



Minutes

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 8, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th 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 9:00 a.m. by Chair Farrington. Following a moment of silence, Supervisor Jeff Smith led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-5.

Approved Minutes of the Board of Supervisors Meeting held on July 18 and 25, 2006.

Appointed Valerie Duncan to the Upper Lake Cemetery Board of Directors, for a term expiring August 8, 2010.

Adopted Resolution No. 2006-133, amending compensation for serving on the Lake County Planning Commission (an increase from \$100 to \$150 per meeting).

Approved Mainline Extension Agreement between the County of Lake and Robert Borghesani, to construct a water mainline to service APNs 017-011-09 and 017-011-10 (5555 Kelsey Creek Drive, Kelseyville), and authorized the Chair to sign.

Sitting as the Board of Directors of Lake County Air Quality, authorized the Air Pollution Control Officer to return the unexpended Carl Moyer Program Funds in the amount of \$883.87, plus interest earned, to the California Air Resources Board, as recommended in the Memorandum from Air Pollution Control Officer Bob Reynolds, dated July 25, 2006.

2. **ITEM A-2 - PRESENTATION OF ANIMALS THAT ARE AVAILABLE FOR ADOPTION AT THE LAKE COUNTY ANIMAL CARE AND CONTROL SHELTER** - Animal Control Officer Morgan Nelsen was present and showed one (1) dog, one (1) kitten and one (1) puppy that are available for adoption at the Lake County Animal Care and Control Center.

3. **ITEM A-15 - CONSIDERATION OF BID AWARD NO. 06-38, TO R&C CONSTRUCTION, IN THE AMOUNT OF \$419,331, TO INCLUDE AN ADDITIONAL \$12,000 FOR ALPINE PARK ADDITIVE (CULTURED STONE WAINSCOT), FOR CONSTRUCTION OF RESTROOMS AT ALPINE PARK IN LUCERNE AND SADERLUND PARK IN KELSEYVILLE** - Public Services Director Kim Clymire was present.

On motion of Supervisor Lewis and by vote of the Board (4 ayes, Supervisor Robey NO), awarded Bid No. 06-38, to R&C Construction, in the amount of \$419,331, to include an addition \$12,000 for Alpine Park additive (cultured stone wainscot), for construction fo restrooms at Alpine Park in Lucerne and Saderlund Park in Kelseyville, and authorized the Chair to sign the bid award.

4. **ITEM A-5 - 9:15 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 13138 4TH STREET, CLEARLAKE OAKS (APN 035-411-22-00 - MARVIN MASSEY)** - The Clerk swore in Code Compliance Manager Voris Brumfield, Code Compliance Officer Kim Heckard, Mr. Marvin Massey, Mr. John Moore and Mr. John Webb.

Ms. Heckard gave a brief overview of the conditions of the property, which included open and outdoor storage of junk, trash, debris, weeds, metals, wood, tires, compressors, motors, travel trailers, trailers, furniture, mattresses, motorcycles, motorcycle parts, appliances, tanks, boats, boat trailers, tarps, barrels, batteries, fencing, gates, poles, chairs, plastics, pools, ladders, electric and cable to motor home, inoperable public nuisance vehicles and vehicle parts.

Ms.Heckard gave a power-point presentation showing the conditions of the property that is creating a public nuisance.

Chair Farrington asked if anyone present wished to speak and the following persons presented testimony: Mr. Marvin Massey, Mr. John Moore and Mr. John Webb. No one else was present and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 13138 4th Street, Clearlake Oaks, California, within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property.

5. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 13128 4TH STREET, CLEARLAKE OAKS (APN 035-411-19-00 - MARVIN MASSEY)** - The Clerk swore in Code Compliance Manager Voris Brumfield, Code Compliance Officer Kim Heckard and Mr. Marvin Massey.

Ms. Heckard gave a brief overview of the conditions of the property, which included substandard accessory structures and mobile home, open and outdoor storage consisting of, but not limited to junk, trash, debris, automotive parts and lubricants, public nuisance vehicles, trailers and other miscellaneous items creating a public nuisance and a health and safety hazard.

