

Minutes For August 9, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

August 9, 2005

MINUTES

The Solano County Board of Supervisors met on the 9th day of August, 2005 in regular session in the Chambers of the Board of Supervisors of the County of Solano in the Solano County Administrative Center, 675 Texas Street, Fairfield, California at 1:02 P.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 1:03 P.M. to convene in Closed Session on the following matters:

- A. Existing Litigation: Seventh Day Adventist Church v. Solano County
- B. Anticipated Litigation: Initiation of litigation pursuant to GC & 54956.9(c): 1 case

Agenda Item No. 4
Open Session

The Board of Supervisors reconvened in Open Session at 1:13 p.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

Ron Marlette, Mission Solano, led all in the Pledge of Allegiance to the Flag and a Moment of Silence.

Agenda Item No. 7
Items From the Public
Board Member Comments

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

- A) Supervisor Reagan reported that he had attended the CSAC Housing and Fiscal Working Group which was held for the purpose of receiving briefings of efforts to integrate growth strategies and transportation.
- B) Donald Tipton, unincorporated Vallejo, requested that the County use funds to implement a 1-800 phone number for Solano County residents. Mr. Tipton noted that he observed County

employees parking in the public parking area of the County parking garage and requested that a temporary parking permit be included in his agenda packet. Mr. Tipton apprised the Board that the videotaped meetings of the Board of Supervisors were not being shown on a timely basis and noted the need for a Code Compliance Officer.

C) Supervisor Vasquez requested that this meeting of the Board of Supervisors be adjourned in memory of James "Jim" Whalen, Patricia Ann O'Dowd, Zola Bommersbach, and Bueford Moore for their contributions to the community.

Agenda Item No. 8
Additions to or Deletions from the Agenda

There were no additions to or deletions from the agenda.

Agenda Item No. 9
Public Comment on Consent Calendar

The Chairwoman invited individuals of the public to make public comment on Consent Calendar Items. The following comments were received:

- A) Donald Tipton, unincorporated Vallejo, noted that he preferred discussion minutes vs action minutes of the Solano County Board of Supervisors.
- B) Item No. 15 – First 5 Solano Readiness initiative funding increase to read \$181,350 and not \$183,000.
- C) Item No. 16A – Resolution support new facility for Mission Solano – second Whereas to read "on any given night there are many homeless individuals in Solano County, including families with children."
- D) Ron Marlette, Mission Solano, thanked the Board for their support and the necessity to break the cycle of homelessness and addiction.
- E) Supervisor Reagan requested that the County Administrator be directed to write a letter urging the State Legislature to take action to fully reimburse counties for the cost of the November 8, 2005 statewide special election.

Agenda Item No. 10
Approval of Agenda

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

Item No. 17B – Submittal of a grant application to the Archstone Foundation and the execution of the grant agreement related to the Elder Abuse and Neglect Initiative Grant removed from the Consent Calendar.

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

Consent Calendar

Acted on the following Consent Calendar items:

12. Approved the minutes of the following Board of Supervisors' meetings:

- A) Board of Supervisors: June 28, 2005; July 26, 2005; August 2, 2005

- B) Budget Hearings: June 27, 2005; June 28, 2005
- C) Rural North Vacaville Water District: July 26, 2005
- D) Solano County Parks Tour 2005: July 27, 2005

13A. Approved amendment to agreement with CherryRoad Technologies, Inc. for \$38,400 to provide additional assistance in implementation of the PeopleSoft Time and Labor application for the period ending September 30, 2005.

13B. Authorized the Registrar of Voters to consolidate the following cities and districts with the Special Statewide Election on November 8, 2005. Unless otherwise stated, all offices have four year terms and are elected at large:

- A) Benicia Unified School District, (3) Governing Board Members
- B) Davis Joint Unified School District, (3) Governing Board Members
- C) Dixon Unified School District, (4) Governing Board Members, one of which is a two year term
- D) Fairfield-Suisun Unified School District, (3) Governing Board Members
- E) Travis Unified School District, Areas 1 and 2, (3) Governing Board Members (one in Area 1 and two in Area 2), qualify by area but elected at large
- F) Vacaville Unified School District, Areas 1 and 2 (3) Governing Board Members (one for Area 1 and two for Area 2), qualify by area but elected at large
- G) Vallejo City Unified School District, (3) Governing Board Members
- H) Winters Joint Unified School District, Area 1 (3) Governing Board Members, qualify by area but elected at large
- I) Solano County Board of Education, Areas 3, 4 and 6, (3) Governing Board Members, (1 for each area) elected by trustee area
- J) Yolo County Board of Education, Area 5, (1) Governing Board Member, elected by trustee area
- K) City of Benicia, (2) Councilmembers
- L) City of Fairfield, (1) Mayor, (2) Councilmembers, Measure E
- M) City of Vallejo, (3) Councilmembers
- N) Cordelia Fire Protection District, (3) Directors
- O) Solano Irrigation District, Division 1 and 5, (2) Directors, qualify by area but elected at large
- P) Maine Prairie Water District, (3) directors
- Q) North Delta Water Agency, Division 3 and 5, (2) Directors (one for each division), elected by division
- R) Solano County Committee on School District Organization, Measure F

