

Minutes For August 23, 2005

SOLANO COUNTY BOARD OF SUPERVISORS

August 23, 2005

M I N U T E S

The Solano County Board of Supervisors met on the 23rd 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 8:33 A.M. pursuant to County Code Section 2-1.103. Present were Supervisors Kromm, Reagan, Silva, and Vice-Chair Vasquez. Chairwoman Kondylis arrived at 8:34 A.M. 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 8:34 a.m. to convene in Closed Session on the following matters:

- A) Labor Negotiations: Unit #1 Attorneys, Chief Negotiator: Craig Jory
- B) Real Property Negotiations (Govt. Code 54956.8) Property Address: 1000 Fairgrounds Drive, Vallejo, CA 94589 regarding Corporex Select Service Hotels, LLC, Vallejo Hotel Group, LLC; Negotiating Parties: Mark Bryant, Solano County Real Property Manager, Joe Barkett, Solano County Fair Association General Manager; Under Negotiation: Price and Terms

Agenda Item No. 4 Open Session

The Board of Supervisors reconvened in Open Session at 9:18 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

California State Association of Counties (CSAC) Executive Director James Keene 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. Received presentation from California State Association of Counties (CSAC) Executive Director James Keene regarding CSAC services and presentation by Norma Lammers regarding CSAC Finance Corporation.
- B. Presented a Proclamation recognizing the contributions of Pace Solano on its 45th

anniversary.

C. Received presentation from Bob Meador, County's State Fair Exhibit Consultant, who announced the following awards received by Solano County at the State Fair: 1) Gold Medal; 2) Best of Show; 3) Best Technology; and 4) Best Experience

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, Vallejo, expressed his concern regarding the use of the County Administrative Center parking garage, drainage issues in the Home Acres area of Vallejo, representation at the Vallejo Sanitation and Flood Control District meetings, installation of a 1-800 number for residents of the County; and enforcement of the County Code Compliance List.

B) Myles Dixon, Vacaville, expressed his concern regarding the number of new parcels being developed in the Rural North Vacaville Water District, that the required minimum size of the parcels be 2 ½ acres, and that there be one water hookup per parcel.

Agenda Item No. 9 Additions/Deletions From the Agenda

There were no additions or deletions to the agenda.

Agenda Item No. Approval of Agenda

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

Item No. 17A – Revision to the By-Laws for the Solano County Park and Recreation Commission removed from the Consent Calendar.

Item No. 20 – Position Allocation List of the Conflict Defender removed from the Consent Calendar.

Item No. 21 – Sheriff's Inmate Welfare Fund Report of Expenditures removed from the Consent Calendar.

Item No. 22C – Proposed Sphere of Influence for the City of Dixon removed from the Consent Calendar.

MOTION: Silva. SECOND: Vasquez.

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. The following comments were received:

A) Item No. 18A – Acceptance of a First 5 Solano grant to provide prenatal services to women at risk of, or identified as abusing alcohol, tobacco, and other drugs. In response to a question posed by Supervisor Reagan, Dr. Ron Chapman noted that savings would be incurred with healthier birth outcomes and the need for less medical intervention and developmental delays. Dr. Chapman noted

that they would be changing the way in which healthcare is delivered to pregnant women in Solano County by providing screenings through their health care providers. Supervisor Reagan recommended that the Department of Health and Social Services set up a program to identify where the savings occur to other health and social services programs by the implementation of this new program in order to provide funding to continue the new program after the grant funds have expired.

B) Item No. 22B – Traffic Order 389 establishing yield signs at the intersection of Abernathy Road and Rockville Road at the location of the new roundabout. Supervisor Kromm noted that the curbs were being modified and that the flow of the traffic had improved with the installation of the yield signs.

C) Item No. 23 – Resolution declaring September as Solano County Literacy Month. In response to a question posed by Supervisor Kromm, County Librarian Ann Cousineau noted that the Literacy Program and the Library Foundation worked together to purchase books to programs that encourage reading and reading to children through the Pediatric Literacy Program "Reach Out and Read". Supervisor Reagan noted that there has been an increase in functional literacy and commended staff for their efforts.

Consent Calendar

Acted on the following Consent Calendar items:

13. Approved the Board of Supervisors minutes of August 9, 2005.

14. Approved and authorized Chairwoman Kondylis to sign Letter of Response to the Presiding Judge of the Superior Court of California, County of Solano responding to the Grand Jury's Reports issued June 7, 2005 and titled "Solano County Emergency Services – A Patchwork of Protection" and "Solano County Food Establishment Inspection" and the corresponding Departmental responses.

