



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 4, 2005

The Honorable Board of Supervisors of Lake County, California, met in regular session this 4th day of October, 2005, there being present Supervisors Jeff Smith, Gary Lewis, Anthony Farrington, Rob Brown and Ed Robey, Administrative Officer Kelly Cox, County Counsel Cameron Reeves 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 in honor of Brad Gatton, 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-9.

Adopted Resolution No. 2005-174, pertaining to tax revenue exchange for annexation to the Callayomi County Water District (Vintage Faire - LAFCO Project #2005-06).

Adopted Resolution No. 2005-175, pertaining to tax revenue exchange for annexation to the Lower Lake County Water Works District (Anderson Marsh State Park - LAFCO Project #2005-04).

Approved letter requesting Governor Schwarzenegger veto SB 455 (Escutia) amending regulations for pesticide use, and authorized the Chair to sign.

Adopted Resolution No. 2005-176, approving Agreement 05-0429 with the State of California, Department of Food and Agricultural and authorizing execution and signature for pest exclusion activities for Fiscal Year 2005/2006.

Adopted Resolution No. 2005-177, approving Agreement No. 05-0481 with the State of California, Department of Food and Agriculture for compliance with the Pierce's Disease Contract Program and authorizing execution thereof.

Approved partial non-renewal of the Williamson Act Contract 68-12, that was recorded on February 22, 1971, in Book 656, pages 1 through 8, for parcels owned by the Granite Construction Company, as per recommended in the Memorandum dated September 21, 2005, from Senior Resource Planner Melissa Floyd.

Approved Contract between the County of Lake and the Lake County Office of Education, for specialty mental health services, and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Newhall Aviation), and authorized the Chair to sign.

Approved permit to conduct aeronautical activities at Lampson Airport (Jack Olof), and authorized the Chair to sign.

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

Change Order No. One, Furnish Seal Coat Screening - This change order addresses additional chip seal materials (chips) needed to complete this year's chip seal program. The additional materials are needed to chip seal several roads and parking lots funded by outside sources (Guenoc Winery, County Parks Department). This request for additional chip sealing was subsequent to the award of the contract to the material supplier.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved Change Order No. One, for an increase of \$29,255.40, Granite Construction Company, furnish seal coat screening, and authorized the Chair to sign.

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

Change Order No. 3, Kelseyville/Finley Water Improvement Project - This change order will be taken up later in the day.

3. **CITIZEN'S INPUT** - Ms. Elizabeth Neylon spoke on freedom of speech.

Citizen's input was continued later in the day.

4. **ITEM A-4 - CLOSED SESSION - 9:15 A.M. - 1. Public Employee Appointment (Interviews of applicants for County Counsel)** - Chair Robey announced that the Board will now go into Closed Session for the reasons stated on the agenda.

After a short recess, the Board reconvened into Closed Session at 10:39 a.m.

The Board reconvened into Regular Session and Chair Robey announced that the appointment for County Counsel will be made on October 11, 2005

The Board will go back into Closed Session later today.

- BACK TO # - CITIZEN'S INPUT** Ms. Pamela Brown, Ms. Pamela Bunch and Ms. Jane Carter each spoke on IHSS wages and negotiations.

5. **ITEM A-5 - 10:30 A.M. - HEARINGS - (a) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$7,252.81, LOCATED AT 12916 5TH STREET, CLEARLAKE OAKS, CA (APN 035-382-30-00); (b) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED**

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RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$6,149.15, LOCATED AT 12956 5TH STREET, CLEARLAKE OAKS, CA (APN 035-382-22-00); and (c) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$7,174.27, LOCATED AT 12946 5TH STREET, CLEARLAKE OAKS, CA (APN 035-382-21-00) - PROPERTIES OF OWEN LAMPMAN - Code Compliance Manager Hank Bouillerc and Code Compliance Officer Kimberlee Heckard were present.

