

## Minutes For February 25, 2003

The Solano County Board of Supervisors met in regular session on this day at 8:30 a.m. The meeting was called to order by Chairman Kromm. Present were Supervisors Silva, Vasquez and Chairman Kromm. Supervisor Kondylis arrived at 8:31 a.m.

### ADDITION TO THE AGENDA

#### SECOND POTENTIAL LITIGATION CASE ADDED TO CLOSED SESSION

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to add a second Potential Litigation Matter to the Closed Session. So ordered by a vote of 3-0; Supervisor Kondylis excused.

CLOSED SESSION: The Board moved into Closed Session at 8:31 a.m. to discuss Potential Litigation: Two (2) cases. The Board moved out of Closed Session at 8:52 a.m.

The Solano County Board of Supervisors reconvened on this day at 8:55 a.m. with the Pledge of Allegiance and a moment of silence.

### PRESENTATIONS

#### (Item 7A) RESOLUTION NO. 2003-037 PROCLAIMING MARCH 1-7, 2003 AS NATIONAL WEIGHTS AND MEASURES WEEK

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-037. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Vasquez presented Agricultural Commissioner/Sealer Susan Cohen with Resolution No. 2003-037.

Dave Singh, Deputy Ag Commissioner/Sealer of Weights and Measures, noted the theme for this year as "Weights and Measures-Working for Integrity in the Market Place" and is the 204th anniversary of the first Weights and Measures law in this County. Mr. Singh reviewed the function of the division and the importance of weights and measures to the consumer.

#### (Item 7B) RESOLUTION NO. 2003-038 HONORING BONNIE SCHROTH ON HER RETIREMENT FOR NEARLY 25 YEARS OF SERVICE WITH THE SOLANO COUNTY HEALTH & SOCIAL SERVICES DEPARTMENT, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to adopt Resolution No. 2003-038. The Board further acted to authorize a Plaque of Appreciation for Bonnie Schroth. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Silva presented Ms. Schroth with

Resolution No. 2003-038 and a Plaque of Appreciation honoring her upon her retirement after nearly 25 years of service to Solano County as an employee in the Department of Health & Social Services.

(Item 7C) RESOLUTION NO. 2003-039 HONORING RONALD L. BUEHRER UPON HIS RETIREMENT FOR OVER 31 YEARS OF SERVICE WITH THE SOLANO COUNTY HEALTH & SOCIAL SERVICES DEPARTMENT, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-039. The Board further acted to authorize a Plaque of Appreciation for Ronald L. Buehrer. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented Mr. Buehrer with Resolution No. 2003-039 and a Plaque of Appreciation honoring him upon his retirement for over 31 years of service to Solano County as an employee in the Department of Health & Social Services.

(Item 7D) RESOLUTION NO. 2003-040 HONORING JANE BRADDOCK UPON HER RETIREMENT FOR OVER 30 YEARS OF SERVICE WITH THE SOLANO COUNTY HEALTH & SOCIAL SERVICES DEPARTMENT, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2003-040. The Board further acted to authorize a Plaque of Appreciation for Jane Braddock. So ordered by a vote of 4-0. (see Resolution Book)

On behalf of the Board, Supervisor Kondylis presented Ms. Braddock with Resolution No. 2003-040 and a Plaque of Appreciation honoring her upon her retirement for over 30 years of service to Solano County as an employee in the Department of Health & Social Services.

## ITEMS FROM THE FLOOR

### APPEARANCE BY CHARLES BAILHACHE, HOMEACRES IMPROVEMENT ASSOCIATION, RE COMPLYING FOR A REQUEST FOR INFORMATION

Charles Bailhache, President of the Homeacres Improvement Association, reviewed a letter dated February 25, 2003, incorporated herein by reference, formally requesting information relating to code enforcement in the Homeacres area by the Department of Environmental Management and compliance with the California Public Records Act.

### APPEARANCE BY CATHY ANN HEWITT, RE VARIOUS ISSUES

Cathy Ann Hewitt, Benicia, encouraged the Board consider employing and training emergency volunteer workers, and discussed the benefits of trained workers in case of an emergency. Ms. Hewitt also voiced concern regarding illegal immigration, with the children attending continuation school, and the

need to maintain a high quality of education.

