



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 23, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of August, 2005, there being present Supervisors Jeff Smith, Anthony Farrington, Rob Brown and Ed Robey, Chief Deputy Administrative Officer Matt Perry, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt. .

The meeting was called to order at 9:05 a.m. by Chair Robey. Following a moment of silence, Supervisor Smith 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-23.

Adopted proclamation designating the month of September 2005, as National Alcohol and Drug Addiction Recovery Month in Lake County.

Adopted Resolution No. 2005-138, adopting the Fiscal Year 2005/2006 Final Budget for the County of Lake and special districts governed by the Board of Supervisors.

Adopted Resolution No. 2005-139, establishing position allocations for Fiscal Year 2005/2006, to conform to the Final Budget.

Adopted Resolution No. 2005-140, extending deadline for adoption of resolution fixing tax rates for local agencies, general obligation bonds and other voter approved indebtedness for Fiscal Year 2005/2006.

(a) Adopted Resolution No. 2005-141, requesting reimbursement from the State of California for the Statewide Special Election to be held on November 8, 2005; and (b) approved letters to Assemblywoman Patty Berg and Senator Wes Chesbro, requesting full reimbursement for 2005 Statewide Special Election in Fiscal Year 2005/2006, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Lucerne Alpine Seniors, Inc., for Fiscal Year 2005/2006 funding, and authorized the Chair to sign.

Adopted Resolution No. 2005-145, approving Agreement No. 05-0246 with the State of California, Department of Food and Agriculture and Authorizing execution of the contract and signature for insect trapping activities for Fiscal Year 2005/2006.

Adopted Resolution No. 2005-146, approving Agreement No. 05-0331 Egg Inspection Agreement with the Department of Food and Agriculture during the period July 1, 2005 through June 30, 2006, and authorizing execution thereof.

Authorized the Registrar of Voters to render all services necessary to conduct the Cobb Area County Water District's Special Election on November 8, 2005, pursuant to Resolution No. 05-3 of the governing board of said district.

Approved Agreement between the County of Lake and Marta Fuller, for dental health education and prevention services, for Fiscal Year 2005/2006, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Secor International Incorporated, for groundwater remediation services for Underground Storage Tank Project, located at 1825 South Main Street, Lakeport, and authorized the Chair to sign. (The contractor did not agree with the terms of the contract, and if the terms cannot be agreed upon, this item may come back to the Board at a later date for further discussion/consideration).

Adopted Resolution No. 2005-142, approving Agreement for emergency or non-emergency joint usage of equipment, equipment operators or materials with Nevada County.

Adopted Resolution No. 143, of intention to name an existing unnamed road in the County of Lake (Black Arrow Trail), located off of Wight Way, approximately three miles southwest of Kelseyville, **and set Public Hearing on September 27, 2005, at 10:30 a.m.**

(a) Approved the Child Abuser Prevention, Intervention and Treatment (CAPIT), Community Based Child Abuse Prevention (CBCAP) and Promoting Safe and Stable Families (PSSF) Three-Year Plan (2005-2008); and (b) approved notice of intent designating Lake County Department of Social Services to serve as the Public Agency to administer the CAPIT/CBCAP/PSSF Programs, and authorized the Chair to sign.

Approved request for advanced step hiring (Step 4) of extra help Employment and Training Worker III (Kathy Irwin).

Approved Mainline Extension Agreement between the County of Lake (North Lakeport Water - CSA #21), and Origins Construction, Inc., to extend a water mainline to service APN 004-029-46 (Penelope Court), and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Redevelopment Agency, providing a loan of operating funds from the County to the Agency, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Redevelopment Agency, approved Agreement between the County of Lake and the Lake County Redevelopment Agency, providing a loan of operating funds from the County to the Agency, and authorized the Chair to sign.

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Sitting as the Board of Directors of Lake County Air Quality Management District, approved the updated Compliance Monitoring Strategy Plan and authorized the Air Pollution Control Officer to submit the plan to the Environmental Protection Agency Region IX.

Sitting as the Board of Directors of Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes, John Mcallister (3614 Halika Street), Clearlake, and directed Clerk to certify for recordation.

