

Minutes For April 13, 2004

The Solano County Board of Supervisors met in regular session on this day at 8:35 a.m. Chairman Silva called the meeting to order. Present were Supervisors Forney attending via teleconference, Kromm, Vasquez and Chairman Silva; Supervisor Kondylis arrived at 8:40 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:36 a.m. to discuss Meet and Confer: SEIU, Local 1280, with Jim Ferguson, Chief Negotiator. The Board moved out of Closed Session at 8:58 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:03 a.m. with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

7A. PRESENTATION ON THE ACTIVITIES AT THE WESTERN RAILWAY MUSEUM, RECEIVED

Phil Kohlmetz, Director of Western Railway Museum, highlighted a history of the museum, volunteer activities, public outreach, restoration work, available tours, and educational opportunities at the museum. Mr. Kohlmetz provided the Board with a packet of information on the museum, incorporated herein by reference.

7B. RESOLUTION NO. 2004-058 COMMEMORATING BROWN V. BOARD OF EDUCATION STATEWIDE CELEBRATION MAY 3RD AND 4TH, 2004 ADOPTED

On motion of Supervisor Forney and seconded by Supervisor Kondylis, the Board acted to adopt Resolution No. 2004-058. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented the resolution to Delois Edwards, President of the Tri-City Branch NAACP.

Ms. Edwards thanked the Board for their continuing support.

ITEMS FROM THE FLOOR

APPEARANCE BY TED KAI RE VARIOUS ISSUES

Ted Kai, Fairfield, voiced his concerns regarding the need for alternative transportation through bus and trains to Napa, discussed traffic problems on Highway 12, the foul language used by young people and possible remedies, and with the homeless.

APPROVAL OF AGENDA

On motion of Supervisor Kromm and seconded by Supervisor Vasquez, the Board acted to approve the submitted Agenda, incorporated herein by reference. So ordered by a vote of 5-0.

CONSENT CALENDAR

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

13. MINUTES OF THE BOARD OF SUPERVISORS MEETING OF MARCH 26, 2004, as outlined in the Agenda Submittal from the Clerk of the Board dated April 13, 2004, incorporated herein by reference, approved.

14. RESOLUTION NO. 2004-059 RECOGNIZING APRIL 23, 2004 AS CHILDREN'S MEMORIAL DAY, adopted. (see Resolution Book)

15. APPROPRIATION TRANSFER IN THE AMOUNT OF \$19,159 UNANTICIPATED REVENUE TO

UTILIZE ADDITIONAL HOMELAND SECURITY GRANT FUNDS, as outlined in the Agenda Submittal from the Sheriff dated April 13, 2004, incorporated herein by reference, approved.

16. RESOLUTION NO. 2004-060 AUTHORIZING THE APPLICATION FOR CONTINUATION FUNDING AND PLAN MODIFICATION UNDER THE JUVENILE JUSTICE CRIME PREVENTION ACT OF 2000, adopted. (see Resolution Book)

17. CONTRACT AMENDMENT WITH MEAD & HUNT, INC. RE AIRPORT CONSULTING SERVICES, as outlined in the Agenda Submittal from Transportation dated April 13, 2004, incorporated herein by reference, approved and County Administrator authorized to sign said contract on behalf of Solano County.

ORDERS

19. PRESENTATION FROM FIRST 5 SOLANO CHILDREN AND FAMILIES COMMISSION ON THEIR GRANT PROCESS, RECEIVED

Christina Linville, First 5 Solano Children & Families Commission, reviewed the information contained in the Agenda Submittal from her department dated April 13, 2004, incorporated herein by reference, regarding the processes and methods utilized by First 5 Solano Children and Families Commission. Ms. Linville expressed concern with the declining funding source over time; the questions of program sustainability commissions around the State are grappling with, and discussed the possible use of a medical mobile van. The commission is putting in place the infrastructure that will give the commission the information it needs to make investments and measure their effectiveness appropriately.

Responding to questions posed by Supervisor Vasquez regarding how the tobacco money is allocated, Ms. Linville discussed the State formula that is based on the money the tax brings in and the County birth rate to determine the County portion, and further discussed the decline in funding hopefully through the quit smoking campaign.

Supervisor Kromm noted concern with the mini and capitol grants and the extensive time needed for grant management, with grants in the priority/focus areas there will be a close working relationship to ensure the goals in the grants are being met, but feels the larger grants will meet the big objectives that will measurably improve the lives of kids 0 to 5. Supervisor Kromm commended Ms. Linville regarding Attachment E Priorities, Goals and Results that are well thought out and discussed detailed indicators. Responding Ms. Linville noted recent approval by the commission of the Strategic Framework and Evaluation process.