14. Accepted the Solano County Treasurer's Quarterly Report for the period of April 1, 2005 through June 30, 2005.

15. Approved and authorized Chairwoman Kondylis to sign amendments to contracts with Dixon, Vacaville, Fairfield-Suisun and Vallejo Unified School Districts for an increase in funding of \$181,350 for the First 5 Solano School Readiness initiative to provide health-related services as follows:

- A) Dixon Unified School District: Extend the term of the contract by 9 months, from October 1, 2005-September 30, 2007 to October 1, 2003-June 30, 2008 and increase the contracted limit by \$51,750 from \$800,000 to \$851,750 to provide health related services and ensure four full years of operation of the Silveyville Primary School/Dixon School Readiness Program.
- B) Vacaville Unified School District: Extend the term of the contract by 9 months, from February 1, 2004-January 31, 2008 to February 1, 2004-October 31, 2008 and increase the contracted limit by \$30,000, from \$800,000 to \$830,000 to provide health related services and ensure four full years of operation of the Markham Elementary School/Dixon School Readiness Program.
- C) Fairfield-Suisun Unified School District: Increase the contracted limit by \$45,000, from \$837,044 to \$882,044 to provide health-related services and ensure four full years of operation of the Anna Kyle Elementary/Fairfield School Readiness Program.
- D) Vallejo City Unified School District: Extend the term of the contract by 9 months, from October 1, 2003-September 30, 2007 to October 1, 2003-June 30, 2008 and increase the contracted

limit by \$54,600, from \$800,000 to \$854,600 to provide health-related services and ensure four full years of operation of the Loma Vista Elementary/Vallejo School Readiness Program.

16A. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-182 in support of a new facility for Mission Solano to provide transitional housing and homeless services in Fairfield. (see Resolution Book)

16B. Approved and authorized Chairwoman Kondylis to sign Tobacco Master Settlement Agreement contract with the Solano Coalition for Better Health for \$119,167 to coordinate health access activities throughout Solano County for the period of August 9, 2005 through June 30, 2006.

17A. Approved and authorized Chairwoman Kondylis to sign Case Management Software maintenance agreement for \$62,500 with ISD Corporation to provide software development services for the period of March 1, 2005 through February 28, 2006.

18A. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-184 authorizing the Department of Resource Management to apply to the Metropolitan Transportation Commission for \$149,000 in Federal Surface Transportation Program (STP) funding for 2006 for the overlay of portions of Cherry Glen Road and Pitt School Road. (see Resolution Book)

18B. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-185 authorizing the Department of Resource Management to apply to the Metropolitan Transportation Commission for \$265,000 in Regional Transportation Improvement Program funding for the design of the Old Town Cordelia Improvement Project. (see Resolution Book)

19. Approved and authorized the President/Executive Director of the Workforce Investment Board of Solano County to sign lease with the State of California – Department of General Services for 1440 Marin Street, Vallejo, for four years from July 1, 2005 to June 30, 2009 in the amount of \$51,733 per year.

MOTION: Vasquez. SECOND: Silva.

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

Item No. 17B

Grant Application to Archstone Foundation

Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-186 resolution authorizing the Chief Probation Officer to submit a grant application to the Archstone Foundation for \$69,362 for a two-year grant period beginning January 2006 and ending December 2007 and the execution of the grant agreement related to the Elder Abuse and Neglect Initiative Grant. Directed staff to baseline the program after the successful model of the City of Vacaville Senior Roundtable and to solicit the leadership assistance of Vice-Mayor Pauline Clancy. (see Resolution Book)

MOTION: Reagan. SECOND: Vasquez.

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

Agenda Item No. 21A

Strategic Plan and Three Year
Goals and Objectives

Received the Status Report on the County's Strategic Plan and Three Year Goals and Objectives.

Agenda Item No. 21B

In Case of Emergency (ICE)

Directed staff to review ways to disseminate information to the public regarding a campaign to

encourage people to enter an emergency contact name and number in their mobile phone's memory under the heading "ICE" (In Case of Emergency).

