

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 9, 2004

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th day of November, 2004, there being present Supervisors 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. Chuck March led the salute to the flag of the United States of America. Supervisor Robey was present at 9:02 a.m.

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-10.

Adopted proclamation designating the Month of November 2004, as National Hospice Month in Lake County.

Adopted proclamation designating the Month of November 2004, as National Home Care Month in Lake County.

Approved First Amendment to Contract between the County of Lake and David H. Williams, M.D., for specialty mental health services, and authorized the Chair to sign.

Approved Contract between the County of Lake and Redwood Children's Services, for specialty mental health services, and authorized the Chair to sign.

Approved Sixth Amendment to the Agreement between the County of Lake and Joscelyn C. Jones, Attorney at Law, to provide Gallinot and Riese Hearings for residents of Lake County, and authorized the Chair to sign.

Adopted Resolution No. 2004-185, granting Industrial Disability Retirement to Frank Cammarata, Safety Employee, County of Lake.

Adopted Resolution No. 2004-186, making a specific finding of not disabled under Section 21025 of the Government Code regarding Sergeant Chris Rivera.

Approved Sublease Agreement between the County of Lake and Tracy St. John, for Offices at 55 First Street, Lakeport, California, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Flood Control and Water Conservation District, approved Amendment One to Agreement between Lake County Flood Control and Water Conservation District and EOA, Inc., for the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Management Plan, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Kelseyville County Waterworks District #3, approved Easement Deed and directed Clerk to certify for recordation (APN 08-037-03 - Loretta A. Ray and James A. Ray); and approved Right-of-Way Agreement between the Kelseyville County Waterworks District #3 and Loretta A. Ray and James A. Ray, for the Kelseyville/Finley Water Project, and authorized the Chair to sign.

2. **ITEM A-7 - 10:00 A.M. - PRESENTATION BY SHERIFF ROD MITCHELL REGARDING RECENT STATE AMENDMENTS TO MEGAN'S LAW (PROVIDING A STATEWIDE DATA BASE WEBSITE THAT WILL PROVIDE/POST PERSONAL INFORMATION ON REGISTERED HIGH-RISK AND SERIOUS SEX OFFENDERS)** - Sheriff Rodney Mitchell requested that this item be pulled from today's agenda and it will be placed on the agenda at a later date.

3. **ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:**

CHANGE ORDER NO. 2, EROSION CONTROL MEASURES FOR EASTLAKE SANITARY LANDFILL - This change order addresses three changes as follows: The first change affects materials as requested by the contractor and approved by the project engineer. The change results in a cost deduction of \$1,000. The second change adds some additional culvert and culvert repair staff identified as drainage concerns not originally included in the project. The cost for these additions is \$1,000. The third change allows for a time extension to repair the leachate pipe.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 2, for an increase of \$11,500, Erosion Control Measures for Eastlake Sanitary Landfill, Granite Construction, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (5 ayes), rescinded the motion approving Change Order No. 2, for an increase of \$11,500, Erosion Control Measures for Eastlake Sanitary Landfill, Granite Construction. The amount stated (\$11,500), was incorrect, and there will actually be no change in the contract amount.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 2, there will be no change in the contract amount, Erosion Control Measures for Eastlake Sanitary Landfill, Granite Construction, and authorized the Chair to sign.

4. **ITEM A-4 - 9:06 A.M. - UPDATE REPORT BY AGRICULTURAL PEST CONTROL SUPERVISOR FRANK ZARATE ON THE ERADICATION OF HYDRILLA IN CLEAR LAKE** - Agricultural Pest Control Supervisor Frank Zarate and State Department of Food and Agricultural Dr. Robert Levit were present.

Mr. Zarate gave a power-point presentation on the eradication of hydrilla in Clear Lake, which included a decrease in hydrilla finds from 208 to one plant in 2003. Concurrently, the number of infested management units has decreased from 48 in 1997 to one in 2003.

There was no action taken on this item.

5. **ITEM A-5 - Continued From September 14 and October 26, 2004 - 9:30 A.M. - PUBLIC HEARING - INTENTION TO VACATE A PUBLIC ROADWAY, REDWING DRIVE AND GASUPALLO DRIVE, LAKEPORT, CA** - Public Works Director Gerry Shaul stated that the property in question during the previous hearings is now in escrow, and asked that this item be continued to December 7, 2004, at 10:30 a.m.

