



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JULY 19, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 19<sup>th</sup> day of July, 2005, there being present Supervisors Jeff Smith, Anthony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Cameron Reeves and Assistant Clerk of the Board Georgine Hunt. Supervisor Lewis was absent all day.

The meeting was called to order at 9:03 a.m. by Chair Robey. Following a moment of silence in honor of Ms. Ethelda Seguire, Supervisor Brown led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), approved Consent Agenda Items C-1 through C-6.

Appointed Debra Keita, Bonnie Bonnett, Helen Sandager, and Judy Graham to the Maternal, Child and Adolescent Health (MCAH) Advisory Board, for terms expiring January 1, 2007.

Approved Engineering and Inspection Agreement between County of Lake and Lake County International Charter School, for review of plans and specifications for a Tentative Parcel Map, located at 21095 State Highway 175, Middletown, and authorized the Chair to sign.

Adopted Resolution No. 2005-128, establishing a Petty Cash Fund for the Middletown County Pool.

Sitting as the Board of Directors of Lake County Redevelopment Agency, approved Agreement between the Lake County Redevelopment Agency and Fraser and Associates, for fiscal analysis services in preparation of an application for a California infrastructure bank loan, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, approved Mainline Extension Agreement between the Lake County Sanitation District and John McAllister, to extend a sewer mainline to service APN 039-653-09, and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Sanitation District, approved Mainline Extension Agreement between the Lake County Sanitation District and Max and Bette Mascareno, to extend a sewer mainline to service APN 006-462-04, 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 OUT-OF-STATE TRAVEL TO WASHINGTON D.C., FOR ONE BOARD MEMBER AND ASSISTANT PUBLIC WORKS DIRECTOR BOB LOSSIUS, TO PROVIDE TESTIMONY TO CONGRESS CONCERNING LEGISLATION THAT WILL BE CONSIDERED BY THE U.S. SENATE PRIOR TO THE CONGRESSIONAL SUMMER BREAK, WHICH BEGINS AUGUST 1, 2005 (TESTIMONY WILL PERTAIN TO THE COUNTY'S POSITION ON THE EXCHANGE OF TRIBAL TRUST LANDS IN CONNECTION WITH THE MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT)** - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), 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:

Travel arrangements must be made this week and the actual travel must occur next week before Congress recesses. If discussion of this matter has to wait until it can be included on the regular Board agenda, it would not be taken up until August 2, 2005, which is after Congress recesses. All travel expenses will be paid by Robinson Rancheria.

Assistant Public Works Director Bob Lossius was present.

Robinson Rancheria General Manager Scott Sirois was also present.

Following a lengthy discussion of this item, Administrative Officer Kelly Cox stated that the July 26, 2005, agenda had been printed, but had not been distributed, and an addendum to the agenda could be prepared and distributed along with the July 26, 2005, agenda.

This item was continued to July 26, 2005.

3. **CITIZEN'S INPUT** - Mr. Ray Oliva, spoke on new water regulations and guidelines for small water systems, that have been initiated by State and Federal agencies, and the cost to the small water systems to comply with these regulations and guidelines.
4. **ITEM A-4 - 9:06 A.M. - PUBLIC HEARING - PROTEST HEARINGS FOR: (a) ANNUAL WATER STANDBY CHARGES AND DELINQUENT WATER FEES IN COUNTY SERVICE AREA NOS. 2, 6, 7, 13, 16, 18, 20, 21 AND 22; (b) DELINQUENT WATER FEES IN KELSEYVILLE COUNTY WATERWORKS DISTRICT #3; (c) CONFIRMING COLLECTION OF ANNUAL LIGHTING FEES IN COUNTY SERVICE AREA NO. 1 - CLEAR LAKE KEYS LIGHTING; AND (d) DELINQUENT SEWER FEES IN LAKE COUNTY SANITATION DISTRICT** - Special Districts Administrator Mark Dellinger and Administrative Manager Charles Berg were present.

