



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 24, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 24<sup>th</sup> day of June, 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 9:05 a.m. After a moment of silence, Supervisor Farrington 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-21.

Approved Minutes of the Board of Supervisors meeting held on June 10, 2008.

Approved Amendment One to Agreement between County of Lake and Jim Jonas, Inc for supply of bulk gas and diesel fuel (adding a fuel surcharge of \$0.02-0.03 per gallon), and authorized the Chair to sign.

Adopted Resolution No. 2008-121 amending Resolution No. 2007-176 to amend the Final Budget for Fiscal Year 2007-2008 by making various adjustments to Budget Unit 2101 - Trial Courts.

Adopted Resolution No. 2008-120 supporting Senate Bill 1407 to renovate, expand and rebuild California's courthouses.

Approved Agreement between the County of Lake and Chernoh Excavating for abatement of nuisance on property located at 19872 Powder Horn Road, Hidden Valley Lake in the Amount of \$20,806 (APN 142-462-08-00 - Toni Day), and authorized the Chair to sign.

Adopted Resolution No. 2008-122 approving the Standard Agreement between the County of Lake and the State of California for Immunization Assistance Program (IAP) for Fiscal Year 2008-2009 in the amount of \$30,709 and authorizing the Health Services Director to sign.

Approved advanced step hiring of 900 hour Nurse Practitioner Karen Grumstrup due to applicant's extraordinary qualifications (5<sup>th</sup> step hiring).

Approved Agreement between the County of Lake and County of Del Norte for placement of juveniles attending the Bar-O-Boys Ranch and authorized the Chair to sign.

Awarded Bid No. 08-28 to Epidendio Construction, Inc. for Elk Mountain Road baserock placement located at MPM 19.0 to 24.4 in the amount of \$111,950 (Base Bid \$86,000 and the Additive Alternate Bid \$25,945), and authorized the Chair to sign the Agreement and the Notice of Award.

(a) Approved Easement Deed and directed Clerk to certify for recordation (APN 005-026-26 - Cynthia L. Dutcher); and (b) Approved Right-of-Way Agreement between County of Lake and Cynthia L. Dutcher, for the Scotts Creek Road Storm Damage Project (FEMA No. DR 1628-PW 3188), and authorized the Chair to sign.

Adopted Resolution No. 2008-123 approving Right-of-Way Certification Soda Bay Road HES Curve Realignment Project Federal Project No. STPLH-5914 (047), and authorizing Chair to sign Right-of-Way Certificate.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 035-143-55 - Live Oak Seniors, Inc., a California Corporation); and (b) Approved Purchase Agreement between County of Lake and Live Oak Seniors, Inc., a California Corporation, for the Oaks Plaza Improvement Project and authorized the Chair to sign.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 035-141-28 - Margaret Kiefer); and (b) Approved Purchase Agreement between County of Lake and Margaret Kiefer, for the Oaks Plaza Improvement Project and authorized the Chair to sign.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 035-143-57 - Clearlake Oaks Methodist Church); and (b) Approved Purchase Agreement between County of Lake and Clearlake Oaks Methodist Church, for the Oaks Plaza Improvement Project and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Sutter Lakeside Hospital for construction of curb, gutter and sidewalk for new medical building, located at 21198 Calistoga Street, Middletown, and authorized the Chair to sign.

Adopted Resolution No. 2008-124 to appropriate unanticipated revenue in the amount of \$478 (received from outlawed check) for purchase of T-shirts for the Disaster Assignment Recovery Team (Homeland Security funding), Budget Unit No. 2704 - Emergency Services.

Approved First Amendment to Lease Agreement between County of Lake and Pauline M. Usher and Donald I. Usher for storage space at 9425 Highway 53, Lower Lake (a monthly increase of fifty dollars for a total of \$465.00 per month), and authorized Chair to sign.

Approved First Amendment to Contract between the County of Lake and Lake Family Resource Center (Lake FRC) for Cal Learn teen parenting services (an increase in compensation per client in the amount of \$15), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Lake Family Resource Center (Lake FRC) for CalWorks domestic violence services in the amount of \$21,866 and authorized Chair to sign.

Approved letters to state legislators opposing cuts proposed to Child Welfare and Adult Protective Services Programs and authorized the Chair to sign.

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Sitting as the Board of Directors of the Lake County Air Quality Management District, approved Agreement between the Lake County Air Quality Management District and Clearlake Lava, Inc. for funding of a replacement diesel engine and installation of a diesel particulate filter device (Carl Moyer Grant Funds), and authorized the Chair to sign.

2. **Citizen's Input** - Bill Shields spoke regarding redevelopment.

Supervisor Rushing provided an update on the Walker Ridge fire conditions. Additional information is available from CalFire by calling 707-967-1456 or through the CalFire website: www.fire.ca.gov.

3. **ITEM A-12 - Consideration of Recommendation for Award of Bid for the construction of Drainage Improvements Phase II at Lampson Field AIP (Project No. 3-06-0117-10)** - Public Works Director Brent Siemer was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), awarded Bid No. 08-33 to Jackson Equipment, in the amount of \$179,633.73 for the construction of drainage improvements, Phase II at Lampson Field AIP (Project No. 3-06-0117-10), and authorized the Chair to sign.

