

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA
MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 21, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21st day of December, 2004, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Anthony Farrington and Rob Brown, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Brown, following a moment of silence, Mr. Eric Seely led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-9.
Adopted proclamation commending County Road Superintendent James Wright upon his retirement from County service.
Approved Amendment to policy on web site link from County Marketing Program's Web Site (www.lakecounty.com), as recommended in the County Administrative Officer's December 7, 2004, Memorandum to the Board of Supervisors.
Adopted Resolution No. 2004-215, authorizing the Animal Control Director to execute all necessary documents related to the Animal Care and Control Department's participation in merchant services offered by credit card providers.
Adopted Resolution No. 2004-208, granting industrial disability retirement to Sharon L. Leuzinger, Safety Employee, County of Lake.
Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, a portion of County road known as Live Oak Drive (William M. Leighton and Mark Kane, as joint tenants; James O. Clark and Dolores G. Clark; Loraine I. Berterotti and David Carl Berterotti, co-trustees of the Berterotti Family Trust as beneficiary; Nancy K. Roller as beneficiary; and Kayla L. Silvis a.k.a. Kayla Silvis as beneficiary); and directed Clerk to certify for recordation.
Approved application for financial aid from State Department of Boating and Waterways, for Fiscal Year 2005/2006.
Adopted Resolution No. 2004-216, appropriating unanticipated revenue to Budget Unit No. 1014, Clerk of the Board of Supervisors, for preparation of transcripts and records of proceedings.
Approved letter to Assemblywoman Berg, regarding concerns that the Regional Water Quality Control Board System is not functioning effectively, and authorized the Chair to sign.
Board of Directors - Kelseyville County Waterworks District #3
Sitting as the Board of Directors of Kelseyville County Waterworks District #3, approved Easement Deeds and directed Clerk to certify for recordation (APN 008-720-08 - Thomas S. Macomber and Anna L. Macomber; APN 008-720-09 - Thomas S. Macomber - trustee and Anna L. Macomber - trustee; APN 008-024-09 - Thomas Glen Renfro and Nancy A. Alto-Renfro; APN 008-024-10 Thomas G. Renfro and Nancy A. Alto-Renfro; APN 008-720-11 - Robert C. Fogelstrom and Glenda Ann Fogelstrom; and APN 008-710-36 - Paul Spangler); and approved Right-of-Way Agreements between the Kelseyville County Waterworks District #3 and Thomas S. Macomber and Anna L. Macomber; Thomas S. Macomber - trustee and Anna L. Macomber - trustee; Thomas Glen Renfro and Nancy A. Alto-Renfro; Thomas G. Renfro and Nancy A. Alto-Renfro; Robert C. Fogelstrom and Glenda Ann Fogelstrom; and Paul Spangler, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.
2. **ITEM A-15 - PROPOSED FINDINGS OF FACT IN THE APPEAL OF ANDERSON SPRINGS COMMUNITY (AB 03-02) AND DENIAL WITHOUT PREJUDICE OF USE PERMIT (UP 03-06) OF PERSONAL SUPPORT GROUP (PSG)** - On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington NO), approved the Findings of Fact and authorized the Chair to sign.
On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington NO), granted, in part, the Appeal in this matter relating to the adequacy of the on-site wastewater disposal system; and further deny, without prejudice, the Applicant's Use Permit for it's project.
The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Redevelopment Agency.
3. **ITEM A-12 - DISCUSSION/CONSIDERATION OF REQUEST TO PURSUE ACQUISITION OF PROPERTY LOCATED AT 2617 EAST STATE HIGHWAY 20, NICE - (TO BE USED AS AN ADDITIONAL PARCEL FOR AN AFFORDABLE HOUSING PROJECT IN NICE)** - Administrative Officer Kelly Cox gave a brief overview of the proposal. The State Department of Transportation is proposing to sell at fair market value, property in Nice which was acquired as part of their recent construction project on Highway 20. The property is adjacent to the property acquired by Rural Community Development Corporation (RCHDC) for a mixed income project on Collier Avenue. Staff consulted with RCHDC regarding the desirability of adding this parcel to their project. RCHDC indicated their desire to be able to have this additional property to enhance their project. If acquired the Agency would use Housing Set Aside funds for the acquisition, since it is to improve an affordable housing project. The use of these funds is mandated for affordable housing projects and is in accordance with the Northshore Redevelopment Plan goal to improve and expand the stock of affordable housing within the project area.
On motion of Director Lewis and by vote of the Board (4 ayes, Director Brown NO), approved the request to pursue acquisition of property located at 2617 East State Highway 20, Nice, to be used as an additional parcel for an affordable housing project.
The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.
4. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF THE FOLLOWING GENERAL PLAN AMENDMENT PROPOSAL (GPA 04-08) AND REZONE (RZ 04-64): GPAP 04-08 PROPOSING A GENERAL PLAN AMENDMENT FROM SUBURBAN RESIDENTIAL TO COMMUNITY COMMERCIAL AND RZ 04-64 REZONING A 2.84-ACRE PARCEL FROM "R1-RD-SC-FF" (SINGLE-FAMILY RESIDENTIAL-RESIDENTIAL DESIGN REVIEW-SCENIC-FLOODWAY FRINGE) TO "C2-DR-FF" (COMMUNITY COMMERCIAL-DESIGN REVIEW-FLOODWAY FRINGE), APPLIED FOR BY HANK LESCHER; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 04-64). THIS PROJECT IS LOCATED AT 18990 COYOTE VALLEY ROAD, HIDDEN VALLEY LAKE, CA (APN 014-260-53)** - Community Development Director Mary Jane Fagalde and Associate Planner Catherine Young were present.
Ms. Young gave a background report. The applicant is proposing a general plan amendment from Suburban Residential to Community Commercial, a rezone from "R1-RD-FF" (Single-Family Residential-Residential Design-Floodway Fringe) to "C2-DR-FF" (Community Commercial-Design Review-Floodway Fringe), in order to process a use permit to construct a 39,500 square foot retail and office plaza.

