



Solano County
Airport Land Use Commission
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Ray Schoch
Chairman

SOLANO COUNTY AIRPORT LAND USE COMMISSION

MINUTES OF THE SPECIAL MEETING OF September 27, 2010

The special meeting of the Solano County Airport Land Use Commission was held in the Solano County Administration Center, Board of Supervisors Chambers (1st floor), 675 Texas Street, Fairfield, CA 94533.

MEMBERS PRESENT: Chairman Schoch, Commissioners Stockard, Potter, Baldwin, Baumler, Seiden, and Vancil

MEMBERS ABSENT: Commissioner Cavanagh

OTHERS PRESENT: Jim Leland, Resource Management, Lee Axelrad, County Counsel, Kristine Letterman, Resource Management,

Item Nos.

1, 2 & 3: Chairman Schoch called the meeting to order at 7:00 p.m. Roll call was taken and a quorum was present.

Item No. 4. Public Comment
There were no public comments.

Item No. 5. Land Use Compatibility Determination for ALUC Application No. 10-06, the Nut Tree Ranch Policy Plan Amendment and Planned Development Master Plan modifying the location of certain uses and modifying the types of uses allowed.

Chairman Schoch stated that the commission has received a letter from both the City of Vacaville and Westrust, the project developer, requesting a continuance of this item to a future date. Both letters stated that the request is being made to allow adequate time for all concerned to become more fully informed on this matter.

Jim Leland stated that staff is in support of the request for continuance. He said that staff would also like time to meet with people who have commented over the weekend on the project.

A motion was made by Commissioner Baulmer and seconded by Commissioner Vancil to continue the meeting to October 14, 2010.

Lee Axelrad stated that the request for a continuance extends the available time within which the commission can hear the matter up to, and including the 14th of October, which is the date of the next scheduled ALUC meeting. He said that if no special meeting is held prior to that date on which the commission hears the matter, the extension would only extend until the 14th of October.

Commissioner Potter stated that the commission has received the essential input from the two entities that have requested the continuance and felt that the hearing on this matter should proceed.

Chairman Schoch stated that since there is a motion on the floor it would need to be voted on before the commission can proceed with further business.

Commissioner Stockard stated that she believed there were three members on the commission that would be unavailable for the October 14th meeting.

Chairman Schoch stated that this would be a topic for further discussion outside of the motion.

Commissioner Seiden moved to amend the motion to leave open a discussion amongst the commission to determine a date within the acceptable perimeters for a special meeting to be called on this matter.

The recommendation to amend the motion was accepted by both Commissioners Baulmer and Vancil.

Lee Axelrad stated that representatives from the City of Vacaville and the land developer are present in the audience, and he suggested that they be allowed to comment on the commission's motion for continuance.

Laura Kuhn, City Manager, City of Vacaville, 650 Merchant Street, Vacaville, stated that she provided the letter requesting the continuance. She explained that the City of Vacaville have public hearings scheduled in the near future, the first of which is October 19, 2010. She stated that they need enough lead time to get the ALUC's final action documented and transmitted to their planning commission, and so they selected October 14th to correspond with the next regular ALUC meeting. Ms. Kuhn stated that they would not be opposed to a meeting prior to October 14th if that works better for the commission. She commented that the continuance would also allow them time to meet with Mr. Barrie of Caltrans to better understand the comments that he made, and to bring back that

information to the ALUC. It would also allow for the coordination with their aeronautical expert to be present at the meeting.

Richardo Capretta, Westrust, 1681 E. Monte Vista, Vacaville, stated that he concurs with the comments made by Laura Kuhn. He stated that he found out about this hearing early today, and with such short notice their consultants were unable to attend the meeting. Mr. Capretta stated that he would agree to any date before October 14th.

Chairman Schoch called for the vote on the motion to continue this matter to October 14, 2010. The motion failed 4 to 3 with Commissioners Stockard, Potter, and Baldwin dissenting.

Lee Axelrad commented that during the commission's discussion of the motion that was on the table, there was some discussion of whether some commissioners would not be available on October 14th, and before departing from the question of continuance he wanted to encourage the commission to explore whether or not there may be support for the continuance to another date other than the 14th. He reiterated that staff concurs with the request for a continuance.

Commissioner Potter spoke with regard to the failed motion and reflected back to the commission's no action report at the last ALUC meeting stating that the commission is in the same dilemma with no action. He questioned what the options are for the City of Vacaville, and if they can move forward without referral of this project to the ALUC.

Mr. Axelrad explained that the procedural situation that exists is that there is a special meeting for which this matter has been agendaized. There has been a request from the city and from the land developer to the commission to continue the matter to a future date. A motion was made to continue and the motion did not carry because there was not a majority in favor. He stated that one option would be to proceed with the hearing however, he wanted to be clear that the reason why the motion did not carry has to do with the commission voting against a continuance as opposed to just schedule unavailability during that time period. Mr. Axelrad stated that the 4-3 vote does not inhibit the commission from proceeding with this item tonight.

Commissioner Baumler referred to the issue of a majority vote stating that the commission is not required to have a majority they are required to have more than a majority. He stated that the commission had a majority for the amendment, but it is more than a majority that is needed. Mr. Baumler stated that he believed the by-laws state that a quorum is needed which are five members.

Commissioner Potter stated that in the by-laws it states that the majority must be five of the appointed representatives and the commission

currently has eight appointed members, so five members are needed for a vote to carry.

Lee Axelrad asked that the commission take a brief recess so that he can be very clear about whether the 4-3 vote carries on the question of adjournment, but in case there are other questions that people have, maybe other people can raise the issue that they have.

Chairman Schoch declared a 15 minute recess.

Chairman Schoch called the meeting back to order. He stated that maybe the reason the motion failed to pass was the confusion over an appropriate date to rehear this item. He entertained a motion for a continuance to a date certain.

A motion was made by Commissioner Vancil and seconded by Commissioner Potter to continue this matter to a special meeting on October 5, 2010. The motion passed unanimously.

Commissioner Potter stated that he would like to see the subject as it relates to the by-law revision on the next agenda. He noted that he would be bringing up the subject of constituency or make up of the ALUC.

Item No. 6. Since there was no further business the meeting was adjourned.

The next meeting of the Solano County Airport Land Use Commission (ALUC) will be a special meeting held on <u>October 5, 2010, at 7:00 p.m.</u> in the Solano County Administration Center, Board Chambers (First Floor), 675 Texas St., Fairfield, CA 94533.
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