#### APPEARANCE BY JAMES WILLIAMS, SOLANO COUNTY TAXPAYERS ASSOCIATION RE VARIOUS ISSUES

James Williams, President Solano County Taxpayers, noted support of the association of Measure B a school tax, voiced concern with the projected State deficit, increased health care costs, and requested the Board join with others to say no to higher taxes.

#### APPEARANCE BY DONALD TIPTON RE OBTAINING INFORMATION FROM THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND BLIGHT IN HOMEACRES

Donald Tipton, Vallejo, referred to a letter he had submitted dated January 8, 2003 and drainage problems that were created when a driveway was replaced, and the with the inability to obtain information from the Department of Environmental Management. Mr. Tipton voiced concern with the need for a plan to get rid of blight in Homeacres.

#### PUBLIC COMMENT ON CONSENT CALENDAR

#### APPEARANCE BY MIKE REAGAN RE THE POTENTIAL FOR CLOSURE OF TRAVIS AIR FORCE BASE

Commenting on Item 14; Mike Reagan, Vacaville, discussed his support for Travis Air Force Base, the need to close bases with no foreseen remobilization and the need to shed excess capacity through base closure. Mr. Reagan suggested calling for a remobilization or decide to compete in the inevitable round of shedding of capacity.

#### APPROVAL OF AGENDA

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to approve the submitted Agenda, incorporated herein by reference. So ordered by a vote of 4-0.

#### CONSENT CALENDAR

On motion of Supervisor Silva and seconded by Supervisor Vasquez, the Board acted to approve the following Consent Calendar items by a vote of 4-0.

(Item 13) MINUTES OF THE BOARD OF SUPERVISOR MEETING OF JANUARY 28, 2003; IN-HOME SUPPORT SERVICES PUBLIC AUTHORITY JANUARY 28, 2003, as outlined in the Agenda Submittal from the Clerk of the Board dated February 25, 2003, incorporated herein by reference, approved.

(Item 14) LETTER TO OUR CONGRESSIONAL DELEGATION IN SUPPORT OF THE INITIATIVE TO DELAY OR CANCEL THE NEXT BASE REALIGNMENT AND CLOSURE (BRAC) ROUND, as outlined in the Agenda Submittal from the County Administrator's Office dated February 25, 2003, incorporated herein by reference, approved.

(Item 15) REPORT OF THE QUARTERLY EXAMINATION OF THE BOOKS OF THE SOLANO COUNTY TREASURY AS OF DECEMBER 2, 2002, as outlined in the Agenda Submittal from the Auditor-Controller dated February 25, 2003, incorporated herein by reference, accepted.

(Item 16) RESOLUTION NO. 2003-041 AMENDING THE LIST OF NUMBERS AND CLASSIFICATIONS OF POSITIONS (SHERIFF SERVICES TECHNICIAN), adopted. (see Resolution Book)

(Item 17) APPROPRIATION TRANSFER RECOGNIZING PRIOR YEAR UNANTICIPATED REVENUE RE DISTRICT ATTORNEY'S SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND FY2001-02 ALLOCATION, as outlined in the Agenda Submittal from the District Attorney dated February 25, 2003, incorporated herein by reference, approved.

(Item 18) LEASE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION FOR THE OWNERSHIP, OPERATION, AND MAINTENANCE OF THE AUTOMATED SURFACE OBSERVATION SYSTEM AT THE NUT TREE AIRPORT, as outlined in the Agenda Submittal from Transportation/Airport dated February 25, 2003, incorporated herein by reference, approved and the Chairman authorized to execute said lease agreement.

(Item 19) ACCEPTANCE OF \$5,000 GRANT FROM THE METLIFE FOUNDATION'S READING AMERICA PROJECT, as outlined in the Agenda Submittal from the Library dated February 25, 2003, incorporated herein by reference, approved.

APPROPRIATION TRANSFER OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$5,000, as outlined in the Agenda Submittal from the Library dated February 25, 2003, incorporated herein by reference, approved.

## ORDERS

(Item 21A) ROAD IMPROVEMENT PLAN FOR FY2002-03 THROUGH FY2006-07, APPROVED

Paul Wiese, Department of Transportation, reviewed the information contained in the Agenda Submittal from his department dated February 25, 2003, incorporated herein by reference, outlining the annual road improvement plan. The review included the projects that will be completed, funding mechanisms and the looming State budget problems that could affect funding of the projects.

Donald Tipton, Vallejo, expressed concern with the road improvements proposed in Homeacres area being done with Redevelopment Funds, and feels the Homeacres area should also receive their portion of road funds for improvements.

