

BOARD OF SUPERVISORS
Yolo County, California

March 17, 1998

MINUTES

The Yolo County Board of Supervisors met on the 17th day of March, 1998 in regular session in its Chambers in the Erwin Meier Administration Center, Woodland, California at 9:00 A.M. pursuant to County Code Section 2-1.103. All members were present. Chairman Pollock presided. Roy Pederson, County Administrator and Charles Mack, County Counsel were present. Mel Losoya, Assistant Chief Probation Officer led all in attendance in the Pledge of Allegiance to the Flag.

Entry No. 1

Minute Order No. 98-115: Approved the agenda and addendum as posted for this meeting.

MOTION: Rosenberg. SECOND: Stallard. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 2

Chairman Pollock announced that Supervisor Mike McGowan was the recipient of the Distinguished Alumni Award from California State University, Sacramento.

Entry No. 3

Considered the request of Patty Schapiro for additional language on the ballot measure concerning the consolidation of the offices of Auditor-Controller and Treasurer-Tax Collector. The motion by Supervisor Rosenberg to adopt the language change as drafted by Ms. Schapiro died for lack of a second.

Entry No. 4

Minute Order No. 98-116: Took the following actions on revised language on the ballot measure concerning the consolidation of the offices of Auditor-Controller and Treasurer-Tax Collector:

A. Adopted the following ballot language as drafted by County Counsel:

“Shall the Board of Supervisors of the County of Yolo by ordinance establish the appointive office of Director of Finance and eliminate the elective offices of Auditor-Controller and

Treasurer-Tax Collector effective upon the expiration of the current terms of the single incumbent of both offices?”

- B. Directed County Counsel to appear before the Presiding Judge (or other judge as assigned) of the Superior/Municipal Court today to seek a ruling on inclusion of this revised language and to request the Judge to make a determination if this inclusion would delay receipt of sample ballots. If the Judge makes the determination that this action would delay receipt of sample ballots, the language would remain status quo.

MOTION: Rosenberg. SECOND: McGowan. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 5

The Chairman invited individuals of the public to make statements on matters relating to County business. Kathryn Alves addressed the Board asking if the County has a policy manual for employees dealing with the procedure as to how an employees are to address department or division heads. The County Administrative Officer informed Ms. Alves that there is no formal policy for addressing individuals, and while the county is relatively informal, the more formal address is appropriate in the Board Chambers during open meetings and has been the normal practice.

Entry No. 6

Minute Order No. 98-117: Approved the Minutes of the Board of Supervisors' meeting of March 3, 1998 with change to Entry No. 20 to reflect that the Board recessed at 12:30 P.M. and reconvened at 1:30 P.M. for a tour of flooded areas of Yolo County with adjournment at 4:30 P.M.

MOTION: Rosenberg. SECOND: Oakley. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 7

Minute Order No. 98-118: Acted on the Consent Agenda as follows:

1. Ratified the following:
 - A. **Resolution No. 98-45** commending Thom Weaver
 - B. **Resolution No. 98-46** commending Michael Heringer
 - C. **Resolution No. 98-47** commending Jonathan Frame
2. Adopted and authorized the Chairman to sign **Resolution No. 98-48** proclaiming March 15-21, 1998 as "National Agriculture Week".
3. Canceled the Board of Supervisors' meeting of May 5, 1998 and directed the Clerk to notify all county departments.
4. Received and filed a report by the County Administrative Officer on consolidation of the Offices of Auditor-Controller, Treasurer-Tax Collector and other fiscal functions.