Ms.Heckard gave a power-point presentation showing the conditions of the property that is creating a public nuisance.

Chair Farrington asked if anyone present wished to speak and Mr. Marvin Massey presented testimony. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 13128 4th Street, Clearlake Oaks, California, within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 8, 2006

6. **ITEM A-7- 9:45 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 2620 GARDEN DRIVE, NICE (APN 030-124-44-00 - MARVIN MASSEY)** - The Clerk swore in Code Compliance Manager Voris Brumfield, Code Compliance Officer Roderic Hilliard, Mr. Marvin Massey and Mr. John Webb.

Mr. Hilliard gave a brief overview of the conditions of the property, which included open and outdoor storage consisting of, but not limited to construction materials, scrap wood, scrap metal, trash, propane tanks, white metal, appliances, petroleum products, tires, camper shells, heavy equipment parts, vehicle parts, trailers full of junk, travel trailers, trucks, automobiles, boat railers, boats, substandard metal and wooden sheds and other wooden structures.

Mr. Hilliard gave a power-point presentation showing the conditions of the property that is creating a public nuisance.

Chair Farrington asked if anyone present wished to speak and the following persons presented testimony: Mr. Marvin Massey and John Webb. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 2620 Garden Drive, Nice, California, within thirty (30) days and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property.

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

7. **CITIZEN'S INPUT** - Mr. Norman Deter, representing the Lake County Kennel Club was present and announced that the Kennel Club will be holding an Obedience Trial event on Saturday, August 19, 2006, and invited the Board and the citizens of Lake County to attend.

8. **ITEM A-8 - 10:00 A.M. - DISCUSSION REGARDING CALIFORNIA WATER SERVICE COMPANY'S INCREASE IN THE WATER RATES FOR LUCERNE** - Supervisor Lewis gave a brief overview of concerns within the community with the increase in water rates and what limitations/regulations the County has over private companies and corporations.

Chair Farrington asked if anyone present wished to speak on this item and the following persons spoke: Mr. Steve Elias, Ms. Sophie Jensen, Ms. Donna Christopher, Ms. Yvonne Cox, Ms. Lennie Mathews and Ms. Denise Rushing. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Lewis and by vote of the Board (5 ayes), approved sending a letter to the California Public Utilities Commission, expressing concern of the Board of Supervisors regarding the rate increase request by the California Water Service Company, located in Lucerne, California, and authorized all Supervisors to sign.

9. **ITEM A-9 - Continued From June 20, 2006 and July 25, 2006 - 10:15 A.M. - CONSIDERATION OF PROPOSED ORDINANCE AMENDING ARTICLE 9 OF CHAPTER TWENTY-ONE OF THE LAKE COUNTY CODE RELATING TO PARCELS DESIGNATED AS SUBURBAN (ANIMAL DENSITY)** - Chair Farrington stated that he has a private contract with one of the surrounding property owners of the pig farm and believes that he may have a conflict of interest regarding this matter.

The gavel was passed to Vice-Chair Smith.

Supervisor Farrington was absent at 11:21 a.m.

Community Development Director Mary Jane Fagalde was present and gave an overview of the proposed amendment. At the June 20, 2006, meeting, the Board discussed animal density in the Suburban Reserve zoning district. At that meeting the Board considered an amendment that proposed to clarify existing Suburban Reserve standards regarding animal density however that amendment as written would have prohibited the grouping of animals together for shelter and could have otherwise compromised the ability of an owner to implement appropriate husbandry practices. At that time the amendment was considered due to nuisance issues arising from the keeping of pigs on a parcel in the Suburban Reserve District. Although the pigs were kept according to existing standards, there was conflict(s) between that rural use and neighboring residences. The purpose of the Suburban Reserve (SR) District is to provide for large lot residential development in areas where the establishment of appropriate infrastructures such as public water, sewer and County maintained roads will ultimately support higher densities. Therefore, the SR district is typically found at the fringes of urban residential development and is a transitional zone that is likely to be developed in the future. It is Community Development Department staff's position that the SR zone helps establish the rural/urban boundary and should provide for limited animal keeping, but that the keeping of pigs is typically an intensive agricultural operation and should not occur as a "use by right" in the SR district..

