

Minutes For December 3, 2002

The Solano County Board of Supervisors met in regular session on this day at 8:33 a.m. The meeting was called to order by Chairman Carroll. Present were Supervisors, Kromm, Silva, Thomson, and Chairman Carroll; Supervisor Kondylis arrived at 8:40 a.m.

CLOSED SESSION: The Board moved into Closed Session at 8:34 a.m. to discuss Personnel: Public Employee Performance Evaluation County Administrator; Personnel: Public Employee Performance Evaluation – County Counsel. The Board moved out of Closed Session at 9:27 a.m.

The Solano County Board of Supervisors reconvened on this day at 9:31 a.m. The Board meeting continued with the Pledge of Allegiance and a moment of silence.

PRESENTATIONS

(Item 7) RESOLUTION NO. 2002-231 RECOGNIZING ROBERT BLECHSCHMIDT UPON HIS RETIREMENT FOR HIS MANY YEARS OF SERVICE TO SOLANO COUNTY, AND PLAQUE OF APPRECIATION, APPROVED

On motion of Supervisor Thomson and seconded by Supervisor Silva, the Board acted to adopt Resolution No. 2002-231. The Board further acted to authorize a Plaque of Appreciation for Robert Blechschmidt. So ordered by a vote of 5-0. (see Resolution Book)

On behalf of the Board, Chairman Carroll presented Mr. Blechschmidt with Resolution No. 2002-231 and a Plaque of Appreciation honoring him upon his retirement as the County Assessor after 37 years of service to Solano County.

ITEMS FROM THE FLOOR

APPEARANCE BY CURT FARGO RE THE NUT TREE AIRPORT

Curt Fargo, Vacaville, voiced concern with ongoing problems at the Nut Tree Airport as outlined in a packet along with a list of questions that was submitted to the Board, and is incorporated herein by reference.

APPEARANCE BY DONALD TIPTON, RE DRAINAGE PROBLEMS

Donald Tipton, Vallejo, voiced his concerns regarding the construction site of the Highway Church of God at 1117 Lewis Avenue, with drainage problems at this site, with the increased height of a stucco wall, and with driveway issues at 1181 Lewis Avenue. Mr. Tipton submitted a letter from Charles DeGrazia dated November 22, 2002, and a memorandum from Birgetta Corsello Director of Environmental Management dated November 5, 2002, incorporated herein by

reference, regarding drainage.

APPROVAL OF AGENDA

(Item 10A) On motion of Supervisor Kromm and seconded by Supervisor Silva, the Board acted to move Item 25A through 25F Appointments and Resignations to Item 10A. So ordered by a vote of 5-0.

(Item 25A) JUDITH BORING (SURRAT) APPOINTED TO THE MATERNAL, CHILD AND ADOLESCENT HEALTH (MCAH) ADVISORY BOARD

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to appoint Judith Boring (Surrat) to the Maternal, Child and Adolescent Health (MCAH) Advisory Board. So ordered by a vote of 5-0.

(Item 25B) JEANNIE VILLARREAL REAPPOINTED AND DIANA MAY BOGARD APPOINTED TO THE ALCOHOL AND DRUG ADVISORY BOARD

REMOVAL OF JOHN RAMOS FROM THE ALCOHOL AND DRUG ADVISORY BOARD

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to reappoint Jeannie Villarreal, and to appoint Diana May Bogard to the Alcohol and Drug Advisory Board. The Board further acted to remove John Ramos from the Alcohol and Drug Advisory Board. So ordered by a vote of 5-0.

(Item 25C) BRIDGET KENNEDY APPOINTED TO THE CHILD ABUSE PREVENTION COUNCIL

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to appoint Bridget Kennedy to the Child Abuse Prevention Council. So ordered by a vote of 5-0.

(Item 25D) APPLICATIONS FOR MEMBERSHIP OF LISETTE ESTRELLA-HENDERSON AND CATHERINE ALEXANDER TO THE CHILDREN'S NETWORK COUNCIL, APPROVED

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to approve the applications for membership of Lisette Estrella-Henderson and Catherine Alexander to the Children's Network Council. So ordered by a vote of 5-0.

(Item 25E) JAMES SPERING REAPPOINTED AS THE CITY REPRESENTATIVE TO THE METROPOLITAN TRANSPORTATION COMMISSION

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to approve the reappointment of James Spering as the city

representative to the Metropolitan Transportation Commission. So ordered by a vote of 5-0.

