



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD DECEMBER 13, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of December, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:03 a.m. by Chair Robey. Following a moment of silence, Supervisor Farrington 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-11, with the exception of Consent Items C-2, C-7 and C-10. Consent Items C-2 and C-7 will be taken up immediately following the approval of the Consent Agenda and Consent Item C-10 will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting Held on November 15, 2005.

Approved plans and specifications for construction of restrooms for Alpine and Saderlund County Parks, and authorized the Public Services Director/Assistant Purchasing Agent to advertise for bids.

Adopted Resolution No. 2005-217, of intention to establish proposed Zone C (Oak Tree Court) of County Service Area No. 23, approved the engineer's report, the form of ballot and balloting process for the assessment, and setting a public hearing for protests and balloting determination.

Adopted Resolution No. 2005-216, establishing a trust fund entitled DNA Identification Fund pursuant to Proposition 69.

(a) Adopted Resolution No. 2005-219, approving the submittal of a California Department of Health Services funding application for water system improvements to County Service Area No. 22, Mt. Hannah; (b) adopted Resolution No. 2005-220, approving the submittal of a California Department of Health Services funding application for water system improvements to County Service Area No. 7, Bonanza Springs; and (c) adopted Resolution No. 2005-221, approving the submittal of a California Department of Health Services funding application for water system improvements to County Service Area No. 18, Starview.

Adopted policy regarding use of administrative leave and sick leave cash out for employees transferred out of the Management Unit mid fiscal year due to FLSA regulation, as per the Memorandum to the Board from the Chief Deputy Administrative Officer, dated December 5, 2005.

Adopted Resolution No. 2005-222, appropriating unanticipated revenue from the Asset Forfeiture Fund No. 459 to Budget Unit 2201 - Sheriff-Coroner, for fees associated with acquisition of surplus rifles from State Department of General Services.

Sitting as the Board of Directors of Lake County Sanitation District, approve Agreement in Principle between the Lake County Sanitation District and the City of Lakeport Municipal Sewer District, for participation in the Full Circle Wastewater Reuse Project, and authorized the Chair to sign.

CONSENT ITEM C-2 - PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, FOR PARENT-CHILD INTERACTION THERAPY TRAINING SERVICES - A written request from Managed Care Administrative Coordinator Susan Stout was received, informing the Board that a signed agreement with the Regents of the University of California had not been received and requested that this item be carried over to a later date. (This item was taken up as an extra on December 20, 2005).

CONSENT ITEM C-7 - PROPOSED WRITTEN DECISION IN VICIOUS ANIMAL ABATEMENT APPEAL (JOHN PEMBERTON and MARIA QUINONES) - Supervisor Smith requested that this item be pulled from the Consent Agenda for further discussion. Supervisor Smith stated that he had voted against granting the Vicious Animal Abatement Appeal and will also be voting no on the written decision.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Smith NO), approved the written decision in the Vicious Animal Abatement Appeal (John Pemberton and Maria Quinones), and authorized the Chair to sign.

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

EXTRA #1 - CONSIDERATION OF REQUEST FOR NECESSITY OF A CLOSED SESSION ITEM NOT ON THE POSTED AGENDA - CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - PURSUANT TO SUBDIVISION (a) OF SECTION 54956.9 - NAME OF CASE: HELEN GALLEGOS V. COUNTY OF LAKE, ET AL. - On motion of Supervisor Lewis and by vote of the Board (5 ayes), 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:

A matter has arisen since the posting of the current agenda concerning existing litigation which requires Board direction in Closed Session. There is a need to take immediate action on this matter.

This item will be discussed during Closed Session.

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

Change Order No. One - Furnish and Apply Asphaltic Emulsion - Bid No. 06-02 - This change order addresses additional chip seal emulsion needed to complete this year's chip seal program. The additional materials were needed to chip seal several roads and parking lots funded by outside sources (Guenoc Winery, County Parks Department).

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On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Change Order No. One, for an increase of \$19,094.40, Western Emulsions, Inc., to furnish and apply asphaltic emulsion, and authorized the Chair to sign.

Change Order No. One - Furnish and Apply Asphaltic Emulsion for Fog Seal - Bid No. 06-03 - This change order addresses additional chip seal emulsion needed to complete this year's chip seal program. The additional materials were needed to chip seal several roads and parking lots funded by outside sources (Guenoc Winery, County Parks Department).

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Change Order No. One, for an increase of \$6,376.25, Telfer Oil Company., to furnish and apply asphaltic emulsion for fog seal, and authorized the Chair to sign.

