



# Minutes

## County of Lake Board of Supervisors

### OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 12, 2006

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12<sup>th</sup> day of September, 2006, there being present Supervisors Ed Robey, Jeff Smith, Gary Lewis, Rob Brown, Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant, Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Farrington. Following a moment of silence, Mireya Turner 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 and C-2.

Approved grant deed and directed clerk to certify for recordation (a portion of APNs 008-019-62 and 008-019-20 - Cobb Mountain Estates), approved purchase agreement between the County of Lake and Cobb Mountain Estates, for Timberline Disposal - Soda Bay Road left turn lane and authorized Chair to sign.

Approved Amendment #1 to Agreement between the County of Lake and the Anderson Springs Homeowners Association for funding to repair community pool facility and authorized the Chair to sign.

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 and (1) cat now available for adoption at the Lake County Animal Care and Control Center.

3. **CITIZEN'S INPUT** - Milos Luebner spoke on Child Protective Services.

4. **ITEM A-15 - PROPOSED ORDINANCE AMENDING ARTICLE X OF CHAPTER TWO OF THE LAKE COUNTY CODE RELATING TO THE POLICIES AND PROCEDURES FOR THE PROCUREMENT OF SUPPLIES, MATERIALS, EQUIPMENT, AND CONTRACTUAL SERVICES** - Deputy Administrative Officer Jeff Rein was present and gave a brief overview of the amendment to the ordinance.

On motion of Supervisor Robey 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 Robey and by vote of the Board (5 ayes), advanced the ordinance two weeks to September 26, 2006.

5. **ITEM A-5 - 9:15 A.M. PUBLIC HEARING - PLANNING COMMISSIONS' RECOMMENDATION FOR APPROVAL OF THE GENERAL PLAN AMENDMENT PROPOSAL (GPAP 05-06) AND REZONE (RZ 05-08): GPAP 05-06 IS 05-48 PROPOSING A GENERAL PLAN AMENDMENT ON A 4-ACRE PORTION OF PROPERTY FROM RURAL LANDS TO RURAL RESIDENTIAL, AND A REZONE OF THE SAME 4-ACRE PORTION OF PROPERTY FROM "RL-WW-SC-B5(5 ACRE)" (RURAL LANDS-WATERWAY-SCENIC-SPECIAL LOT SIZE/DENSITY) TO "RR-WW-SC-B5(2.5 ACRE)" (RURAL RESIDENTIAL-WATERWAY-SCENIC-SPECIAL LOT SIZE/DENSITY), PROPOSED FOR TANTARELLI FAMILY; AND ADOPTION OF A NEGATIVE DECLARATION FOR SAID GPAP AND REZONE (BASED ON INITIAL STUDY IS 05-48). THIS PROJECT IS LOCATED AT 14247 AND 14310 BOTTLE ROCK ROAD, KELSEYVILLE, CA (APNS 011-012-94 AND 011-012-95)** - Community Development Director Mary Jane Fagalde was present and spoke to the General Plan Amendment and Rezone.

Chairman Farrington opened the Public Hearing. No one was present wishing to speak and the public portion was closed.

Supervisor Brown offered Resolution No. 2006-173, (a Resolution amending the General Plan and Rezone, GPAP 05-06, RZ 05-08, IS 05-08), and it was passed by a roll-call vote (5 ayes).

Supervisor Brown offered Ordinance No. 2792, and it was passed by a roll-call vote (5 ayes).

6. **ITEM A-6 - 9:30 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 11460 ROSE ANDERSON ROAD, MIDDLETOWN (APN 050-451-28-00 - ESTATE OF LARRY ARGUE)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Anthony Howard, and Ms. Victoria Argue were present and sworn in.

After an introduction by Voris Brumfield, Officer Anthony Howard gave the powerpoint presentation regarding the property. Victoria Argue gave testimony. Chair Farrington opened this item for public input. Darlene Hamb and Ms. Murielle Madrano were sworn in and gave testimony. No one else was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 11460 Rose Anderson Road, Middletown, 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.