5. Approved and authorized the Chairman to sign **Agreement No. 98-48** with the State Health and Welfare Agency Data Center to reimburse Yolo County for salary and benefits for an additional one year period for the loan of Public Assistance Specialist III Kay May Kha.
6. Approved and authorized the Chairman to sign the following:
 - A. **Agreement No. 98-49** with QuadraMed for billing services for Yolo County Alcohol, Drug and Mental Health Services
 - B. Managed Care Provider contract format to be used under the Managed Care System with mental health service providers
 - C. **Agreement No. 98-50** with the State Department of Mental Health to provide funding for Managed Mental Health care for MediCal eligible residents of Yolo County
 - D. Grant application to Area 4 Agency on Aging for continued funding for the Mental Health Outreach and Assessment Program for older adults in Yolo County
7. Approved an appropriation transfer in the amount of \$5,050 for the purchase of radios for Probation/Juvenile Hall staff.
8. Adopted and authorized the Chairman to sign **Resolution No. 97-105.26**, amending the Authorized Position Resolution to add a limited term, half-time Victim Witness Program Assistant to the Statutory Rape Unit of the District Attorney's Office.
9. Adopted and authorized the Chairman to sign **Resolution No. 97-102.19**, amending the 1997-98 budget to appropriate \$2,651.96 from the District Attorney Excess Funds Trust for purchase of teleconferencing cameras, televisions and phone lines for the Family Support Division.
10. Approved and authorized the Chairman to sign **Agreement No. 98-51** with the State Department of Education to provide remedial education to CalWorks participants enrolled in the Job Training Partnership Act.
11. Adopted and authorized the Chairman to sign **Resolution No. 98-49** continuing the State of Emergency in Yolo County due to flooding.
12. Approved and authorized the Chairman to sign **Agreement No. 98-52** with the Yolo-Solano Air Quality Management District to allow the location of a shed and air quality monitoring equipment on county property at County Road 102 and Gibson Road, Woodland.
13. Approved and authorized the Chairman to sign **Agreement No. 98-53**, amending Agreement Nos. 92-44 and 96-236 with Harrison Revocable Trust for office and court space at 725 Main Street in Woodland.
14. Adopted and authorized the Chairman to sign **Resolution No. 98-50** accepting Parcel

- Map No. 4293 for Bill and Kathy's Inc.
15. Took the following actions on the Economic Development Council of Yolo County:
- A. Adopted and authorized the Chairman to sign **Resolution No. 98-51**, amending Resolution No. 97-163 for the purpose of modifying the membership of the Economic Development Council of Yolo County.
 - B. Appointed the following as supervisorial district appointments to the Council:
 - 1. Miles Treaster, representing District No. 1
 - 2. Glenn E. Nedwin, representing District No. 2
 - 3. Frank Muller and David Magaw, representing District No. 3
 - 4. Pam Marrone and Norman L. Rogers, representing District No. 4
 - 5. Meredith Stephens and Donalyn Julihn, representing District No. 5
 - C. Confirmed appointment of the following as submitted as representatives by the various entities selected by the Board:
 - 1. Dave Rosenberg, Board of Supervisors
 - 2. John Bencomo, Economic Development Coordinator
 - 3. Marjorie Dickinson, University of California, Davis
 - 4. Jeanne Barnhill Jones, Davis Chamber of Commerce
 - 5. Miles Treaster, West Sacramento Chamber of Commerce
 - 6. John Graf, Winters Chamber of Commerce
 - 7. Lydia Zamudio (Ricardo Sandoval, alternate), Hispanic Chamber of Commerce
 - 8. Susie Boyd, Davis City Council
 - 9. Cathy Capriola, Davis Economic Development Coordinator
 - 10. Melton Losoya, Woodland City Council
 - 11. Kris Kristensen, Woodland Economic Development Coordinator
 - 12. Jiley Romney (Jim Marion, alternate), Winters City Council
 - 13. Wesley Beers, West Sacramento City Council
 - 14. Val Toppenberg, West Sacramento Economic Development Coordinator
 - 15. Casey Stone, Yolo County Farm Bureau
 - 16. John G. Sulpizio, Port of Sacramento
 - 17. Tom Wendt, Woodland Downtown Improvement Association
 - 18. Dean Labadie, Davis Downtown Business Association
 - 19. Mike Gorman, West Sacramento Downtown Business Association
 - 20. Dr. Marian Shivers, Yuba College
 - 21. Dr. Suresh Tiwari, D-Quetzalcoatl University
 - 22. C. Lee Humes, Private Industry Council
 - 23. Paula Lorenzo, Rumsey Band of Wintun Indians
 - D. Directed staff to continue with the preparations for the initial Economic Development Council meeting date and program agenda

MOTION: Oakley. SECOND: Rosenberg. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 8

Minute Order No. 98-119: Authorized the Chairman to sign a letter in support of Yolo County's grant application for Juvenile Drug Court funding and recognizes that upon approval, additional staffing issues will need to be addressed.

MOTION: Oakley. SECOND: McGowan. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 9

Minute Order No. 98-120: Adopted and authorized the Chairman to sign **Resolution No. 98-52** opposing transportation of nuclear waste through the County of Yolo. Directed the County Administrative Officer to obtain more information on this matter and prepare an analysis and report to the Board on any recommendations and procedures.

MOTION: Rosenberg. SECOND: Oakley. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

The Board of Supervisors recessed at 11:00 A.M. and reconvened at 11:08 A.M. All members were present. Chairman Pollock presided.