5. **CITIZEN'S INPUT** - Mr. Francis Schutz spoke on the Groundwater Management Plan for Lake County.
6. **ITEM A-4 - 9:15 A.M. - CONSIDERATION OF REQUEST FROM MARIA QUINONES FOR REIMBURSEMENT OF \$260 PAID TO ANIMAL CONTROL FOR REDEMPTION OF TWO (2) K-9'S AND \$93.50 FOR VETERINARIAN COSTS** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the request from Maria Quinones for reimbursement of \$260 paid to Animal Control for redemption of two (2) K-9's and \$93.50 for veterinarian costs.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Redevelopment Agency.

- BACK TO #1 - CONSENT ITEM C-10 - PROPOSED AGREEMENT BETWEEN THE LAKE COUNTY REDEVELOPMENT AGENCY AND KEYSER MARSTON ASSOCIATES, INC., FOR FIVE YEAR HOUSING IMPLEMENTATION PLAN** - Director Brown requested that this item be pulled from the Consent Agenda for further discussion.

Deputy Director of Lake County Redevelopment Agency Andy Peterson was present.

On motion of Director Lewis and by vote of the Board (3 ayes, Directors Farrington and Brown NO), approved the Agreement between the Lake County Redevelopment Agency and Keyser Marston Associates, Inc., for the Five Year Housing Implementation Plan, and authorized the Chair to sign.

The Board of Directors of the Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

7. **ITEM A-5 - 9:30 A.M. - (a) PRESENTATION OF REPORT ON THE CHILD CARE INDUSTRY OF LAKE COUNTY; and (b) CONSIDERATION OF REQUEST FOR APPROVAL OF THE LAKE COUNTY MASTER PLAN FOR CHILD DEVELOPMENT 2005-2010** - Deputy Social Services Director Patricia Shuman and Lake County Child Care Coordinator Susan Perry were present.

Ms. Shuman gave a brief overview of the Child Care Industry of Lake County, which included caring for children, effects of child care, affordability of child care, employment outlook and the economic impact of child care in the State of California.

Ms. Perry gave an overview of the Lake County Master Plan for Child Development, which included the establishment of local child care priorities to ensure all child care needs are met, conduct an assessment of child care needs and prepare a comprehensive countywide child care plan that will be designed to mobilize public and private resources to address identified needs. The Council identified four high priority ongoing child care needs as follows: (1) a continuing shortage of child care capacity (including support services); continuing variable program quality; (3) the continuing high cost of child care and early education; and (4) the continuing need for information about the importance of child care industry in Lake County.

Supervisor Lewis was absent at 10:00 a.m.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), approved the Lake county Master Plan for Child Development 2005-2010.

After a short recess, the Board reconvened at 10:17 a.m.

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Air Quality Management District.

8. **ITEM A-6 - 10:15 A.M. - RECOGNITION OF CALPINE CORPORATION AND ANDERSON SPRINGS COMMUNITY ALLIANCE FOR COOPERATIVE EFFORT IN SUCCESSFULLY MITIGATING A PUBLIC NUISANCE** - Air Pollution Control Officer Bob Reynolds and Senior Air Quality Engineer Doug Gearhart were present.

Mr. Brian Benn, Mr. Allen Sunneville, Mr. Dennis Gilles and Mr. Bruce Carlsen, representatives from Calpine were also present.

Mr. David Henderson, Ms. Voris Brumfield, Ms. Joan Clay and Ms. Meriel Madrano, representatives of Anderson Springs Community Alliance, were also present.

Mr. Reynolds presented plaques to representatives of Calpine, Anderson Springs and the Lake County Air Quality Management District staff, in recognition of cooperative effort in successfully mitigating a public nuisance.

The Board of Directors of Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

9. **ITEM A-7 - 10:30 A.M. - DISCUSSION OF THE PROCESS AND INVOLVEMENT OF COUNTY DEPARTMENTS IN CASES OF REPORTED CHILD ABUSE** - Social Services Director Carol Huchingson, Deputy Social Services Director Kathy Maes, Program Manager Sally Evans, On-Call Emergency Response Specialist Diana Longacre, District Attorney Gary Luck, Sheriff Rodney Mitchell and Deputy Sheriff Mike Curran were present.

Ms. Huchingson gave a brief overview of the general responsibilities of the Social Services Department.

Ms. Maes gave an overview of the process for investigating suspected child abuse, which included evaluation of the information, seeking additional information in order to determine if the concerns expressed conform to State mandated by law. There are several interventions that are made depending upon the level of risk. For example, immediate risk would be an obvious non-accidental injury that has resulted in marks being left on the child. Social Services staff would ask law enforcement to detain the child and the child would be placed in an approved care home while a full investigation is conducted. If the risk to the child is minimal or alleviated, staff might continue to follow the situation, but not detain the child.

