



MINUTES

County of Lake Board of Supervisors

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 11, 2007

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11TH day of September, 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. Assistant Clerk of the Board Georgine Hunt was present at 12:30 p.m.

The meeting was called to order at 9:00 a.m. by Chair Smith. After a moment of silence, Supervisor Rushing 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-11, with the exclusion of C-10, which will be taken up directly after the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on August 14 and 21, and Budget Hearing Minutes held on August 22 and 23, 2007.

Adopted Proclamation designating the month of September as National Alcohol and Drug Addiction Recovery Month in Lake County.

(A) Adopted Resolution No. 2007-176, adopting the Fiscal Year 2007/2008 Final Budget for the County of Lake and special districts governed by the Board of Supervisors; (B) Adopted Resolution No. 2007-177, establishing position allocations for Fiscal Year 2007/2008, to conform to the Final Budget; and (C) Adopted Resolution No. 2007-178, fixing tax rates for local agencies, General Obligation Bonds and other voter approved indebtedness for Fiscal Year 2007/2008.

Adopted Resolution No. 2007-179, accepting gift of funds to defray the costs of the Lake County Agritourism Development and Farm Products Promotional Program (received from Pacific Gas and Electric Company Local Economic Development Grant).

Approved Amendment No. 1 to Solid Waste Handling and Recycling Services Contract between the County of Lake and Lake County Waste Solutions, Inc., allowing an alternative to the performance bond, and authorized the Chair to sign.

Approved Amendment #1 to Agreement between the County of Lake and Jonathan E. Byer, Architect for architectural services for design of Lower Lake Schoolhouse Museum Bell Tower and authorized the Chair to sign.

Adopted Resolution No. 2007-180, authorizing the issuance and sale of not to exceed \$3,700,022.75 of General Obligation Bonds for the Konocti Unified School District by a negotiated sale pursuant to a bond purchase contract prescribing the terms of sale of said bonds, approving the form of and authorizing the execution and delivery of said bond purchase contract, and authorizing the execution of necessary certificates relating to said bonds.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 008-001-24 - James Ratto and Deana Ratto) and approved Purchase Agreement between the County of Lake and James Ratto and Deana Ratto, for Soda Bay Road left turn lane project, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Ruzicka Associates for engineering services for the repair of storm damage sites on Bartlett Springs Road at PM 1.4 and PM 29.3, in the amount of \$74,900, and authorized the Chair to sign.

Approved Request to Reissue Stale Dated Tax Refund Checks as recommended in the memorandum from Treasurer-Tax Collector Sandra Kacharos, dated August 29, 2007.

2. **CONSENT AGENDA ITEM C-10 - APPROVE PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF CSA NO. 2 - SPRING VALLEY - QUAIL BRIDGE PROJECT, AND AUTHORIZE THE ASSISTANT PURCHASING AGENT TO ADVERTISE FOR BIDS** - Special Districts Administrator Mark Dellinger and Utility Services Compliance Coordinator Peggie King were present.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Monte Winters, Florence Kinder, Tim Jordan, Helen Mitchum, and Jim Hershey, Jim Hershey, more of Jim Hershey. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved plans and specifications for construction of CSA No. 2 - Spring Valley - Quail Bridge Project, authorized the Assistant Purchasing Agent to advertise for bids, and directed CSA #2 Advisory Board to submit recommendations before the awarding of the bid.

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

CHANGE ORDER NO. 1 - APPLICATION OF CAPE SEAL COATING ON VARIOUS ROADS IN LAKE COUNTY, CA
- This change order addresses the balancing of the final in-place material quantities.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved Change Order No. One, for an increase of \$41,363.53, Graham Contractors, Inc., and authorized the Chair to sign.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PLANNING COMMISSION'S RECOMMENDATION FOR APPROVAL OF A REZONE (RZ 06-18) PROPOSED FOR RIM ROCK RANCH VINEYARD ESTATES SUBDIVISION (PAT TAYLOR) AND APPROVAL OF A TWO (2) YEAR EXTENSION OF TIME OF A TENTATIVE SUBDIVISION MAP TO CREATE 26 LOTS ON 815+ ACRES, AND PROPOSED REZONE OF LANDS CONSISTING OF 815+ ACRES FROM "RL" (RURAL RESIDENTIAL) TO "RL-B5-WW" (RURAL LANDS - SPECIAL LOT SIZE/DENSITY-WATERWAY) AND "RL-BF-WW" (RURAL LANDS - B-FROZEN-WATERWAY) AS REQUIRED BY THE APPROVED TENTATIVE MAP; THE ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR RZ 06-18; BASED ON THE INITIAL STUDY 03-86; THIS PROJECT IS LOCATED AT 20600 AND 20694 HARTMANN ROAD, MIDDLETOWN; CA (APNs 013-014-13 and 013-060-32)** - Community Development Director Rick Coel and Assistant Planner II Shelley Mills were present.