(Item 25F) GARY ZADNIK APPOINTED AS THE VACAVILLE REPRESENTATIVE TO THE AIRPORT LAND USE COMMISSION AND THE SOLANO COUNTY AVIATION ADVISORY BOARD

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to appoint Gary Zadnik as the Vacaville representative to the Airport Land Use Commission and the Solano County Aviation Advisory Board. So ordered by a vote of 5-0.

APPROVAL OF AGENDA

(Item 10B) On motion of Supervisor Kondylis and seconded by Supervisor Thomson, the Board acted to approve the submitted Agenda, incorporated herein by reference, with the following modifications:

(Item 16) Receive and approve the certification and results of the Consolidated General Election held November 5, 2002, removed from the Consent Calendar.

So ordered by a vote of 5-0.

CONSENT CALENDAR

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

(Item 12) MINUTES OF THE BOARD OF SUPERVISORS MEETING OF NOVEMBER 5, 2002, as outlined in the Agenda Submittal from the Clerk of the Board dated December 3, 2002, incorporated herein by reference, approved.

(Item 13A) RESOLUTION NO. 2002-232 HONORING DAVID A. FLEMING UPON HIS RETIREMENT AS MAYOR OF VACAVILLE, adopted. (see Resolution Book)

(Item 13B) PROCLAMATION HONORING MARGARET (TEDDIE) BIDOU UPON HER RETIREMENT AS EXECUTIVE SECRETARY TO THE CITY MANAGER OF BENICIA, CALIFORNIA, approved.

(Item 14) FY 2001/2002 ANNUAL DISCLOSURE AND REVIEW OF THE PUBLIC FACILITIES FEES, as outlined in the Agenda Submittal from the County Administrator dated December 3, 2002, incorporated herein by reference, accepted.

(Item 15A) RESOLUTION NO. 2002-233 ADOPTING A RECORD RETENTION POLICY FOR PERSONNEL RECORDS FOR ALL SOLANO COUNTY DEPARTMENTS NOT GOVERNED BY OTHER POLICIES OR RESOLUTIONS adopted. (see Resolution Book)

(Item 15B) ORDINANCE NO. 1624 AMENDING CERTAIN SECTIONS OF THE SOLANO COUNTY CODE RELATING TO FEES PAYABLE TO THE DEPARTMENT OF GENERAL SERVICES, DIVISION ANIMAL CARE AND CONTROL, adopted. (see Ordinance Book)

(Item 17) RESOLUTION NO. 2002-234 AUTHORIZING THE ISSUANCE AND SALE OF BONDS OF THE VALLEJO CITY UNIFIED SCHOOL DISTRICT, PRESCRIBING THE TERMS OF SALE OF NOT TO EXCEED \$30,000,000 OF SAID BONDS, APPROVING FORMS OF AND AUTHORIZING DISTRIBUTION OF OFFICIAL NOTICE OF SALE AND NOTICE OF INTENTION TO SELL BONDS, DELEGATING TO THE COUNTY TREASURER-TAX COLLECTOR-COUNTY CLERK AUTHORIZATION TO AWARD BID FOR SAID BONDS, AND AUTHORIZING EXECUTION OF NECESSARY CERTIFICATES, adopted. (see Resolution Book)

(Item 18) AGREEMENT WITH DAVID E. ROOT TO PROVIDE CHAPLAIN SERVICES, as outlined in the Agenda Submittal from Sheriff's Office dated December 3, 2002, incorporated herein by reference, approved and Chairman authorized to sign said contract on behalf of Solano County.

Rural North Vacaville Water District

(Item 19 A & B) RURAL NORTH VACAVILLE WATER DISTRICT

Minutes regarding this matter are contained in the Rural North Vacaville Water District Minutes Book.

ORDERS

(Item 16) CERTIFICATION AND RESULTS OF THE CONSOLIDATED GENERAL ELECTION HELD NOVEMBER 5, 2002, APPROVED

The Board was provided with an Agenda Submittal from the Registrar of Voters dated December 3, 2002, incorporated herein by reference, containing the Certification and Results of the Consolidated General Election of November 5, 2002.

Donald Tipton, Vallejo, voiced concern with public participation, and would like to see the option of "No" on each item on the ballot.

On motion of Supervisor Silva and seconded by Supervisor Kromm, the Board acted to approve the Certification and Results of the November 5, 2002 Consolidated General Election. So ordered by a vote of 5-0.