Sheriff Rodney Mitchell stated that law enforcement cannot enter a home where suspected child abuse has been reported. The Sheriff's Department will become involved after being notified by Social Services of the abuse or if a member of the general public calls in to report a disturbance at a home and it is very obvious to the deputy that the child has been abuse. Social Services will be called to the scene to conduct a full investigation and if the child is at risk, that child will be taken from the home and placed in a care home.

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District Attorney Gary Luck stated that when prosecuting a child abuse case, they seek the maximum sentencing allowed. However, the case has been concluded, a judge or a jury makes the final decision as to whether the abuser will receive probation, county jail time or state prison time.

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Susan Perry, Mr. Wayne Diggs, Mr. John Roddy and Ms. Dee Barnhart. 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.

The Board adjourned for lunch at 12:36 p.m. and reconvened at 1:33 p.m.

10. **ITEM A-8 - 1:30 P.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT (GPAP 05-05) FOR A PORTION OF THE PROPERTY FROM RESORT COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL AND REZONE (RZ 05-07) REZONING LANDS FROM "CR-DR-WW-FF: (RESORT COMMERCIAL-DESIGN REVIEW-WATERWAY- FLOODWAY FRINGE) TO "R2-WW-FF" (TWO-FAMILY RESIDENTIAL-WATERWAY- FLOODWAY FRINGE), PROPOSED FOR DALE DEBRUIN; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 05-37); PROPERTY IS LOCATED AT 3267 LAKESHORE BOULEVARD, NICE, CA (APN 032-123-01) - Community Development Director Mary Jane Fagalde and Associate Planner Emily Minton were present.**

Ms. Minton gave a brief background report. The applicant is requesting a general plan amendment from Resort Commercial to Medium Density Residential and a rezone from "CR-DR-WW-FF" (Resort Commercial-Design Review-Waterway-Floodway Fringe) to "R2-WW-FF" (Two-Family Residential-Waterway-Floodway Fringe) for an approximately one-acre parcel on Lakeshore Boulevard, Nice. The Planning Commission reviewed this application along with a tentative parcel map for the creation of two parcels on November 10, 2005. The Planning Commission approved the tentative parcel map and recommends that the Board approve the general plan amendment and rezone. This proposal must be found to be consistent with the Lake County Zoning Ordinance and General Plan and the Upper Lake-Nice Area Plan. The recently adopted Housing Element of the General Plan should also be considered in the review of this project.

Chair Robey opened the public hearing and Mr. Dale Bebruin spoke.

The public hearing was continued to later in the day.

11. **ITEM A-9 - 1:40 P.M. - PUBLIC HEARING - APPLICATION GPAP 05-03 PROPOSING A TEXT AMENDMENT TO POLICY 5.1(j) OF THE MIDDLETOWN AREA PLAN FOR KIMCO DEVELOPMENT; AND THE ADOPTION OF A NEGATIVE DECLARATION BASED ON THE INITIAL STUDY 05-19; PROPERTY IS LOCATED AT 18196 and 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOW AS THE ARABIAN HORSE RANCH (APNs 014-260-36 and 51) - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.**

Mr. Coel gave a brief background report. Kimco Development, Inc. is requesting an amendment to Policy 5.1j of the Middletown Area Plan, Which, if approved, could allow for future development of the Arabian Horse Ranch as a planned development. This application is for text amendment only, and does not include a change in density or zoning. If the policy is amended as requested, the site could not be developed unless a host of applications (including a general plan amendment, rezoning to planned development, subdivision application and general and specific plans of development) were submitted, reviewed and approved by the County.

Ms. Fagalde gave a brief overview of the Middletown Area Plan Advisory Committee's approval of a Large Parcel Text Amendment. This amendment was approved on December 12, 2005, as follows for the Arabian Horse Ranch:

As a matter of State and County laws and policies, conversion of agricultural land and the parceling of large contiguous properties should be strongly discouraged. Caution should be exercised in conversion of existing agricultural land to zoning by encouraging it to be zoned "PDR" (Planned Development Residential) and "PDC" (Planned Development Commercial). For any proposed development, an Environmental Impact Report (EIR) shall be required.

The Arabian Ranch Property shall be development with quality improvements, yet keeping the small-town feel and shall be designed using the concepts of traditional, walkable communities with integrated, functional open space and community commercial services.

