



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 15, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 15th day of January 2008, there being present Supervisors Ed Robey, Denise Rushing, Rob Brown, and Jeff Smith, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent all day.

The meeting was called to order at 9:03 a.m. by Chair Robey. After a moment of silence Supervisor Smith led the salute to the flag of the United States of America.

There was an inadvertent numbering error on today's agenda, two items were named A-6. The second A-6 will be designated A-6A in these minutes.

1. **ITEM A-1 - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda Items C-1 through C-4.

Appointed Chuck Leonard and James Hill to the Lake County Vector Control District Board of Directors for terms ending on January 1, 2010.

Adopted Resolution No. 2008-11 approving the County of Lake and the State Department of Mental Health Services Act Agreement Number 07-77317-000 and authorizing the Mental Health Director to sign as Fiscal and Programmatic Administrative Agent for said agreement.

Approved Engineering and Inspection Agreement between County of Lake and Jorge Cortez for review of plans and specifications and inspection of work for a Minor Use Permit (MUP 07-08), located at 21389 Stewart Street, Middletown and authorized the Chair to sign.

Approved Easement Deed and directed Clerk to certify for recordation (APN 008-027-02 - Jaime Rosas and Marcia Rosas), and approved Right-of-Way Agreement between County of Lake and Jaime Rosas and Marcia Rosas for the proposed Gaddy Lane - Soda Bay Road Intersection Project 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 Hermann presented two dogs and two cats available for adoption.

3. **CITIZEN'S INPUT** - Victoria Brandon spoke regarding the possible closure of the state parks in Lake County.

Ron Rose spoke in commendation of the Lake County Board of Supervisors.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - PURCHASE OF REAL PROPERTY CONSISTING OF LAND LOCATED IN CLEARLAKE OAKS, CALIFORNIA, AT THE FOLLOWING ADDRESS: 12588 ACORN STREET (APN 035-142-310), FOR THE EXPANSION OF NYLANDER PARK, THE AGREED PURCHASE PRICE IS \$150,000, THE SELLER GARY NYLANDER** - Deputy Redevelopment Director Eric Seely presented the staff report.

Chair Robey opened the public hearing. No one 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), ruled the acquisition of the subject property is in conformity with the General Plan and that the acquisition is categorically exempt from CEQA.

Supervisor Rushing offered Resolution No. 2008-12, accepting conveyance of real property located adjacent to Nylander Park in Clearlake Oaks, CA, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

5. **ITEM A-14 - Continued from January 8, 2008 - DISCUSSION/CONSIDERATION OF PROPOSED CONTRACT BETWEEN THE COUNTY OF LAKE AND NORTH VALLEY BEHAVIORAL HEALTH FOR ACUTE PSYCHIATRIC SERVICES IN THE AMOUNT OF \$650 PER BED ON AN AS-NEEDED AND AVAILABLE BASIS (WITH A PROVISION TO AUTOMATICALLY RENEW ANNUALLY)** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the contract between the County of Lake and North Valley Behavioral Health for acute psychiatric services in the amount of \$650 per bed on an as-needed and available basis (with a provision to automatically renew annually), and authorized the Chair to sign.

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

6. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - PURCHASE OF REAL PROPERTY CONSISTING OF LAND LOCATED IN LUCERNE, CALIFORNIA, AT THE FOLLOWING ADDRESSES: 6222 AND 6224 EAST HIGHWAY 20 (APNs 034-123-01 and 034-123-02), THE AGREED PURCHASE PRICE IS \$300,000, THE SELLER IS MAY NOBLE** - Sheriff Rod Mitchell and Deputy Redevelopment Director Eric Seely were present.

Mr. Seely presented the staff summary.

Chair Robey opened the public hearing. No one 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), ruled the acquisition of the subject property is in conformity with the General Plan and that the acquisition is categorically exempt from CEQA.

