



MINUTES

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 17, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 107th day of July, 2007, there being present Supervisors Denise Rushing, Anthony Farrington, Rob Brown, Ed Robey, 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. After a moment of silence, dedicated to the memory of Alton Minter of Anderson Springs, Supervisor Farrington 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-5, with the exception of C-2, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meetings held on June 19 and 26, 2007.

Approved Contract between the County of Lake and the County of Mendocino for laboratory services and authorized the Chair to sign.

Approved Administrative Services Organization Agreement between the County of Lake and Valueoptions, Inc. for administrative services related to the California Counties Medi-Cal Out-of-County Care Program, for an annual amount of \$15,000, and authorized the Chair to Sign.

Adopted Proclamation commending Chuck Doty for his dedicated services to the County of Lake and the citizens of Lake County.

2. **ITEM A-4 - CURRENT CONSTRUCTION PROJECTS - CONTRACT CHANGE ORDERS -**

Change Order No. 2, Construction of Drainage Improvements, Gaddy Lane, Kelseyville - This change order addresses the balancing of the final in-place material quantities, for a decrease in the contract price.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Change Order No. 2, Paulson Excavating Inc., for a decrease of \$811.11 to the contract price, and authorized the Chair to sign.

Change Order No. 3, Construction of Improvements on Soda Bay Road, Gaddy Lane to Clearlake State Park, Kelseyville - This change order addresses the balancing of the final in-place material quantities, for a decrease in the contract price.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Change Order No. 3, Granite Construction Company, for a decrease of \$37,611.47 to the contract price, and authorized the Chair to sign.

3. **ITEM A-20 - Advanced from July 10, 2007 - AN ORDINANCE ADDING CHAPTER 30 TO THE LAKE COUNTY CODE REGARDING GRADING REGULATIONS - (SECOND READING)** - Supervisor Brown offered Ordinance 2830, and it was passed by roll call vote (5 ayes).

4. **CONSENT AGENDA ITEM C-2 - PROPOSED RESOLUTION IN SUPPORT OF RESTORATION OF A FIRE MANAGEMENT PROGRAM IN THE MENDOCINO NATIONAL FOREST, UTILIZING LOW INTENSITY FIRE** - Various amendments were made to the resolution.

Supervisor Farrington offered Resolution 2007-142, Resolution in support of restoration of a fire management program in the Mendocino National Forest, utilizing low intensity fire, and it was passed by roll call vote (5 ayes).

5. **ITEM A-19 - (a) PROPOSED ORDINANCE AMENDING CHAPTER 29 OF THE LAKE COUNTY CODE, THE STORM WATER MANAGEMENT ORDINANCE, REGARDING POST CONSTRUCTION REQUIREMENTS FOR NEWS DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT; and (b) PROPOSED RESOLUTION ESTABLISHING RULES AND REGULATIONS GOVERNING POST CONSTRUCTION REQUIREMENTS FOR NEW DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT STORM WATER MANAGEMENT FACILITIES; and (c) PROPOSED RESOLUTION ADOPTING AND ESTABLISHING PERFORMANCE REQUIREMENTS AND BEST MANAGEMENT PRACTICES TO PREVENT OR MINIMIZE DISCHARGE OF STORM WATER POLLUTANTS AND WATER QUALITY IMPACTS** - On request of Public Works Director Gerry Shaul, this item was carried over to a future date.

6. **ITEM A-16 - DISCUSSION/CONSIDERATION OF PROPOSED RESOLUTION ESTABLISHING A FIRE SAFE ADVISORY COMMITTEE IN THE COUNTY OF LAKE** - On request of Supervisor Rushing, this item was carried over to July 24, 2007.

7. **ITEM A-17 - CONSIDERATION OF BOARD POSITION ON PROPOSED STATE LEGISLATION** - Supervisor Robey gave an overview of Senate Bill 840, regarding Universal Health Care.

Chair Smith asked if anyone was present wishing to speak and Jim Henderson spoke. 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 (4 ayes, Supervisor Brown NO), approved the drafting of a letter of support in concept for SB 840 to Senators Kuehl and Wiggins, Assemblywoman Berg, and Governor Schwarzenegger, and authorized the Chair to sign.

This item was visited again later in the day.

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8. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PROTEST HEARINGS FOR: (a) ANNUAL WATER STANDBY CHARGES AND DELINQUENT WATER FEES IN COUNTY SERVICE AREA NOS. 2, 6, 7, 13, 16, 18, 20, 21 AND 22; (b) DELINQUENT WATER FEES IN KELSEYVILLE COUNTY WATERWORKS DISTRICT #3; (c) CONFIRMING COLLECTION OF ANNUAL LIGHTING FEES IN COUNTY SERVICE AREA NO. 1 - CLEAR LAKE KEYS LIGHTING; AND (d) DELINQUENT SEWER FEES IN LAKE COUNTY SANITATION DISTRICT** - Special Districts Administrator Mark Dellinger gave a brief summary on each proposed resolution.

a) ANNUAL WATER STANDBY CHARGES AND DELINQUENT WATER FEES IN COUNTY SERVICE AREA NOS. 2, 6, 7, 13, 16, 18, 20, 21 AND 22 - Chair Smith opened the public hearing. Noone was present wishing to speak and the public hearing was closed.