Carried over from August 2, 2005, sitting as the Board of Directors of Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Coats Tract of Callayomi Rancho (21269 Santa Clara Road), Middletown, and directed Clerk to certify for recordation.

Sitting as the Board of Directors of Lake County Sanitation District, accepted dedication and conveyance of mainline sewer extension, for public utility purposes, Penelope Court, Lakeport, and directed Clerk to certify for recordation.

Sitting as the Board of Directors of Lake County Watershed Protection District, approved Agreement between Lake County Watershed Protection District and Pestmaster Services, for vegetation and rodent control eradication for various flood works throughout the County, and authorized the Chair to sign.

2. ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #1 - CONSIDERATION OF AMENDMENT TWO TO AGREEMENT WITH EOA, INC., FOR ENGINEERING SERVICES FOR THE NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved to take up this item due to the fact that the need arose after the posting of today's agenda.

This item was considered as an extra for the following reasons:

The need to take action came to the attention of the Public Works Department subsequent to the posting of the current agenda. There is a need to take immediate action before the next available agenda. Effective August 22, 2005, Alex Straessle the District's/County's Interim Stormwater Program Manager, is no longer employed by the County. At the last Stormwater Advisory Council meeting, the Council asked our consultant, EOA, Inc., to develop a scope of work to cover program tasks that need to be accomplished during the period the department is absent a Stormwater Program Manager. Staff believes this scope is appropriate for the tasks that need to be accomplished during the interim period while staff advertises, recruits and hires a replacement for Mr. Straessle. The district should realize a staff salary saving of approximately \$10,000. Staff is requesting that the County and the two cities contribute funds to cover the remaining \$8,500, possibly based on population. Based on percentage of population, contribution by the unincorporated portion of the County would be \$5,865, the City of Clearlake would be \$1,955 and the City of Lakeport would be \$680. Staff will also discuss this item during the joint meeting with the two cities that is scheduled today at 1:30 p.m.

Assistant Director of Public Works Bob Lossius was present.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the expenditure of \$5,865, for the hiring of EOA, Inc., for the engineering services for the National Pollution Discharge Elimination System Phase II Stormwater Management Plan.

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

On motion of Director Brown and by vote of the Board (5 ayes), approved Amendment Two to the Agreement with EOA, Inc, for the National Pollution Discharge Elimination System Phase II Stormwater Management Plan, and authorized the Chair to sign.

The Board of Directors of Lake County Watershed Protection District adjourned and convened as the Board of Directors of Kelseyville County Waterworks District No. 3.

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

Change Order No. 2, Kelseyville/Finley Water Improvement Project - This change order addresses the following:

1. Revised length of creek crossings due to conflicts with existing rip rap at McGaugh Slough and existing wing walls Cole Creek.
2. Revise water tank outlet material to welded steel and add concrete encasement.
3. Changed subsurface conditions in Main Street requiring extra work to remove additional asphalt layers.
4. Two new houses were constructed on Wilkinson Road during project re-design that require water service installation. New tie-in for mobile home park on Main Street to replace inadequate connection to fire hydrant.
5. Replace two substandard fire hydrant barrels on Wilkinson Road with 6 inch hydrants and new laterals.
6. Modify fire hydrant installation at two location on Big Valley Road and Finley East Road to meet fire and district standards.

On motion of Director Brown and by vote of the Board (5 ayes), approved Change Order No. 2, for an increase of \$26,796.82, Argonaut Constructors, Kelseyville/Finley Water Improvement Project, and authorized the Chair to sign.

The Board of Directors of Kelseyville County Waterworks District No. 3 adjourned and reconvened as the Board of Supervisors.

4. CITIZEN'S INPUT - Mr. John Roddy spoke on the necessity to clean-up Clear Lake and the urgent need for road repairs throughout the County.

5. ITEM A-4 - 9:15 A.M. - PUBLIC HEARING - INTENTION TO VACATE A PUBLIC LAKE ACCESS EASEMENT (TO CLEAR LAKE), IN THE PARADISE VALLEY SUBDIVISION, IN THE GLENHAVEN AREA OF THE COUNTY OF LAKE - Assistant Director of Public Works Bob Lossius and Right-of-Way Agent Kurt Ackermann were present.