15A. Approve and authorized the County Administrator to sign a \$100,000 Amendment to the Agreement, increasing the contract total amount to \$500,000, with Barnes & Click, Inc. to provide continuation of valuation services of Valero Refinery and approved a \$100,000 Appropriation Transfer Request to reflect the addition of \$37,500 in General Fund Contingencies and \$62,500 in Unanticipated Revenue from the City of Benicia to the Assessor's budget for the increased professional services costs.

15B. Approved an agreement not to exceed \$300,000 with the Law Offices of David W. Ginn to provide legal services in the arbitration proceedings involving Chevron Energy Systems; authorized the County Administrator to execute the document and all amendments in accordance with the contract budget.

16. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-186 setting the rates of and levying county and district taxes for FY 2005-2006. (see Resolution Book)

17B. Approved Consent for the Assignment of the Lease for the Holiday Inn Vallejo from the Vallejo Hotel Group to CPX Solano Gateway OPAG, LLC; authorized the County Administrator to execute documents necessary to complete the consent to assignment.

17C. Adopted and authorized Chairwoman Kondylis to sign Ordinance No. 2005-1665 adding Section 25 to Article 1 of Chapter 18 of the Solano County Code relating to the operation of skateboards, roller skates, scooters, in-line skates or bicycles on public property.

17D. Approved and authorized the Director of General Services to execute two grant agreements, subject to County Counsel's approval of the final draft agreements, in the total amount of \$285,000 from the Federal Aviation Administration for Update of the Airport Layout Plan (\$142,500) and Environmental Assessments for Property Acquisitions/Future Projects (\$142,500) at the Nut Tree Airport.

18A. Took the following action for First 5 Solano grant:

1. Approved the acceptance of a First 5 Solano grant in the amount of \$1,734,952 for the time period July 1, 2005 to June 30, 2008 to provide prenatal services to women at risk of, or identified as, abusing alcohol, tobacco, and other drugs.
2. Approved an Appropriation Transfer Request (ATR) in the amount of \$684,087 in unanticipated revenue to appropriate revenue from the grant and an equal amount for grant expenditures.
3. Approved and authorized Chairwoman Kondylis to sign the following contracts for implementation of services for this grant project providing prenatal services to women at risk of, or identified as, abusing alcohol, tobacco, and other drugs:

Year One Contracts, 2005-2006 Fiscal Year

- a. \$39,570 to California Hispanic Commission
- b. \$143,432 to North Bay Medical Center
- c. \$38,398 to Partnership HealthPlan of California

Year Two Contracts, 2006-2007 Fiscal Year

- a. \$56,439 to California Hispanic Commission
- b. \$268,918 to North Bay Medical Center
- c. \$49,402 to Partnership HealthPlan of California

Year Three Contracts, 2007-2008 Fiscal Year

- a. \$65,208 to California Hispanic Commission
- b. \$276,202 to North Bay Medical Center
- c. \$44,955 to Partnership HealthPlan of California

4. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-187 to amend the Position Allocation List to add the following limited term positions to expire on June 30, 2008 and convert one regular, vacant position to limited term (budget unit 7859):

- | | | |
|----|------------------------------------|--------------------|
| a) | Accounting Technician | 0.5 FTE (new) |
| b) | Senior Health Education Specialist | 1.0 FTE (new) |
| c) | Clinical Services Associate | 0.7 FTE (new) |
| d) | Health Assistant | 1.0 FTE (new) |
| e) | Social Worker III | 1.0 FTE (existing) |

- 18B. Approved and authorized Chairwoman Kondylis to sign Notice of Intent to contract with public or private nonprofit agencies to provide primary prevention services and to designate Health and Social Services as the public agency to administer the Child Abuse Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP), and Promoting Safe and Stable Families (PSSF) programs.