**(a) ANNUAL WATER STANDBY CHARGES AND DELINQUENT WATER FEES IN COUNTY SERVICE AREA NOS. 2, 6, 7, 13, 16, 18, 20, 21 AND 22** - Chair Robey opened the public hearing. No one was present wishing to speak and the public hearing was closed.

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Supervisor Farrington offered Resolution No. 2005-124 (annual water standby charges and delinquent fees in County Service Area Nos. 2, 6, 7, 13, 16, 18, 20, 21 and 22), and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

**(c) CONFIRMING COLLECTION OF ANNUAL LIGHTING FEES IN COUNTY SERVICE AREA NO. 1 - CLEAR LAKE KEYS LIGHTING** - Chair Robey opened the public hearing. No one was present wishing to speak and the public hearing was closed.

Supervisor Farrington offered Resolution No. 2005-125 (confirming collection of annual lighting fees in County Service Area No. 1 - Clear Lake Keys Lighting), and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

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

**(b) DELINQUENT WATER FEES IN KELSEYVILLE COUNTY WATERWORKS DISTRICT #3** - Chair Robey opened the public hearing. No one was present wishing to speak and the public hearing was closed.

Director Farrington offered Resolution No. 2005-126 (collection of delinquent water fees in Kelseyville County Waterworks District #3), and it was passed by a roll-call vote (4 ayes, Director Lewis ABSENT).

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

**(d) DELINQUENT SEWER FEES IN LAKE COUNTY SANITATION DISTRICT** - Chair Robey opened the public hearing. No one was present wishing to speak and the public hearing was closed.

Director Farrington offered Resolution No. 2005-127 (delinquent sewer fees in Lake County Sanitation District), and it was passed by a roll-call vote (4 ayes, Director Lewis ABSENT).

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

5. **ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT PROPOSAL (GPAP 04-09) and REZONE (RZ 04-16) FOR A PORTION OF THE PROPERTY FROM RURAL RESIDENTIAL TO SUBURBAN RESIDENTIAL RESERVE AND A REZONE FROM "RR" (RURAL RESIDENTIAL) TO "SR" (SUBURBAN RESERVE) AND "R1" (SINGLE-FAMILY RESIDENTIAL), PROPOSED FOR MACK AND NANCY HAGEMANN; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 04-74). THIS PROJECT IS LOCATED AT 750 CLOVER DRIVE, UPPER LAKE, CA (APN 004-063-09)** - Principal Planner Rick Coel and Associate Planner Emily Minton were present.

Ms. Minton gave a brief overview of the project. The applicant is requesting a rezone and general plan amendment for a 4.5-acre parcel on Clover Drive in Upper Lake. The Planning Commission reviewed this application along with a tentative parcel map for the creation of four parcels on April 14, 2005. The Planning Commission approved the tentative parcel map with a condition that the approval shall have no force or effect until the Board of Supervisors approves a general plan amendment and rezone consistent with the proposal.

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

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), found that on the basis of the Initial Study IS 04-74, that the general plan amendment from Rural Residential to Suburban Residential Reserve and the rezone from "RR" (Rural Residential) to "SR" (Suburban Reserve) and "R1" (Single-Family Residential), applied for by Mack and Nancy Hagemann will not have a significant effect on the environment and therefore a negative declaration shall be adopted with the findings set forth in the Board Memorandum dated July 12, 2005.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), made an intended decision to approve the general plan amendment for Mack and Nancy Hagemann, and deferred offering the resolution (adopting an amendment to the Lake County General Plan, GPA 05-01), until after hearing the general plan amendment and rezone proposal of the County of Lake that is on today's agenda (GPAP 04-11, RZ 04-22; Item A-6 at 9:30 a.m.).

6. **ITEM A-6 - 9:35 A.M. - PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF THE FOLLOWING GENERAL PLAN AMENDMENT PROPOSALS (GPAP 04-11) AND REZONE (RZ 04-22) OF THE COUNTY OF LAKE CONSISTING OF THE FOLLOWING: (1) GENERAL PLAN AMENDMENT AND REZONE OF LANDS FROM "A" AGRICULTURE TO "RR" RURAL RESIDENTIAL OF APN'S 005-025-08 & 09; 005-026-32; 005-027-11, 12, 87, 88 & 89, LOCATED AT 1824, 1834, 1854, 1954, 1970, 2064, 2114, 2174 AND 2232 RIGGS ROAD, LAKEPORT, CA; (2) GENERAL PLAN AMENDMENT AND REZONE OF FRONT PORTIONS OF LANDS FROM SUBURBAN RESIDENTIAL RESERVE AND "SR" (SUBURBAN RESERVE) TO LOCAL COMMERCIAL AND "C1" (LOCAL COMMERCIAL) OF APN'S 005-052-09 & 16, LOCATED AT 2471 AND 2495 PARALLEL DRIVE, LAKEPORT, CA; (3) GENERAL PLAN AMENDMENT AND REZONE OF LANDS FROM SUBURBAN RESIDENTIAL AND "R1" (SINGLE-FAMILY RESIDENTIAL) TO HIGH DENSITY RESIDENTIAL AND "R3" (MULTI-FAMILY RESIDENTIAL) OF APN'S 027-181-07 & 09, LOCATED AT 9627 AND 9647 LEAGUE STREET, UPPER LAKE, CA; (4) GENERAL PLAN AMENDMENT AND REZONE OF LANDS FROM SUBURBAN RESIDENTIAL RESERVE AND "U" (UNCLASSIFIED) TO HIGH DENSITY RESIDENTIAL AND "R3" (MULTI-FAMILY RESIDENTIAL) OF APN 006-550-24, LOCATED AT 14102 EAST HIGHWAY 20, CLEARLAKE OAKS, CA; AND (5) GENERAL PLAN AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL OF APN'S 024-071-01 & 69, LOCATED AT 5400 AND 5570 GADDY LANE, KELSEYVILLE, CA; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 04-97)** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present

This proposal is at the request of the Community Development Department and serves to correct oversights in the Lakeport Area Plan, and implement part of a policy of the Lake County Housing Element that has been certified by HDC. The application includes parcels in Kelseyville, the Lakeport area, Upper Lake and Clearlake Oaks. The various sites were combined into one application for ease of processing, and to minimize the number of times the Lake Use Element of the General Plan is amended. There was some controversy at the June 9, 2005, Planning Commission hearing, primarily related to the proposal to change the land use designation of the two Kelseyville parcels to High Density Residential.

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

Supervisor Brown stated that before HDC would certify Lake County's Housing Element, the County had to agree that 50 acres of available land be designated for affordable housing and the only reason Gaddy Lane in Kelseyville is being rezoned is to comply with HDC's interpretation of available land for affordable housing, and for that reason he will be voting no on the adoption of the rezones..

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Lewis ABSENT), found that on the basis of the Initial Study IS 04-97, that the general plan amendment and rezoning as applied for by the County of

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Lake will not have a significant effect on the environment and therefore a negative declaration shall be adopted with the findings set forth in the Board Memorandum dated July 12, 2005.

Supervisor Farrington offered Resolution No. 2005-123 ( adopting an amendment to the Lake County General Plan, GPA 05-01), and it was passed by a roll-call vote.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Lewis ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Farrington offered Ordinance No. 2742, and it was passed by a roll-call vote (3 ayes, Supervisor Brown NO, Supervisor Lewis ABSENT).

**BACK TO #5 - ITEM A-5 - 9:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT PROPOSAL (GPAP 04-09) and REZONE (RZ 04-16) FOR A PORTION OF THE PROPERTY FROM RURAL RESIDENTIAL TO SUBURBAN RESIDENTIAL RESERVE AND A REZONE FROM "RR" (RURAL RESIDENTIAL) TO "SR" (SUBURBAN RESERVE) AND "R1" (SINGLE-FAMILY RESIDENTIAL), PROPOSED FOR MACK AND NANCY HAGEMANN; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 04-74). THIS PROJECT IS LOCATED AT 750 CLOVER DRIVE, UPPER LAKE, CA (APN 004-063-09) - Community Development Director Mary Jane Fagalde, Principal Planner Rick Coel and Associate Planner Emily Minton were present.**

During Item A-6, the Board adopted Resolution No. 2005-123 ( adopting an amendment to the Lake County General Plan, GPA 05-01).

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), waived the reading of the ordinance and had it read in title only (Clerk so did).

Supervisor Farrington offered Ordinance No. 2741, and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

After a short recess, the Board reconvened at 10:38 a.m.

**7. ITEM A-7 - Advanced From July 5, 2005 - (a) AN ORDINANCE PROVIDING FOR MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS - (SECOND READING); and**

**Advanced From June 21, 2005 and Continued From July 5, 2005 - (b) AN ORDINANCE PROVIDING FOR ADMINISTRATIVE PENALTIES FOR INHUMANE TREATMENT OF ANIMALS - (SECOND READING) - Animal Control Director Denise Johnson was present.**

Chair Robey asked if anyone present wished to speak on this item and the following persons spoke: Ms. Celeste Adair, Ms. Michelle Dill, Ms. Victoria Chamberlin and Mr. Bob Barker. No one else was present wishing to speak and the public portion of this item was closed.

There were minor amendments (correcting topographical errors), made to both ordinances.

Supervisor Brown offered Ordinance No. 2739, as amended (providing for mandatory spaying and neutering of cats and dogs), and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

Supervisor Brown offered Ordinance No. 2740, as amended (providing for administrative penalties for inhumane treatment of animals), and it was passed by a roll-call vote (4 ayes, Supervisor Lewis ABSENT).

**8. ITEM A-10 - DISCUSSION AND BOARD DIRECTION REGARDING THE POSSIBILITY OF AMENDING OR EXPANDING THE PROVISION IN THE COUNTY PURCHASING ORDINANCE WHICH PROVIDES A BIDDING PREFERENCE TO LOCAL VENDORS - Deputy County Administrative Officer Jeff Rein was present.**

Mr. Rein presented a summary of policies from other California cities and counties which included the following: (1) 5% not to exceed \$10,000 applicable to materials and supplies only; (2) 5% not to exceed \$5,000 applicable to materials and supplies; (3) no applicable monetary standards but locals are given preference if all other factors are clearly equal; (4) a 5% preference on materials and supplies for amounts less than \$25,000; (6) a 5% (no cap indicated) preference on supplies and materials; (7) no preference; (8) a 4% preference on materials and supplies, not to exceed \$5,000; (9) a 5% preference applicable to all purchases less than \$25,000, a 5% preference applicable to professional service contracts (other than public works) in excess of \$25,000 and a 1% preference for material, supplies and equipment purchases over \$25,000; (10) a 5% preference for all materials and supplies and nonprofessional services with a total annual contract value under \$100,000; and (11) allow the local vendor the opportunity to match the out of county bid if the local bid is within 5%.

There was consensus by the Board to have a 5% preference and a \$10,000 cap and to allow the local vendor the opportunity to match the out of county bid if the local bid is within 5%.

Staff will bring back a proposed ordinance amendment to the Board at a later date for further consideration.

**9. ITEM A-11 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators : A. Grant and M. Perry, (b) Employee Organization: LCEA, LCCOA, SDA and DDAA; and 2. Public Employee Performance Evaluation: Title: County Librarian - Chair Robey 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.

**10. ITEM A-8 - 1:30 P.M. - Continued From June 7, 2005 - CLOSED SESSION - EMPLOYEES' GRIEVANCE HEARING (APPELLANTS' ATTORNEY HAS REQUESTED THAT THIS ITEM BE CONTINUED TO SEPTEMBER 20, 2005, AT 1:30 P.M.) - This item was continued to September 20, 2005, at 1:30 p.m.**

There being no further business, the Board adjourned at 12:21 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Georgine Hunt  
Assistant Clerk of the Board