Mr. Lossius gave a brief overview of the intent to vacate the public lake access easement. The County has proposed an agreement with the property owner to vacate the easement in exchange for a monetary contribution in the amount of \$38,500, is based on a private fair market appraisal, these funds are to be used for County parks facilities in the vicinity of Lucerne.

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Chair Robey opened the Public Hearing and the following persons spoke: Mr. Joe San Filippo, Ms. Wendy White, Mr. John Roddy and Mr. John Jensen.

The Board asked staff if the vacation is in conformity with the Lake County General Plan. Staff did not have this information available, and the Board continued the Public Hearing to September 27, 2005, at 10:45 a.m., in order to allow staff time to research the additional information that is being requested by the Board. Also, staff will negotiate and prepare an agreement with Mr. Joe San Filippo, for the monetary contribution.

6. **ITEM A-13 - CONSIDERATION OF REQUEST FROM SHERIFF/CORONER TO AUTHORIZE ISSUANCE OF A PURCHASE ORDER FOR PROCUREMENT OF SEVEN (7) 2006 FORD TAURUS SE SEDANS AT A COST OF \$109,421.83, TO UKIAH FORD** - Chief Deputy Administrative Matt Perry stated that Sheriff Rodney Mitchell contacted him and requested that this item be carried over to September 6, 2005.

7. **ITEM A-5 - 9:30 A.M. - (a) DISCUSSION/CONSIDERATION OF A MORATORIUM ON THE USE OF GENETICALLY MODIFIED ORGANISMS (GMO) IN LAKE COUNTY; and (b) PRESENTATION BY PHILIP MURPHY REGARDING A PROPOSAL FOR A MORATORIUM ON PLANTING AND CULTIVATING GENETICALLY-ENGINEERED ALFALFA IN LAKE COUNTY** - Mr. Philip Murphy gave an overview of the proposed moratoriums on the use of genetically modified organisms and the planting and cultivating genetically-engineered alfalfa in Lake County.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Denise Rushing, Ms. Victoria Brandon and Mr. Chuck March. No one else was present wishing to speak and the public portion of this item was closed.

This item was continued to September 27, 2005, at 1:30 p.m., for further discussion/consideration.

8. **ITEM A-6 - 10:20 A.M. - PRESENTATION OF ANNUAL REPORT FROM THE LAKE COUNTY LIBRARY ADVISORY BOARD**- County Librarian Kathy Jansen was present.

Ms. Irehne Disman, representative of the Lake County Library Board was also present.

Ms. Jansen gave a County Librarian Kathy Jansen was present and gave a brief overview of the report which included the following: (a) the ability to fill all the frozen positions and the adding a new permanent position; (b) the Literacy Program and the 2004 Summer Reading Program for children; (c) the book budget; (d) the "Global Language Materials Grant Program" was awarded and will be used to purchase Spanish language books for the Middletown and Lakeport Libraries (e) the central heating and air conditioning systems that were installed at the Upper Lake Library; (f) the contribution of more than 2,259 hours by volunteers who mend books, cover books, tutoring the Literacy Program, and other tasks that provide services to the library; and (g) the Literacy Program for adults.

9. **ITEM A-7 - 10:30 A.M. - CONSIDERATION OF REQUEST FROM HIDDEN VALLEY LAKE ASSOCIATION TO ENACT AN ORDINANCE THAT WOULD ALLOW LICENCED DRIVERS TO OPERATE GOLF CARTS ON HARTMANN ROAD FROM STINSON ROAD TO THE COYOTE VALLEY ELEMENTARY SCHOOL AREA, AND CONSIDERATION OF REQUEST FOR INSTALLATION OF A STOP SIGN ON HARTMANN ROAD WEST BOUND AT THE INTERSECTION WITH HIDDEN VALLEY ROAD** - Public Works Director Gerry Shaul and Special Projects Engineer Todd Mansell were present.