Entry No. 10

Minute Order No. 98-121: At the conclusion of a public hearing on amendments to the County of Yolo Nondisposal Facility Element Planning Document, the Board adopted and authorized the Chairman to sign the following:

- A. **Resolution No. 98-53** adopting an amendment to the Nondisposal Facility Element to include Environmental Reclaiming Solutions Composting Facility.
- B. **Resolution No. 98-54** adopting an amendment to the Nondisposal Facility Element to include a Davis Waste Removal Transfer Facility.

MOTION: Rosenberg. SECOND: Oakley. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 11

Minute Order No. 98-122: At the conclusion of a presentation on the County Tobacco Education Program, the Board took the following actions:

- A. Approved and authorized the Chairman to sign **Agreement No. 98-54** with the State Department of Health Services for additional funds for the Tobacco Education Program.

- B. Adopted and authorized the Chairman to sign **Resolution No. 97-102.20**, amending the 1997-98 budget to increase Public Health expenditure authorization in the amount of \$37,376.
- C. Authorized the purchase of additional equipment for the Tobacco Education Program for a total cost of \$19,013.
- D. Directed staff to report back to the Board in three months with a list of measurements to assess success of this program.

MOTION: Stallard. SECOND: Rosenberg. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 12

Robert Frank, Head Start Director addressed the Board on the programs offered in Yolo County by Head Start.

Entry No. 13

Minute Order No. 98-123: Received and filed the Garage Improvement Team Report with the following conditions:

- A. The policy revision be reviewed by the County Administrator's Office and then submitted to the Board for approval at a subsequent meeting.
- B. That the vehicle replacement recommendation be considered in the context of other county priorities during budget sessions.

MOTION: Rosenberg. SECOND: Oakley. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

The Board of Supervisors recessed at 12:35 P.M. for a luncheon with the Garage Improvement Team.

The Board of Supervisors reconvened at 1:40 P.M. All members were present. Chairman Pollock presided.

Entry No. 14

Minute Order No. 98-124: Received and filed a budget monitor report for fiscal year 1997/98 as presented by the County Administrative Officer.

MOTION: Oakley. SECOND: Rosenberg. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Supervisor McGowan stated he has a conflict with the following matter and was excused from the dias.

Entry No. 15

Minute Order No. 98-125: At the conclusion of a public hearing on the appeal filed by the Putah Creek Council of the Planning Commission approval of Use Permit ZF97-064 for Nextel Communications, the Board took the following actions:

- A. Upheld the requested appeal of the Planning Commission action by amending the proposed project and conditions of approval.
- B. Approved the negative declaration as the appropriate environmental document for this project in accordance with the California Environmental Quality Act and Guidelines (CEQA).
- C. Adopted the following findings for this project:
 1. California Environmental Quality Act & Guidelines (CEQA) - On the basis of the Initial Study and comments received, and a review of the revised project siting and design that was determined to be an insignificant change resulting in improved environmental conditions, that there is no evidence that the project will have a significant effect on the environment.
 2. Conditional Use Permit
 - a. The proposed wireless communication facility is a conditional use within the A-1 Zone pursuant to Section 8-2.24045 and Section 8-2.604.(1) of the Yolo County Zoning Regulations.
 - b. Wireless communications is widely used as an efficient communication device for business and personal use and is recognized by the California Public Utilities commission as a necessary public service that provides an additional notification service for emergency communications.
 - c. There has not been presented any information that demonstrates that wireless communication technology is detrimental to the public health, safety or general welfare. The revised project, as designed and sited, will not impair the integrity or character of the agricultural/open space area surrounding the site. As designed and conditioned, the proposed project is determined to create "a less than significant effect" to the character of the Putah Creek viewshed, agricultural or open space area surrounding the site.
 - d. The proposed project is determined to be in conformance with the applicable provisions of the General Plan.
 - e. The applicants will be providing all necessary infrastructure and utilities for the proposed project.