- 18C. Adopted the Solano Child Care Planning Council's recommendation for local priorities for increased state preschool, general child care, and migrant child care funding as follows:

General Child Care and State Preschool Priorities

- Priority 1: Vacaville 95687 and 95688
 Priority 2: Vallejo 94590, Vallejo 94591, Vallejo 94589, and Fairfield 94533

Migrant Child Care Priorities

- Priority 1: Dixon 95620

- 18D. Approved and authorized Chairwoman Kondylis to sign Memorandum of Understanding

(MOU) with the University of California, San Francisco, Center for Integrating Medicine and Public Health (UCSF/IMAP) in the amount of \$300,000 to provide assistance to the Department in preparing a comprehensive Public Health Emergency and Bioterrorism Response Program. Approved an Appropriation Transfer Request (ATR) in the amount of \$327,028 to appropriate federal bioterrorism carry over grant monies to fund this agreement and other related bioterrorism projects in FY2005/06.

18E. Took the following action for the upgrades to the Public Health Laboratory's M/Lab computer system:

- a. Approved and authorized Chairwoman Kondylis to sign an agreement with M/MGMT for the license, software, installation, data migration and training necessary to bring the Napa-Solano County Public Health Laboratory M/LAB computer system into compliance as required in the Bioterrorism Preparedness and Response Work Plan.
- b. Approved an amendment to the Joint Exercise of Powers Agreement (JPA) for the Napa-Solano County Public Health Laboratory which will provide Solano County with \$80,416 of Napa County's FY2004/05 Bioterrorism Preparedness and Response Focus Area C funding. The funding will be used to upgrade the public health laboratory computer system.
- c. Approved an Appropriation Transfer Request (ATR) in the amount of \$80,416 to appropriate the revenue from Napa County in the FY2005/06 budget.

19. Approved and authorized Chairwoman Kondylis to sign renewal of the Federal Equitable Sharing Agreement valid through 2008 and Federal Annual Certification Report with the United States Department of the Treasury and Department of Justice which will allow the Solano County District Attorney's Office to continue to receive funds from the United States Government asset forfeiture monies available for sharing.

22A. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-189 approving a Quitclaim Deed granting to the State of California a 7.68 foot wide by about 327 foot long strip of land along McGary Road for the construction of a drainage shaft along Interstate 80. (see Resolution Book)

22B. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-190 rescinding Traffic Order 179, and approving Traffic Order 389 which establishes yield signs on all legs of the intersection of Abernathy Road and Rockville Road, at the location of the new roundabout. (see Resolution Book)

23. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-192 declaring September as Solano County Literacy Month. (see Resolution Book)

24. Approved and authorized Chairwoman Kondylis, on behalf of the East Vallejo Fire Protection District, to sign Letter of Response to the Presiding Judge of the Superior Court of California, County of Solano responding to the 2004/2005 Grand Jury's Report on Solano County Emergency Services.

MOTION: Silva. SECOND: Vasquez.

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

The Board of Supervisors recessed this meeting at 10:35 A.M. and reconvened at 10:55 A.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 20

Allocation List – Conflict Defender

Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-188 amending the Position Allocation List to delete one (1) Deputy Public Defender I-IV position, with a maximum annual salary of \$104,937; and adding one (1) Deputy Public Defender V position, with a maximum annual salary of \$120,678. (see Resolution Book).

Directed the Public Defender to work with the County Administrator's Office to provide an analysis to the Board at mid-year in terms of outside counsel vs. in-house counsel and how to minimize County expenses.

MOTION: Kromm. SECOND: Reagan.

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

Agenda Item No. 21

Inmate Welfare Fund Report

Reviewed and accepted the Sheriff's Inmate Welfare Fund (IWF) Report of Expenditures for fiscal year ending June 30, 2005 in accordance with the California Penal Code, Section 4025 (e) which states "An itemized report of the IWF expenditures shall be submitted annually to the Board of Supervisors."

MOTION: Kromm. SECOND: Reagan

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

Agenda Item No. 22C

Sphere of Influence for City of Dixon

Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-191 recommending to the Local Agency Formation Commission (LAFCo) the adoption of the proposed Sphere of Influence for the City of Dixon. (see Resolution Book)

MOTION: Kondylis. SECOND: Vasquez.

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

Item No. 17A

Revisions to By-Laws for

Park and Recreation Commission

Approved revisions to the By-Laws for the Solano County Park and Recreation Commission with the additional amendment to Article III – Membership – Section 3 to read "A Commission member shall may be replaced by the Board of Supervisors when should they have had two consecutive unexcused absences occur from Regular meetings in each calendar year. Beginning in January.

MOTION: Vasquez. SECOND: Reagan.

AYES: Reagan, Silva, Vasquez, Kondylis.

