



MINUTES

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 21, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21st day of August, 2007, there being present Supervisors Ed Robey, Denise Rushing, Anthony Farrington, Rob Brown, Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant, and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:00 a.m. by Chair Smith. A moment of silence was dedicated to the memory of Lydia Reed. Supervisor Robey led the salute to the flag of the United States of America.

1. **ITEM A-3 - 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-6.

Approved Minutes of the Board of Supervisors meeting held on August 7, 2007.

Approved Agreement between the County of Lake and the Lake County Fair pertaining to the transfer of ownership of Cable Car #38 and authorized the Chair to sign.

Approved Agreement between the County of Lake and Redwood Region Schoolguard Consortium, a project of the Mendocino County Office of Education for local school communities emergency preparedness, and authorized the Chair to sign.

Adopted Resolution No. 2007-168, authorizing the Public Services Director to sign a notice of completion for work performed under Agreement dated October 17, 2006, (bell tower addition at Lower Lake Schoolhouse Museum).

Adopted Resolution No. 2007-169, of Intention to Establish Proposed "Zone N" (Meadow-Estates) of County Service Area No. 23, approved the engineer's report, the form of ballot and balloting process for the assessment, and setting a public hearing for protests and balloting determination, and set public hearing to consider protest against the proposed assessment zone for October 23, 2007, at 9:15 a.m.

Approved Engineering and Inspection Agreement between the County of Lake and Gene Boyadjieff for engineering services for the review of plans and inspection of work as a condition of a tentative subdivision map for John and Connie Montelli (APN 008-038-19), located at 3564 Big Valley Road, Kelseyville, and authorized the Chair to sign.

2. **CITIZEN'S INPUT** - Deputy Public Works Director - Water Resources Pamela Francis spoke regarding the recent discovery of a large hydrilla infestation in Soda Bay and an update on the CDFR response.
3. **ITEM A-17 - CONSIDERATION OF THIRD AMENDMENT TO THE AGREEMENT BETWEEN THE COUNTY OF LAKE AND CRESTWOOD BEHAVIORAL HEALTH, INC. FOR MENTAL HEALTH SERVICES** - Mental Health Director Kristy Kelly gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Brown NO), approved the Third Amendment to the Agreement between the County of Lake and Crestwood Behavioral Health, Inc. for mental health services, and authorized the Chair to sign.

4. **ITEM A-18 - CONSIDERATION OF CANCELLATION OF CONTRACT BETWEEN THE COUNTY OF LAKE AND CONTRA COSTA HEALTH PLAN FOR 24-HOUR ADVISE NURSE SERVICES** - Mental Health Director Kristy Kelly gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the cancellation of the contract between the County of Lake and Contra Costa Health Plan for 24-hour advice nurse services, and authorized the Mental Health Director to sign letter of cancellation.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF INITIAL STUDY 07-03 and a MITIGATED NEGATIVE DECLARATION FOR THE DEVELOPMENT OF A PARK MASTER PLAN FOR NYLANDER PARK, LOCATED BETWEEN 12505 THE PLAZA, 12441 FOOTHILL BOULEVARD and 12586 ACORN STREET, CLEARLAKE OAKS, APPLIED FOR BY THE LAKE COUNTY REDEVELOPMENT AGENCY** - Community Development Director Rick Coel and Deputy Redevelopment Director Eric Seely were present.

Mr. Coel gave a brief summary.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 07-69 prepared by the Planning Division and the mitigation measures which have been added to the project, that the Nylander County Park Project as proposed by the County of Lake will not have a significant effect on the environment with the findings listed in the Board memo dated August 21, 2007.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the Nylander County Park Master Plan.