7. **ITEM A-7 - 9:45 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 23878 MIRABEL ROAD, MIDDLETOWN (APN 014-200-38-00 - CORA & DAVID CLARK)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Anthony Howard, David Clark, and Cora Clark were present and were sworn in. Mr. Howard gave a brief overview and power point presentation on the background of this item. Ms. Cora Clark and Mr. David Clark gave testimony.

Chairman Farrington opened the public hearing. No one was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 23878 Mirabel Road, Middletown, 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.

8. **ITEM A-8 - 10:00 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 11505 ALDER LANE, MIDDLETOWN (APN 050-394-07-00 - BRUCE & ETHEL LEGRANDE)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Anthony Howard and Mr. Bruce Legrande were present and were sworn in. Mr. Howard gave a brief overview and visual presentation regarding this item. Mr. Legrande gave testimony.

Chairman Farrington opened the public hearing. No one was present wishing to speak and the public portion of this item was closed.

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 23878 Mirabel Road, Middletown, 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.

9. **ITEM A-16 - PROPOSED ORDINANCE AMENDING LAKE COUNTY ALCOHOL AND DRUG SERVICES (AODS) FEES FOR DRIVING-UNDER-THE-INFLUENCE PROGRAMS** - AODS Administrator Laura Solis and Substance Abuse Treatment Coordinator Mark Messerer were present. There was discussion with the Board regarding regular annual increases in fees, not to exceed State Guidelines.

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

On motion of Supervisor Robey 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 Robey and by vote of the Board (5 ayes), advanced the ordinance two weeks to September 26, 2006.

Supervisor Lewis left the Chambers at 10:15 A.M. and was present at 10:20 A.M.

10. **ITEM A-9 - 10:15 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 13129 3<sup>RD</sup> STREET, CLEARLAKE OAKS (APN 035-411-08-00 - KAREN JOHNSTONE)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard, Ms. Karen Johnstone, and Ms. Theresa Bray-Rosasco were present and sworn in. Ms. Heckard gave a brief report and power point presentation on the background of this item.

Ms. Karen Johnstone and Ms. Theresa Bray-Rosasco gave testimony.

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

On motion of Supervisor Robey and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 13129 3<sup>rd</sup> 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.

11. **ITEM A-10 - 10:30 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 12516 EAST HWY 20, CLEARLAKE OAKS (APN 035-123-47-00 - DARAN MOGHADAM)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard were present and sworn in.

The registered owner, Daran Moghadam was not present. The Board verified with Officer Heckard that proper notice had been given to the owner.

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 12516 East Highway 20, 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.

(The owner arrived at 11:00 A.M., citing car trouble. The Board chose not to reopen this item and directed Mr. Moghadam to contact the Code Compliance Division for further direction regarding the Notice to Abate.)

The Board recessed at 10:35 A.M. and reconvened at 10:45 A.M.

12. **ITEM A-11 - 10:45 A.M. HEARING - NOTICE OF NUISANCE ABATEMENT - 13278 EBBTIDE VILLAGE, CLEARLAKE OAKS (APN 035-801-20-00 - BOB MARTIN)** - Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard were present and sworn in. Ms. Heckard gave the power point presentation regarding the staff report on this item.

The owner was not present. The Board verified with Ms. Heckard that proper notice had been given to the owner.

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 13278 Ebbtide Village, 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.

13. **ITEM A-20 - CONSIDERATION OF GROUP HEALTH INSURANCE COMMITTEE'S RECOMMENDATION REGARDING DENTAL/VISION PLAN COVERAGE AND RATES, EFFECTIVE JANUARY 1, 2007** - Personnel Director Glenn Walters gave the report of the Group Health Insurance Committee, regarding the depletion of the dental/vision plan reserve funds.

On motion of Supervisor Lewis and approved by the Board (5 Ayes) approved a reduction in Dental/Vision Plan Benefits and Rates to the level in place prior to 2006 (\$1,000 annual dental, \$80 vision exams, etc), effective January 1, 2007.