Ms. Mills gave a brief summary.

Chair Smith 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), found that the Mitigated Negative Declaration, previously prepared for SD 03-03 and DV 04-09 did 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 memorandum dated July 31, 2007.

On motion of Supervisor Robey and by vote of the Board (5 ayes), approved an extension of time SDX 07-03 for the Rim Rock Ranch Subdivision SD 03-03 and Deviation DV 04-09, for a period of two years to March 10, 2009, with the findings listed in the staff report dated July 31, 2007.

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

Supervisor Robey offered Ordinance No. 2837, and it was passed by roll call vote (5 ayes).

5. **ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 433 FLINTLOCK PLACE, DOUBLE EAGLE RANCH, CLEARLAKE OAKS, CA (APN 628-240-01-00 - ESTATE OF JANICE KRUEGER)** - Code Enforcement Manager Voris Brumfield gave a brief update on Code Enforcement staffing changes.

Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Code Enforcement Officer Kimberley Heckard, and Janice Krueger were sworn in by the Clerk.

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

Mrs. Krueger gave testimony.

This item was continued to later in the day.

6. **ITEM A-7 - 9:45 A.M. - DISCUSSION/CONSIDERATION OF APPROVAL OF SITE LEASE AND POWER PURCHASE AGREEMENT WITH SOLAR STAR LC I, LLC TO OPERATE SOLAR POWER PROJECTS AT THE HILL ROAD JAIL, THE NORTHWEST TREATMENT PLANT AND THE SOUTHEAST TREATMENT PLANT** - Deputy County Administrative Officer Matt Perry, Special Districts Administrator Mark Dellinger, Administrative Analyst Doug Willardson, Administrative Manager Mary Beth Strong, and Chief Custody Officer Crystal Esberg were present.

Mr. Perry gave a power point presentation.

Supervisor Farrington was out at 10:25 a.m. and back at 10:26 a.m.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Keith Rutledge and Tom Slate. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved site lease and power purchase agreement with Solar Star, LCI, LLC to operate solar power projects at the Hill Road Jail, the Northwest Treatment Plant and the Southeast Treatment Plant and authorized the Chair to sign.

Supervisor Farrington was absent at 11:20 a.m.

After a brief recess, the Board reconvened at 11:25 a.m.

- BACK TO ITEM A-6 - 9:30 A.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 433 FLINTLOCK PLACE, DOUBLE EAGLE RANCH, CLEARLAKE OAKS, CA (APN 628-240-01-00 - ESTATE OF JANICE KRUEGER)** - Code Enforcement Manager Voris Brumfield gave a brief summary of the discussion with Ms. Krueger.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), adopted the order to complete abatement of the nuisance on property located at 433 Flintlock Place, Double Eagle Ranch, Clearlake Oaks, California, (APN 628-240-01-00 - Janice Krueger), 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-9 - 10:45 A.M. - PRESENTATION OF PROCLAMATION DESIGNATING THE MONTH OF SEPTEMBER 2007 AS NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH IN LAKE COUNTY** - Supervisor Robey read the Proclamation into the record and presented it to Alcohol and Other Drug Services Director Laura Solis, who spoke. Many staff members and supporters of AODS were present and spoke.

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

EXTRA #1 - DISCUSSION/CONSIDERATION OF DECLARATION OF THE NEED FOR EMERGENCY REPAIRS (PUBLIC CONTRACT CODE SECTION 22050) OF THE MOUNT HANNAH WATER TANK REPLACEMENT, WAIVER OF THE FORMAL BIDDING PROCESS, AND REQUEST FOR DELEGATION TO THE SPECIAL DISTRICTS ADMINISTRATOR OF THE AUTHORITY TO TAKE IMMEDIATE ACTION TO EFFECTUATE THE REPAIRS - On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved taking up this item as an extra, due to the need to take action arose after the posting of today's agenda.

This item was considered as an extra for the following reasons:

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Due to the nature of the emergency repair and the delegation to the Special Districts Administrator of the authority to take immediate action to effectuate the necessary actions for the emergency replacement of the Mt. Hannah water storage tank. Based on the bids and the urgent need to move forward with a project the Administrator will need to take immediate action to authorize the project.

