



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

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

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 15th day of July, 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown and Ed Robey, 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. After a moment of silence, Chair Robey 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 through C-9.

Approved Minutes of the Board of Supervisors meeting held on July 1, 2008.

Adopted Proclamation commending Elizabeth Larson and Lake County News (LakeCoNews.com) for extraordinary service during the wild fires of June 2008.

Adopted Proclamation commending firefighters and fire personnel for their exemplary efforts during the wild fires of June 2008.

Approved Agreement between the County of Lake and Unity Care Group for placement of children in the Residential Treatment Program and outpatient mental health services to children placed in foster care in the amount of \$15,000 and authorized the Chair to sign.

Approved Amendment No. 1 to Contract between the County of Lake and Peterson Tractor Company for equipment repair and service and authorized the Chair to sign.

Adopted Resolution No. 2008-133 of intention to change the name of an existing road from in the County of Lake from Scotts Creek Drive to Rue Du Bateau, located in the Blue Lake Valley Estates Subdivision No. 1, Upper Lake, and set public hearing on August 5, 2008, at 10:00 a.m.

(A) Approved Grant Deed and direct Clerk to certify for recordation (a portion of APN 035-141-36 - Louis Treppa, Angelo F. Guerrero, Melva T. Tomas, as trustee of the Melva T. Tomas 2005 Trust); and (B) Approved Purchase Agreement between the County of Lake and Louis Treppa, Angelo F. Guerrero, Melva T. Tomas, as trustee of the Melva T. Tomas 2005 Trust for the Dewell Road Storm Damage Project and authorized the Chair to sign.

Awarded Bid No. 08-36 Bouthillier's Construction for Bartlett Springs Road (PM 7.8, 12.0, 12.35, 16.8 and 17.2), and Twin Valley Road (PM 1.3) Storm Damage Projects in the amount of \$164,902.93 and authorized the Chair to sign the Notice of Award and the Agreement.

(A) Approved Medi-Cal Certificate of Compliance with the California Department of Veterans Affairs (CDVA) for Medi-Cal Cost Avoidance Program for Fiscal Year 2008/2009 and authorized the Chair to sign; and (B) Approved Subvention Certificate of Compliance with the California Department of Veterans Affairs (CDVA) for County Subvention Program for Fiscal Year 2008/2009 and authorized the Chair to sign.

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

Extra #1 - Consideration of a letter of support of SB 977 (Correa) to Senator Lou Correa regarding a study of current and future infrastructure needs for the elderly throughout the State of California - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need arose after the posting of today's agenda.

On July 14, 2008 it was brought to the attention of the Area Agency on Aging Advisory Council that the California State Legislature would consider SB 977 (Correa) on July 16, 2008. This legislation would authorize a statewide study to determine the current and future infrastructure needs created by the increases in the elderly population of the state.

Louise Talley spoke.

This item was continued to later in the day.

3. **ITEM A-17 - Update on emergency action taken on September 11, 2007, regarding Mt. Hannah water tank replacement** - No Board action was taken on this item.

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

4. **ITEM A-19 - Consideration of request to award Bid No. 08-30 to TerraCon Pipelines, Inc. in the amount of \$475,048 for construction of the Bear Canyon Zero Booster Pump Station (Middletown Wastewater Treatment Facility)** - Special Districts Administrator Mark Dellinger presented a brief summary.

On motion of Director Brown and by vote of the Board (5 ayes), awarded Bid No. 08-30 to TerraCon Pipelines, Inc., in the amount of \$475,048 for construction of the Bear Canyon Zero Booster Pump Station (Middletown Wastewater Treatment Facility), and authorized the Chair to sign.

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

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Protest Hearings for (a) Annual water standby charges and delinquent water fees in County Service Areas 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 was present.

A) Chair Robey opened the public hearing and David Eigelman spoke. No one else was present wishing to speak and the public hearing was closed.

Supervisor Brown offered Resolution No. 2008-134, confirming collection of annual water standby charges and delinquent water fees in County Services Areas (CSA Nos 2, 6, 7, 13, 16, 18, 20, 21 and 22), and it was passed by roll call vote (5 ayes).

B) The Board of Supervisors adjourned and convened as the Board of Directors of the Kelseyville Waterworks District #3.

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

Director Brown offered Resolution No. 2008-135, confirming collection of delinquent charges for services rendered in Kelseyville County Waterworks District #3, and it was passed by roll call vote (5 ayes).

C) The Board of Directors of the Kelseyville Waterworks District #3 adjourned and reconvened as the Board of Supervisors.

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

Supervisor Brown offered Resolution No. 2008-136, confirming collection of annual lighting fees in County Service Area No. 1, and it was passed by roll call vote (5 ayes).

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

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

Director Brown offered Resolution No. 2008-137, confirming collection of delinquent sewer fees in Lake County Sanitation District, and it was passed by roll call vote (5 ayes).