Ms. Heckard gave a brief overview of the abatement assessment. On February 15, 2005, the Board conducted a nuisance abatement hearing for violations at the property of Owen Lampman and upheld the Order to Abate. The abatement was completed on August 12, 2005, and included completion of the removal of open and outdoor storage including, but not limited to, trash, debris, construction material, scrap wood, scrap metal, public nuisance vehicles and inoperable vehicles.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the assessment of \$6,149.15, for nuisance abatement at the Owen Lampman property at 12956 5th Street, Clearlake Oaks, California, being APN 035-382-22-00, be confirmed and directed the Enforcement Official to prepare and have recorded in the Office of the Lake County Recorder, a Notice of Lien in the amount of \$6,149.15, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the assessment of \$7,174.27, for nuisance abatement at the Owen Lampman property at 12946 5th Street, Clearlake Oaks, California, being APN 035-382-21-00, be confirmed and directed the Enforcement Official to prepare and have recorded in the Office of the Lake County Recorder, a Notice of Lien in the amount of \$7,174.27, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved the assessment of \$7,252.81, for nuisance abatement at the Owen Lampman property at 12916 5th Street, Clearlake Oaks, California, being APN 035-382-30-00, be confirmed and directed the Enforcement Official to prepare and have recorded in the Office of the Lake County Recorder, a Notice of Lien in the amount of \$7,252.81, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

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

6. **ITEM A-6 - 10:35 A.M. - PUBLIC HEARING - PROPOSED RESOLUTION OF INTENT TO PREPARE A GROUNDWATER MANAGEMENT PLAN FOR LAKE COUNTY** - Water Resources Engineer Tom Smythe was present and gave a brief overview of the resolution. In June 2004, the district was awarded a Groundwater Management Assistant Grant (AB 303) from the Department of Water Resources. The estimates of current and future water demand for the County of Lake has been prepared, with the draft report presented to staff for review in June 2005. The next step in the process is to prepare the Groundwater Management Plan. The Groundwater Management Plan would provide geologic and hydro geologic information for groundwater basins throughout the County, identify existing monitoring efforts and areas that need additional monitoring and develop management objectives for each basin. The purpose of a Countywide Groundwater Management Plan would be to maintain or enhance the quantity and quality of groundwater resources with the County.

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

Director Brown offered Resolution No. 2005-172, and it was passed by a roll-call vote (5 ayes).

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

7. **ITEM A-11 - Continued From September 13, 2005 - PROPOSED RESOLUTION REGARDING EFFECT OF MIDDLE CREEK FLOOD DAMAGE AND ECOSYSTEM RESTORATION PROJECT ON PROPERTIES IN PROJECT AREA** - Supervisor Lewis offered Resolution No. 2005-173, and it was passed by a roll-call vote (5 ayes).

8. **ITEM A-12 - Advanced From September 20, 2005 - AN ORDINANCE AMENDING CHAPTER 15 OF THE LAKE COUNTY ORDINANCE CODE PROVIDING FOR THE WALKING OF LICENSED AND LEASHED DOGS IN MIDDLETOWN COUNTY PARK TRAILSIDE NATURE PRESERVE - (SECOND READING)** - Supervisor Farrington offered Ordinance No. 2753, and it was passed by a roll-call vote (5 ayes).

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

9. **ADDENDUM A-1 - UPDATE ON EMERGENCY REPAIRS TO THE NORTHWEST LIFT STATION 19** - On motion of Director Lewis and by vote of the Board (5 ayes), found that an emergency still exists and continued 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.

10. **ITEM A-7 - CLOSED SESSION - 11:00 A.M. - 1. Public Employee Appointment (Interviews of applicants for Mental Health Director)** - Chair Robey announced that the Board will now go back into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session and Chair Robey announced that the appointment for a Mental Health Director will be made on October 11, 2005.

The Board adjourned for lunch at 12:35 p.m. and reconvened at 1:37 p.m.