Supervisor Rushing offered Resolution No. 2008-13 accepting conveyance of real property located in Lucerne, California, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JANUARY 15, 2008

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

7. **ITEM A-13 - CONSIDERATION OF PROPOSED RESOLUTION OF INTENTION TO AMEND CHAPTER 5 OF THE LAKE COUNTY CODE, PERTAINING TO NEW BUILDING REGULATIONS AND REMOVAL OF REFERENCES TO GRADING REQUIREMENTS** - Community Development Director Rick Coel and Chief Building Official David Jezek were present.

Staff experienced technical difficulties and this item was continued to later in the day.

8. **ITEM A-6A - 9:45 A.M. - PRESENTATION BY THE NEWLY FORMED LAKE COUNTY WINERY ASSOCIATION REGARDING GOALS AND ACTIVITIES FOR PROMOTION OF THE LAKE COUNTY WINE INDUSTRY** - Lake County Winery Association Chair Matt Hughes spoke to the Board regarding this new Lake County association.

Chair Robey asked if anyone was present wishing to speak and Tiffany Revelle spoke. 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.

- BACK TO ITEM A-13 - CONSIDERATION OF PROPOSED RESOLUTION OF INTENTION TO AMEND CHAPTER 5 OF THE LAKE COUNTY CODE, PERTAINING TO NEW BUILDING REGULATIONS AND REMOVAL OF REFERENCES TO GRADING REQUIREMENTS** - Community Development Director Rick Coel and Chief Building Official David Jezek were present.

Mr. Jezek gave a power point presentation regarding the new State building regulations.

Supervisor Brown offered Resolution No. 2008-14, resolution of intention to amend Chapter 5 of the Lake County Code, pertaining to new building regulations and removal of references to grading requirements, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

After a brief recess, the Board reconvened at 10:35 a.m.

9. **ITEM A-7 - 10:15 A.M. - HEARING - APPEAL OF ADMINISTRATIVE PENALTIES ISSUED BY THE ANIMAL CONTROL DEPARTMENT (YVONNE L. METZLER)** - Animal Control Director Denise Johnson, Community Development Director Rick Coel, Public Services Director Kim Clymire, Animal Control Officer Morgan Hermann, Animal Control Nehemiah White, Yvonne Metzler, Denise Ridley, Cecil Brown and Eric Schofield were sworn in by the Clerk.

Mr. White and Ms. Herman presented the staff report.

Chair Robey received the department's report for the file.

Ms. Metzler and Ms. Ridley gave testimony.

Mr. Coel gave testimony.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Cecil Brown, Eric Schofield and Kim Clymire. No one else was present wishing to speak and the public input portion of this item was closed.

Mr. Cecil Brown presented his report to Animal Control for copying and distribution. It was added to the file, marked as Department 2.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), denied the appeal, directed appellant to give a daily count of dogs on her property, beginning immediately after this hearing, and imposed penalties in the amount per statute, but stayed the penalties, pending the opportunity of the property owner to find other legal locations for all animals in excess of 4 adults and puppies under four (4) months of age, within 7 days of this hearing. On the seventh day, custody of all animals in excess of four adult dogs and puppies under four months of age will be transferred to the custody of the Animal Control Department, for temporary boarding, not to exceed fourteen (14) days, at the expense of the property owner. If the owner fails to find other locations for the dogs after fourteen days, ownership of the animals will revert to the Animal Control Department.

Chair Robey requested an update on this item from the Animal Control Department in one week, on January 22, 2008.

10. **ITEM A-15 - Advanced from January 8, 2008 - 10:30 A.M. - AN ORDINANCE GOVERNING ALCOHOL USE IN THE COUNTY PARKS - (SECOND READING)** - Supervisor Brown offered Ordinance No. 2857, governing alcohol use in the County parks, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

11. **ITEM A-8 - 10:45 A.M. - CONSIDERATION OF REQUEST FROM THE "STAND UP FOR CALIFORNIA" ORGANIZATION TO ADOPT RESOLUTION IN OPPOSITION TO PROPOSITIONS 94, 95, 96 AND 97 (STATE GAMING COMPACTS)** - Matthew Zieberg, of Californians Against Unfair Deals, presented a brief summary on the upcoming Propositions.