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

6. **ITEM A-6 - Continued from May 6 and June 3, 2008 -9:30 A.M. - PUBLIC HEARING - Appeal of Ronald Jacobs (AB 08-03 of the Planning Commission's decision to grant the appeal of Erik Thorsen, Trustee, Edgar F. Thorsen Trust, regarding the issuance of a Lakebed Encroachment Permit and supporting California Environmental Quality Act (CEQA) Notice of Exemption to Ronald Jacobs for the construction of pier/covered deck/gangway/suspended platform/covered electric boat lift; project located at 1925 Westlake Drive, CA (APN 044-171-18 - Erik Thorsen, Trustee, Edgar F. Thorsen Trust)(Appellant and applicant have mutually requested a further continuance to August 12, 2008 at 11:15 a.m.)** - Chair Robey asked if anyone was present wishing to speak on this item. No one was present wishing to speak and this item was continued four weeks to August 12, 2008, at 11:15 a.m.

7. **ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 2. Public Employee Performance Evaluation: Title: County Librarian 3. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms** - Chair Robey announced the Board would go into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session at 9:46 a.m. with no action taken.

8. **ITEM A-7 - 9:45 A.M. - HEARING - Nuisance abatement assessment confirmation and proposed recordation of Notice of Lien in the amount \$3,680.75 - 11505 Alder Lane, Middletown, CA (APN 050-394-07-00 - Bruce LeGrande)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Bruce LeGrande were sworn in by the Clerk.

Ms. Brumfield gave a power point presentation on the abatement actions taken on the property.

Mr. LeGrande gave testimony.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$3,680.75 for nuisance abatement on property located at 11505 Alder Lane, Middletown, CA (APN 050-394-07-00 - Bruce LeGrande), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

9. **ITEM A-8 - 9:50 A.M. - HEARING - Nuisance abatement assessment confirmation and proposed recordation of Notice of Lien in the amount \$4,260.96 - 17075 Deer Park Drive, Lower Lake, CA (APN 049-103-10-00 - Travis Allen)** - Community Development Director Rick Coel and Code Enforcement Manager Voris Brumfield were sworn in by the Clerk.

Neither the property owner, nor a representative was present.

Ms. Brumfield gave a power point presentation on the abatement actions taken on the property.

On motion of Supervisor Brown and by vote of the Board (5 ayes), confirmed the assessment of \$4,260.96 for nuisance abatement on property located at 17075 Deer Park Drive, Lower Lake, CA (APN 049-103-10-00 - Travis Allen), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

10. **ITEM A-9 - Carried over from June 24, 2008 - 10:00 A.M. - Presentation by Chief of Police Kevin Burke regarding the Lakeport School Resource Officer Program and consideration of request for County participation in funding the program for Fiscal Year 2008/2009** - On July 14, 2008, Chief of Police Kevin Burke contacted the Clerk of the Board Office to request this item be pulled from today's agenda. Chief Burke informed the Clerk that this request will not be placed on an agenda at a later date due to the City of Lakeport's current financial situation.

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BACK TO ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 2. Public Employee Performance Evaluation: Title: County Librarian 3. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms - Chair Robey announced the Board would now return to Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session with no action taken.

After a brief recess, the Board returned at 10:30 a.m.

11. **ITEM A-10 - Continued from May 13, June 17 and 24, 2008 - 10:30 A.M. - Deliberation and Board Decision in the Appeal of James Clement (AB 08-06) of the Planning Commission's approval of a Minor Use Permit (MUP 06-63) for John and Joanne Van Eck to allow the operation of 9 commercial stables, riding academy for a maximum of 15 students per week and the construction of a carriage house/clubhouse facility (approximately 2200 square feet) to be used for approved special events (up to 3 per year); this project is located at 4965 Steelhead Drive, Kelseyville, CA (APN 008-018-15) - Supervisor Farrington recused himself and was absent at 10:30 a.m.**

Community Development Director Rick Coel, Associate Planner Kevin Ingram, Special Projects Engineer Todd Mansell, Jim Clement, Debbie Majestic, Mary Jane Fagalde, John Van Eck and Joanne Van Eck were present and remained under oath.

Mr. Ingram presented the update on the staff report.

Mr. Clement gave testimony.

Chair Robey asked if anyone was present wishing to speak and the following people spoke: Debbie Majestic, John Van Eck, and Mary Jane Fagalde. No one else was present and the public input portion of this item was closed.

Various amendments were made to Minor Use Permit 06-63.

On motion of Supervisor Smith and by vote of the Board (5 ayes), made the Intended Decision to grant the Minor Use Permit 06-63, subject to the conditions enumerated today, and directed staff to prepare Findings of Fact.

Supervisor Farrington was present at 11:15 a.m.

12. **ITEM A-11 - 11:15 A.M. - Presentation of Proclamation commending Elizabeth Larson and Lake County News (LakeCoNews.com) for extraordinary service during the wild fires of June 2008 - Chair Robey read the Proclamation into the record and presented it to Elizabeth Larson, who spoke.**

13. **ITEM A-12 - 11:20 A.M. - Presentation of Proclamation commending firefighters and fire personnel for their exemplary efforts during the wild fires of June 2008 - Supervisor Rushing read the Proclamation into the record.**

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

14. **ITEM A-13 - 11:30 A.M. - PUBLIC HEARING - Consideration of leases of property located at 3605 Lakeshore Boulevard, Nice, CA (APN's 032-137-01 and 032-133-35 - County of Lake), the proposed lease agreements are for 126 marina slips, two apartments and a commercial building located on the site - Administrative Analyst Doug Willardson gave a brief summary.**

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

Director Rushing offered Resolution No. 2008-09 (RD) and it was passed by roll call vote (5 ayes).