Responding to concerns voiced by Supervisor Kondylis regarding consideration of the scenic road portion of the General Plan, and with using different construction measures to make the replacement bridges look better, and if the higher gas prices would mean additional road funds, Mr. Weise outlined alternative ways to improve the look of replacement bridges, and noted that the State is discussing cutting funding in other areas, and that increased gas tax funding may help make up the difference.

Responding to questions posed by Supervisor Silva why some of the gas tax money is not being spent in Homeacres, and if gas tax funds are used would that change the prioritization of Homeacres projects, Mr. Weise noted Road Funds could be used in lieu of the redevelopment money, most of the redevelopment money is being used for drainage and other improvements. If the road funds are reallocated all the road projects would have to be reevaluated for repair. Most of the repairs in Homeacres are being done in conjunction with drainage improvement projects being done by Vallejo Sanitation and Flood Control District.

Responding to questions posed by Chairman Kromm regarding an inventory of road conditions and how funding for repairs is tied to road conditions, and with the placement of street lights, Mr. Weise noted that a copy of the pavement management system update would be provided to the Board, and outlined the criteria used in prioritizing road repair projects. Mr. Weise noted most of the street lights will be installed in Homeacres and Elmira, and work with the Homeacres Homeowners Association for the placement of the street lights. In Elmira, Mr. Weise noted the overwhelming support for the added streetlights. There are only four lights proposed for the Green Valley area, residents on the effected streets do support the installation of the lights.

Chairman Kromm suggested a neighborhood meeting to discuss a roundabout on Abernathy Road, and for neighborhoods to decide if they would like environmental protective lighting.

County Counsel Dennis Bunting discussed the previous court litigation, the use of Redevelopment funds in Homeacres, and lighting district funds being used for street lighting.

On motion of Supervisor Vasquez and seconded by Supervisor Kondylis, the Board acted to receive the Annual Road Improvement Plan. So ordered by a vote of 4-0.

(Item 21B) SOLANO COUNTY ROADS TOUR SCHEDULED FOR APRIL 15, 2003

Paul Wiese, Department of Transportation, reviewed the information contained in the Agenda Submittal from his department dated February 25, 2003, incorporated herein by reference, regarding the annual road tour.

There was a brief discussion regarding touring roads in the northern part

of the County, visiting Timm Road, Heather Road, Mills Lane, and Sweeney Creek.

There was a consensus to conduct the 2003 the Solano County Road Tour on April 15, 2003, from 9 a.m. to 1:00 p.m., for a tour of the northern area County roads that will be finalized in cooperation with Supervisor Vasquez, and to conclude the tour at the Nut Tree Airport.

(Item 22A) COUNTY NOT TO BECOME SIGNATORY TO THE HABITAT CONSERVATION PLAN OR THE NATIVE COMMUNITIES CONSERVATION PLAN

Director of Environmental Management Birgitta Corsello reviewed the information contained in the Agenda Submittal from her department dated February 25, 2003, incorporated herein by reference, regarding added information relating to the Habitat Conservation Plan (HCP) of the Solano County Water Agency.

Harry Englebright, Department of Environmental Management, noted the maps included in the agenda item relate to the activities and boundaries of the agencies and districts, such as channel maintenance. The maps DO NOT include privately owned lands.

Bill Petersen, Solano Citizens Land Alliance, feels this plan is not good for agriculture, there is no benefit to the farmers, the map today is different than previously presented, there are many unknowns, and does not feel the County should be involved.

Responding to a question posed by Supervisor Vasquez regarding the map, Mr. Petersen noted the previous map showed areas designated as critical habitat, with vernal pools, and now this map does not include those. This map includes more area.

Donna Harr, Solano County Citizens Land Alliance, feels the Habitat Conservation Plan (HCP) is a deceptive plan. There have been many changes in the process since it began, feels the decision makers are not representative of agriculture, feels the cities should support the HCP concept, feels the HCP does nothing for the farmers, and urged the Board to vote no to sign on to the HCP.

Bruce Brazelton, Vacaville, noted the HCP is required for the Lake Berryessa water contract renewal, feels the Native Communities Conservation Plan (NCCP) is worse than the HCP and will have more effect on the County. Mr. Brazelton noted the difference in mitigation measures between the plans, feels the total plan is not clear, voiced concern with funding and with high costs of the habitat and monitoring.