11. **ITEM A-8 - 1:30 P.M. PUBLIC HEARING - (a) APPEAL OF KATHLEEN MILLER, RON ROSE, DEANNE PADEL AND ROD PADEL (AB 05-04) OF CONDITIONS OF A MAJOR USE PERMIT (MUP 04-22), FOR A MOTOR SPORTS GO-CART RACE TRACK; (APN 008-001-01); PROJECT IS LOCATED AT 2598 SOUTH MAIN STREET, LAKEPORT, CA 95453; and**

PUBLIC HEARING - (b) APPEAL OF TEGTMEIER ASSOCIATES, INC. (DBA LAKEPORT CINEMA 5 AND LAKEPORT AUTO MOVIES) (AB-05-03) OF THE PLANNING COMMISSION'S APPROVAL OF A MAJOR USE PERMIT (MUP 04-22), FOR A MOTOR SPORTS GO-CART RACE TRACK - (APN 008-001-01); PROJECT IS LOCATED AT 2598 SOUTH MAIN STREET, LAKEPORT, CA 95453 - Community Development Director Mary Jane Fagalde and Senior Resources Planner Melissa Floyd were present.

Attorney Frear Steven Schmid, representing Lakeport Outlaw Karting (Kathleen Miller, Ron Rose, Deanne Padel and Rod Padel), was present.

Mr. Scott Lotter and John Tegtmeier, representing Tegtmeier Associates, Inc., were also present.

Ms. Floyd gave an overview of the appeal of Lakeport Outlaw Karting is that it disagrees with the conditions of approval of the Planning Commission for the operation of a Motor Sports go-cart race track. The Appellant contends the following:

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1. The initial one-year term of the subject Use Permit is unreasonable given the costs necessary to set up the facility.
2. The condition imposing a 7:00 p.m. closing time and an 8:00 p.m. time to extinguish lights is unreasonable and incompatible with the nature of the proposed operation and zoning.
3. That the requirement that the parking area/pit area be paved is wholly contrary to the well established practice in the industry not to have paved parking areas.

Ms. Floyd gave an overview of the appeal of Tegtmeier Associates, Inc., as follows:

1. It has major concerns about noise, dust and light impacts of a go-cart race track on the Lakeport Cinema 5 and Lakeport Auto Movies located at 52 Soda Bay Road.
2. The Appellant believes that the mitigated negative declaration upon which the approval of the Motor Sports go-cart race track is faulty as Appellant contends it does not have any mitigation measures for potential noise, dust and light impacts.
3. The subject Use Permit approval takes a wait and see approach to impact mitigation with is not permit under CEQA.
4. That a focused EIR should have been prepared.

Chair Robey opened the public hearing and the following persons spoke: Ms. Misha Igra, Mr. Bob Reynolds, Mr. Frank Silva and Ms. Beverly Rabidoux. The public hearing was continued after a short recess.

After a short recess, the Board reconvened at 3:40 p.m.

BACK TO #12 - ITEM A-8 - 1:30 P.M. PUBLIC HEARING - (a) APPEAL OF KATHLEEN MILLER, RON ROSE, DEANNE PADEL AND ROD PADEL (AB 05-04) OF CONDITIONS OF A MAJOR USE PERMIT (MUP 04-22), FOR A MOTOR SPORTS GO-CART RACE TRACK; (APN 008-001-01); PROJECT IS LOCATED AT 2598 SOUTH MAIN STREET, LAKEPORT, CA 95453; and

PUBLIC HEARING - (b) APPEAL OF TEGTMEIER ASSOCIATES, INC. (DBA LAKEPORT CINEMA 5 AND LAKEPORT AUTO MOVIES) (AB-05-03) OF THE PLANNING COMMISSION'S APPROVAL OF A MAJOR USE PERMIT (MUP 04-22), FOR A MOTOR SPORTS GO-CART RACE TRACK - (APN 008-001-01); PROJECT IS LOCATED AT 2598 SOUTH MAIN STREET, LAKEPORT, CA 95453 - Community Development Director Mary Jane Fagalde and Senior Resources Planner Melissa Floyd were present.

Chair Robey continued the public hearing and the following persons spoke: Mr. Ross Jones, Mr. Ron Rose and Ms. Deanne Rose Padel. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey NO), made an intended decision to deny the appeal AB 05-04, applied for by Lakeport Outlaw Karting, of Use Permit 04-22 and uphold the decision by the Planning Commission on June 23, 2005.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey NO), made an intended decision to deny the appeal AB 05-03 of Use Permit 04-22, and directed County Counsel to prepare proposed Findings of Fact.

