia Road, discussed the hardship for this newly built duplex if it is downgraded to RM1, and further noted the benefits of leaving the unit zoned for the duplex.

Supervisor Kondylis questioned why the Cooney property is being down-zoned, Mr. Yankovich noted the goal is to make the property consistent with the neighborhood, but does feel the duplex residential designation would be appropriate for that one parcel.

Michael Kartychok noted he has been trying for 30 years to rezone his property on Bancroft to commercial, and would like that done.

Mr. Yankovich noted that there is commercial zoning on the front half of the property owned by Mr. Lewis, with no commercial uses on the rear half.

Mr. Lewis noted there is mixed uses in this area, and requested all properties be treated equally.

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

Mr. Yankovich noted in regards to vacant properties the Planning Commission was looking at the existing character of the neighborhood resulting in the recommendations to the Board. Properties that have existing development, the Planning Commission tried to match that within the existing parameters of the zoning and General Plan, however properties that were undeveloped they looked at the ultimate goal for development of the area basically that is single family residential or some type of residential development. Looking at the Panetta's property if any development takes place it would have to be annexed to the city, as also applies to Mr. Lewis' property that is recommended to be zoned RM1. As previously noted all RM4 zoning was to be changed to RM1 zoning.

Chairman Silva noted there are many restrictions the way many of the homes are currently zoned. There was a brief discussion regarding the proposed zoning changes being consistent with the long range planning by the City of Vallejo.

Chairman Silva suggested with the Cooney property at Banning/Benicia Road be designated as residential duplex (RD), there was no objection by the Board. The Kartychok property it was suggested to go with the Planning Commission recommendation.

The property next to the dog kennel on Benicia Road, Mr. Yankovich recommended RM1/2.

Supervisor Forney suggested leaving these with the existing zoning, responding Mr. Yankovich noted the requirements per LAFCO for annexation to the city when developed.

Supervisor Vasquez posed questions regarding zoning the Panetta property to commercial neighborhood and future development, Mr. Yankovich noted the process for development with the City of Vallejo. Responding to Supervisor Vasquez, Mr. Panetta requested the zoning remain as is and that he will deal with the city in the future.

There was a brief discussion regarding eliminating these small islands of unincorporated areas, and the elimination of the RM4 designation that is against the General Plan.

Chairman Silva noted the Panetta property would remain as CN, Supervisor Kromm feels the properties adjoining the city should be zoned as the Planning Commission has recommended to smooth the process in the long run.

Responding to comments by Chairman Silva regarding the designation for the Lewis property, Deputy County Counsel Jim Laughlin discussed the policy from 1980 to eliminate all RM4 designations, any changes to the policy would be amending the General Plan. A short discussion followed regarding the problems if there was a proposed change to the General Plan.

Responding to questions posed by Supervisor Vasquez as to why Mr. Lewis should want to keep the RM4 zoning, Mr. Lewis noted that if the property remains zoned as RM4 it will retain the value, if it is rezoned to RM1 it will be valued at 1/3 of the value and he will lose a lot of money. There are other properties on Benicia Road with high-density apartment complexes.

Supervisor Kondylis noted that existing uses get grandfathered in when there are zoning changes, and noted State law requires zoning and General Plan designations must be the same.

Mr. Yankovich noted the apartments along Benicia Road are in the city limits.

Chairman Silva noted support for Mr. Panetta's request to carry CN zoning over to the border of the city. Responding Supervisor Kromm noted the rear of the property has different zoning and suggested having consistent zoning on the entire property to CN.

Chairman Silva suggested the Lewis property change to RM1, and noted it is not likely the Board would change the General Plan.

Responding to questions posed by Supervisor Vasquez relative to Mr. Lewis losing money with the zoning change, Mr. Laughlin noted that Mr. Lewis could not develop to the RM4 limits anyway not with the LAFCO and County policies that are in place.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to adopt the Negative Declaration of Environmental Impact, So ordered by a vote of 4-0; Supervisor Kondylis excused.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to approve the General Plan Amendment (GPA-04-02) to incorporate the changes discussed relative to the Cooney, Lewis, and Panetta properties. So ordered by a vote of 4-0; Supervisor Kondylis excused.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to adopt Ordinance No. 1656 amending Chapter 28, Section 15 (Zoning Regulations) changing the zoning of 53 properties along Benicia Road, and to leave the Cooney property zoned as is. So ordered by a vote of 3-1; Supervisor Forney voted no and Supervisor Kondylis was excused.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to zone the Panetta property to CN within the property lines of the parcel. So ordered by a vote of 3-1, Supervisor Kromm voted no and Supervisor Kondylis excused.