(Item 21) ORDINANCE TO BE DEVELOPED TO PROTECT CONSUMERS RE

SELLING AND SHARING OF CONSUMER'S PERSONAL FINANCIAL INFORMATION

Kathy Gibson, County Administrator's Office, reviewed the information contained in the Agenda Submittal from her department dated December 3, 2002, incorporated herein by reference, regarding the protection for consumers from the unwanted selling and sharing of consumer's personal financial information.

There was a brief discussion in support of this matter, and statewide efforts to implement legislation.

On motion of Supervisor Silva and seconded by Supervisor Kondylis, the Board acted to direct that an ordinance to be brought back in support of the consumer protections, and is modeled after the San Mateo County Ordinance. So ordered by a vote of 5-0.

(Item 22) AUDIT REPORT OF SOLANO COUNTY CHILDREN & FAMILIES COMMISSION, RECEIVED

Tess Lapira, Auditor-Controller's Office, reviewed the information contained in the Agenda Submittal from her department dated December 3, 2002 incorporated herein by reference, regarding the audit of the Children and Families Commission of Solano County.

Donald Tipton, Vallejo, voiced concern regarding credibility, grant follow up, and feels the commissioners need more experience.

Supervisor Kromm voiced concern with the lack of compliance and grant monitoring, the high rate administrative costs, with the work being done by staff and the possible need to restructure the commission.

Supervisor Kondylis noted the Board of Supervisors' fiduciary and appointing authority responsibilities for the commission, discussed the management problems with the commission staff, the need for additional staff, that a management audit of the staff is to be done, administrative costs, and corrective steps being taken by the commission. Supervisor Kondylis discussed the extensive follow up needed for contract evaluations and monitoring, and other program monitoring.

On motion of Supervisor Kondylis and seconded by Supervisor Kromm, the Board acted to accept the audit report, to require the Children and Families Commission take corrective action to address the reportable conditions, and that a follow up audit be done. So ordered by a vote of 5-0.

(Item 23) FORMATION OF COUNTY-WIDE COUNTY SERVICE AREA AND DISSOLUTION OF EXISTING STREET LIGHTING COUNTY SERVICE AREAS, APPROVED

Paul Wiese, Department of Transportation reviewed the information contained in the Agenda Submittal from his department dated December 3, 2002, incorporated herein by reference, regarding consolidation of the existing street lighting and lighting districts into a new County-wide County Service Area. Responding to questions posed by Supervisor Kromm regarding the taxes for lights, County Administrator Michael Johnson noted the levy of taxes when the

districts were formed, and the changes to equal property taxes when Prop 13 was put into effect.

Donald Tipton, Vallejo, requested that all the proposed lights be installed prior to any changes in the district, and requested the remaining funds from the lighting district be used in that area for health and safety issues.

Responding to questions posed by Supervisor Kromm regarding funding for the County-wide lighting district, Mr. Johnson discussed the formation of the County-wide lighting district, the tax rate remaining at 1%, and that the tax apportionment factors will change.

Supervisor Silva noted most of the remaining funds, \$230,000 from South County, were accumulated prior to Prop 13, wants to ensure that the lights are installed and maintained in South County, and would like to know what the criteria in the future will be to place additional street lights. Supervisor Silva noted the many surveys that were done in the area for placement of additional street lights, and the cooperative work being done with the homeowners associations for placement of lights based on health and safety concerns. Mr. Johnson discussed the benefits of the formation of the one street lighting district.

Supervisor Kromm feels standards need to be developed based on the type of area based on the land development standards, and to possibly use the City of Vallejo standards for the Homeacres area.

On motion of Supervisor Silva and seconded by Supervisor Kromm, the Board acted to approve formation of County-wide County Service Area and dissolving of the existing street lighting County Service Areas. So ordered by a vote of 5-0.

(Item 24A) MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT, ADOPTED

ORDINANCE NO. 1625 TO REZONE 37.5 ACRES LOCATED AT 7221 STEIGER HILL ROAD, FROM A-20, EXCLUSIVE AGRICULTURE, TO RR 2 1/2, RURAL RESIDENTIAL, ADOPTED

SUBDIVISION APPLICATION S-00-01, SUBDIVIDING PROPERTY LOCATED AT 7221 STEIGER HILL ROAD, VACAVILLE, APPROVED

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to waive the reading of the ordinance. So ordered by a vote of 5-0.

Planning Manager Michael Yankovich, Department of Environmental Management, reviewed the information contained in the Agenda Submittal from his department dated December 3, 2002, incorporated herein by reference, regarding rezoning of property owned by Clif Poole for subdivision of the property.