Responding to questions posed by Supervisor Forney regarding responses to grant applicants, and if the applicant would be considered in the next round of funding, Ms. Linville noted that each applicant is notified as to the result of their application. We do receive inquiries when the commission has no solicitation for funds available, and we do put those requests on file for the next solicitation of funding.

Supervisor Forney expressed concern with the perception that the commission picks and chooses who they want to give the grant money to, and suggested ways to eliminate that perception. Supervisor Kondylis agreed with the concern for the mini and capitol grants, and noted concern mainly with kids at high risk, the commission has embarked on an idea to incorporate the Safe From the Start Program with the tobacco, alcohol, and drug education and training programs for all people receiving the grants, and noted the dedication of the commissioners.

Nancy Calvo, Commissioner First 5 Solano, discussed the mini grant process and the way to think outside the box, working with communities, civic engagement, ways to help some community projects, helping to expand childcare, the value of mini grants, and challenges of the commission. Chairman Silva commended Ms. Linville on the changes and improvements for the commission, voiced concern with the large grants with ensuring all the money goes to the children.

Supervisor Kromm discussed the declining revenue and the continuing need to work for the children at risk, responding Ms. Linville feels with careful management the commission could have a significant positive effect for 10 to 15 years.

20. ORDINANCE REGARDING ENHANCING THE SHERIFF'S ABILITY TO MAINTAIN ORDER AND KEEP THE PEACE DURING THE SOLANO COUNTY FAIR, ADOPTED ON FIRST READING; SECOND

READING SET FOR APRIL 27, 2004

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.

Chairman Silva opened the public hearing.

Kim Alexander, Deputy County Counsel, reviewed the information contained in the Agenda Submittal from her department dated April 13, 2004, incorporated herein by reference, regarding exempting the Fair Association from certain licenses and permits, establish rules and regulations for conduct on the fair grounds, and to extend an existing curfew on County owned property.

Responding to questions posed by Supervisor Kromm if these amendments would be consistent with Vallejo laws, Ms. Alexander noted yes these changes are fairly consistent with Vallejo ordinances. Supervisor Kondylis posed questions regarding the curfew for events that run later than 10 p.m., Ms. Alexander noted the curfew is targeted at people loitering and not people that are participating at an event.

Responding to questions posed by Supervisor Kondylis regarding the fair closing at 10:00 p.m. and the curfew, Sheriff Stanton noted the different sections of the fair that close between 9 p.m. and 10 p.m., feels a 30 minute leeway is not unreasonable, the deputies do a midway sweep to get the kids to move along, and discussed the ability of the Sheriff's deputies to work with the community at the fair. The intention is to use the ordinance to deal with those that are not cooperating or are around for no apparent purpose.

Chairman Silva noted the key word in the ordinance is "loitering". If you are departing an event you are not loitering it then becomes discretionary on the enforcing agency.

Chairman Silva closed the public hearing.

On motion of Supervisor Forney and seconded by Supervisor Vasquez, the Board acted to adopted the proposed Ordinance. So ordered by a vote of 5-0.

21A. RESOLUTION NO. 2004-061 ESTABLISHING AGRICULTURAL PRESEVE NO. 1235 AND APPROVING LAND CONSERVATION CONTRACT NO. 1338 OF THE SOLANO LAND TRUST AND AUTHORIZING IT'S EXECUTION BY THE CHAIRPERSON AND DIRECTING THAT IT BE RECORDED, ADOPTED

The Board was provided with an Agenda Submittal from the Department of Environmental Management dated April 13, 2004, incorporated herein by reference, describing the establishment of the Agricultural Preserve Application No.1338.

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 Kondylis and seconded by Supervisor Vasquez, the Board acted to establish Agricultural Preserve No. 1235 and to adopt the mandatory findings, and approve Agricultural Preserve Contract No.1338. So ordered by a vote of 5-0.

21B. RESOLUTION NO. 2004-062 ESTABLISHING AGRICULTURAL PRESERVE NO. 1236 AND APPROVING LAND CONSERVATION CONTRACT NO. 1339 OF HAROLD & LEONOR REED AND STANLEY & CAROL THOMPSON AND AUTHORIZING ITS EXECUTION BY THE CHAIRPERSON AND DIRECTING THAT IT BE RECORDED, ADOPTED

The Board was provided with an Agenda Submittal from the Department of Environmental Management dated April 13, 2004, incorporated herein by reference, describing the establishment of the Agricultural Preserve Application No.1339.