General Manager Rick Archbold and President Donna Sage, of the Hidden Valley Lake Association were present.

Highway Patrol Lieutenant Howard Dane was also present.

Mr. Archbold gave a brief overview of the request.

Chair Robey asked if anyone present wished to speak and the following persons spoke: Mr. John Roddy and Ms. Alvina Vecellio. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Lewis made a motion to allow golf carts to temporary use the shoulder of the road for one year, which would allow the association time to find an alternative solution, including the feasibility to widen the shoulders along the roads. This motion failed due to the lack of a second.

Chair Robey passed the gavel to Vice-Chair Farrington.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request from Hidden Valley Lake Association to enact an ordinance that would allow licensed drivers to operate golf carts on Hartmann Road from Stinson Road to the Coyote Valley Elementary School area, and directed staff to bring an ordinance back to the Board at a later date for further consideration.

The gavel was passed back to Chair Robey.

10. **ITEM A-8 - 11:25 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF SEPTEMBER 2005, AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH IN LAKE COUNTY** - Supervisor Lewis read the proclamation into the record. The proclamation was presented to Substance Abuse Coordinator Mark Messerer.

11. **ITEM A-14 - CONSIDERATION OF PROPOSED RESOLUTION GRANTING DISABILITY RETIREMENT TO VIRGINIA C. CRAVEN, SAFETY EMPLOYEE, COUNTY OF LAKE** - Personnel Director Glenn Walters and Senior Probation Officer Virginia Craven were present.

Ms. Craven asked the Board if this item could be discussed during Closed Session and because of HEPA laws, her request was granted. However, in order to take this item up during Closes Session, it will be necessary to also take it up as an extra.

BACK TO #2 - ITEM A-2 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #2 - CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO SUBDIVISION (b) OF SECTION 54960.9 - ONE POTENTIAL CASE - On motion of Supervisor Brown and by vote of the Board, approved taking up this item due to the fact that the need arose after the posting of today's agenda.

This item was considered as an extra for the following reasons:

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This item arose after the posting of the current agenda and there is a need to take immediate action on this matter. The Board was unaware that a request would be made by Ms. Craven to discuss Item A-14 in Closed Session.

The Board reconvened into Regular Session and took action under Item A-14.

The Board recessed for lunch at 1:20 p.m. and reconvened at 1:34 p.m.

BACK TO #12 - ITEM A-14 - CONSIDERATION OF PROPOSED RESOLUTION GRANTING DISABILITY RETIREMENT TO VIRGINIA C. CRAVEN, SAFETY EMPLOYEE, COUNTY OF LAKE - Personnel Director Glenn Walters and Senior Probation Officer Virginia Craven were present.

The following amendments were made to the resolution:

Page 1, Paragraph 7, line 2 - deleted "not".

Page 2 - Added new paragraph 5 "BE IT FURTHER RESOLVED that the primary disabling condition is orthopedic."

Supervisor Brown offered Resolution No. 2005-144, as amended, and it was passed by a roll-call vote (5 ayes).

12. ITEM A-9 - 1:30 P.M. - JOINT MEETING WITH THE LAKEPORT CITY COUNCIL AND CLEARLAKE CITY COUNCIL REGARDING THE FOLLOWING ITEMS:

(a) CONSIDERATION OF AN ORDINANCE ADDING ARTICLE X TO CHAPTER 9 OF THE LAKE COUNTY ORDINANCE CODE, PERTAINING TO THE IDENTIFICATION OF PURCHASERS AND STORAGE OF OVER-THE-COUNTER PRODUCTS CONTAINING PSEUDOPHEDRINE;

(b) UPDATE ON THE IMPLEMENTATION OF THE LAKE COUNTY CLEAN WATER PROGRAM STORMWATER MANAGEMENT PLAN (SWMP);

(c) DISCUSSION OF THE ORDINANCE PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS, THAT WAS ADOPTED BY THE BOARD OF SUPERVISORS ON JUNE 21, 2005;

(d) DISCUSSION REGARDING A COUNTYWIDE REGULATION ON THE SIZE AND LOCATION OF FORMULA (BIG BOX) STORES; and

(e) DISCUSSION OF MISCELLANEOUS ISSUES INVOLVING BOTH CITIES AND THE COUNTY:

The following City of Clearlake Council Members were present: Council Member Steve Markham, Council Member Judy Thien, Council Member Bob Malley and Council Member Joyce Overton.