6. **ITEM A-19 - CONSIDERATION OF REQUEST TO APPROVE STATE DOMESTIC PREPAREDNESS GRANT APPLICATION IN THE AMOUNT OF \$208,531 TO BE ALLOCATED TO BUDGET UNIT NO. 2704 - OFFICE OF EMERGENCY SERVICES, FOR ENHANCEMENT OF THE OFFICE OF EMERGENCIES SERVICES CAPABILITIES TO PREVENT, RESPOND TO, RECOVER FROM TERRORIST ATTACKS, MAJOR DISASTERS AND OTHER EMERGENCIES** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the State Domestic Preparedness Grant Application in the amount of \$208,531 to be allocated to Budget Unit No. 2704 - Office of Emergency Services, for enhancement of the Office of Emergency Services capabilities to prevent, respond to, recover from terrorist attacks, major disasters and other emergencies, and authorized the Chair to sign.

7. **ITEM A-6 - 9:30 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,949.03, LOCATED AT 12946 FIFTH STREET, CLEARLAKE OAKS, CA (APN 035-382-21-00 - OWEN LAMPMAN)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard, Code Compliance Officer Roderic Hilliard and Code Compliance Officer Earl Iddings were sworn in by the Clerk.

There was no owner representation present.

Ms. Heckard gave a power point presentation.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$1,949.03 for nuisance abatement on property located at 12946 Fifth Street, Clearlake Oaks, California (APN 035-382-21-00 - Owen Lampman) 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 \$1,949.03, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

8. **ITEM A-7 - 9:35 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$4,444.67, LOCATED AT 12916 FIFTH STREET, CLEARLAKE OAKS, CA (APN 035-382-30-00 - OWEN LAMPMAN)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard, Code Compliance Officer Roderic Hilliard and Code Compliance Officer Earl Iddings were sworn in by the Clerk.

There was no owner representation present.

Ms. Heckard gave a power point presentation.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$4,444.67 for nuisance abatement on property located at 12916 Fifth Street, Clearlake Oaks, California (APN 035-382-30-00 - Owen Lampman) 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 \$4,444.67, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

9. **ITEM A-8 - 9:40 A.M. - HEARING - (a) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,540.65, LOCATED AT 7452 LAKE STREET, NICE, CA (APN 030-102-10-00 - RONALD and GLENNA ODBERT); (b) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$540.65, LOCATED AT 7442 LAKE STREET, NICE, CA (APN 030-102-11-00 - RONALD and GLENNA ODBERT); (c) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,340.65, LOCATED AT 7432 POLK STREET, NICE, CA (APN 030-102-12-00 - RONALD and GLENNA ODBERT); (d) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,340.65, LOCATED AT 7422 LAKE STREET, NICE, CA (APN 030-102-13-00 - RONALD and GLENNA ODBERT); (e) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,540.65, LOCATED AT 7451 POLK , NICE, CA (APN 030-102-25-00 - RONALD and GLENNA ODBERT); (f) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$1,840.65, LOCATED AT 7431 POLK STREET, NICE, CA (APN 030-102-27-00 - RONALD and GLENNA ODBERT); (g) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$2,840.65, LOCATED AT 7421 POLK STREET, NICE, CA (APN 030-102-28-00 - RONALD and GLENNA ODBERT); and (h) NUISANCE ABATEMENT ASSESSMENT CONFIRMATION AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$6,340.65, LOCATED AT 7411 POLK STREET, NICE, CA (APN 030-102-39-00 - RONALD and GLENNA ODBERT)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Code Compliance Officer Kimberlee Heckard, Code Compliance Officer Roderic Hilliard and Code Compliance Officer Earl Iddings were sworn in by the Clerk.

There was no owner representation present.

Ms. Heckard gave a power point presentation on each of the above listed properties.

(A) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$1,540.65 for nuisance abatement on property located at 7452 Lake Street, Nice, California (APN 030-102-10-00 - Ronald Odbert and Glenna Odbert) 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 \$1,540.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

(B) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$540.65 for nuisance abatement on property located at 7442 Lake Street, Nice, California (APN 030-102-11-00 - Ronald Odbert and Glenna Odbert) 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 \$540.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

(C) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$1,340.65 for nuisance abatement on property located at 7432 Lake Street, Nice, California (APN 030-102-12-00 - Ronald Odbert and Glenna Odbert) 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 \$1,340.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