12. **ITEM A-9 - 3:30 P.M. - DISCUSSION/CONSIDERATION OF AN INTERIM ZONING ORDINANCE TO TEMPORARILY PROHIBIT CERTAIN POTENTIALLY CONFLICTING LAND USES PENDING ADOPTION OF THE UPDATED COUNTY GENERAL PLAN, PURSUANT TO GOVERNMENT CODE SECTION 65858** - Community Development Director Mary Jane Fagalde was present.

Ms. Fagalde gave a brief overview of the interim zoning ordinance. California Law authorizes the enactment of interim ordinances that impose temporary restrictions on development while a county revises or updates its General Plan. This ordinance would prohibit new residential development of major subdivisions until the County's General Plan update is completed and fair and comprehensive development fees are adopted. New major residential developments under the provisions of the County's old General Plan may allow the creation of projects that are in conflict with the new General Plan. In addition, without a fair and comprehensive set of development fees to mitigate the impacts of new major residential subdivisions, the costs of these impacts will have to be endured by the taxpayers of Lake County. This interim ordinance will give the County the opportunity to complete the new General Plan and a development fee package prior to the approval of any new major residential developments.

Chair Robey opened the public hearing and the following persons spoke: Mr. Fletcher Thorton, Ms. Denise Rushing, Mr. John Roddy, Mr. George Haskell, Ms. Frieda Comotta, Mr. Bill Merriman, Ms. Suzanne Lyons, Mr. Don Dornbush, Mr. Mike Malloy, Mr. Jack Lair, Mr. Cliff Ruzicka, Mr. Scott Bennett, Mr. Vince Price, Mr. David Neft, Mr. Bob Dutcher, Ms. Anna Greenwood, Mr. Gary Johnson and Mr. Jim Weaver. 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, as a majority of the Board did not support the proposal.

After a short recess, the Board reconvened at 6:41 p.m.

13. **ITEM A-13 - PROPOSED ORDINANCE AMENDING CHAPTER 9 OF THE LAKE COUNTY CODE ELIMINATING FEES FOR REFUSE ENCLOSURES OR REFUSE CONTROL PLANS FOR COMMERCIAL/INDUSTRIAL USES** - Community Development Director Mary Jane Fagalde was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), 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 (5 ayes), advanced the ordinance two weeks to October 18, 2005.

BACK TO #2 - ITEM A-3 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS:

Change Order No. 3, Kelseyville/Finley Water Improvement Project - This change order addresses several changes to the project as follows:

1. Site D3 - Main Street: Additional work needed in Main Street including an isolation valve to manage water pressure in the event of a shut down, existing water main had no tracer wire so additional pot-holing needed to locate for tie-ins to

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new water main, and pavement removal quantities in Main Street exceeded original estimate resulting in additional pavement grinder time. Cost: \$13,845.48.

2. Site A2D2 - Kelseyville/Finley Pipeline: Additional water valve needed to isolate Finley system from Kelseyville feed line for maintenance during a shut down, additional surveying was needed at the Murphy property to determine location of pipeline and easement due to field changes (cost split equally between contractor and district). Cost: \$4,036.64.
3. Site K6 - Water Tank: Additional rebar is needed for tank ring support, traffic rated lids needed for water loading valve vaults. Cost: \$1,186.55.
4. Site D5 - Lillian Drive: The proposed water main tie-in configuration at Lillian and Single Springs roads were modified in order to avoid the re-use of existing old valves in poor condition and to improve water flow for the system, an additional water valve is needed at Lillian/Konocti Terrace for maintenance and future shut downs.
5. Site P2 - New Well: Drilling of the original well proved to be outside of the aquifer and resulted in insufficient production quantities. An alternative well site has been agreed upon with the landowner and this cost includes an underground well vault along with a small diameter monitoring well to measure drawdown within the aquifer and long term performance.

This item was continued to October 11, 2005, in order to allow time for Special Districts Administrator Mark Dellinger to determine why the drilling company drilled a well that resulted in insufficient production quantities, and if they are liable for the cost associated with this well site.

There being no further action, the Board adjourned at 7:43 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Georgine Hunt
Assistant Clerk of the Board