Agenda Item No. 21C
Grand Jury Response
Purchasing and Procurement Procedures

Reviewed and approved the response to the Solano County 2004/2005 Grand Jury Final Report on Solano County and Cities Purchasing Procurement Procedures and authorized Chairwoman Kondylis to sign Letter of Response to Judge Foor, Presiding Judge of the Superior Court providing the Board's responses to the Findings and Recommendations pertaining to the County.

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

Agenda Item No. 22
Body Removal Services

Approved and authorized Chairwoman Kondylis to sign contract with J Morris Company for \$80,000 to provide body removal services for the period of September 1, 2005 through August 31, 2007.
Directed Sheriff's Department to continue working with the mortuaries to coordinate services and to provide an update report to the Board.

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

Agenda Item No. 23
Appointment Authority

Approved the following:

- A) Reappointment of Denese Allen to the Solano County Fair Board of Directors for a term to expire August 1, 2009.
- B) Reappointed Dorothy Locke to the In-Home Supportive Services Public Authority Committee for a term to expire August 9, 2009.
- C) Reappointed David Hamilton to the Solano County Fair Board of Directors for a term to expire August 1, 2009.
- D) Reappointed Alice Cole to the Rio Vista-Montezuma Cemetery District for a term to expire July 30, 2009.
- E) Appointed Sabine Goerke-Shrode (representing District 3) and Eugene Tyler (representing District 1) to the Local Mental Health Board for three year terms to expire August 9, 2008.

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

Recess

The Board of Supervisors recessed this meeting at 2:10 P.M. and reconvened at 6:00 P.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 24

Appeal of Planning Commission Decision
Potrero Hills Landfill Expansion

The Board of Supervisors held a public hearing to hear an appeal by Scott W. Gordon, representing Potrero Hills Landfill, Inc. and a separate appeal by Ms. June Guidotti concerning the Planning Commission's decision to deny a major revision to Use Permit U-88-33 and Marsh Development Permit MD-88-09 (Potrero Hills Landfill).

County Counsel Dennis Bunting recommended that the Board dismiss the appeal filed by June Guidotti as she was not an aggrieved party as the Planning Commission denied the revisions to the use permit and she supported that decision.

The Board acted to dismiss the appeal filed by June Guidotti concerning the Planning Commission's decision to deny a major revision to Use Permit U-88-33 and Marsh Development Permit MD-88-09 (Potrero Hills Landfill). It was the consensus of the Board to reimburse the filing fee of \$150.00 paid by Ms. Guidotti to file the appeal.

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

Chairwoman Kondylis opened the hearing to the public.

Ron Glas, Principal Planning for Solano County Department of Resource Management, provided an overview of the decision process; Christina Radcliff provided a description of the project; Doug Brown, EDAW, provided an overview of the Environment Impact Report, and Christina Ratcliffe provided an overview of the Planning Commission's proceedings and their basis for the denial.

Doug Brown, EDAW, reviewed the purpose of the Environmental Impact Report (EIR), the CEQA process, role of responsible agencies, and impacts and mitigation measures. Mr. Brown reviewed the mitigation monitoring and EIR impact conclusions.

Christina Ratcliffe reviewed the Solano County Planning Commission proceedings held during seven public hearings and three meetings held by the Airport Land Use Commission which found the project to be consistent with the Travis Land Use Compatibility Plan. Ms. Ratcliffe noted that the Planning Commission hearing of June 23, 2005, by a 3-2 vote, denied the proposed project and declined to certify the EIR. Ms. Ratcliffe reported that the Solano County Planning Commission found the EIR to be inadequate as there was not a reasonable range of alternatives, air quality impacts not fully evaluated, and that the project was inconsistent with the Suisun Marsh Local Protection Program.

Ms. Ratcliffe reviewed the appeal received from Scott W. Gordon, representing Potrero Hills Landfill, Inc. (PHLF) of the Planning Commission's decision.

Staff noted that the Board of Supervisors would need to determine if the EIR was legally adequate under CEQA, determine if the required Findings for the revisions to the Use Permit and the Marsh Development Permit could be made, and if not, would need to affirm the Planning Commission's denial of the project.

Staff reviewed the alternatives that may be taken by the Board which included: 1) affirm the Planning Commission action by making the required findings denying the appeal and adopting the proposed resolution; 2) uphold the appeal of Potrero Hills Landfill, Inc., certify the EIR, and approve the requested modifications to Use Permit U-88-33 and Marsh Development Permit MD-88-09 of Potrero Hills Landfill, Inc. per the staff recommendations to the Planning Commission of June 23, 2005, and direct staff to prepare the necessary Findings, Resolution, and Conditions of Approval; or 3) uphold the appeal of Potrero Hills Landfill, Inc., certify the EIR, and approve the requested modifications to Use Permit U-88-33 and Marsh Development Permit MD-88-09 of Potrero Hills Landfill, Inc., with modifications desired by the Board to the findings and conditions recommended by staff to the Planning Commission on June 23, 2005 and direct staff to prepare the necessary Findings, Resolution and Conditions of Approval.