NOES: Kromm. (Supervisor Kromm noted that he felt it was important for appointees to make a commitment to attend the scheduled meetings)

Agenda Item No. 24

East Vallejo Fire Protection District

Chairwoman Kondylis noted that Donald Tipton, unincorporated Vallejo, had requested to speak on this matter earlier in the meeting. In order to allow Mr. Tipton to make comments, the Board acted to reconsider the Letter of Response to the Presiding Judge of the Superior Court of California, County of Solano responding to the 2004/2005 Grand Jury's Report on Solano County Emergency Services.

MOTION: Vasquez. SECOND: Silva.

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

Donald Tipton, unincorporated Vallejo, presented the Board with correspondence he had received regarding the East Vallejo Fire Protection District. The Board took the following action:

Approved and authorized Chairwoman Kondylis, on behalf of the East Vallejo Fire Protection District, to sign Letter of Response to the Presiding Judge of the Superior Court of California, County of Solano responding to the 2004/2005 Grand Jury's Report on Solano County Emergency Services.

MOTION: Kromm. SECOND: Silva.

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

Agenda Item No. 26A

Legislative Advocate

Received a report from the County's Legislative Advocate Paul Yoder concerning Board positions on legislation; provisions for reimbursement to counties for the upcoming special election; 3% at 50 for District Attorney investigators; legislation that changes the expectations to the counties on general planning, regional governance and regional transportation, legislation that would impose unfunded mandates on the counties, legislation that affects levy maintenance and flood control in the greater Delta, legislation pertaining to eminent domain, progress on the County's 2005 legislative priorities, discussed SB 832 (Perata) – CEQA: infill development and SB 1024 (Perata) – Public works and improvements: bond measure. At the conclusion of discussion, the Board acted to support the following:

SB 861 (Speier) – Dangerous and Vicious Dogs

SB 37 (Speier) – Steroid Use

AB 515 (Richman) – State Water Project: solar photovoltaic panels and systems

AB 438 (Parra) – Sex Offenders

AB 672 (Klehs) – Reservoirs with water intended for domestic use

AB 889 (Ruskin) – Weights and measures extension

MOTION: Reagan. SECOND: Silva

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

Acted to support SB 1056 (Florez) – Agriculture seed regulations

MOTION: Vasquez. SECOND: Reagan.

AYES: Reagan, Silva, Vasquez.

NOES: Kromm, Kondylis.

It was moved by Supervisor Reagan, seconded by Supervisor Silva to oppose SB 153 (Chesbro) – Water, Parks, and Coastal Protection Bond. Motion failed by the following vote:

MOTION: Reagan. SECOND: Silva.

AYES: Reagan, Silva.

NOES: Kromm, Vasquez, Kondylis.

Acted to support SB 153 (Chesbro) – Water, Parks, and Coastal Protection Bond.

MOTION: Kromm. SECOND: Kondylis

AYES: Kromm, Vasquez, Kondylis.

NOES: Reagan, Silva.

Acted to opposed SB 60 (Cedillo) – Vehicles: Driver's Licenses.

MOTION: Reagan. SECOND: Silva.

AYES: Reagan, Silva, Vasquez.

NOES: Kromm, Kondylis.

Agenda Item No. 27

Acquisition of Real Property for

Use as a Veterans Building - Vallejo

At the conclusion of a public hearing to consider the acquisition of real property and improvements located at 420 Admiral Callaghan Lane in Vallejo, California (Assessor's Parcel Number 0069-042-100) for \$1,300,000 plus closing costs for use as a veterans building, the Board took the following action:

- A. Adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-193 authorizing the County Administrator to execute a Purchase and Sale Agreement with the American Legion Post #550 to acquire the property for the cash sum of \$1,300,000 plus estimated closing costs of \$13,000. (see Resolution Book)
- B. Authorized the County Administrator, or his designee, to sign all related documents and take all steps necessary to consummate the acquisition of the real property.

MOTION: Kondylis. SECOND: Silva.

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

Acted to approve the establishment of a House Committee for the operation of the facility located at 420 Admiral Callaghan Lane in Vallejo and that a management agreement be negotiated.

MOTION: Kondylis. SECOND: Silva.

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

The Board of Supervisors recessed this meeting at 12:35 P.M. and convened in Closed Session on the following matter.