Chairman Carroll opened the public hearing.

Clif Poole, Vacaville, distributed an information sheet, incorporated herein by reference, on the Condition he does not agree with the road improvements to Steiger Hill Road. Mr. Poole outlined the current condition, the ordinance

requirements for development by road frontage property and feels the added costs are unfair.

There was a brief discussion regarding some type of future reimbursement to Mr. Poole for the road improvement costs, with everyone paying their fair share for the improvements, but County Counsel Dennis Bunting explained this obligation can not be imposed on people that come later, but that the cost of the road improvements could be included with subdivided parcels.

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

Responding to questions posed by Supervisor Kromm regarding the effects of Proposition A on this development, and the agenda report not including information regarding water, Mr. Yankovich noted actions by the Planning Commission determining the area for the Rural Residential designation, determinations for seventeen potential parcels on Mr. Poole's property for water connections approved by the Board, and that with the minor flexibility of the General Plan this change was allowed without going back to the people for a vote. The report to the Planning Commission included more detail of ag versus rural residential uses and was available for review.

Mr. Poole reviewed a map of the area that outlined the current land use designations and how his property would carry over the current land use designations that are currently there, and feels a new line is not being created. Mr. Poole noted he has chosen to divide the property into fourteen sites to ensure the parcels meet the criteria for a subdivided parcel, rather than the seventeen that were previously projected. There was further review of the map and land uses in the area, and easements used for access.

Supervisor Kromm voiced concern with moving of the land use designation line. There was a brief discussion regarding lines on the General Plan, and legal parcels.

On motion of Chairman Carroll and seconded by Supervisor Silva, the Board acted to adopt the Mitigated Negative Declaration of environmental impact, to adopt Ordinance No. 1625 to rezone 37.5 acres located at 7221 Steiger Hill Road, from A-20, Exclusive Agriculture, to RR 2 1/2, rural residential, and to approve Subdivision Application S-00-01, subdividing property located at 7221 Steiger Hill Road, Vacaville. So ordered by a vote of 4-1; Supervisor Kromm voted no.

(Item 24B) PUBLIC HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S DENIAL OF USE PERMIT APPLICATION NO. U-99-21, LOCKREM, CONTINUED TO JANUARY 14, 2003 AT 2:00 P.M.

The Board was provided with an Agenda Submittal from the Department of Environmental Management dated December 3, 2002, incorporated herein by reference, regarding considering an appeal of the decision of the Planning Commission to deny Use Permit No. U-99-21 of Louis Lockrem for the operation of a 150 dog kennel.

Supervisor Thomson noted the Lockrem's had retained a new attorney, and requested the hearing be opened, take any testimony, and continued the public

hearing to a time certain when the attorney can be present.

Chairman Carroll opened the public hearing.

John Lum, Vacaville, noted support of the decision by the Planning Commission to deny the use permit, provided a letter to the Board dated October 17, 2002 along with a number of photos of the area in question, incorporated herein by reference. The letter outlined the many problems experienced by the Lum's relative to the dogs. Mr. Lum questioned health and safety issue of the dogs, whether Mr. Lockrum has liability insurance, or will the County assume liability if the dogs cause bodily harm.

Beverly Lum, Vacaville, noted she has owned the property since 1950, experienced no problems until Mr. Lockrum applied for the dog kennel, outlined the many problems as a result of the dogs, and requested the appeal be denied.

Responding to questions posed by Supervisor Kromm regarding the effects of Mr. Lockrum filing bankruptcy, County Counsel Dennis Bunting noted the County has not been served with a stay, but further research is needed for any effects on these proceedings. If a stay does apply it can be applied retroactively.

Lori Mazzella, Deputy County Counsel, noted the action today deals with the land use issue only and the denial of the new use permit by the Planning Commission. Ms. Mazzella discussed the code compliance issues that have occurred since 1993, and noted currently there are 148 dogs and 20 cats on the property.

Chairman Carroll noted consensus to continue the public hearing to January 14, at 2:00 p.m.

CLOSED SESSION - The Board moved into Closed Session at 1:30 p.m. to continue the discussion on Personnel: Public Employee Performance Evaluations for the County Administrator and the County Counsel. The Board moved out of Closed Session at 3:05 p.m.

ADJOURN - This meeting of the Board of Supervisors adjourned at 3:05 p.m.

William J. Carroll, Chairman

Maggie Jimenez
Clerk to the Board of Supervisors