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 Kondylis and seconded by Supervisor Vasquez, the Board acted to establish Agricultural Preserve No. 1236 and to adopt the mandatory findings, and approve Agricultural Preserve Contract No. 1339. So ordered by a vote of 5-0.

21C. SOLANO COUNTY STORM WATER MANAGEMENT PLAN, APPROVED

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

Matt Tuggle, Civil Engineer, Building Division reviewed the information contained in the Agenda Submittal from his department dated April 13, 2004, through a visual presentation, incorporated herein by reference, regarding Phase II of the County's Storm Water Management Plan.

Supervisor Vasquez posed questions regarding other agencies following our ordinances and guidelines, Director of Environmental Management Birgitta Corsello noted the department will be sending out notices to Solano Irrigation District, the reclamation districts, and the resource conservation districts that they must submit their proposals to the County as well as notice on grading since they are a component of the County prevention program. Ms. Corsello noted the advantages in the County with two subcommittees are already addressing watershed protection, storm water runoff and the ag waiver components.

Mr. Tuggle continued the presentation of the Phase II, Program Requirements and the challenges the requirements present.

Responding to questions posed by Supervisor Kromm regarding permitting the construction of a hillside house where drainage is down to a floodplain and requiring a detention basin on-site and the County not being required to monitor or check the basin for maintenance on a regular basis, and adding requirements on the property title relative to an easement for the detention basin, Mr. Tuggle noted the County only has the ability to add requirements through the Use Permit. Once the building permit is finalized, we do not go back. The requirements for future maintenance are being placed on subdivisions where each property can be assessed to fund the maintenance and cleaning of the basin. The older parcels are a problem. Ms. Corsello noted with new parcels the department will be investigating legal mechanisms for easements and drainage requirements, the issue is with existing parcels that contribute to the existing storm water management problems.

Responding to questions posed by Chairman Silva regarding the process to issue a building permit and/or a grading permit, Ms. Corsello discussed the building permit review process from a grading and engineering standpoint to ensure there will not be drainage or runoff problems. If there were problems a detention basin would be required through the permit process.

Chairman Silva suggested sending a copy of this plan to all title companies to ensure this is reviewed as part of title process. Ms. Corsello outlined the outreach that must be done over the next 5 years.

Supervisor Vasquez noted there could be problems in the future with changing requirements for some of the older areas, and if there is the potential for one new property owner having to mitigate the runoff for surrounding properties, responding Mr. Tuggle noted the property owner would only have to mitigate the runoff from his own property.

There was a brief discussion regarding down stream effects, small grant programs through the Solano County Water Agency (SCWA) and the possibility of mitigating larger problems.

Mr. Tuggle continued the Phase II requirements – Good Housekeeping for Municipal Operations, Monitoring and Evaluation, Examples of Measurable Goals Chart, Costs of the Program, and Where Do We Go From Here.

Supervisor Kondylis posed questions regarding mercury levels, responding Mr. Tuggle noted in the impaired water bodies there is mercury in Suisun Slough and the Suisun Marsh, and discussed determining the source of the mercury as well as other contaminants.

There was a discussion regarding hazardous spill reports, how many components will be tied together, creation of a Water Forum to discuss joining forces with the resource conservation districts, SCAW and some of the cities to eliminate duplication of services.

On motion of Supervisor Kondylis and seconded by Supervisor Vasquez, the Board acted to receive the presentation of the Solano County Storm Water Management Plan and to approve the plan. So ordered by a vote of 5-0.

21D. PROPOSED LOWER LAGOON VALLEY DEVELOPMENT SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT REVIEWED

Mike Yankovich, Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated April 13, 2004, incorporated herein by reference, regarding the response to the Draft Environmental Impact Report (DEIR) for the proposed Lower Lagoon Valley Development Specific Plan. Mr. Yankovich began by outlining the project including residential, commercial, schools, parks and open space. Planning concerns include primary access is via Interstate 80 (I80), no access via city streets resulting in traffic problems on County roads when residents want to leave that development. The Lagoon Valley exit will be the primary access to the area via I80. This development could create the same traffic issues we are currently experiencing in the Cordelia area. The DEIR should look at the local and regional plans relative to transportation and how those are consistent with those plans. Increased use on the County roads will present incompatible uses since the County roads are used to move farm equipment. Another concern is the conversion of prime agricultural land that will be converted to residential use; the report does include some partial mitigation with a one to one trade for ag easements of other prime ag lands

that could include adjoining or other ag land that is in close proximity.