Labor Negotiations: Public Authority/IHSS: Chief Negotiator: Steve Janice; SEIU – Local 1280

The Board of Supervisors reconvened in Open Session at 1:15 P.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 26B

Request from Contra Costa County

Regarding Transportation Impact Study

Discussed and denied a request from the Contra Costa County Board of Supervisors to contribute to a transportation impact study of proposed casino projects in west Contra Costa County to the Solano Transportation Authority due to the countywide concerns regarding congestion along the Interstate 80 corridor.

MOTION: Silva. SECOND: Reagan.

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

Directed the County to send a letter to Contra Costa County Board of Supervisors encouraging them to work with other regional entities working on Indian Gaming issues.

MOTION: Kromm. SECOND: Kondylis.

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

Agenda Item No. 28

"Insourcing" Analysis – Department of Information Technology

Received a report from the Department of Information Technology (DoIT) on their analysis of the costs and risks involved with "insourcing" all of the activities currently performed by Affiliated Computer Systems (ACS) in the support and maintenance of the County's technology infrastructure. Authorized DoIT to issue a Request for Proposal (RFP) for consulting and advisory services to assist in the technology infrastructure outsourcing RFP process. Authorized the Chief Information Officer (CIO) to negotiate a contract and any related amendments for an amount not to exceed \$700,000.

Directed the CIO to bring the negotiated contract back to the Board for review and approval.

MOTION: Silva. SECOND: Vasquez.

AYES: Kromm, Reagan, Silva, Vasquez.

NOES: Kondylis. (Chairwoman Kondylis supported "insourcing" most IT services.)

Agenda Item No. 31

Appointment Authority

A) Approved the reappointment of Donald F. Heinitz to the Solano County Fair Board of Directors, for a term to expire August 1, 2009.

MOTION: Silva. SECOND: Kondylis.

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

Directed discussion regarding the future role of the Solano County Fair Association Board in light of the changing dynamics of the Solano County fairgrounds be placed on the Board of Supervisors agenda for future discussion.

MOTION: Vasquez. SECOND: Silva.

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

B) Ratified the July 15, 2005 action of the Workforce Investment Board of Solano County (WIBSC) and appointed the following individuals as representatives on the Board of Directors of the WIBSC:

1. Mr. Chris Daniels, Vice President, Travis Credit Union
Business Representative
2. Mr. Kevin Johnson, General Manager, Hilton Garden Inn
Business Representative
3. Ms. Teresa Shafer, Human Resource Manager, REXAM, BCNA
Business Representative

MOTION: Vasquez. SECOND: Silva.

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

Agenda Item No. 32

Agricultural Preserve (Borges/Buller)

The Board held a public hearing to consider Agricultural Preserve Application No. 1340 of Kerry, Donald, Kenneth, Thomas and Martha Borges and Noreen Buller for a 233.58 acre parcel located ½ mile north of the City of Benicia and adoption of a resolution to establish an Agricultural Preserve and approval of the standard County land Conservation Contract.

At the conclusion of the public hearing, the Board adopted and authorized Chairwoman Kondylis to sign Resolution No. 2005-194 establishing Agricultural Preserve No. 1238 and approving Land Conservation Contract No. 1340 of Kerry, Donald, Kenneth, Thomas & Martha Borges and Noreen Buller and authorizing its execution by the Chairperson and directing that it be recorded. (see Resolution Book)

MOTION: Vasquez. SECOND: Silva.

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

Agenda Item No. 29

Solano County General Plan Update

Approved the Work Program for Solano County General Plan Update. Approved Guiding Principles for General Plan Update. Authorized solicitation for request for consultant proposals for assistance in the preparation of General Plan Update.

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

Directed staff to bring back a proposed language for a preamble for the Guiding Principles for the General Plan Update and further information regarding a Citizens Advisory Committee.

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

Recess

The Board of Supervisors recessed this meeting at 2:35 P.M. and reconvened at 6:00 P.M. All members were present. Chairwoman Kondylis presided.

Agenda Item No. 33 Potrero Hills Landfill

The Board of Supervisors held a continued public hearing to review the Planning Commission's action of June 23, 2005 concerning proposed revisions to Use Permit U-88-33 and Marsh Development Permit MD-88-09 (Potrero Hills Landfill).