Chair Robey asked if anyone was present wishing to speak and Janet Cawn spoke. No one else was present wishing to speak and the public input of this item was closed.

Supervisor Brown offered Resolution No. 2008-15, opposing Propositions 94, 95, 96 and 97 on the February 5, 2008 Referenda Election, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

12. **ITEM A-9 - 11:15 A.M. - PUBLIC HEARING - APPEAL (AB 07-06) OF BRAD PETERS, JOHNNIE LEE AND HARRY WHITLOCK OF THE PLANNING COMMISSION'S APPROVAL OF MODIFIED TENTATIVE SUBDIVISION MAP (SD 07-02) TO ALLOW A 90+ ACRE PARCEL TO BE SUBDIVIDED INTO 4 RESIDENTIAL PARCELS BETWEEN 2.13 ACRES AND 3.00 ACRES (WITH BUILDING ENVELOPES TO MINIMIZE IMPACTS TO AGRICULTURE) AND ONE AGRICULTURAL PARCEL OF 76.15 ACRES. THIS PROJECT IS LOCATED AT 3454, 3565, 3585 AND 3595 HILL ROAD, LAKEPORT, CA (APNS 005-012-33, 005-015-35, 005-017-75 AND 005-017-77)** - Community Development Director Rick Coel, Mark Mitchell, Victoria Brandon, Kenneth Labram, John Lee, Tom Powers, Brad Peters, Harry Whitlock, Kevin Goodwin, Judy Barnes and Joan Moss were sworn in by the Clerk.

Mr. Coel gave a power point presentation on the details of the appeal.

Chair Robey opened the public hearing and the following people spoke: Mark Mitchell, Victoria Brandon, Kenneth Labram, John Lee, Tom Powers, Brad Peters, Harry Whitlock and Kevin Goodwin. No one else was present wishing to speak and the public hearing was closed.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JANUARY 15, 2008

The Board recessed for a brief lunch break, and reconvened at 1:33 p.m.

This item was continued three weeks, to February 5, 2008, at 9:45 a.m.

13. **ITEM A-10 - 1:30 P.M. - HEARING - NOTICE OF NUISANCE ABATEMENT - 9250 and 9100 ADOBE CREEK ROAD, KELSEYVILLE (APNs 011-003-51 and 011-003-052 - CHARLES LAWRENCE FOWLER)** - Community Development Director Rick Coel, Code Compliance Manager Voris Brumfield, Environmental Health Director Ray Ruminski, Code Compliance Officer Roderic Hilliard, Sara Fowler, Environmental Health Director Ray Ruminski, District Attorney Jon Hopkins, Craig Butcher and John Brooks were sworn in by the Clerk.

Mr. Hilliard gave a power point presentation on the conditions of the property.

Chair Robey asked if there was anyone present wishing to speak and the following people gave testimony: John Brooks, Sara Fowler, Environmental Health Director Ray Ruminski, District Attorney Jon Hopkins and Craig Butcher. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 9250 and 9100 Adobe Creek Road, Kelseyville, California, (APNs 011-003-510 and 011-003-052 - Charles Lawrence Fowler), 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 - 2:30 P.M. - CONSIDERATION OF APPOINTMENTS TO THE SHORELINE COMMUNITIES AREA PLAN CITIZENS ADVISORY COMMITTEE** - Community Development Director Rick Coel and Senior Planner Kevin Ingram were present.

Mr. Ingram presented the staff summary.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), appointed Clay Shannon, Holly Harris, Travis Lipscomb, Diana Hershey, Wanda Quitiquit, William Tett, Iris Hudson, John Jensen, Donna Christopher, Judy Barnes and John Tomkins to the Shoreline Communities Area Plan Citizens Advisory Committee. (This is an Ad Hoc committee.)

Staff was directed to contact the City of Clearlake to encourage their participation through a representative.

15. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: SDA** - Chair Robey announced the Board would now go into Closed Session for the reason stated on the agenda.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 4:16 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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