Supervisor Brown offered Resolution 2007-143, and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville County Waterworks District No. 3.

b) DELINQUENT WATER FEES IN KELSEYVILLE COUNTY WATERWORKS DISTRICT #3 - Chair Smith opened the public hearing. No one was present wishing to speak and the public hearing was closed.

Director Brown offered Resolution 2007-144, and it was passed by roll call vote (5 ayes).

The Board of Directors of Kelseyville County Waterworks District No. 3 adjourned and reconvened as the Board of Supervisors.

c) CONFIRMING COLLECTION OF ANNUAL LIGHTING FEES IN COUNTY SERVICE AREA NO. 1 - CLEAR LAKE KEYS LIGHTING - Chair Smith opened the public hearing. No one was present wishing to speak and the public hearing was closed.

Supervisor Rushing offered Resolution 2007-145, and it was passed by roll call vote (5 ayes).

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

d) DELINQUENT SEWER FEES IN LAKE COUNTY SANITATION DISTRICT - Chair Smith opened the public hearing. No one was present wishing to speak and the public hearing was closed.

Director Brown offered Resolution 2007-146, and it was passed by roll call vote (5 ayes).

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

9. **ITEM A-6 - 9:30 A.M. - HEARING - NUISANCE ABATEMENT ASSESSMENT AND PROPOSED RECORDATION OF NOTICE OF LIEN IN THE AMOUNT OF \$4,745.87, LOCATED AT 6209 ROLAND DRIVE, LUCERNE, CA (APN 034-041-05-00 - LEON EDWARDS)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, and Code Compliance Officer Kimberlee Heckard were sworn in by the Clerk.

There was no owner representation present.

Ms. Heckard did a power point presentation on the conditions of the property.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), confirmed the assessment of \$4,745.87 for nuisance abatement on property located at 6209 Roland Drive, Lucerne, CA (APN 034-041-05-00), and owned by Leon Edwards, 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 \$4,745.87, pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

- BACK TO ITEM A-17 - CONSIDERATION OF BOARD POSITION ON PROPOSED STATE LEGISLATION** - Supervisor Robey gave an overview of Assembly Bill 878, regarding the maximum annual Department of Motor Vehicle registration fees that may be assessed for abandoned vehicle abatement and vehicle deterrence programs.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved letters of support for AB 878 to Assemblymembers Davis and Berg, and Senator Wiggins, and authorized the Chair to sign.

10. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A TWO YEAR EXTENSION OF TIME FOR CREEKSIDE OAKS ESTATES SUBDIVISION PROPOSING A TENTATIVE SUBDIVISION MAP FOR THIRTY (30) RESIDENTIAL LOTS ON 14 ACRE PARCELS AND RECONSIDERATION AND APPROVAL OF THE PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT BASED ON INITIAL STUDY IS 04-36; LOCATED AT 18765 HARTMANN ROAD, MIDDLETOWN, CA (APN 014-260-24)** - Community Development Director Rick Coel, Senior Planner Emily Minton, and Providence Homes Inc. Representative Leo Wheeler were present.

Ms. Minton gave a summary of the staff report.

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

On motion of Supervisor Robey and by vote of the Board (5 ayes), found that the Mitigated Negative Declaration, which was previously prepared for SD 04-05, does meet the requirements of Section 15162(a) of the State CEQA Guidelines, and that no additional environmental review need be prepared, with the findings listed in the memorandum to the Board dated June 20, 2007.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved a two-year extension of time for SDX 07-02, with the findings listed in the memorandum to the Board dated June 20, 2007.

11. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 06-15) PROPOSED FOR MATTHEW HUGHES AND NANCY KAYMEN OF LANDS CONSISTING OF A 11.79-ACRE PARCEL AND A 25-ACRE PARCEL FROM "RR-B5(2.5 ACRE)-SC" (RURAL RESIDENTIAL DISTRICT, SPECIAL LOT SIZE/DENSITY COMBINING DISTRICT [2.5-ACRE MINIMUM PARCEL SIZE], SCENIC COMBINING DISTRICT) TO "RR-BFSC" (RURAL RESIDENTIAL DISTRICT, FROZEN COMBINING DISTRICT, SCENIC COMBINING DISTRICT); AND THE ADOPTION OF A NEGATIVE DECLARATION FOR RZ 06-15, BASED ON THE INITIAL STUDY**

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06-28; LOCATED AT 8949 HIGHWAY 175, KELSEYVILLE, CA (APN'S 011-015-19 AND 20; FORMERLY KNOWN AS APN 011-015-06) - Community Development Director Rick Coel and Assistant Planner I Brian Horn were present.