Dwight Acey, speaking on behalf of the Citizens Against the Dump Expansion, expressed their concern regarding the Environmental Impact Report (EIR) as they did not feel that it adequately addressed traffic, waste tonnage, tonnage limits, siting element criteria, lateral expansion, and alternatives required by CEQA. Mr. Acey noted that they were concerned that the Potrero Hills Landfill (PHLF) had further interest in expansion as they owned a number of other parcels of property in the same vicinity. Mr. Acey noted that it was their opinion that the resources of Solano County were being squandered by allowing other counties to dispose of their waste in Solano County and impact to the Suisun Marsh. Mr. Acey requested that the Board uphold the Suisun Marsh Protection Plan.

Ron Glas, Principal Planner for the Solano County Department of Resource Management, provided additional information in response to various questions posed by the Board members at the meeting of August 9, 2005. Mr. Glas noted that a comment letter was received from the San Francisco Regional Water Quality Control Board (SFRWQCB) Watershed Division noting their concerns regarding the adequacy of the EIR in addressing impacts to wetlands, associated endangered species and vernal pool habitat. Said letter also discussed priority of avoidance measures and minimization measures over mitigation measures. Mr. Glas noted that the SFRWQCB looked for avoidance of impacts, if impacts unavoidable they look for minimization of impacts, and then mitigation measures.

The Board received comments from Keith Roberson, SFRWQCB and Barry Yeung, Bay Area Air Quality Management District.

Chairwoman Kondylis opened the hearing to the public.

Concerns expressed included a project that was not well-defined, health problems from diesel fumes, increase in traffic, waste near the Suisun Marsh, and daily cover and permit violations. Support was given for an enclosed recycling facility and the imposition of a landfill tax to increase recycling programs, reduce waste, and subsidize rates for Solano County residents.

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.

Larry Burch, representing Republic Services at Potrero Hills Landfill, clarified concerns expressed regarding the scope of the project and noted that liners at the landfill were above the State standards, fires at the landfill were non-existent and fires at the recycling center from hot loads were attended to immediately, landfill gas would not be trucked away from the landfill, falcons scare gulls without attacking, standards for air emissions were adhered to, no surface water flows to the Suisun Marsh, project designed to handle flooding potential issues, traffic not changing from past to the future and counted in the EIR, reserve capacity for residents of Solano County could be resolved, and property values have not declined. Mr. Burch encouraged the Board to certify the EIR and approve the proposed expansion.

Mr. Burch responded to concerns expressed by the Board members which included traffic, litter control, calculation error in the draft EIR by EDAW, and future expansion beyond Phase 2.

The Board of Supervisors recessed this meeting at 9:10 p.m. and reconvened at 9:20 p.m. All members were present. Chairwoman Kondylis presided.

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

Chairwoman Kondylis noted that the Suisun Marsh Local Protection Plan did not anticipate this type of activity and that the adequacy of the EIR was flawed if the project were to go forward. Chairwoman Kondylis noted that the Local Protection Plan stated that the facility would operate until it reached capacity and that expansion would impact upland grassland areas which was valuable habitat for marsh related wildlife. Chairwoman Kondylis did not feel that impacts to the Suisun Marsh by the landfill expansion should be mitigated to less than significant. Chairwoman Kondylis noted that the Suisun Marsh Local Protection Plan states no new wells in this area unless for agriculture, no new roads in the Marsh, and no alteration to streambeds unless for flood protection.

Supervisor Kromm expressed his opposition to the proposed expansion of the landfill as he felt that the project was not sensitive to air quality and was not consistent with the Local Protection Plan.

At the conclusion of discussion by the Board, the Board adopted a Motion of Intent to certify the Final Environmental Impact Report (EIR), to uphold the appeal of Potrero Hills Landfill, Inc. of the Planning Commission's denial of the revisions requested by Potrero Hills Landfill, Inc. to Use Permit U-88-33 and Marsh Development Permit MD-88-09. Directed staff to prepare resolutions incorporating the additional conditions of approval proposed by the Board members to include high wind fencing, a compliance officer, an advisory committee, baseline for air quality, Potrero Hills Landfill volunteering to give priority consideration to ensure capacity for future needs of Solano County residents, an additional \$.15 per ton for an education project fee, and request to the Bay Area Air Quality Management District for assistance to ensure that air credits come out of Solano County and return to the Board at a later date.

MOTION: Vasquez. SECOND: Silva.

AYES: Reagan, Silva, Vasquez.

NOES: Kromm, Kondylis.

Adjournment

The Board of Supervisors adjourned this meeting at 10:30 P.M. in memory of Donald French.

The next meeting of the Board of Supervisors will be September 6, 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