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

15. **ITEM A-14 - Continued from June 17 and July 1, 2008 - 11:45 A.M. - PUBLIC HEARING - Planning Commission's recommendation for denial of the following General Plan Amendment proposal (GPAP 06-09) and Rezone (RZ 06-13): GPAP 06-09 and RZ 06-13 proposing a General Plan Amendment of a 2-acre lakefront property from Commercial Resort to Suburban Residential and consideration of a proposed Ordinance rezoning lands from "CR-FF" (Commercial Resort-Floodway Fringe) to "R-1-FF" (Single Family Residential-Floodway Fringe) for the Widgeon Bay/Sunset Point Mobile Home Park, proposed for Ben Lawson; project is located at 11967 and 12037 East State Highway 20, Clearlake Oaks, CA (APN's 035-092-01 and 035-284-10) - Community Development Director Rick Coel was present.**

Chair Robey asked if there was anyone present wishing to speak and the following people spoke: Louise Talley and Ben Lawson. 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), rejected the recommendation of the Planning Commission, remanded this item back to the Planning Commission for further discussion, and directed County Counsel to prepare a Resolution of Intention describing the Board's intentions for the rezone of the General Plan Amendment proposal to R1-B4-SC-FF zoning (GPAP 06-09).

BACK TO EXTRA ITEM #1 - Consideration of a letter of support of SB 977 (Correa) to Senator Lou Correa regarding a study of current and future infrastructure needs for the elderly throughout the State of California - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Letter of Support of SB 977 (Correa) to Senator Lou Correa regarding a study of current and future infrastructure needs for the elderly throughout the State of California, and authorized the Chair to sign.

After lunch recess, the Board returned at 1:30 p.m. Chair Robey was absent for the remainder of the day. The gavel was passed to Vice Chair Rushing.

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

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16. **ITEM A-15 - 1:30 P.M. - PUBLIC HEARING - (a) Consideration of Loan Agreement between the County of Lake and Eskaton Clearlake Oaks Manor, for \$617,080 of HOME monies; and (b) Consideration of proposed resolution approving the sale of property acquired with tax increment funds, located at 75 Lake Street, Clearlake Oaks, to Eskaton Clearlake Oaks Manor, for a senior housing project and approving the Development and Disposition Agreement for said project** - Chief Deputy County Administrative Officer Matt Perry and Administrative Analyst Doug Willardson presented the staff summary.

Chair Rushing opened the public hearing and the following people spoke: Cathy Sailor and John Pavoni. No one else was present wishing to speak and the public hearing was closed.

A) Sitting as the Board of Supervisors, on motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved the Loan Agreement between the County of Lake and Eskaton Clearlake Oaks Manor, Inc., for \$617,080 of HOME monies and authorized the Chair to sign.

B) Sitting as the Board of Directors of the Lake County Redevelopment Agency, Director Brown offered Resolution No. 2008-10 (RD) and it was passed by roll call vote (4 ayes, Director Robey ABSENT).

The Board of Directors of the Lake County Redevelopment Agency adjourned.

17. **ITEM A-18 - (a) Consideration of Agreement between the County of Lake and PJ Helicopters, Inc.; and (b) Consideration of Agreement between the County of Lake and A&P Helicopters to provide helicopter services for the marijuana reconnaissance and eradication on public and private lands** - Sheriff Rod Mitchell presented a brief summary.

Chair Rushing asked if anyone was present and the following people spoke: Donna Christopher and Lenny Mathews. No one else was present wishing to speak and the public input portion of this item was closed.

A) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved the Agreement between the County of Lake and PJ Helicopters, Inc., to provide helicopter services for the marijuana reconnaissance and eradication on public and private lands, and authorized the Chair to sign.

B) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Robey ABSENT), approved the Agreement between the County of Lake and A&P Helicopters to provide helicopter services for the marijuana reconnaissance and eradication on public and private lands, and authorized the Chair to sign.

- BACK TO ITEM A-21 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: LCEA, LCCOA, SDA and DDAA 2. Public Employee Performance Evaluation: Title: County Librarian 3. Conference with Real Property Negotiators: (a) Property: APNs 009-003-09, 19, 40, 41 and 45, APN 009-002-09 (Property situated on Mt. Konocti) (b) County Negotiator: Kim Clymire and Kelly Cox (c) Negotiating Parties: County of Lake and Michael Fowler, Diana Madura, individually and as successor trustee of the Elsa/Fowler Revocable Trust of 2002 and Buckingham Peak, LLC (d) Under Negotiation: Price and terms** - Chair Rushing announced the Board would return to Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session with no action taken.

There being no further business, the Board adjourned at 2:20 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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