This item was continued to August 22, 2006, at 9:30 a.m. for further consideration.

Supervisor Farrington was present at 11:49 a.m.

The gavel was passed back to Chair Farrington.

After a short recess, the Board reconvened at 11:53 a.m.

10. **ITEM A-10 - 10:45 A.M. - (a) DISCUSSION/PRESENTATION REGARDING FUTURE ALLOCATION OF FUNDING OF TITLE II AND TITLE III MONIES, FOR RAC PROJECTS; (b) PROPOSED RESOLUTION DESIGNATING 15% OF THE FULL PAYMENT AMOUNT RECEIVED IN FISCAL YEAR 2006/2007 PURSUANT TO H.R. 2389 TO BE ALLOCATED TO LOCAL PROJECTS; (c) PROPOSED RESOLUTION DESIGNATING THE AMOUNT OF FUNDING TO BE ALLOCATED BETWEEN TITLE II AND TITLE III LOCAL PROJECTS PURSUANT TO H.R. 2389 FOR FISCAL YEAR 2006/2007; and (d) PROPOSED AMENDMENT #1 TO AGREEMENT BETWEEN THE COUNTY OF LAKE AND WEST LAKE RESOURCE CONSERVATION DISTRICT, TO PROVIDE PREVENTION EDUCATION AND PLANNING SERVICES** - Deputy Administrative Officer Jeff Rein and Public Works Director Gerry Shaul were present.

Chair Farrington asked if anyone present wished to speak and the following persons spoke: Ms. Suzanne Shaltz, Ms. Debbie Macintosh, Mr. Ray Mostin, Mr. Larry Fabisch, and Mr. Christopher Layton.

This item was continued to August 22, 2006, at 10:30 a.m., and any additional public input will also be allowed at that time.

11. **ITEM A-16 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND QUINCY ENGINEERING, INC., FOR ENGINEERING SERVICES FOR SHORT SPAN BRIDGE INSPECTION AND LOAD/SUFFICIENCY RATING PROGRAM** - Public Works Director Gerry Shaul was present.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Quincy Engineering, Inc., for engineering services for Short Span Bridge Inspection and Load/Sufficiency Rating Program, and authorized the Chair to sign.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 8, 2006

- 12. **ITEM A-12 - CONSIDERATION OF AN APPOINTMENT TO THE LOWER LAKE CEMETERY BOARD OF DIRECTORS-** On motion of Supervisor Robey and by vote of the Board (5 ayes), appointed Judy Thein to the Lower Lake Cemetery Board of Directors, for a term ending August 8, 2010.
- 13. **ITEM A-14 - CONSIDERATION OF PROPOSED AGREEMENT BETWEEN THE COUNTY OF LAKE AND PACIFIC MUNICIPAL CONSULTANTS, FOR PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE PROPOSED VALLEY OAKS DEVELOPMENT PROJECT** - Assistant Director of Community Development Rick Coel was present.

The following amendment was made to the agreement:

Page 3, Item 2, Paragraph A - Changed the sum of "two hundred fifteen, two hundred eight dollars" to "two hundred and twenty-one thousand, eight hundred eight dollars".

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement, as amended, between the County of Lake and Pacific Municipal Consultants, for preparation of an Environmental Impact Report (EIR) for the proposed Valley Oaks Development Project, and authorized the Chair to sign.

- 14. **ITEM A-13 - CONSIDERATION OF APPOINTMENTS TO THE AGRICULTURAL ELEMENT ADVISORY COMMITTEE** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Deanna Bartolucci, Grape Industry category, as an alternate and Victoria Brandon, Sierra Club category, as an alternate, on the Agricultural Element Advisory Committee.
- 15. **ITEM A-17 - 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 ; and 2. Public Employee Performance Evaluation: Title: Air Pollution Control Officer** - 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 1:25 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board