14. **ITEM A-12 - 11:00 A.M. - CONSIDERATION OF A REQUEST FROM JOSEPH E. FLEMING FOR WAIVER OF WATER AND SEWER CONNECTION FEES ON PROPERTY LOCATED AT 4515 LAKEPORT BOULEVARD** - Special Districts Administrator Mark Dellinger, Special Districts Administrator Jill Shaul, Community Development Director Mary Jane Fagalde and Mr. Joseph Fleming were present and spoke.

There was discussion regarding the zoning requirements and definition of a guest house.

No action was taken.

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

15. **ITEM A-18 - CONSIDERATION OF REAL PROPERTY PURCHASE CONTRACT BETWEEN THE LAKE COUNTY WATERSHED PROTECTION DISTRICT AND MARVIN B. CONLEY AND LYNNI. CONLEY, IN THE AMOUNT OF \$294,000, FOR MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT (APN 004-021-28)** - Deputy Director Water Resources Pam Francis was present and spoke to the property acquisition item.

Supervisor Robey questioned the ability of the public to purchase land in an area of a County Restoration Project.

On motion from Supervisor Lewis and approved by the Board (4 Ayes, Supervisor Brown NO) approved the Real Property Purchase Contract between the Lake County Watershed Protection District and Marvin B. Conley and Lynn I. Conley, in the amount of \$294,000, for Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (APN 004-021-28), and authorized the Chair to sign.

16. **ITEM A-19 - CONSIDERATION OF REAL PROPERTY PURCHASE CONTRACT BETWEEN THE LAKE COUNTY WATERSHED PROTECTION DISTRICT AND SYLVIA MCCARTHY, IN THE AMOUNT OF \$422,000, FOR MIDDLE CREEK FLOOD DAMAGE REDUCTION AND ECOSYSTEM RESTORATION PROJECT (APN 004-021-20)** - Deputy Director Water Resources Pam Francis was present and spoke to the property acquisition item.

On motion from Supervisor Lewis and approved by the Board (4 Ayes, Supervisor Brown NO) approved the Real Property Purchase Contract between the Lake County Watershed Protection District and Sylvia McCarthy, in the amount of \$422,000, for Middle Creek Flood Damage Reduction and Ecosystem Restoration Project (APN 004-021-20), and authorized the Chair to sign.

17. **ITEM A-17 - PROPOSED ORDINANCE AMENDING CHAPTER 15 OF THE LAKE COUNTY CODE PROHIBITING FISHING, SWIMMING, SUNBATHING AND PLAYING ON OR NEAR ANY COURTESY DOCK OR WATERCRAFT LAUNCH FACILITY IN A COUNTY PARK** - Public Services Director Kim Clymire was present and discussed the details of the proposed Ordinance. Board discussion followed.

The wording of the Ordinance was amended to omit the word "fishing", and specify a 50' distance of prohibited area around any courtesy dock or watercraft launch facility in a County park, unless in a designated swimming area.

On motion of Supervisor Brown and by vote of the Board (5 ayes) waived the reading of the ordinance, as amended and had it read in title only (Clerk so did).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance two weeks to September 26, 2006.

18. **ITEM A-13 - 11:45 A.M. - CONSIDERATION OF A PROPOSED RESOLUTION ESTABLISHING THE MIDDLETOWN AREA TOWN HALL AS A MUNICIPAL ADVISORY COUNCIL** - Supervisor Robey gave the introduction of the issue.

Chair Farrington opened the item for public input. David Neft, Fletcher Thorson, and John Peschon spoke. Noone else was present wishing to speak so the public portion of this item was closed.

Chair Farrington stated his willingness to see Board meetings held in different Districts throughout the year. The Board encouraged the Middletown residents to organize and meet as a self-appointed Advisory Council, but did not support establishing the Council as an elected body. The Board declined to adopt the proposed resolution and no action was taken.

The Board recessed at 12:51 p.m.

19. **CLOSED SESSION - 1. 1:30 P.M. Meeting with Lake County Grand Jury Pursuant to Government Code Section 54953.1 and 2. Public Employee Appointment Title: Personnel Director (Effective January 1, 2007)** - 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 the following action taken: On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Kathy Furgeson as Personnel Director effective January 1, 2007.

There being no further business, the Board adjourned at 1:50 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board