The following City of Lakeport Council Members were present: Council Member Bob Rumpfelt, Council Member Bill Knoll, Council Member Buzz Bruns, Council Member Roy Parmentier and Council Member Ted Madrones.

(a) - Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Mark Messerer and Mr. Steve Loscotoff. No one else was present wishing to speak and the public portion of (a) was closed.

The following amendment was made to the ordinance:

Page 2, Section 9-100.4, Line 15 - added "date and quantity purchased."

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance three weeks, to September 13, 2005.

(b) - Assistant Director of Public Works Bob Lossius was present and gave an update on the Stormwater Management Plan, including Extra Item #1, that was taken up by the Board earlier in the day.

There was no action taken on this item.

(c) - Animal Control Director Denise Johnson was present and gave an overview of the three ordinances that have been previously adopted by the Board of Supervisors. These ordinances are (a) providing for mandatory spaying and neutering of cats and dogs; (b) establishing fencing requirements for the control of animals; and providing for administrative penalties for inhumane treatment of animals. Also, Ms. Johnson gave an overview of the plans to construct a new Animal Care and Control facility.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Paula Warner, Mr. John Roddy, Ms. Michelle Hill, Mr. Edmond Hill and Ms. Ruth Lincoln. No one else was present wishing to speak and the public portion of this item was closed.

There was not action taken on this item.

(d) - Community Development Director Mary Jane Fagalde was present.

Mr. Dan Obermeyer, representing the Committee for Hometown Development, gave an overview of the impact of large chain stores has on communities, which included the economy, local government's ability to provide adequate services and facilities, jobs and household income, quality of small town rural lifestyle, and the attraction of investment capital. The proposed amendment to the General Plan and the Zoning Ordinance would restrict the size of non-independent, formula retail stores to less than 40,000 square feet. Also, if a retail store is being proposed that is larger than 40,000 feet, it would be allowed if that retail store has ten (10) or fewer establishments in operation.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Mr. Wayne Chatoff, Mr. John Roddy, Mr. Dave Hughes and Mr. Steve Loscotoff. No one else was present wishing to speak and the public portion of this item was closed.

There was no action taken on this item.

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(e) - The Lakeport City Council Members announced that they have a Council Meeting starting at tonight at 7:00 p.m., and it was agreed upon by the County and both cities, that another joint meeting will be scheduled in the near future, for further discussion of other issues involving the County and both cities.

13. **ITEM A-11 - DISCUSSION/CONSIDERATION REGARDING AN AMENDMENT TO CHAPTER 27 OF THE COUNTY ORDINANCE CODE, EXEMPTING A NEW STRUCTURE FROM FIRE MITIGATION FEES IF THE STRUCTURE IS REPLACING A PREVIOUS STRUCTURE THAT WAS NOT DESTROYED BY FIRE OR CALAMITY** - Community Development Director Mary Jane Fagalde was present.

Supervisor Lewis gave an overview of the amendment.

There was consensus by the Board for staff to proceed with an amendment to Chapter 27 of the County Ordinance Code, exempting a new structure from Fire Mitigation Fees if the structure is replacing a previous structure that was not destroyed by fire or calamity.

14. **ITEM A-12 - PROPOSED ORDINANCE AMENDING CHAPTER 17 OF THE LAKE COUNTY CODE PROVIDING FOR DEDICATION OF PARK AND RECREATION FACILITIES OR FEES IN LIEU, FOR NEW SUBDIVISIONS** - Public Services Director Kim Clymire, Community Development Director Mary Jane Fagalde and Public Services Analyst Jacqueline Armstrong were present.

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

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Farrington NO), advanced the ordinance two weeks to September 6, 2005.

There being no further business, the Board adjourned at 6:00 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board