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Chair Brown opened the public hearing and the following persons spoke: Mr. Rich Archbold and Mr. Stan Tempsha. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), found on the basis of Initial Study 04-64 that the general plan amendment and rezone applied for by Hank Lescher will not have a significant effect on the environment and therefore adopt a negative declaration for the proposed general plan amendment and rezone, with the finding listed in the Board of Supervisors Memorandum dated December 7, 2004.

Supervisor Robey offered Resolution No. 2004-209 (A Resolution adopting an Amendment to the Lake County General Plan for GPA 04-04, Hank Lescher, GPAP 04-08), and it was passed by a roll-call vote (5 ayes)

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Robey offered Ordinance No. 2714, and it was passed by a roll-call vote (5 ayes).

5. **ITEM A-11 - DISCUSSION/CONSIDERATION OF APPROVAL OF PLANS AND SPECIFICATIONS FOR THE CENTRAL DISPATCH FACILITY** - Public Works Director Gerry Shaul, Sheriff Rodney Mitchell and Central Dispatch Manager Janell Rivera were present.

Chair Brown asked if anyone present wished to speak and Mr. Phil Murphy spoke. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approval the plans and specifications for the Central Dispatch Facility.

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville County Waterworks District #3.

7. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PROPOSED ORDINANCE ESTABLISHING ORDINANCE NO. 2291 AS THE WATER CONSERVATION STANDARDS ORDINANCE OF THE KELSEYVILLE COUNTY WATERWORKS DISTRICT NO. 3, AND INCLUDING THIS ORDINANCE IN APPENDIX 'E' OF THE LAKE COUNTY ORDINANCE CODE** - Special District Administrator Mark Dellinger was present.

Chair Brown opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Director Farrington and by vote of the Board (4 ayes, Director Brown NO), waived the reading of the ordinance and had it read in title only (Clerk so did).

On motion of Director Farrington and by vote of the Board (4 ayes, Director Brown NO), advanced the ordinance three weeks to January 4, 2005.

8. **ITEM A-13 - PROPOSED RESOLUTION ADOPTING KELSEYVILLE COUNTY WATERWORKS DISTRICT #3 WASTEWATER RULES AND REGULATIONS** - Special District Administrator Mark Dellinger was present.

Director Lewis offered Resolution No. 2004-211, and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

9. **ITEM A-6 - Continued From December 7and 14, 2004 - 10:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 01-11) and AGRICULTURAL PRESERVE (AP 01-02) PROPOSED FOR CURRIN FAMILY TRUST OF 890 ACRES FROM "A-B3" (AGRICULTURAL-80 ACRES MINIMUM) AND "O" (OPEN SPACE) TO "APZ" (AGRICULTURAL PRESERVE), WITH THE FINDING THAT THIS REZONE IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW, BECAUSE IT FALLS WITHIN CEQA CATEGORICAL EXEMPTION CLASS 17; PROJECT IS LOCATED ON 7605, 7611, 7613, 7617, 7637 and 7639 NORTH STATE HIGHWAY 29; 7255, 7501, 7505, 7631 and 7633 ZENO ROAD; and 6831 EICKHOFF ROAD, UPPER LAKE, CA (APN'S 003-040-18, 19, 20 and 24, 003-043-10, 12, 13 and 14; 003-044-04, 08 and 09; and 003-046-57) - Principal Planner Rick Coel and Associate Planner Catherine Young were present.**

Ms. Young gave a background report. This project involves the establishment of an agricultural preserve, authorization of an agricultural preserve contract and a rezone of the property to "APZ" (Agricultural Preserve). This request is pursuant to the California Land conservation Act of 1965, also known as the Williamson Act, which allows the county to establish a preserve for land which is primarily and actively being used for the purpose of producing an agricultural commodity for commercial purposes. The purpose of the Act is to preserve the agricultural use of the land by providing a property tax reduction incentive.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), found that this agricultural preserve and rezone are exempt from the California Environmental Quality Act as a Class 17 exemption for Open Space contract or easements.