Paul Wiese, Acting Director Department of Transportation, noted a cooperative response letter is being prepared to address the concerns in terms of the impacts to the County. Mr. Wiese showed an overhead of the area and outlined the over crossings with exits off I80, the County road system in the area that includes Cherry Glenn Road, Pleasants Valley Road, and Lyon Road. Mr. Wiese discussed the absence of a city street connecting this area to the City of Vacaville; the only way out is by I80 or the use of County roads. The development proposes to make improvements to the ramps on the over crossings that will be proposed as the primary access and exit. If the freeway is blocked the residents will use the County road system, and it appears that this would create a similar traffic situation as in Cordelia. Another major consideration would be the proposed California Drive extension, which would cross from Vacaville across I80 and tie into Cherry Glenn Road that is proposed to be completed by 2020.

There was a brief discussion regarding actions the City of Vacaville would need to take to accomplish the California Drive extension, and impacts to the County road system.

Mr. Wiese reviewed current traffic counts on the County roads and traffic project comparisons from the EIR. The County overall proposal is for the City of Vacaville to consider several things; to provide a viable city-to-city connector, and impacts to County roads that should be mitigated.

Responding to questions posed by Chairman Silva regarding the I80 over crossings only being 2 lanes and the roadway leading to the over crossing be 4 lanes, Mr. Wiese noted the EIR calls for no work on the overpass itself, the proposal is for improvement to the ramps.

Supervisor Kondylis posed questions of a notice relative to anthrax, Terry Schmidtbauer, Manager Environmental Health noted there was an anthrax outbreak in the late 1970's in the Lower Lagoon Valley that involved 50 to 60 cows that were burned. There have been no reported cases of human exposure to anthrax from soil in the United States; the World Health Organization has stated that anthrax in soil does not pose a threat to public health.

Donna Harr, Lagoon Valley - Fairfield, discussed many of the issues in Lagoon Valley, problems faced trying to make a living via agriculture, discussed the closure by the City of Fairfield of the frontage road on the eastern side of I80 that used to run to Paradise Valley, the anthrax outbreak, feels they have been zoned out of ag, have had part of their property confiscated for open space, discussed adverse actions against them, this has been a very long drawn out process, and noted there are two possible accesses to the development that have not be considered.

Ellen Tucker, Friends of Lagoon Valley, likes the project, would like to see the project in a different location, noted the traffic impacts, commended the work done by staff on commenting, a project in Dixon that will be adding to traffic congestion on I80, proposed developments in Fairfield in close proximity to this project, feels the valley is very precious, and feels this is the only natural park Vacaville and Fairfield have.

Brent Schoradt, Greenbelt Alliance, provided the Board with a letter dated April 13, 2004, incorporated herein by reference, outlining the shortcomings of the DEIR that does not adequately address the impacts of this development, and requested a re-circulated DEIR that fully addressed the traffic impacts, habitat disturbance and air quality implications of development in Lagoon Valley.

Bob Bishop, Vacaville, feels this is a County issue since there are huge impacts on the County, feels this project could be the destruction of the last green spot between Vacaville and Fairfield, and is opposed to the project. Mr. Bishop feels there should be direct access to and from Vacaville via surface streets, voiced concern with increased traffic on County roads and added increases if this project is approved, with noise pollution, with increased pressures for development on Pleasants Valley Road, and feels if the County wants to promote agriculture this development must be stopped.

Clif Poole, Vacaville, presented a brief history of the area when annexed, voiced concern regarding jurisdictional authority, closure of the frontage road by the City of Fairfield, noted the dedicated 800 acres in 1990 as open space around the park and the addition of more open space by the new developer, the new developer will clean up the lake, there are legitimate questions that need to be answered, but feels the project does need to move forward.

Supervisor Kondylis noted the importance of informing the City of Vacaville of the impacts to the County and to suggest mitigation measures. The merits of the project are not up to the Board, but we must protect the County assets.

Mr. Yankovich noted the City of Vacaville plans to make over riding consideration on numerous impacts that cannot be mitigated.

Supervisor Kromm posed questions regarding ratings used on the Summary of Impacts and Mitigation Measures, what levels of mitigation can the County impose to make sure the County roads are not unfairly impacted, and what if the city just adopts a Statement of Over Riding Considerations, Mr. Yankovich discussed the varying levels of significance of the impacts, the County must notify the city that the proposed impacts are considerable and hopefully some type of

resolution will be found.

Supervisor Kromm posed questions relative to the city just adopting a Statement of Over Riding Considerations, County Counsel Dennis Bunting noted the County will have to decide if we want to challenge if the over rides are appropriate. Our views and comments must be submitted all through the process to the City of Vacaville.

