



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 1, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1<sup>st</sup> day of August, 2006, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Rob Brown, Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Farrington. Following a moment of silence, Supervisor Lewis 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-11, with the exception of Consent Items C-4, C-5 and C-6, and each of these item will be taken up immediately following the approval of the Consent Agenda.

Adopted Resolution No. 2006-128, approving Agreement No. 06-0245 Egg Inspection Agreement with the Department of Food and Agriculture during the period of July 1, 2006 through June 30, 2007, and authorizing execution thereof.

Adopted Resolution No. 2006-129, approving Agreement 06-0315 with the State of California; Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2006/2007.

Adopted Resolution No. 2006-130, approving the Final Subdivision Map for Vista Mountain Estates Subdivision.

Approved Agreement between the County of Lake and Phoenix, Inc., for crisis residential services, and authorized the Chair to sign.

Approved Amendment to Nice Community Services District's Conflict of Interest Code, pursuant to district's Resolution No. 06-61, adopted on July 12, 2006.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 008-038--50 - Adobe Creek Packing Company), and approved Purchase Agreement between the County of Lake and Adobe Creek Packing Company, for Merritt Road Bridge Construction Project, and authorized the Chair to sign.

Adopted Resolution No. 2006-131, to appropriate unanticipated revenue,(user fees collected from various County departments), in the amount of \$34,000, for implementation of the salary survey and health package that go into effect in November, 2005 - Budget Unit No. 9911- Fleet Maintenance Division.

Approved plans and specifications for construction of pavement rehabilitation and drainage improvement on Gaddy Lane, from State Street to Soda Bay Road, and authorized the Assistant Purchasing Agent to advertise for bids.

**CONSENT ITEM C-4 - PROPOSED RESOLUTION ACCEPTING A GIFT OF FUNDS FOR THE REDBUD BRANCH OF THE LAKE COUNTY LIBRARY (FROM CHARLOTTE GRISWOLD, IN THE MEMORY OF LYMAN and OLGA GRISWOLD, IN THE AMOUNT OF \$25,000)** - Supervisor Smith requested that this item be pulled from the Consent Agenda for further discussion. Supervisor Smith wanted to thank Ms. Griswold for her generous donation to the Redbud Library.

Supervisor Smith offered Resolution No. 2006-132, and it was passed by a roll-call vote (5 ayes).

**CONSENT ITEM C-5 - PROPOSED RESOLUTION ADOPTING A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE LAKE COUNTY CORRECTIONAL OFFICERS' ASSOCIATION AND THE COUNTY OF LAKE, FOR FISCAL YEARS 2005 TO 2008** - A Memorandum dated August 1, 2006, from County Counsel Anita Grant and Chief Deputy Administrative Officer Matt Perry, was received by the Board, requesting that this item be pulled from today's Consent Agenda and it will be placed on the August 15, 2006, Agenda for further consideration.

This item was continued to August 15, 2006.

**CONSENT ITEM C-6 - PROPOSED RESOLUTION APPROVING THE STANDARD AGREEMENT BETWEEN THE COUNTY OF LAKE AND THE STATE DEPARTMENT OF MENTAL HEALTH FOR FISCAL YEARS 2006/2007, 2007/2008 AND 2008/2009, AND AUTHORIZING THE DIRECTOR OF MENTAL HEALTH TO SIGN AGREEMENT NUMBER 06-7627-000** - A Memorandum dated July 27, 2006, from Mental Health Director Kristy Kelly, was received by the Board, requesting that this item be pulled from the today's Consent Agenda and it will be placed on the agenda at a later date, for further consideration.

2. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**EXTRA #1 - CONSIDERATION OF REQUEST TO FIND IT IN THE PUBLIC INTEREST TO WAIVE THE NORMAL BIDDING PROCESS FOR EMERGENCY REPAIRS TO THE AM-FAB COMPACTOR, LOCATED AT THE LAKEPORT TRANSFER STATION AND AUTHORIZE THE PUBLIC SERVICES DIRECTOR TO ENTER INTO A CONTRACT WITH WESTERN BALER & CONVEYOR, INC., TO PROVIDE MAINTENANCE AND REPAIR SERVICES FOR THE AM-FAB COMPACTOR, LOCATED AT THE LAKEPORT TRANSFER STATION IN THE AMOUNT OF \$79,488** - 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:

The main cylinder that pushes the garbage into the compaction unit and then into the transfer trucks stopped working a couple of weeks ago. After staff performed several trouble shooting test on the unit with no success, Western Baler was contacted and after performing trouble shooting tests of their own, Western Baler determined that the cylinder needed to be rebuilt. Western Baler and Conveyor's is a sole source repair company who maintains the Am-fab unit and their

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estimated cost to rebuild the cylinder is \$79,488. This repair work is specialized and requires the highest level of service, with certified technicians.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), found it in the public interest to waive the normal bidding process for reasons set forth in the Public Services Director's Memorandum dated July 31, 2006, and authorized the Public Services Director to enter into a contract with Western Baler and Conveyor, Inc., to provide maintenance and repair services for the Am-Fab Compactor (located at the Lakeport Transfer Station) for an estimated cost of \$79,488 for parts and labor.

3. **ITEM A-9 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND ANASAZI SOFTWARE, INC., FOR PURCHASE OF COMPUTER SOFTWARE AND SERVICES** - Mental Health Director Kristy Kelly and Mental Health Administrative Manager Caren Clifton were present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Agreement between the County of Lake and Anasazi Software, Inc., for purchase of computer software and services, and authorized the Chair to sign.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A GENERAL PLAN AMENDMENT PROPOSAL (GPAP 06-01) FROM AGRICULTURE TO INDUSTRIAL and REZONE (RZ 06-01) FROM "A-SC" (AGRICULTURE - SCENIC COMBINING DISTRICT) TO "M1-DR" (COMMERCIAL/MANUFACTURING - DESIGN REVIEW COMBINING DISTRICT), FOR THE WESTERLY PORTION OF TWO ADJACENT PARCELS, PROPOSED FOR JACK PARKER AND LARRY HERMAN; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE, BASED ON INITIAL STUDY IS 06-01; PROJECT IS LOCATED AT 12872 AND 12762 SOUTH STATE HIGHWAY 29, LOWER LAKE, CA (APNS 012-023-17 AND 012-023-25)** - Assistant Community Development Director Rick Coel and Senior Planner Emily Minton were present.

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

The following motions are for Larry Herman's general plan amendment and rezone:

On motion of Supervisor Robey and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 06-10, that the general plan amendment from Agriculture to Industrial and rezone from "A" (Agriculture) to "M1-DR" (Commercial/Manufacturing - Design Review), applied for by Larry Herman, 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 18, 2006.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the Ordinance rezoning lands of Herman, and had it read in title only (Clerk so did).

Supervisor Robey offered Ordinance No. 2781 (rezoning lands of Herman), and it was passed by a roll-call vote (5 ayes),

The following motions are for Jack Parker's general plan amendment and rezone:

On motion of Supervisor Robey and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 06-10, that the general plan amendment from Agriculture to Industrial and rezone from "A" (Agriculture) to "M1-DR" (Commercial/Manufacturing - Design Review), applied for by Jack Parker, 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 18, 2006.

On motion of Supervisor Robey and by vote of the Board (5 ayes), waived the reading of the Ordinance rezoning lands of Parker, and had it read in title only (Clerk so did).

Supervisor Robey offered Ordinance No. 2782 (rezoning lands of Parker), and it was passed by a roll-call vote (5 ayes),

The following motion is for Larry Herman's and Jack Parker's general plan amendment:

Supervisor Robey offered Resolution No. 2006-127 (an amendment to the Lake County General Plan - GPA 06-01, Herman and Parker), and it was passed by a roll-call vote (5 ayes).

5. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - (1) REVIEW OF ANNUAL GRANTEE PERFORMANCE REPORTS FOR COMMUNITY DEVELOPMENT BLOCK GRANTS: (1) CLEARLAKE OAKS PLAZA RESTORATION AND HOUSING REHABILITATION - #05-STBG-1421; and (2) PROGRAM INCOME ACTIVITIES, INCLUDING HOUSING REHABILITATION REVOLVING LOAN FUND, BUSINESS EXPANSION AND RETENTION REVOLVING LOAN FUND, AND PUBLIC WORKS FACILITIES** - Chief Deputy Administrative Director Matt Perry was present and gave a brief overview of Clearlake Oaks Plaza Restoration and Housing Rehabilitation; Program Income Activities, Including Housing Rehabilitation Revolving Loan Fund, Business Expansion and Retention Revolving Loan Fund, and Public Works Facilities Annual Grantee Performance Reports for the Community Development Block Grants.

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

There was no action taken on this item.

6. **ITEM A-12 - Advanced From July 18, 2006:**

**(a) AN ORDINANCE ESTABLISHING FEES FOR AERONAUTICAL ACTIVITIES AND OTHER USES OF COUNTY AIRPORT - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2785, and it was passed by a roll-call vote (5 ayes).

**(b) AN ORDINANCE ESTABLISHING ANNUAL PAYMENTS FOR LAKEBED ENCROACHMENT PERMITS AND LEASES - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2786, and it was passed by a roll-call vote (5 ayes).

**(c) AN ORDINANCE ESTABLISHING A FEE FOR PLANS AND SPECIFICATIONS PREPARED BY THE DEPARTMENT OF PUBLIC WORKS - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2787, and it was passed by a roll-call vote (5 ayes).

**(d) AN ORDINANCE ESTABLISHING A PERMIT AND SERVICE FEE SCHEDULE FOR THE ENGINEERING AND INSPECTION AND SURVEY DIVISIONS OF THE DEPARTMENT OF PUBLIC WORKS - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2788, and it was passed by a roll-call vote (5 ayes).

**(e) AN ORDINANCE ESTABLISHING APPLICATION FEES FOR COUNTY SERVICE AREA NO. 23 FOR THE ESTABLISHMENT OF ZONES OF BENEFIT - (SECOND READING)** - Supervisor Smith offered Ordinance No. 2789, 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 Watershed Protection District.

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**(f) AN ORDINANCE ESTABLISHING FEES FOR LAKE COUNTY WATERSHED PROTECTION DISTRICT ACTIVITIES - (SECOND READING)** - Director Smith offered Ordinance No. 2790, and it was passed by a roll-call vote (5 ayes).

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

7. **ITEM A-10 - Advanced From July 18, 2006 - AN ORDINANCE AMENDING ARTICLE VI OF CHAPTER 19 OF THE LAKE COUNTY CODE PERTAINING TO THE UNAUTHORIZED OPERATION OF VEHICLES ON PRIVATE OR PUBLIC PROPERTY - (SECOND READING)** - Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Ms. Barbara Muhlhauser and Thomas Wall. No one else was present wishing to speak and the public portion of this item was closed.

Supervisor Lewis offered Ordinance No. 2783, and it was passed by a roll-call vote (4 ayes, Supervisor Brown NO).

After a short recess, the Board reconvened at 10:06 a.m.

8. **ITEM A-7 - Continued From May 16, 2006 and July 18, 2006 - 10:00 A.M. - DISCUSSION/CONSIDERATION OF INITIATING AN ORDINANCE REGULATING CANNABIS GROWING** - Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Phil Murphy, Mr. Thomas Wall and Mr. David McCullough. No one else was present wishing to speak and the public portion of this item was closed.

There was consensus by the Board that an item be placed on the agenda regarding a proposal that the Health Department will be responsible for the issuance of medical marijuana cards in Lake County and that a committee be formed to discuss regulations on cannabis growing, and recommendations will be brought back to the Board at a later date for further consideration.

9. **ITEM A-8 - Advanced From July 18, 2006 - AN ORDINANCE AMENDING CHAPTER 19 OF THE ORDINANCE CODE OF THE COUNTY OF LAKE PROHIBITING PARKING ON BOAT LAUNCH RAMPS - (SECOND READING)** - Supervisor Lewis offered Ordinance No. 2784, and it was passed by a roll-call vote (5 ayes).

10. **ITEM A-13 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry, and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA** - Chair Farrington 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 10:55 a.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