Supervisor Farrington offered Resolution No. 2004-210, and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Williamson Act Contract between the County of Lake and the Currin Family Trust, Annie L. Currin, trustee, and authorized the Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Farrington offered Ordinance No. 2715, and it was passed by a roll-call vote (5 ayes).

After a short recess, the Board reconvened at 10:37 a.m.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Flood Control and Water Conservation District.

10. **ITEM A-14 - (a) DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION ADOPTING A LABOR COMPLIANCE PROGRAM FOR PROJECTS FUNDED BY PROPOSITION 50 THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002** - Special District Administrator Mark Dellinger, Deputy Director of Public Works-Administration Ed Townley and Public Works Project Manager Pat Betistianos were present.

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Mr. Townley gave an overview of the program. On November 5, 2003, the voters approved Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (ACT), which authorized the issuance of bonds in the amount of \$3,440,000,000, for the purpose of financing a safe drinking water, water quality and water reliability program. Concurrent with the placement of the initiative on the ballot, the State Legislature approved SB 278. The bill requires the body awarding any contract for a public works project financed with funds from the ACT to adopt and enforce a labor compliance program in order to make application for the funds.

Director Farrington offered Resolution No. 2004-212, and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Lake County Flood Control and Water Conservation District adjourned and reconvened as the Board of Directors of Kelseyville County Waterworks District #3.

(b) DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION ADOPTING A LABOR COMPLIANCE PROGRAM FOR PROJECTS FUNDED BY PROPOSITION 50 THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002 - Special Districts Administrator Mark Dellinger stated that the Kelseyville County Waterworks District and Lake County Sanitation District Labor Compliance Programs are identical to that submitted by the Lake County Flood Control and Water Conservation District, and the program is a requirement in order for projects to be considered for state grant funding.

Director Farrington offered Resolution No. 2004-213, and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Kelseyville County Waterworks District #3 adjourned and convened as the Board of Directors of Lake County Sanitation District.

(c) DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION ADOPTING A LABOR COMPLIANCE PROGRAM FOR PROJECTS FUNDED BY PROPOSITION 50 THE WATER SECURITY, CLEAN DRINKING WATER, COASTAL AND BEACH PROTECTION ACT OF 2002 - Director Farrington offered Resolution No. 2004-214, and it was passed by a roll-call vote (5 ayes).

The Board of Directors of Lake County Sanitation District adjourned and reconvened as the Board of Supervisors.

11. **ITEM A-7 - 11:00 A.M. - UPDATE FROM MT. KONOCTI FACILITATION REGARDING SIROLLI ECONOMIC DEVELOPMENT PROJECT** - Ms. Melissa Fulton introduced the new board members of the project: Mr. Roland Mosser, Ms. Helen Shick, Ms. Mary Ann McQueen and Ms. Leslie Firth.

Dr. Ernesto Sirolli was also present and thank everyone for their participation in the project.

There was no action taken on this item.

12. **ITEM A-8 - 11:30 A.M. - PROCLAMATION OF PROCLAMATION COMMENDING COUNTY ROAD SUPERINTENDENT JAMES WRIGHT UPON HIS RETIREMENT FROM COUNTY SERVICE** - Chair Robey read the proclamation into the record. The proclamation was presented to Mr. Jim Wright.

Public Works Director Gerry Shaul also commended Mr. Wright for his services.

13. **ITEM A-9 - 11:45 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - Mr. Bouillierce presented the status report for the month of November. There are 622 active cases open at this time and 151 nuisance abatement cases pending. There are currently 71 abandoned vehicle abatement cases, there have been 73 vehicles tagged, 11 vehicles towed, 4 vehicles impounded and 12 vehicles gone on arrival.

14. **ITEM A-15 - CLOSED SESSION - 1. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), Name of Case: Paget v. County, et al.; and Sitting as the Board of Directors of Lake County Sanitation District, 2. Conference with Legal Counsel - Existing Litigation (Subdivision (a) of Section 54956.9), Name of Case: Riverwatch v. LACOSAN** - Chair Brown announced that the Board will now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 12:08 p.m.


Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
Georgine Hunt
Assistant Clerk of the Board