3. Yolo County's Policy for Siting of Communication/Transmission Facilities

- a. The applicant is proposing to install a cellular tower structure on a 1,200 square foot leasehold of an approximate 70 acre site used as a walnut orchard. The revised project has been located further into the interior of the site (approximately 300 ft. away from Putah Creek) as depicted on the revised site plan. The Marianni Nut Company (45-60 ft.) silos help to provide some visual buffering. Nextel Communications is not opposed to sharing the site or facilities to meet future demands.
- b. The applicant is proposing to install a 63' cellular tower structure with a facade that resembles a typical water tower on a 1,200 square foot leasehold of an approximate 70 acre site. The leasehold is approximately 1,000 feet east of US I-505 and 1,500 feet south of County Road 90A. The site contains a walnut orchard. The leasehold is to be located near the middle of the orchard north of Putah Creek. The project has been located near the westerly aspect of the site with proximity to the Mariani Nut Company's existing 45-60 foot silos. The combination of the revised location and design, mature trees along Putah Creek, the existing walnut orchard, and the Marianni Nut silos provide a visual buffering of the site. All proposed structures are to be designed and finished with materials that will be consistent with the environmental setting of the surrounding area subject to the satisfaction of the Yolo County Planning & Public Works Department.
- c. Utilize the following guidelines during the siting and design of said projects, with supportive evidence to be submitted by the applicant for review of the Planning Director, prior to consideration by the Commission:
 - 1) Encourage locating new facilities within existing utility/railroad rights-of-way, planned commercial/industrial zones; siting with a demonstrated sensitivity to the preservation of open space, rural/historic character, surrounding agricultural operations, landing strips and aerial traffic; and avoidance of significant habitats, or along scenic highways, waterways and prominent vistas.

The proposed wireless communication site is to be located within an existing 70 acre walnut orchard next to and near Marianni Nut Company's 45-60 foot silos. The leasehold is 1,500 feet south of County Road 90A. The location was selected because the revised location, design and silos provide a buffer for the proposed cellular tower structure from US I-505 and the City of Winters. The project is to be located near the middle of the orchard

which provides a buffer to County Road 90A and State Highway 128. The leasehold is about 300 feet north of the top of the bank of Putah Creek. Putah Creek is lined with mature riparian habitat. The combination of these items provide a visual buffering/softening of the proposed structure. The leasehold is approximately 1,000 feet east of US I-505. The site is surrounded by agricultural operations.

All proposed structures are to be designed and finished with materials that will be consistent with the environmental setting of the surrounding area subject to the satisfaction of the Yolo County Planning & Public Works Department.

- 2) Require underground facilities and/or procurement of easements for future use, whenever feasible; in residential areas adequate setbacks shall be imposed with due consideration of potential impacts to health, safety, noise and aesthetics. The property is within an agricultural/open space area.

D. Approved the Conditional Use Permit (ZF97-064), subject to the following Revised Conditions of Approval:

1. Planning & Public Works Department

- a. Revised site location and design approval procedure for the proposed tower structure:
 - 1) Prior to the issuance of a building permit, the applicant shall submit revised elevations of the proposed tower structure for design review and approval by the Planning and Public Works Department
 - 2) The revised design for the tower structure shall resemble in appearance a typical Yolo County water tower type structure as is commonly found along that segment of Russell Road, east of the subject site
 - 3) The representatives of the Putah Creek Council will participate in the design review process by submitting their written comments within 10 days regarding the design treatments of the newly proposed tower structure to the County Planning and Public Works Department, prior to the Planning and Public Works Department rendering its final approval.
- b. The development of the site, including the construction and/or

placement of structures, shall be as shown on the approved site plan, or by minor modification or expansion which is in keeping with the purpose and intent of this conditional use permit and administered through a site plan review approved by the Community Development Agency. The development shall operate in a manner consistent with the project's approval. Upon the termination of the use approved by this conditional use permit, the leaseholder shall restore the site back to its original environmental setting within a time period not to exceed 180 days.

- c. The applicant shall cooperate with the County in addressing the concerns regarding the usage of shared facilities/sites for future communication towers and shall not be opposed to sharing the subject site/facilities when necessary to meet the demands of other communication service providers, provided that any additional proposed uses on this site will not serve as a detriment to the safe and effective operations of the Nextel Communication delivery system and that the property owner is in agreement.
- d. The applicants shall keep their designated leasehold area (site) free from flammable brush, grass and weeds. Any structures on the leasehold shall be maintained free from graffiti and clutter.
- e. Any lighting and/or glare generated from the subject property shall be directed away from the public rights-of-way and adjoining parcels.
- f. The monopole and any accessory structures/ buildings, perimeter fencing, and landscaping shall be designed, constructed and finished with materials that will be consistent with the surrounding environmental setting to the satisfaction of the Yolo County Planning & Public Works Department.
- g. This Conditional Use Permit (ZF No. 97-064) shall commence within one (1) year from the effective date of the Board of Supervisors' approval of the conditional use permit or said permit shall be deemed null and void without further action.