- A large buffer of undeveloped land should follow Highway 29.
- Housing should be in cluster development form in the rear of the property-averaging one (1) home per acre.
- Access to the property should include altering the existing Hartmann Road entrance to the north.
- Suitable infrastructure should be in place and adequate to support the development: sewer, water, schools, police, fire, medical, roads.
- 35% of the combined area of the two (2) parcels shall be designated as open space to contribute to a park-like setting.
- Development should consider the possibility of an equestrian center, in order to maintain the rural equestrian community in the Middletown area.
- Commercial development should occur at the southern end of the property beginning at Highway 29, moving east to be contiguous with the school, shopping area of Coyote Valley, thus creating a commercial town center which would be walkable within itself and to the Arabian Ranch and Hidden Valley communities as well as other subdivisions in the area.

Chair Robey opened the public hearing and the following persons spoke: Ms. Jean Kapolchak, Mr. Thorton Fletcher, Mr. Tom Miller, Mr. David Neft, Ms. Jacquelyn Krupinsky, Mr. Daniel Beck, Mr. Marvin Butler, Mr. Rick Archbold, Mr. John Roddy and Ms. Anna Ravenwood.

The public hearing was continued to later in the day.

- BACK TO #10 - ITEM A-8 - 1:30 P.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT (GPAP 05-05) FOR A PORTION OF THE PROPERTY FROM RESORT COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL AND REZONE (RZ 05-07) REZONING LANDS FROM "CR-DR-WW-FF: (RESORT COMMERCIAL-DESIGN REVIEW-WATERWAY- FLOODWAY FRINGE) TO "R2-WW-FF" (TWO-FAMILY RESIDENTIAL-WATERWAY- FLOODWAY FRINGE), PROPOSED FOR DALE DEBRUIN; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 05-37); PROPERTY IS LOCATED AT 3267 LAKESHORE BOULEVARD, NICE, CA (APN 032-123-01) - Community Development Director Mary Jane Fagalde and Associate Planner Emily Minton were present.**

The public hearing was continued to December 20, 2005, at 10:00 a.m., in order to allow time for each of the Supervisors to do a site visit and be familiar with the surrounding properties.

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BACK TO #11 - ITEM A-9 - 1:40 P.M. - PUBLIC HEARING - APPLICATION GPAP 05-03 PROPOSING A TEXT AMENDMENT TO POLICY 5.1(j) OF THE MIDDLETOWN AREA PLAN FOR KIMCO DEVELOPMENT; AND THE ADOPTION OF A NEGATIVE DECLARATION BASED ON THE INITIAL STUDY 05-19; PROPERTY IS LOCATED AT 18196 and 18426 SOUTH STATE HIGHWAY 29, MIDDLETOWN (ALSO KNOWN AS THE ARABIAN HORSE RANCH (APNs 014-260-36 and 51) - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Mr. Coel stated the proposed resolution is for both the Dale Debruin property and the Kimco Development property, and since the Dale Debruin item was continued, this item will also need to be continued to December 20, 2006.

The public hearing was continued to December 20, 2005, at 10:15 a.m.

After a short recess, the Board reconvened at 3:51 p.m.

The Board of Supervisors adjourned and reconvened as the Board of Directors of Lake County Redevelopment Agency.

12. **ITEM A-11 - CONSIDERATION OF REQUEST FOR APPROVAL TO SUBMIT A PRELIMINARY APPLICATION TO THE CALIFORNIA INFRASTRUCTURE BANK (CIB) FOR A LOAN TO CONTINUE THE DEVELOPMENT OF LUCERNE PROMENADE** - Deputy Director of Lake County Redevelopment Agency Andy Peterson was present.

On motion of Director Smith and by vote of the Board (4 ayes, Director Brown NO), approved the submittal of a preliminary application to the California Infrastructure Bank (CIB), for a loan to continue the development of Lucerne Promenade.

The Board of Directors of Lake County Redevelopment Agency adjourned and reconvened as the Board of Supervisors.

13. **ITEM A-12 - CONSIDERATION OF COUNTY'S PROPOSED FEDERAL AND STATE LEGISLATIVE PRIORITIES FOR 2006** - Administrative Analyst Jennifer Hammond was present.

There were numerous amendments/changes made to the County's proposed Federal and State legislative priorities for 2006.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the County proposed Federal and State legislative priorities for 2006, as amended.

14. **ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry and (b) Employee Organization: LCCOA, SDA and DDAA** - Chair Robey announced that the Board will now go into Closed Session for the reason stated on the agenda. Extra #1 will also be taken up during Closed Session.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 5:05 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board