Special Districts Administrator Mark Dellinger and Utility Services Compliance Coordinator Peggie King were present.

Mr. Dellinger gave a brief summary.

Chair Smith asked if anyone was present wishing to speak and Joan Moss spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Robey offered Resolution No. 2007-181, as amended (a resolution for delegation to the Special Districts Administrator and County Administrative Officer of the authority to take immediate action to effectuate emergency repairs for the County Service Area No. 22, Mount Hannah water tank replacement), as amended, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

8. **ITEM A-8 - 10:15 A.M. - DISCUSSION AND CONSIDERATION OF RECOMMENDATION FOR AWARD OF BID FOR THE MT. HANNAH EMERGENCY WATER TANK REPLACEMENT** - Special Districts Administrator Mark Dellinger gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Mt. Hannah Emergency Water Tank Replacement Project and waived the formal bidding process consistent with Public Contract Code Section 22050 as an emergency repair to a public facility without giving notice for bids to let contracts, and authorized the Special Districts Administrator and County Administrative Officer to take immediate action to effectuate the repairs.

9. **ITEM A-10 - 11:00 A.M. - DISCUSSION REGARDING MOBILE HOME SALE DISCLOSURES** - Community Development Director Rick Coel was present.

Supervisor Rushing gave a brief introduction.

Chair Smith asked if anyone present wished to speak on this item and the following persons spoke: Janis Paris, Paul Frindt, Field Representative for State Senator Patricia Wiggins Kathy Kelly, Janice Hatfield, Larry Heine, Bill Christowicz, Rodney Usher, Scott Griffin, Jim Neviss, Ken Celli, Raymond Talamo with Lake County Homes and Viola Martinez. No one else was present wishing to speak and the public input portion of this item was closed.

No Board action was taken on this item.

10. **ITEM A-16 - (a) CONSIDERATION OF APPROVAL OF AN ADMINISTRATIVE ENCROACHMENT PERMIT FOR BIG VALLEY RANCHERIA FOR A BOARDSTOCK XII EVENT TO BE HELD ON SEPTEMBER 26, 2007 THROUGH ON SEPTEMBER 30, 2007, FROM APPROXIMATELY 7:30 A.M. TO 5:00 P.M. EACH DAY OF THE EVENT; and (b) PROPOSED RESOLUTION TEMPORARILY AUTHORIZING A ROAD CLOSURE, PROHIBITING PARKING AND AUTHORIZING REMOVAL OF VEHICLES AND ORDERING THE DEPARTMENT OF PUBLIC WORKS TO POST SIGNS (TEMPORARY CLOSURE OF A PORTION OF MISSION RANCHERIA ROAD AND PROHIBITING PARKING ON THE UNCLOSED PORTION OF MISSION RANCHERIA ROAD AND A PORTION OF SODA BAY ROAD 100 FEET ON EITHER SIDE OF ITS INTERSECTION WITH MISSION RANCHERIA ROAD)** - David Arciero of Konocti Vista Casino, Big Valley Rancheria Environmental Director Sarah Ryan, and Boardstock Promoter Rob Stimmel were present.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Administrative Encroachment Permit for Big Valley Rancheria for a Boardstock XII event to be held on September 26, 2007 through September 30, 2007, from approximately 7:30 a.m. to 5:00 p.m. each day of the event, and authorized the Chair to sign.

Supervisor Brown offered Resolution No. 2007-182, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (temporary closure of a portion of Mission Rancheria Road and prohibiting parking on the unclosed portion of Mission Rancheria Road and a portion of Soda Bay Road 100 feet on either side of its intersection with Mission Rancheria Road), and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

11. **ITEM A-18 - Advanced from August 28, 2007 - AN ORDINANCE AMENDING CHAPTER 29 OF THE LAKE COUNTY CODE, THE STORM WATER MANAGEMENT ORDINANCE, REGARDING POST CONSTRUCTION REQUIREMENTS FOR NEW DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2838, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

12. **ITEM A-13 - DISCUSSION/CONSIDERATION OF PROPOSED LETTER TO CONGRESSMAN MIKE THOMPSON EXPRESSING CONCERNS REGARDING THE DEVELOPMENT OF A PROPOSED LANDFILL ON THE CORTINA BAND OF WINTUN INDIAN RESERVATION IN SOUTHWEST COLUSA COUNTY** - County Administrative Officer Kelly Cox gave a brief summary.