2. County Counsel

- a. In accordance with Yolo County Code §8-2.2415, the applicant shall agree to indemnify, defend, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding (including damage, attorney fees, and court cost awards) against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, advisory agency, appeal board, or legislative body concerning the permit or entitlement when such action is brought within the

applicable statute of limitations. The County shall promptly notify the applicant of any claim, action or proceeding and that the County cooperate fully in the defense. If the County fails to promptly notify the applicant of any claim, action, or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless as to that action. The County may require that the applicant post a bond in an amount determined to be sufficient to satisfy the above indemnification and defense obligation.

b) Failure to comply with the CONDITIONS OF APPROVAL as approved by the Planning Commission may result in any or all of the following:

- the revoking of the Use Permit;
- non-issuance of a future building permit.

E. Directed staff to refund the appeal filing fee of \$797.00 to the Putah Creek Council.

MOTION: Rosenberg. SECOND: Oakley. AYES: Oakley, Stallard, Rosenberg, Pollock.
ABSTAIN: McGowan.

Entry No. 16

Minute Order No. 98-126: Received and filed a report by County Counsel concerning the desirability of a sales tax for flood control protection.

MOTION: Rosenberg. SECOND: Oakley. AYES: Oakley, Stallard, Rosenberg, Pollock.
ABSENT: McGowan.

Supervisor McGowan returned to the meeting at 2:25 P.M.

Entry No. 17

Minute Order No. 98-127: Authorized the Chairman to sign letters to the County's legislative representatives in support of the following:

- A. SB 2055 (Costa) - California Youth Authority (CYA) Sliding Scale Fees
- B. AB 2634 (Aroner) - Welfare Simplification

MOTION: Rosenberg. SECOND: Stallard. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 18

Minute Order No. 98-128: Took the following actions on the 1998 Legislative Advocacy Program:

- A. Adopted the Yolo County Legislative Policies for 1998
- B. Adopted the California State Association of Counties (CSAC) State Legislative Priorities Support - 1998

- C. Identified the following as legislative priorities for this Board and staff to focus on during the 1998 legislative year:
1. Return of General Purpose Revenue to counties including return of property taxes and cap on property tax transfer growth
 2. Mitigation of California Youth Authority sliding scale impacts
 3. Additional funds for infrastructure including local road networks

MOTION: Rosenberg. SECOND: Stallard. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 19

Minute Order No. 98-129: Authorized the Chairman to sign letters to the County's legislative representatives in support of AB 2596 (Thomson) concerning enhancement to the 9-1-1 System in California.

MOTION: Rosenberg. SECOND: Stallard. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 20

Minute Order No. 98-130: Authorized the Chairman to sign a letter to Senator Johannesen encouraging his legislation (SB 10X) which would ease the financial burden on local governments when a natural disaster occurs.

MOTION: McGowan. SECOND: Oakley. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 21

Referred the following correspondence to the County Administrative Officer for analysis and recommendation:

- A. Letter from Assemblyman Tom Torlakson seeking support of AB 2000, the Taxpayers' Tobacco Relief Act of 1998
- B. Letter from Sacramento County Board of Supervisors seeking opposition to AB 2147 (Thompson) which would repeal the Revenue Neutral Statute

Entry No. 22

Minute Order No. 98-131: Accepted the resignation of Larry W. Rolston from the Health Council.

MOTION: Rosenberg. SECOND: Stallard. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 23

Minute Order No. 98-132: Appointed or reappointed the following:

- A. Nelson Hernandez to the Adult Day Health Care Advisory Committee
- B. Phyllis Haig to the Historical Museum Board of Trustees
- C. Thomas McDuffie and William Denton to the Housing Code Advisory & Appeals Board
- D. Guille Libresco to the Local Mental Health Board
- E. Robert Hagan to the Yolo County Flood Control & Water Conservation District Board of Trustees

MOTION: Pollock. SECOND: Rosenberg. AYES: McGowan, Oakley, Stallard, Rosenberg, Pollock.

Entry No. 24

Recessed this meeting of the Yolo County Board of Supervisors 2:55 P.M. in memory of Roger Rodriguez. The Board is in recess until Wednesday, March 18, 1998 at 7:00 P.M. for a meeting with the City of Woodland and CalFed. That meeting will be held at the Woodland City Council Chambers, 300 First Street, Woodland, California.

Lynnel Pollock, Chairman
Yolo County Board of Supervisors

Paula M. Cooper, Clerk to the
Board of Supervisors