(D) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$1,340.65 for nuisance abatement on property located at 7422 Lake Street, Nice, California (APN 030-102-13-00 - Ronald Odbert and Glenna Odbert) 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 \$1,340.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

(E) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$1,540.65 for nuisance abatement on property located at 7451 Polk Street, Nice, California (APN 030-102-25-00 - Ronald Odbert and Glenna Odbert) 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 \$1,540.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

(F) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$1,840.65 for nuisance abatement on property located at 7431 Polk Street, Nice, California (APN 030-102-27-00 - Ronald Odbert and Glenna Odbert) 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 \$1,840.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 21, 2007

(G) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$2,840.65 for nuisance abatement on property located at 7421 Polk Street, Nice, California (APN 030-102-28-00 - Ronald Odbert and Glenna Odbert) 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 \$2,840.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

(H) On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$6,340.65 for nuisance abatement on property located at 7411 Polk Street, Nice, California (APN 030-102-39-00 - Ronald Odbert and Glenna Odbert) 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 \$6,340.65, pursuant to the Lake County Ordinance Code, Chapter 13, Section 13-10.

10. ITEM A-20 - CONSIDERATION OF PROPOSED AMENDMENT #2 TO THE FIXED ASSET POLICY FOR THE COUNTY OF LAKE - Auditor-Controller Pam Cochrane and Assistant Auditor-Controller Cathy Saderlund spoke.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Amendment #2 to the Fixed Asset Policy for the County of Lake.

The Board requested staff provide a departmental inventory status update to the Board at a later date.

11. ITEM A-9 - 10:00 A.M. - PUBLIC HEARING - INTENTION TO CONVEY COUNTY REAL PROPERTY LOCATED IN CLEARLAKE (APNs 41-141-40, 41-141-42, 41-141-15, 41-141-49, 41-142-34 and 41-142-35) TO THE CITY OF CLEARLAKE - Chair Smith gave a brief summary.

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

Supervisor Robey offered Resolution No. 2007-170, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened at 10:25 a.m.

12. ITEM A-10 - 10:15 A.M. - PUBLIC HEARING - INTENTION TO CONVEY PERSONAL PROPERTY FROM THE COUNTY OF LAKE TO THE LUCERNE SENIOR CENTER (A 1996 FORD AEROSTAR VAN, VIN #1FTDA14U2ZA64512, FOR HOME DELIVERY OF MEALS) - Lucerne Senior Center Executive Director J.J. Jackson, and Lucerne Senior Center Executive Director Marilyn Johnson spoke.

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

Supervisor Rushing offered Resolution No. 2007-171, and it was passed by roll call vote (5 ayes).

13. ITEM A-11 - 10:30 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 05-18) PROPOSED FOR JAMES AND BONNIE POCO, AND CONSIDERATION OF A PROPOSED ORDINANCE REZONING APPROXIMATELY 31.88 ACRES INTO FOUR PARCELS FROM "RR-B3" (RURAL RESIDENTIAL-20 ACRE MINIMUM PARCEL SIZE) TO "RR" (RURAL RESIDENTIAL); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 05-18, BASED ON THE INITIAL STUDY 05-78A; LOCATED AT 2525 PARK PLACE BOULEVARD, CLEARLAKE, CA (APN 010-042-11) - Community Development Director Rick Coel, Associate Planner Kevin Ingram, Special Districts Administrator Mark Dellinger and Jim Poco were present.

Mr. Ingram gave a brief summary.

Mr. Poco spoke.

Chair Smith opened the public hearing and Janet Cawn spoke. 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 (4 ayes, Supervisor Rushing NO), found the Mitigated Negative Declaration which was previously prepared for PM 07-03, does meet the requirements of Section 15162(a) of the CEQA Guidelines, and that no additional environmental review need be prepared with the findings listed in the Board memorandum dated July 30, 2007.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), waived the reading of the ordinance and be read in title only (Clerk so did).

Supervisor Brown offered Ordinance No. 2835, and it was passed by roll call vote (4 ayes, Supervisor Rushing NO).