Joe Moore, Vacaville, voiced concern with the lack of sensitivity for the rural landowners, with the ever increasing number of species being added to the plan, voiced concern with the high costs, and urged the County not to participate.

Roberto Valdez, Vacaville, noted his involvement with the HCP, and encouraged support of the plan. Mr. Valdez noted he got involved due to concern for the environmental fate of Lagoon Valley, feels this is an opportunity for all special interest parties to get involved and work together, the plan will guarantee water from Lake Berryessa, the plan will protect habitat

and up to 82 species, and feels the plan will minimally impact the farmers.

Mike Reagan, Vacaville Chamber of Commerce, noted support of the recommendations to not become signatories on the HCP, and supports work in the roll of the Supervisors with the water agency to try and discourage a bad public policy. The HCP as proposed expands the scope ordered by the Fish and Wildlife Service, this expansion to add the NCCP significantly changes the scope and economic impact on agriculture and all the industries that support agriculture, and feels this must be avoided or mitigated.

Murray T. Bass, Fairfield, feels this plan is mixing two different things with the Federal requirements for 17 species and with the second part with the NCCP involving another 65 non-endangered species, and feels that by including the NCCP species would be elevated to the same status of the 17 endangered species. The Ag Advisory Committee recommended the County opt out of the HCP program, to not include the NCCP in the program, and strongly supports those recommendations.

Eric Warnken, Solano County Farm Bureau, the bureau finds no benefit to agriculture with this plan, the plan could present serious problems for farmers, opposition of adding the NCCP to the plan, and feels the rest of the County should not be saddled with this plan if it can be avoided.

Richard Hamilton, Rio Vista, noted opposition to the HCP and the NCCP, feels this is a way to grab private land through water, the map is different than previously presented, and feels decisions should be based on exactly what is going to be included in the plan.

James Williams, Solano Taxpayers Association, endorsed support for the recommendations to not sign on to the plan. Mr. Williams discussed ongoing changes to the plan, concerns regarding costs, and sees no benefit in extending the species and/or habitats, and urged the Board not support this plan.

Clif Poole, Vacaville, noted changes in the HCP plan and committee, the County is the only agency with policing powers and would become the enforcing agency if the County joins the plan, the continuing additions of species to the list, the plan is a benefit for the cities and developers, streamlining should be done but not on the backs of farmers, feels the entire County should not be burdened for a plan that is growing out of sight, and urged the Board not participate.

David Okita, Manager Solano County Water Agency (SCWA), noted the benefits for the cities and districts participating in the plan, considerations for participation in the HCP, the scope of the HCP, and that the final scope of the plan is yet to be finalized. Mr. Okita noted that SCWA feels that day to day farming activities do not need to be covered in the HCP, development of habitat preserves, further work that will be done regarding the Plan.

Supervisor Kondylis discussed the streamlining of the process to cut down the number of Environmental Impact Reports (EIR) and mitigations, Mr. Okita noted this plan will deal with endangered species only and that EIRs will still have to be done.

Supervisor Silva voiced concern with the State and Federal species being added to the list and those species remaining on the list forever as well as the

mitigation measures, and the effects to the farmer if habitat is found on his land. Responding to these concerns Mr. Okita discussed the flexibility of the plan, and that the plan could include a provision that could eliminate species if they are delisted as endangered. SCWA is cognizant of the inverse condemnation issue and the plan will include types of properties that may be suitable rather than identifying specific properties.

Supervisor Kondylis noted SCWA must do the HCP, it makes sense to include the NCCP to streamline the process, and that it is not necessary for the County to be signatory on the plan.

Responding to questions posed by Supervisor Kondylis if there are any benefits to being a signatory on the HCP, Director of Environmental Management Birgetta Corsello discussed the consideration process, there is no benefit for the Department of Transportation, the limited number of permits being issued by the County, and feels there is not an immediate and direct benefit to the County.

Chairman Kromm feels it does not make sense for the County to participate with the HCP, but feels the NCCP should be added for long-term benefits.

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to direct that the County would not become signatory to the Habitat Conservation Plan or the Native Communities Conservation Plan as an applicant. So ordered by a vote of 4-0.