4. **ITEM A-11 - Consideration of request to approve Memorandum of Understanding between the County of Lake and the Big Valley Band of Pomo Indians and the Bureau of Indian Affairs placing certain designated County roads and bridges in the Indian Reservation Road (IRR) Program** - Public Works Director Brent Siemer was present.

After discussion, this item was continued one week to July 1, 2008, to allow for additional staff input.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Appeal of Appelbaum-Bakersfield, LLC (AB 08-05) of the Planning Commission's approval of a lot line adjustment (LLA 07-12) with a condition that a public right-of-way be created prior to recording the lot line adjustment; the project is located at 8200 and 8250 Orchard Drive and 1895 Eastlake Drive, Kelseyville, California (APNs 044-163-01, 044-172-01 and 044-181-02 - Appelbaum Bakersfield, LLC)** - Community Development Director Rick Coel, Spike Wheeler and Sarah Applebaum were present.

Mr. Coel presented the staff report.

Mr. Wheeler and Ms. Applebaum spoke regarding the grounds for the appeal.

Chair Robey opened the public hearing and the following people spoke: Bob Olson, Scott Summers, and George Losser. No one else was present wishing to speak and the public hearing was closed.

The appellant withdrew the appeal in its entirety and on all grounds.

No Board action was taken on this item.

6. **ITEM A-6 - 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** - At Chief Burke's request, this item was carried over to July 15, 2008, at 10:00 a.m.

7. **ITEM A-7 - 10:15 A.M. - Presentation of report from Lake County Tobacco Control representatives** - Lake Family Resource Center Tobacco Program Manager Michael Rupe presented an update.

No Board action was taken on this item.

The Board of Supervisors adjourned and convened as the Board of Directors of the Lake County Air Quality Management District.

8. **ITEM A-8 - 10:30 A.M. - CLOSED SESSION - Public Employee Appointment (Interviews of applicants for Air Pollution Control Officer)** - Chair Robey announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned to Regular Session at 12:15 p.m. with no action taken.

This item was continued to later in the day.

The Board of Directors of the Lake County Air Quality Management District adjourned and reconvened as the Board of Supervisors.

After lunch recess, the Board reconvened at 1:38 p.m. at the Van Eck property located at 4965 Steelhead Drive, Kelseyville.

9. **ITEM A-9 - Continued from May 13, 2008 and June 17, 2008 - 1:30 P.M. - (a) Site visit to the John and Joanne Van Eck property located at 4965 Steelhead Drive, Kelseyville, CA; and 2:30 P.M. - (b) PUBLIC HEARING - 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 2,200 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) -**

**(a) Site visit to the John and Joanne Van Eck property located at 4965 Steelhead Drive, Kelseyville, CA; and 2:30 P.M. -** Supervisors Smith, Rushing, Brown and Robey were present for the site visit. Supervisor Farrington was absent. County Counsel Anita Grant, County Administrative Officer and Clerk of the Board Kelly Cox and Associate Planner Kevin Ingram were present throughout the site visit.

Chair Robey reconvened the meeting and the Van Eck's representative, Mary Jane Fagalde, provided those present with an explanation of the improvements that have been made to the property and the proposed additional improvements. Board members began the tour of the property on the east side of the arena structure and concluded on the west side. Mr. and Mrs. Van Eck made comments regarding the property and the project during the tour. A neighboring property owner also made comments and asked questions. Chair Robey advised those present that public comment and questions would be received during the public hearing at the Courthouse beginning at 2:30 p.m. today.

The site visit was concluded at 2:10 p.m.

The Board returned to Regular Session at 2:40 p.m. at the Lake County Courthouse.

Supervisor Farrington was absent.

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(b) **PUBLIC HEARING - 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 2,200 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) - Community Development Director Rick Coel and Associate Planner Kevin Ingram were present.**

Gail Woodworth and Pat McGyver were sworn in by the Clerk. Those people wishing to speak whom had been sworn in during the previous public hearing on June 17, 2008 remained sworn in.

Mr. Ingram presented the staff summary.

Chair Robey opened the public hearing and the following people spoke: Gail Woodworth, Pat McGyver, Kathy Fowler, Wayne Lloyd, Paula Borg, Victoria Brandon, Mary Jane Fagalde, Debbie Majestic and Jerry Ramirez. No one else was present wishing to speak and the public hearing was closed.

After a brief recess, the Board reconvened at 4:23 p.m.

Ms. Van Eck gave testimony.

This item was continued three weeks to July 15, 2008 at 10:30 a.m.

The Board of Supervisors adjourned and reconvened as the Board of Directors of the Lake County Air Quality Management District.

**BACK TO ITEM A-8 - 10:30 A.M. - CLOSED SESSION - Public Employee Appointment (Interviews of applicants for Air Pollution Control Officer) - Remaining in Regular Session, on motion of Director Rushing and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), appointed Doug Gearhart Air Pollution Control Officer, effective on August 19, 2008.**

There being no further business, the Board adjourned at 5:47 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board