Chair Smith asked if anyone was present wishing to speak and Victoria Brandon,

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the letter to Congressman Mike Thompson expressing concerns regarding the development of a proposed landfill on the Cortina Band of Wintun Indian Reservation in Southwest Colusa County, to be signed by the entire Board.

13. **ITEM A-17 - CONSIDERATION OF APPROVAL OF AN ADMINISTRATIVE ENCROACHMENT PERMIT FOR SEAPLANE OPERATIONS LLC FOR A SEA PLANE SPLASH-IN TO BE HELD ON SEPTEMBER 21, 2007 THROUGH SEPTEMBER 24, 2007, FROM APPROXIMATELY 7:30 A.M. TO 5:00 P.M. EACH DAY OF THE EVENT** - Public Works Director Gerry Shaul was present.

Various amendments were made to the administrative encroachment permit.

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On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Administrative Encroachment Permit for Seaplane Operations LLC, for a Sea Plane Splash-In to be held on September 21, 2007 through September 24, 2007, from approximately 7:30 a.m. to 5:00 a.m. each day of the event, as amended, and authorized the Chair to sign.

14. **ITEM A-15 - DISCUSSION/CONSIDERATION OF A COUNTY SPEED HUMP INSTALLATION POLICY** - Public Works Director Gerry Shaul gave a brief summary.

On motion of Supervisor Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the County Speed Hump Installation Policy.

15. **ITEM A-19 - CONSIDERATION OF REQUEST FOR WAIVER OF THE NORMAL BIDDING PROCESS FOR REASONS SET FORTH IN THE MEMORANDUM FROM PUBLIC SERVICES DIRECTOR DATED AUGUST 20, 2007, 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) FOR AN ESTIMATED COST OF \$27,634 FOR PARTS AND LABOR** - Public Services Director Kim Clymire gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the normal bidding process for reasons set forth in the Memorandum from Public Services Director dated August 20, 2007, and authorized the Public Services Director to enter into a contract with Western Baler and Conveyer, Inc., to provide maintenance for repair services for the Am-Fab Compactor (located at the Lakeport Transfer Station), for an estimated cost of \$27,634 for parts and labor.

16. **ITEM A-14 - DISCUSSION/CONSIDERATION OF THE PROPOSED DEVELOPER IMPROVEMENT AGREEMENT BETWEEN THE NORTH LAKEPORT WATER SYSTEM-COUNTY SERVICE AREA NO. 21 AND NORTH LAKEPORT WATER SYSTEM, INC. FOR WATER SYSTEM IMPROVEMENTS TO THE CSA #21 - NORTH LAKEPORT WATER SYSTEM** - Special Districts Administrator Mark Dellinger and Deputy County Administrative Officer Jeff Rein were present.

Mr. Sammy Carter, representing the developer was also present.

Chair Smith asked if anyone present wished to speak on this item and the following persons spoke: Joan Moss and Janet Cawn. No one else was present wishing to speak and the public portion of this item was closed.

There were numerous amendments made to the agreement.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Developer Improvement Agreement, as amended, between North Lakeport Water System-County Service Area No. 21 and North Lakeport Water System, Inc., for water system improvements to CSA #21 - North Lakeport Water System, and authorized the Chair to sign.

17. **ITEM A-11 - 2:00 P.M. - PUBLIC HEARING - CONSIDERATION OF A MORATORIUM ON THE APPROVAL OF APPLICATIONS TO CONSTRUCT, MODIFY, OR PLACE WIRELESS COMMUNICATION FACILITIES IN LAKE COUNTY** - Community Development Director Rick Coel was present.

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

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the reading of the ordinance (an urgency measure adopting an interim ordinance establishing a temporary moratorium on the approval of applications to construct, modify, or place wireless communication facilities in Lake County) and had it read in title only (Clerk so did).

Supervisor Rushing offered Ordinance 2839 and it was passed by a roll-call vote (4 ayes, Supervisor Farrington ABSENT).

A public hearing was scheduled for October 23, 2007, at 11:30 a.m. for consideration of a proposed ordinance to establish a moratorium on the approval of applications to construct, modify, or place wireless communication facilities in Lake County.

18. **ITEM A-20 - CLOSED SESSION - 1. Conference with Legal Counsel - Anticipated Litigation - (a) Significant Exposure to Litigation Pursuant to Subdivision (b) of Section 54956.9: Two Potential Cases** - Chair Smith 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 Robey and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Settlement Agreement and General Release in the case of Travis Gregorio vs. Lakeport Unified School District and Lake County Mental Health, and authorized the Chair to sign.

There being no further business, the meeting was adjourned at 2:58 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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