Mr. Horn gave a presentation on the planning commission's recommendations.

Chair Smith opened the public hearing and the following people spoke: Ben Minton and Robert Day. 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 (5 ayes), found that the previously approved negative declaration (IS 06-28) for parcel map (PM 06-06) meets 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 June 20, 2007.

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

Supervisor Brown offered Ordinance No. 2831, and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Board of Directors of Lake County Redevelopment Agency.

12. **ITEM A-9 - 10:15 A.M. - PUBLIC HEARING - (a) PROPOSED RESOLUTION APPROVING PURCHASE OF REAL PROPERTY CONSISTING OF LAND LOCATED IN CLEARLAKE OAKS, CALIFORNIA, LOCATED AT 12513 THE PLAZA (APN 035-143-540-000); THE AGREED PURCHASE PRICE IS \$147,500; THE SELLERS ARE STEVE MILLER AND DEBORAH MILLER** - Deputy Redevelopment Director Eric Seely gave a brief summary.

Various amendments were made to the resolution.

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

Supervisor Rushing offered Resolution 2007-147, Resolution accepting conveyance of real property located in Clearlake Oaks, California, and it was passed by roll call vote (5 ayes).

13. **ITEM A-10 - 10:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 12925 FIFTH STREET, CLEARLAKE OAKS (APN 035-383-050-000 - JOSEPH BRITTON)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield and Code Compliance Officer Allison Garrett were present.

There was no owner representation present.

Ms. Garrett gave a power point presentation on the condition of the property.

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 12925 Fifth Street, Clearlake Oaks, California (APN 035-383-050-000 - Joseph Britton), 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.

14. **ITEM A-11 - Continued from May 22, June 5, 26, and July 10, 2007 - 10:45 A.M. - DISCUSSION/CONSIDERATION OF RECOMMENDATIONS FROM THE CLEAR LAKE ADVISORY SUBCOMMITTEE REGARDING ZEBRA (QUAGGA) MUSSELS; and (b) BOARD ACTION IN RESPONSE TO FURTHER INFORMATION FROM WATER RESOURCES DIVISION** - At the request of Public Works Director Gerry Shaul, this item was continued to July 24, 2007.

15. **ITEM A-18 - (a) CONSIDERATION OF REQUEST TO WAIVE THE FORMAL BIDDING PROCESS AND MAKE A DETERMINATION THAT COMPETITIVE BIDDING WOULD PRODUCE NO ECONOMIC BENEFIT TO THE COUNTY FOR THE PURCHASE OF A PREFABRICATED KENNEL SYSTEM FOR THE NEW ANIMAL CONTROL FACILITY; and (b) AUTHORIZE THE PUBLIC WORKS DIRECTOR/ASSISTANT PURCHASING AGENT TO ISSUE A PURCHASE ORDER TO T KENNEL SYSTEMS, INC., NOT TO EXCEED \$89,044** - Public Works Director Gerry Shaul gave a brief summary.

A correction was made to the amount of the purchase order, the total amount should be \$90,294.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved the request to waive the formal bidding process and determined that competitive bidding would produce no economic benefit to the County for the purchase of a prefabricated kennel system for the new Animal Control Facility, and authorized the Public Works Director/Assistant Purchasing Agent to issue a purchase order to T Kennel Systems, Inc., not to exceed \$90,294.

16. **ITEM A-14 - 1:30 P.M. - CLOSED SESSION - EMPLOYEE GRIEVANCE HEARING** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

17. **ITEM A-12 - 11:15 A.M. - PRESENTATION OF PROCLAMATION COMMENDING CHUCK DOTY FOR HIS DEDICATED SERVICES TO THE COUNTY OF LAKE AND THE CITIZENS OF LAKE COUNTY** - Supervisor Robey read the proclamation into the record and presented it to Chuck Doty who spoke. Many people were present for this item.

18. **ITEM A-13 - 11:20 A.M. - CONSIDERATION OF RECOMMENDATION TO AUTHORIZE PURCHASE AND INSTALLATION OF AN ADDITIONAL WATER STORAGE TANK FOR SPRING VALLEY CSA #2** - Special Districts Administrator Mark Dellinger and CSA #2 member Monte Winters were present.

Mr. Winters gave a power point presentation.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Jennifer Ceja, Robert Stark and Janet Cawn. No one else was present wishing to speak and the public portion of this item was closed.

- BACK TO ITEM A-14 - 1:30 P.M. - CLOSED SESSION - EMPLOYEE GRIEVANCE HEARING** - Chair Smith announced the Board would return to 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 meeting was adjourned at 4:05 p.m.

KELLY F. COX

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Chair - Lake County Board of Supervisors

Clerk of the Board

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