The Board of Supervisors recessed this meeting at 7:30 p.m. and reconvened at 7:43 p.m. All members were present. Chairwoman Kondylis presided.

The Board of Supervisors received a presentation from Bryce Howard, General Manager, Potrero Hills Landfill, Inc. and Steve Peterson, Environmental Planner representing Appellant Scott W. Gordon, Potrero Hills Landfill, Inc., requesting the Board of Supervisors to grant the appeal, approve County staff's recommendations to certify the Project EIR as Compliant with CEQA, adopt March 17 Conditions of Approval, and issue modified Conditional Use Permit and Marsh Development

Permit as there were no impacts that could not be mitigated and reviewed their mitigation proposal. Mr. Peterson reviewed the project and its consistency with the Suisun Marsh Local Protection Plan and reviewed the issues of controversy and dissent that had been received. Bryce Howard noted that the proposed project would provide stable long-term disposal capacity, increase recycling and composting programs, provide enough green energy power for 10,000 homes, and improve and protect valuable wildlife habitat within the secondary marsh zone.

Dwight Acey, speaking on behalf of the Citizens Against the Dump Expansion, noted that they favored protection of the Suisun Marsh and their quality of life. Mr. Acey submitted a petition to the Board containing over 1,000 signatures. Mr. Acey noted that they supported the decision of the Planning Commission and it was their opinion that the EIR was flawed. Mr. Acey noted that their concerns related to a possible fire at the landfill, enforcement of regulations, Local Protection Plan violations, lighting, traffic, and tonnage from the Sonoma Landfill was not covered in the EIR. The Citizens Against the Dump Expansion requested that the Board affirm the Planning Commission's action by making the required findings denying the appeals and adopting the proposed resolution denying an application for Revision No. 2 to Use Permit No. U-88-33 and Marsh Development Permit No. MD-88-09 for the Potrero Hills Landfill, Inc.

Chairwoman opened the hearing to the public.

Concerns expressed included that mitigation of significant impacts be within the Suisun Marsh; wind blown trash and trash flying off trucks on their way to the landfill; drainage, lighting and noise impacts; the number of fires at the landfill; air quality and health concerns; impacts on wildlife habitat and loss of wetlands; vectors; metals in the soil; access roads to the landfill; increase in truck traffic coming from other communities in the region; use of biosolids; inconsistency with Suisun Marsh Protection Plan and the Local Protection Plan; inadequacies in the EIR; leakage of liners; seismic activity in the Green Valley fault; collection of methane gas to sell offsite; height of waste piles; and decrease in home prices in the vicinity of the landfill.

Proponents of the Potrero Hills Landfill (PHLF) expansion noted that the PHLF provided a stable source of waste disposal for a reasonable price for the community, funded community programs, provided funding to environmental agencies for the preservation of the Suisun Marsh, and was an asset to businesses locating in the local communities.

The Board of Supervisors recessed this meeting at 9:05 p.m. and reconvened at 9:25 p.m. All members were present. Chairwoman Kondylis presided.

Presentations made by the Suisun Resource Conservation District; Citizens Against Dump Expansion; Ron and Christina Hoffling; EDAW; Steve Peterson, representing Potrero Hills Landfill; and Fred Kogler, were made a part of the administrative record.

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

At the conclusion of discussion by the Board of Supervisors, the Board directed staff to provide the Board with information relating to the amount of waste, the type of waste and the origin of waste delivered to PHLF; a 5 year record of landfill violations; data relating to freeway litter, vehicles using the freeways, and the amount of litter likely to come from garbage haulers; increases in landfill traffic; the legality of off-site mitigation and consistency of off-site mitigations with the Local Protection Plan for the Suisun Marsh; which conditions, if any, imposed on the Norcal Hay Road Landfill Use Permit, primarily with respect to litter and air quality, might similarly be imposed on the PHLF Use Permit/Marsh Development permit in order to ensure that both landfills are treated consistently; the possibility of ensuring that Solano County gets priority in the future for the limited amount of landfill capacity that may result from limitations placed on truck traffic in the Use Permit/Marsh Development Permit; and whether there were laws requiring that trucks be marked and numbered.

The Board continued this matter to August 23, 2005 at 6:00 p.m. in the Solano County Board of Supervisors Chambers.

Agenda Item No.
Adjournment

The Board of Supervisors adjourned this meeting at 10:45 P.M. in memory of James Nelson "Jim" Whalen, Patricia Ann O'Dowd, Zola Bommersbach, and Beuford Calvin Moore.

The next meeting of the Board of Supervisors will be August 23, 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