6. **ITEM A-6 - 9:45 A.M. - PRESENTATION OF 2003 AGRICULTURAL CROP REPORT** - Agricultural Commissioner Steve Hajik gave an overview of the 2003 Agricultural Crop Report. The gross value of agricultural production during 2003, was \$58,055,000. This is down 9% from 2002. This decrease is primarily due to declines in the fruit and nut crops. This gross value of pears decreased around 4.9 million dollars, wine grapes decreased another \$930,000 and walnuts dropped by \$232,000. The top five commodities were wine grapes, (\$31,332,000), pears (\$16,405,000), nursery stock production (\$3,155,000), cattle (\$2,492,000), and walnuts \$1,881,000).

There was no action taken on this item.

7. **ITEM A-13 - DECISION IN THE APPEAL OF THE LAKE COUNTY FARM BUREAU (AB 04-07) OF THE PLANNING COMMISSION'S APPROVAL OF USE PERMIT (UP 04-19) TO ALLOW A RETAIL FUELING FACILITY, TRUCK STOP, MINI-MART, CARWASH AND DRIVE-THROUGH RESTAURANT; PROJECT IS LOCATED AT 755 AND 775 WEST STATE HIGHWAY 20, UPPER LAKE - APN'S 003-034-49 & 50** - Community Development Director Mary Jane Fagalde, Senior Planner Penelope Shibley and Agricultural Commissioner Steve Hajik were present.

The following amendments were added to the Use Permit:

C. Agricultural Resources

4. Prior to the issuance of development permits, the applicant shall obtain the services of a certified arborist or licensed landscape architect to evaluate the health of the existing and proposed row of cypress trees, as in condition #2 of the use permit, on the south boundary of the property and to make written recommendations regarding how to best maintain this buffer and prolong the life of the trees. The applicant shall provide a copy of this report and incorporate these recommendations into the final plans submitted to the Community Development Department prior to issuance of development permits.
5. In the event that the permit holder receives notification from an agricultural operator at least twelve (12) hours prior to the spraying that dispersion of restricted chemicals will occur on adjoining agricultural properties, the permit holder shall restrict public access to the site by means of public notification such as signage and close operation of the business(es) on the site for the duration of the spray event.
- On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis NO), made an intended decision to include the new conditions in the use permit, and denied the appeal of the Lake County Farm Bureau, and directed County Counsel to prepare Findings of Fact and bring back to the Board at a later date for further consideration. (It is being noted, that additional amendments to the use permit will be placed on the agenda at a later date).
- After a short recess, the Board reconvened at 10:30 a.m.
- Supervisor Farrington introduced the following students from Clearlake High School: Ms. Joni Roumiguere, Ms. Sara Makee and Ms. Heather Swanson.
8. **ITEM A-8 - 10:30 A.M. - STATUS REPORT FROM CODE ENFORCEMENT** - Community Development Director Mary Jane Fagalde and Interim Code Enforcement Manager Hank Bouillercce were present.
- Mr. Bouillercce presented the status report. There are 626 active cases open at this time and 149 nuisance abatement cases pending. There are currently 74 abandoned vehicle abatement cases, there have been 19 vehicles tagged, 14 vehicles towed, 5 vehicles impounded and 29 vehicles gone on arrival.
9. **ITEM A-9 - 10:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER 2004, AS NATIONAL HOSPICE MONTH IN LAKE COUNTY** - Supervisor Robey read the proclamation into the record. The proclamation was presented to Ms. Ruth Brown, Ms. Sharon Weeks, Ms. Alameda de la Santos and Ms. Carol Oaklove.
10. **ITEM A-10 - 10:50 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF NOVEMBER 2004, AS NATIONAL HOME CARE MONTH IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Denise Orpustan-Love.

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

11. **ITEM A-11 - 11:00 A.M. - PRESENTATION BY MR. TRAVIS LIPSCOMB REGARDING SEWER BILLING CRITERIA ESTABLISHED BY SPECIAL DISTRICTS** - Special District Administrator Mark Dellinger and Special Districts Administrative Manager Suzanne Schneider were present.

Mr. Travis Lipscomb and Ms. Yvonne Lipscomb, were also present.

The Lake County Sanitation District Task Force will be enacted, to review the current billing criteria and recommendations will be brought back to the Board at a later date for further consideration.

12. **ITEM A-14 - CLOSED SESSION - 1. Public Employee Performance Evaluation, Title: Community Development Director** - 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 12:04 p.m.



Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board



By: 
Georgine Hunt
Assistant Clerk of the Board