14. ITEM A-12 - 11:00 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT TO AMEND THE LAKE COUNTY ZONING ORDINANCE REGARDING CLOSURE, CONVERSION OR CESSATION OF USE OF MOBILE HOME PARKS - Community Development Director Rick Coel gave a brief summary.

Chair Smith opened the public hearing and the following people spoke: Andy Rossoff, Mary Ann McQueen and Mike Benjamin. 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 (5 ayes), found that the zoning ordinance text amendment regarding Conversion, Closure or Cessation of Use of Mobile Home Parks is exempt from CEQA because it falls within Categorical exemption Class 8, based on the findings in the Board memorandum dated August 21, 2007.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Farrington offered Ordinance No. 2836, and it was passed by a roll call vote (5 ayes).

After a lunch recess, the Board reconvened at 1:35 p.m.

15. ITEM A-13 - 1:30 P.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 3328 OGDEN ROAD, 6596 and 6586 CHEVIOT ROAD, LUCERNE (APNs 034-342-01-00, 034-343-23-00 and 034-343-01-00 - GARY and ELLEN RAHMER) - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Code Compliance Officer Roderic Hilliard, Gary Rahmer and Ellen Rahmer were sworn in by the Clerk.

Mr. Hilliard gave a power point presentation.

Mr. Rahmer gave testimony.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 3328 Ogden Road, 6596 and 6586 Cheviot Road, Lucerne (APNs 034-342-01-00, 034-343-23-00 and 034-343-01-00 - Gary and Ellen Rahmer), 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.

- 16. **ITEM A-21 - CLOSED SESSION 1. Public Employee Performance Evaluation: Title: Air Pollution Control Officer 2. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: F. Buchanan (b) Employee Organization: United Domestic Workers of America** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

After a brief recess, the Board reconvened into Regular Session at 2:35 p.m. with no action taken.

- 17. **ITEM A-14 - Continued from August 14, 2007 - 2:15 P.M. - HEARING - APPEAL OF VICIOUS ANIMAL ABATEMENT ORDER, LOCATED AT 7350 SCOTTS VALLEY ROAD, LAKEPORT (JAMES STILLMAN)** - Animal Control Officer Teri Flynn and Joel Ramhorst were sworn in by the Clerk.

Mr. Ramhorst gave testimony.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington NO), denied the appeal of the Vicious Animal Abatement Order for the Black Lab, unaltered female, named Dixie, and directed staff to prepare Findings of Fact.

On motion of Supervisor Brown and by vote of the Board (5 ayes), denied the appeal of the Vicious Animal Abatement Order for the Black Lab, neutered make, named Blackie, and directed staff to prepare Findings of Fact.

- 18. **ITEM A-15 - 2:30 P.M. - CONSIDERATION OF REQUEST FOR APPROVAL IN CONCEPT OF COUNTY AND REDEVELOPMENT AGENCY ASSISTANCE RELATED TO DEVELOPMENT OF NEW LODGING FACILITIES TO BE CONSTRUCTED AT 6335 and 6339 EAST HIGHWAY 20, LUCERNE (INCLUDING THE REQUEST FOR PARKING SPACES TO BE MADE AVAILABLE ON THE COUNTY'S LUCERNE CLUBHOUSE PROPERTY)** - County Administrative Officer Kelly Cox reviewed the request and provided background information. .

Chair Smith asked if there was anyone present wishing to speak and the following people spoke: Carol King, Regina Cajun, Dennis Cox, Lenny Mathews, Robert Affinito, Donna Christopher, Christina Affinito, Craig Bach, Steve Elias, Janet Cawn and Jenny Clark.

The Board directed staff, with the participation of Supervisor Rushing, to amend the proposed letter which had been provided in the Board's agenda packet, expressing support, in concept, of County and Redevelopment Agency providing assistance related to development of a new lodging facility to be constructed at 6335 and 6339 Easy Highway 20, Lucerne, and authorized the Chair to sign.

There being no further business, the meeting was adjourned at 3:00 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya G. Turner
Assistant Clerk of the Board