Supervisor Kromm posed questions regarding safety issues, mitigation for prime ag land lost, and if any other cities have policies on mitigation like this, Mr. Yankovich noted Vacaville is proposing a fire station as part of the project, there are different ratios for mitigation of using prime ag land and staff is suggesting a one to one ration,

Supervisor Kromm feels the prime ag land mitigation should be higher than one to one, and suggested a 3 or 4 to 1 for land adjacent to the city, and feels air quality issues should also be stressed.

Ms. Harr requested the Board to look at the development on its own merits, the need to consider the big picture, and to recognize the resulting benefits to the County in terms of an identity. This development will attract other quality developments to the area.

Supervisor Kromm briefly discussed vernal pools, the mitigation that must be done in the Habitat Conservation Plan, and the jobs housing balance, commenting Mr. Yankovich noted work with the Army Corp of Engineers, the Habitat Conservation Plan will provide the ratios to mitigate the vernal pools and the City of Vacaville is involved in the development of the plan. Mr. Yankovich discussed the surveys done for the vernal pools and the required mitigation. The job housing balance is done through other agencies and the DEIR does not look at that.

Supervisor Kondylis commented on air pollutants and emissions, park and ride lots, and feels ceramic logs only should be required for indoor an/or outdoor fireplaces.

Chairman Silva noted it would be unusual for the County to respond to a community EIR unless there is direct impact to the County, Lagoon Valley has been annexed to the City of Vacaville and it is their responsibility to control what goes on there, voiced concern on the major impacts on I80 and I680 with this and other future developments. Chairman Silva would like to have a review of what the impacts will be to I80, how a 4 lane road runs up to a 2 lane over crossing without traffic accommodations, would like to revisit the closure of the frontage road on the East side of I80, and asked the DEIR to look at the impacts of traffic on County roads.

Supervisor Kromm discussed the air quality issues listed as significant and unavoidable after mitigation, the Sacramento basin being an EPA non-attainment zone, and the potential for major transportation funding cuts if there are not major air quality improvements in the Sacramento Basin. A laudable goal for new development would be for zero net degradation of air quality, and there are a number of ways communities can approach that. The County cannot be approving projects leaving significant air quality issues unmitigated.

There was a brief discussion regarding air pollution and mitigation measures in other parts of the State, and to address the issues during development of a project to avoid problems later.

Supervisor Vasquez noted the County will be notifying the City of Vacaville that there are impacts out there that need to be mitigated, the number 1 concern in the County is traffic, the County is responsible for public health and the high asthma rate in the County, the need for the County to comment on the things that add to the asthma rates. The cities and the County need to work together to ensure the quality of life for all the citizens of Solano County.

Ms. Corsello noted there are two issues that would be initiated from Environmental Management the land use plan and how it relates to traffic, and the air quality and the cumulative impacts to the air quality basin. Typically the County letters would not include much detail in terms of mitigations measures; we may comment on measures being proposed or possibly suggest some further refinement. The Board will have one more opportunity when the final EIR is issued to determine if the County concerns have been addressed adequately.

Mr. Wiese noted comments from the Department of Transportation suggested mitigation measures for the transportation element would be to mitigate the impacts to the County road system by providing a connection from this subdivision to the rest of the city via a city street, to a look at the unavoidable impacts on some County roads by looking at issues dealing with safety. These suggestions would be done in very generic terms.

Responding to questions posed by Supervisor Kondylis regarding the desirability of a park-and-ride lot to help mitigate traffic, Mr. Wiese noted that could be included in the comments.

On motion of Chairman Silva and seconded by Supervisor Kromm, the Board acted to approve the following appointments to Boards and Commission. So ordered by a vote of 4-0; supervisor Kondylis excused.

22A. RICHARD BRANN, JANIE MATTHEWS, THOMAS C. CLARK, CHARLOTTE DIGUE, JIM STEVENSON, MICHAEL HAYES, AND NADINE STEVENSON REAPPOINTED TO THE SOLANO COUNTY HISTORICAL RECORDS COMMISSION, as outlined in the Agenda Submittal dated April 13, 2004, incorporated herein by reference, for terms to expire April 26, 2008, approved.

22B. RICHARD MINAKATA REAPPOINTED TO THE SUISUN FIRE PROTECTION DISTRICT, as outlined in the Agenda Submittal dated April 13, 2004, incorporated herein by reference, for a term to expire April 15, 2008, approved.

22C. TAMSEN STEVENSON APPOINTED TO THE MATERNAL, CHILD AND ADOLESCENT HEALTH ADVISORY BOARD, as outlined in the Agenda Submittal from Health and Social Services dated April 13, 2004, incorporated herein by reference, approved.

ADJOURN - This meeting of the Board of Supervisors adjourned in memory of Terry Sheehan at 2:39 p.m.

JOHN F. SILVA, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors