



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD NOVEMBER 15, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15<sup>th</sup> day of November, 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 9:05 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-10.

Approved Minutes of the Board of Supervisors Meetings held on October 18 and 25, 2005.

Adopted Proclamation declaring the month of November as Lung Cancer Awareness Month.

Adopted Proclamation commending Greg Dills for receiving the 2005 Watershed Excellence Award for an Individual from the Sacramento River Watershed Program.

Adopted Resolution No. 2005-206, amending Exhibit "A" to the County Conflict of Interest Code (updating list of designated employees under County Conflict of Interest Code).

Approved the request from Public Works to Caltrans to extend budget authority for Lake Street Bikeway, BTA 03/04-01-LAK-02, as recommended in the Memorandum dated November 1, 2005, from Public Works Director Gerry Shaul, and authorized the Chair to sign the "Projects with Lapsing Budget Authority Spreadsheet."

Adopted Resolution No. 2005-207, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated February 22, 2005 (District 3 Road Maintenance Facility at 1275 West Highway 20, Upper Lake).

Authorized the cancellation of Fiscal Year 2002/2003 Agreement between the County of Lake and the Lake County Redevelopment Agency, that would have provided a loan of operating funds in the amount of \$100,000, from the County to the Agency, as recommended in the Memorandum dated November 2, 2005, from Chief Deputy Administrative Officer Matt Perry.

Sitting as the Board of Directors of Lake County Redevelopment Agency, authorized the cancellation of Fiscal Year 2002/2003 Agreement between the Lake County Redevelopment Agency and the County of Lake, that would have provided a loan of operating funds in the amount of \$100,000, from the County to the Agency, as recommended in the Memorandum dated November 2, 2005, from Chief Deputy Administrative Officer Matt Perry.

Sitting as the Board of Directors of Kelseyville Waterworks District #3, adopted Resolution No. 2005-208, ordering the summary vacation of a portion of a Waterline Easement, in the County of Lake Streets and Highways Code Section 8333 (portion of lands of Philip Dennis Murphy and Celeste Marie Murphy).

Approved Sub-Recipient Agreement between the County of Lake and Sonoma Ecology Center, for Arundo Donax Eradication and Coordination Program, and authorized the Chair to sign.

2. **CITIZEN'S INPUT** - Mr. Burt Tunzi announced that a Green Home Energy and Efficiency Lecture/Discussion will be held on November 19, 2005, at 1:00 p.m., at the Calpine Visitor Center. This lecture/discussion is open to home owners, renters, contractors, and planners of new homes. The lecture/discussion will focus on energy sources and uses, efficiency and costs.
3. **ITEM A-4 - 9:06 A.M. - PUBLIC BID OPENING - SALE OF COUNTY REAL PROPERTY 60' x 160' UNIMPROVED LOT LOCATED AT 21236 WASHINGTON STREET, MIDDLETOWN, CA (COUNTY OF LAKE - APN 24-395-02)** - Chair Robey asked if anyone wished to submit a bid for the purchase of this property. No one was present wishing to submit a bid. Assistant Clerk of the Board Georgine Hunt also stated to the Board that no bids had been previously received.

A discussion of other options that may be available to the County regarding this property, will be placed on the agenda at a later date.

4. **ITEM A-5 - 9:15 A.M. - (a) PUBLIC HEARING - PROTEST HEARING FOR THE PROPOSED ESTABLISHMENT OF CSA 23 - "ZONE B" (STONEFIELD COURT) AND IMPOSING OF ASSESSMENTS; (b) PROPOSED RESOLUTION ACCEPTING AND CONFIRMING BALLOT TABULATION, ALL AS SET FORTH IN THE ENGINEER'S REPORT - (COUNTYWIDE COUNTY SERVICE AREA FOR ROAD IMPROVEMENT/MAINTENANCE PROGRAM)** - Public Works Director Gerry Shaul was present.

Mr. Shaul stated that the ballot process for the possible establishment of CSA 23 - "Zone B" (Stonefield Court), is not determined by the number of ballots received, but is determined by the appointment of costs based upon an analysis of the special and direct benefit to be received by each parcel in the benefit zone from the particular improvement.

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

CSA 23 - "Zone B" - Stonefield Court Assessment:  
For: \$654  
Against: \$ 0

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After confirming the ballot tabulation for "Zone B", on which there was not a majority protest and therefore the proposed assessment for "Zone B" shall be established.

Supervisor Lewis offered Resolution No. 2005-205 (a Resolution accepting and confirming ballot tabulation for the establishment of "Zone B" (Stonefield Court) of County Service Area No. 23, approving formation of "Zone B" and Assessments for Zone B Road Maintenance), and it was passed by a roll-call vote (5 ayes).

5. **ITEM A-14 - CONSIDERATION OF AWARD OF BID NO. 06-05, IN THE AMOUNT OF \$48,297.64, TO NORTH LAKE FORD, FOR PURCHASE OF ONE (1) NEW ONE-TON CREW CAB 4-WHEEL DRIVE UTILITY BED TRUCK WITH CRANE** - On motion of Supervisor Smith and by vote of the Board (5 ayes), awarded Bid No. 06-05, in the amount of \$48,297.64, to North Lake Ford, for purchase of one (1) new one-ton crew cab 4-wheel drive utility bed truck with crane, and authorized the Chair to sign bid award.

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

6. **ITEM A-15 - CONSIDERATION OF AWARD OF BID NO. 06-04, IN THE AMOUNT OF \$142,412.22, TO NORTH LAKE FORD, FOR PURCHASE OF THREE (3) NEW ONE-TON EXTENDED CAB 4-WHEEL DRIVE UTILITY BED TRUCKS WITH CRANES** - On motion of Director Lewis and by vote of the Board (5 ayes), awarded Bid No. 06-04, in the amount of \$142,412.22, to North Lake Ford, for purchase of three (3) new one-ton extended cab 4-wheel drive utility bed trucks with cranes, and authorized the Chair to sign bid award.

7. **ITEM A-16 - UPDATE ON EMERGENCY REPAIRS TO THE NORTHWEST LIFT STATION 19** - On motion of Director Smith and by vote of the Board (5 ayes), found that an emergency still exists and continue to proceed with the emergency repair to a public facility without giving notice for bids to let contracts.

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

8. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - DISCUSSION/CONSIDERATION OF PROPOSED REVISIONS TO OWNER-OCCUPIED REHABILITATION PROGRAM GUIDELINES FUNDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)** - Social Services Director Carol Huchingson and Housing Program Manager Steve Citron were present.

Mr. Citron gave an overview of the revisions to the Owner-Occupied Rehabilitation Program Guidelines including (1) increasing the limits available for rehabilitation from \$50,000 to \$75,000 per home (existing limits have restricted ability to approve some homes due to increased costs of materials/labors and the extensive need for rehabilitation/repair); and (2) indexing reconstruction to the number of bedrooms per house to provide for the replacement of older, non-code compliant, mobile homes with new modular units; and (3) tying the total indebtedness to 100% of the after rehabilitation value.

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

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the revisions to the Owner-Occupied Rehabilitation Program Guidelines funded by the Community Development Block Grant (CDBG).

9. **ITEM A-13 - SUPERVISORS WEEKLY CALENDAR, TRAVEL, AND REPORTS** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved letter of commendation to Veterans Service Officer Jim Brown, for the extraordinary job he does for the veterans of Lake County and for making the Veterans Day Memorial Program such an outstanding event.

After a short recess, the Board reconvened at 9:50 a.m.

10. **ITEM A-7 - 9:45 A.M. - (a) PRESENTATION BY THE LAKE COUNTY FARM BUREAU ON THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD'S CONDITIONAL WAIVER FOR IRRIGATED AGRICULTURAL LANDS; and (b) CONSIDERATION OF A LETTER TO THE CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD ENDORSING THE CURRENT PROGRAM AND THE CONTINUATION OF THE EXISTING WAIVER FOR A FIVE-YEAR PERIOD** - Lake County Farm Bureau Executive Director Chuck March was present and gave an overview on the Central Valley Regional Water Quality Control Board's conditional waiver for irrigated agricultural lands, which included a watershed overview, hydrology-drainage patterns and land uses of Upper Cache Creek Watershed, Middle Creek Watershed, north shore drainage, Red Hills Watershed, Big Valley Watershed, Scotts Creek Watershed and Upper Putah Creek Watershed.

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 a letter to the Central Valley regional Water Quality Control Board endorsing the current program and the continuation of the existing waiver for a five-year period, and authorized the Chair to sign.

After a short recess, the Board reconvened at 10:41 a.m.

11. **ITEM A-8- 10:30 A.M. - PRESENTATION BY AREA PLANNING COUNCIL CONSULTANT PHIL DOW ON THE IMPLEMENTATION OF TRAFFIC MITIGATION/IMPACT FEES FOR LAKE COUNTY** - Area Planning Council Consultant Phil Dow was present and gave an overview on the implementation of traffic mitigation impact fees for Lake County. This fee would be imposed on new developments in order to fund road maintenance or improvements.

Chair Robey asked if anyone present wished to speak on this item and Mr. John Roddy spoke. No one else was present wishing to speak and the public portion of this item was closed.

This item will be discussed further at the Area Planning Council meeting, and recommendations will be brought back to the Board at a later date for further consideration.

12. **ITEM A-11 - 11:35 A.M. - PRESENTATION OF PROCLAMATION COMMENDING GREG DILLS FOR RECEIVING THE 2005 WATERSHED EXCELLENCE AWARD FOR AN INDIVIDUAL FROM THE SACRAMENTO RIVER WATERSHED PROGRAM** - Chair Robey read the proclamation into the record. The proclamation was presented to Mr. Greg Dills.

13. **ITEM A-10 - 11:30 A.M. - PRESENTATION OF PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS LUNG CANCER AWARENESS MONTH** - Supervisor Brown read the proclamation into the record. The proclamation was presented to Ms. Michelle MacRoberts.

14. **ITEM A-9 - 11:15 A.M. - PROPOSED ORDINANCE AMENDING PUBLIC GATE FEES TO BE CHARGED AT THE EASTLAKE LANDFILL AND LAKEPORT TRANSFER STATION FOR COUNTY SOLID WASTE SERVICES** - Public Services Director Kim Clymire and Public Services Deputy Director Caroline Chavez were present.

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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).

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Lewis ABSENT), advanced the ordinance three weeks to December 6, 2005.

15. **ERRATUM A-1 - 11:40 A.M. - DECISION IN THE APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER, LOCATED AT 3956 COUNTRY CLUB DRIVE, LUCERNE, CA (JOHN PEMBERTON and MARIA QUINONES)** - Animal Control Officer Jessica Leishman was present.

Supervisor Farrington stated that he was not present during the Vicious Animal Abatement Appeal Hearing, and would be abstaining on the decision.

On motion of Supervisor Brown and by vote of the Board (2 ayes, Supervisor Smith NO, Supervisors Farrington ABSTAIN, Supervisor Lewis ABSENT), upheld the appeal of the Vicious Animal Abatement Order.

The Board recessed for lunch at 12:30 p.m. and reconvened at 1:36 p.m., with Supervisor Lewis present.

16. **A-12 - 1:30 P.M. - PUBLIC HEARING - (a) APPEAL OF ROBERT RICHMOND (AB 05-06) OF THE PLANNING COMMISSION'S APPROVAL OF A SUBDIVISION MAP (SD 04-07) TO ALLOW A 146 LOT PLANNED RESIDENTIAL SUBDIVISION WITH PARKS, TRAILS AND OPEN-SPACE; LOCATED AT 20740 and 20830 BUTTS CANYON ROAD, MIDDLETOWN CA (APNs 014-430-07 and 09); and**

**2:00 P.M. PUBLIC HEARING - (b) PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF THE FOLLOWING GENERAL PLAN AMENDMENT PROPOSAL (GPAP 04-12), REZONE (RZ 04-23) AND GENERAL PLAN OF DEVELOPMENT (GPD 04-02): GPAP 04-12 IS PROPOSING A GENERAL PLAN AMENDMENT FROM RURAL RESIDENTIAL TO SUBURBAN RESIDENTIAL, RZ 04-23 IS PROPOSING A REZONE FROM "RR-SC-FF" (RURAL-RESIDENTIAL-SCENIC COMBINING-FLOODWAY FRINGE) TO "PDR-SC-FF" (PLANNED DEVELOPMENT RESIDENTIAL-SCENIC COMBINING-FLOODWAY FRINGE), AND GPD 04-02 A GENERAL PLAN OF DEVELOPMENT AND SUBDIVISION TO CREATE A 146 UNIT PLANNED RESIDENTIAL SUBDIVISION WITH PARKS, TRAILS AND OPEN SPACE, PROPOSED FOR VINTAGE FAIRE, LLC; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 04-101); LOCATED AT 20740 and 20830 BUTTS CANYON ROAD, MIDDLETOWN, CA (APNs 014-430-07 and 09)** - Community Development Director Mary Jane Fagalde and Principal Planner Rick Coel were present.

Mr. Coel gave a brief background report. The Planning Commission approved a tentative subdivision map on August 15, 2005, to allow 56 acres to be subdivided into 146 residential lots and several open space parcels. The proposal by Vintage Faire includes a general plan amendment from Rural Residential to Suburban Residential and a rezone from Rural Residential to Planned Development Residential. The project also includes a general plan of development to allow innovation in project design. The Planning Commission recommended that the Board approve the general plan amendment, rezone, and general plan of development. Since those three applications automatically moves forward to the Board, the only portion of the project that could be appealed was the tentative subdivision map approval. As a result, the agenda item focuses on the appeal of the map, while the 2:00 p.m. agenda item addresses the remaining components of the application.

Mr. Bruce Burman,, Lead Partner in the Vintage Faire LLC, was present.

Mr. Bob Richmond and Attorney Dan Beck were also present.

Mr. Beck gave a brief overview of the appeal of Robert Richmond, which included the following: (1) too high of a density of homes for the area; (2) granny units only add to high density; (3) using most of the water connections existing in the water district; and (4) the impact on the Middletown Unified School District has not been addressed.

After a short recess, the Board reconvened at 3:05 p.m.

Chair Robey opened the public hearing and the following persons spoke: Ms. Helen Bain, Mr. Fletcher Thorton, Mr. Jack Lair and Ms. Bonnie Yount. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), made an intended decision to deny the appal of AB 05-06 of Robert Richmond, and directed County Counsel to prepare proposed Findings of Fact.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found that on the basis of the Initial Study No. 04-101 that the general plan amendment, rezone and general plan of development as applied for by Vintage Faire, LLC, will not have a significant effect on the environment and therefore a negative declaration shall be issued with the findings listed in the Board Memorandum dated November 15, 2005.

Supervisor Brown offered Resolution No. 2005-211 (adopting an amendment to the Lake County General Plan - GPA 05-03), and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Brown 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 Brown offered Ordinance No. 2757, and it was passed by a roll-call vote (5 ayes).

On motion of Supervisor Brown and by vote of the Board (5 ayes), that the Board has reviewed and considered the environmental effect of this general plan of development as set forth in the proposed Negative Declaration which has been adopted for the project, and approved the general plan of development for Vintage Faire, LLC, on property located at 20740 and 20830 State Highway 29, Middletown, for the reasons listed in the Board Memorandum dated November 15, 2005.

17. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator, (a) County Negotiators, : A. Grant and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA** - 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.

There being no further business, the Board adjourned at 4:15 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

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