On motion of Chairman Silva and seconded by Supervisor Vasquez, the Board acted to authorize staff to approach the Local Agency Formation Commission (LAFCO) concerning an out-of-agency service exemption for the Homeacres area. So ordered by a vote of 4-0; Supervisor Kondylis excused.

APPOINTMENTS TO BOARDS AND COMMISSIONS:

On motion of Supervisor Vasquez and seconded by Supervisor Kromm, the Board acted to approve the following appointments and/or resignations to Boards and Commissions. So ordered by a vote of 4-0; Supervisor Kondylis excused.

30A) LETTIE ALLEN APPOINTED AND ROBERT THIERRY REAPPOINTED TO TREASURY OVERSIGHT COMMITTEE, as outlined in the Agenda Submittal from Treasurer-Tax Collector-County Clerk dated December 7, 2004, incorporated herein by reference, approved.

30B) RESOLUTION NO. 2004-220 TO APPOINT THOMAS BORS, CHARLES MISURACA AND DAVID VIGUIE TO THE BOARD OF DIRECTORS OF THE DIXON RESOURCE CONSERVATION DISTRICT, adopted. (see Resolution Book)

30D) BETTY SLYE APPOINTED TO SOLANO COUNTY CIVIL SERVICE COMMISSION, as outlined in the Agenda Submittal from dated December 7, 2004, incorporated herein by reference, for a term to expire January 1, 2008.

ORDERS – CONTINUED

32. RATES AND ADMINISTRATIVE FEES RE COLLECTION OF SOLID WASTE AND RECYCLING FOR UNINCORPORATED VACAVILLE/DIXON, UNINCORPORATED FAIRFIELD/SUISUN, AND UNINCORPORATED VALLEJO, APPROVED

SERVICE/FRANCHISE AGREEMENTS WITH SOLANO GARBAGE AND VACAVILLE SANITARY SERVICE, APPROVED

The Board was provided with an Agenda Submittal from Resource Management and General Services dated December 7, 2004, incorporated herein by reference, regarding solid waste and recycling collection services in the unincorporated areas of Vacaville/Dixon, Fairfield/Suisun/ and Vallejo. Chairman Silva opened the continued public hearing.

Donald Tipton, Homeacres Improvement Association/Self, requested the Homeacres area not be charged the franchise fee since the area is still in blight, and Homeacres has already done their RFP. Mr. Tipton voiced concern that the County could place a lien on a delinquent user's property after

they have been refused service since they were delinquent in payment.

Bernard Riehl, Vacaville, voiced concern that he did not see any published notice regarding the proposed fees, and questioned what the process is to get an exemption.

Chairman Silva noted a form would have to be filed to get an exemption.

Clark Schuyler, Vacaville, noted he does not use garbage service, hauls his own garbage, and feels he should get an exemption.

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

Director of General Services Veronica Ferguson noted rates were mailed to the property owners 14 days prior to the November 9th public hearing, and that there is no cost for exemptions was added at the November 9th hearing.

Ricardo Serano, Resource Management, outlined the process homeowners will need to follow to obtain an exemption, reiterating there will be no cost for the exemption.

Responding to a suggestion by Supervisor Vasquez to have exemption forms available at the garbage company offices, Director of Resource Management Birgetta Corsello noted to ensure the recycling is properly document the applicant should contact the County.

Mr. Serano noted applicants will be able to obtain the application on line, or it can be faxed to them, and outlined the ways it could be submitted.

Chairman Silva posed questions if there has ever been a franchise fee for Homeacres, and what is the 3% reduction in rates for the rest of the County that Homeacres is not receiving, Narcisa Untal, Resource Management, noted Homeacres has paid a 1% Administration fee in the past, the 3% reduction for the other 2 areas was a negotiated reduction, and outlined an area survey that was done surrounding Homeacres and found that Homeacres was already receiving an advantage in the rates.

County Administrator Michael Johnson noted originally the rates for Homeacres had significantly gone down with the franchise agreement.

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to approve service area rates and administrative fees for the collection of solid waste and recycling for unincorporated Vacaville/Dixon, unincorporated Fairfield/Suisun, and unincorporated Vallejo, and to authorize the County Administrator to sign the service/franchise agreements with Solano Garbage and Vacaville Sanitary Service to service the areas, and General Services to administer the service agreements. So ordered by a vote of 4-0; Supervisor Kondylis excused.

CLOSED SESSION – Continued. The Board moved into closed session at 4:31 p.m. to further consider Employee Performance Evaluation: County Counsel and County Administrator. The Board moved out of Closed Session at 5:23 p.m.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Gary Reisberg at 5:23 p.m.

John F. Silva, Chair

Maggie Jimenez
Clerk to the Board of Supervisors