(Item 22B) PRESENTATION OF THE UNIVERSITY OF CALIFORNIA – DAVIS GRANT PROPOSAL FOR A BIOSAFETY LEVEL 4 LABORATORY AND HIGH CONTAINMENT FACILITY, RECEIVED

SUPERVISOR VASQUEZ APPOINTED AS REPRESENTATIVE TO ATTEND THE U.C. DAVIS LONG RANGE DEVELOPMENT PLANNING MEETINGS

Mel Pabalinas, Department of Environmental Management, briefly reviewed the information contained in the Agenda Submittal from his department dated February 25, 2003, incorporated herein by reference, regarding the proposal by the University of California at Davis for the construction and operation of a Biosafety Level 4 laboratory and high containment facility on the campus.

Marjorie M. Dickinson, Assistant Vice-Chancellor Government and Community Relations University of California at Davis, provided the Board with a packet of information regarding this facility, and gave a short brief on the project.

Dean Benny Osborn, Dean of the School of Veterinary Medicine, gave a brief background of the proposed public health facility, the cooperative effort in development of the proposal for the National Institutes of Health, the different classifications of laboratories and the level of research to be handled in them, the need and importance of the facility, and that public meetings on the proposed laboratory will be conducted. This facility is to help protect the health of the citizens, Dr. Osborn discussed the development goals of the facility, the



importance for a facility in the western United States, described the physical aspects of the proposed facility, staffing, and feels this facility is critical for the health of our citizens, animals, and our environment.

Responding to question posed by Chairman Kromm regarding how many other Level 4 labs there are in the county, Dr. Osborn noted there are currently three facilities with another under construction.

There was a brief discussion regarding other facilities in the country, proposed construction and facility development, and that no development of bio-weapons or agents of destruction would be done at the facility.

Responding to questions posed by Supervisor Silva regarding security, Officer Rita Sparr, U.C. Davis Campus Police, outlined the measures and expert consultations taken for development of a security plan for the facility, and staff security measures.

The following speakers spoke in opposition to the development and placement of the facility on the U.C. Davis Campus: Samantha McCarthy, Stop U.C. Biolab Now; Rod Macdonald, Stop UCD Biolab Now; Don Mooney, Stop UCD Biolab Now; and Colleen Cole, Citizens of Dixon.

The following person spoke in favor of the development of the research laboratory: Mike Reagan.

Supervisor Kondylis voiced concern with the Board taking a position on the facility, with emerging diseases, the importance of these types of facilities, and with siting this type of a facility in a populated area.

Supervisor Vasquez noted the importance and close proximity availability of a good laboratory.

Supervisor Silva noted this type of facility is necessary, and feels that not enough information has been presented to take a position on the facility.

Chairman Kromm noted research is needed, but voiced concern with the issues of safety raised by the speakers, and with who would be controlling the research. Chairman Kromm suggested appointing a representative to monitor the program and noted the complexity of the issue.

There was a brief discussion regarding directing that staff research even be done, that the Board has no authority, attendance by staff to the U.C. Davis Long Range Development Planning Committee meetings, and the need for a Supervisorial presence at the Long Range Development Planning Committee meetings.

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to accept the report on the University of California Davis grant proposal for a Biosafety Level 4 laboratory and high containment facility, and to appoint Supervisor Vasquez to represent the Board at the Long Range Development Meetings. So ordered by a vote of 4-0.

(Item 23A) M. CLYDE LOW APPOINTED TO THE SOLANO COUNTY HISTORICAL RECORDS COMMISSION

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the

Board acted to appoint M. Clyde Low to the Solano County Historical Records Commission for a term to expire April 26, 2006. So ordered by a vote of 4-0.

(Item 23B)        ROBERT GILDERT APPOINTED TO THE VACAVILLE FIRE PROTECTION DISTRICT

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to appoint Robert Gildert to the Vacaville Fire Protection District for a term to expire July 1, 2006. So ordered by a vote of 4-0.

(Item 23C)        APPLICATIONS FOR MEMBERSHIP TO THE CHILDREN'S NETWORK COUNCIL FROM NORM THOMPSON AND WANDA FARNSWORTH, APPROVED

On motion of Supervisor Kondylis and seconded by Supervisor Silva, the Board acted to accept the applications from Norm Thompson and Wanda Farnsworth for membership to the Children's Network Council. So ordered by a vote of 4-0.

ADJOURN - This meeting of the Board of Supervisors adjourned at 12:33 p.m.

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Duane Kromm, Chair

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Maggie Jimenez  
Clerk to the Board of Supervisors