



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 20, 2008

The Honorable Board of Supervisors of Lake County, California, met in Regular Session this 20th day of May, 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 9:06 a.m. After a moment of silence, Supervisor Smith 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-17.

Approved Minutes of the Board of Supervisors meeting held on May 6, 2008.

Adopted Proclamation designating the week of May 18 through May 24, 2008, as National Public Works Week in Lake County.

Adopted Proclamation designating the week of May 17 through May 23, 2008, as National Safe Boating Week in Lake County.

Adopted Proclamation designating the week of May 18 through May 24, 2008, as Emergency Medical Services Week in Lake County.

Adopted Proclamation designating the month of May as Motorcycle Awareness Month in Lake County.

Approved letter to Senator Dianne Feinstein regarding federal funding for public acquisition of Mt. Konocti, and authorized the Chair to sign.

Reappointed Gina Griffin to the Lake County Child Care Planning and Development Council for a term ending May 20, 2011.

Adopted Resolution No. 2008-98, appointment of Susan Clayton as an Alternate Representative to the North Bay Cooperative Library System board meetings.

(a) Adopted Resolution No. 2008-99, establishing 2007/2008 appropriations limit for the County of Lake; and (b) Adopted Resolution No. 2008-100, establishing 2007/2008 appropriations limit for special districts governed by the Board of Supervisors.

Approved Amendments to the Minutes of the Board of Supervisors meetings held on January 8, January 22, February 5, February 12 and March 18, 2008, (to correct typographical errors) as recommended in the Memorandum dated April 20, 2008, from Assistant Clerk of the Board Mireya Turner.

Approved Memorandum of Understanding between the County of Lake and the Lake County Office of Education for children's mental health services for Fiscal Years 2008/2009, 2009/2010 and 2010/2011, and authorized the Chair to sign.

Adopted Resolution No. 2008-101, amending Board of Supervisors Resolution No. 2001-73 establishing an Underground Utilities District South Main Street - Soda Bay Road, County of Lake (revising the installation and construction schedule).

Approved Agreement between the County of Lake and Wilsey Ham for engineering and design services for the repair of storm damage site on Soda Bay Road at MPM 7.66-7.70 and four sites on Elk Mountain Road at MPM 3.87-3.89, MPM 8.60, MPM 27.00, MPM 27.53-27.55 (amount not to exceed \$153,592), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Willdan Engineering for engineering services for the repair of storm damage site on Socrates Mine Road at PM 1.84 (amount not to exceed \$79,040), and authorized the Chair to sign.

Approved County of Lake AB 636 Self-Improvement Plan (SIP) 2008/2010 for local child welfare services and probation services.

Sitting as the Board of Directors of the Lake County Redevelopment Agency, approved Amendment No. 3 to Agreement between the Lake County Redevelopment Agency and Foothill Associates for the 3rd Avenue Plaza final design, engineering and construction bid documents (extending the deadline for completion of work, update the payment schedule and redefine the engineering services), and authorized the Chair to sign.

Sitting as the Board of Directors of the Lake County Watershed Protection District, approved Amendment One to Agreement between the Lake County Watershed Protection District and Petersen Tractor Service LLC for Middle Creek Levee mowing (extending the agreement term by one year at a cost of \$11,152), and authorized the Chair to sign.

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

Extra #1 - Discussion/Consideration of declaring a "State of Emergency" in Lake County which would initiate a temporary quarantine of non-residential water crafts on all Lake County water bodies to prevent the infestation of quagga mussels - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Smith NO), approved taking up this item due to the fact that the need arose after to posting of today's agenda.

Amendments were made to this proclamation.

This item was continued to later in the day.

3. **ITEM A-4 - Current Construction Projects - Contract Change Orders -**

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Change Order No. 1 - Scotts Valley Bank Repair PM 4.0, Bid No. 08-06, W.O. No. 3161 - This change order addresses the balancing of the final in-place material quantities.

Public Works Director Brent Siemer was present.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Change Order No. 1 for a decrease of \$5,784.00, Mendocino Construction Services, and authorized the Chair to sign.

CITIZEN'S INPUT - Paul Kolb spoke regarding Quagga mussels.

4. **ITEM A-14 - Consideration of approval of Findings of Fact - Appeal of Richard Siri Sr. (AB 08-01) of the Commission's decision to approve the Tentative Parcel Map (PM 07-03) subject to the condition requiring dedication of a 10' pedestrian easement providing access to Clear Lake from Lakeshore Boulevard; project is located at 4445 and 4436 Lakeshore Boulevard, Lakeport, CA (APNs 029-141-20 and 029-141-22)** - On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO) approved the Findings of Fact, and authorized the Chair to sign.
5. **ITEM A-16 - Consideration of request to approve the Emergency Management Performance Grant in the amount of \$87,612 (with a 50% County match) to be used for salaries and benefits in the Office of Emergency Services** - On motion of Supervisor Rushing and by vote of the Board (5 ayes) approved the Emergency Management Performance Grant in the amount of \$87,612 (with a 50% County match) to be used for salaries and benefits in the Office of Emergency Services, and authorized the Chair to sign.
6. **ITEM A-5 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 10611 Pingree Road, Clearlake Oaks, CA (APN 035-522-024-000 - Craig Tryon)** - Community Development Director Rick Coel, Code Enforcement Manager Vori's Brumfield, Code Enforcement Officer Allison Garrett and Craig Tryon were sworn in by the Clerk.

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

Mr. Tryon gave testimony.

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 10611 Pingree Road, Clearlake Oaks, California, (APN 035-522-024-000 - Craig Tryon), 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, and authorized the Chair to sign the abatement order.

7. **ITEM A-6 - 9:45 A.M. Presentation by Public Works of the California Pavement Preservation Task Group "2008 Project of the Year" award to the County of Lake** - Public Works Superintendent Steve Stangland introduced Bob MacRae, of Western Emulsions, who gave a power point presentation and presented a plaque to Supervisor Brown.
8. **ITEM A-7 - 9:55 A.M. - Presentation of Proclamation designating the week of May 18 through May 24, 2008, as National Public Works Week in Lake County** - Supervisor Rushing read the proclamation into the record and presented it to Public Works Director Brent Siemer, who spoke.
9. **ITEM A-8 - 10:00 A.M. - Presentation of Proclamation designating the week of May 17 through May 23, 2008, as National Safe Boating Week in Lake County** - Supervisor Smith read the proclamation into the record and presented it to United States Coast Guard Auxiliary officers, who spoke.
10. **ITEM A-9 - 10:05 A.M. - Presentation of Proclamation designating the week of May 18 through May 24, 2008, as Emergency Medical Services Week in Lake County** - This item was continued to later in the day, due to a scheduling conflict with the recipients of the proclamation.
11. **ITEM A-10 - 10:10 A.M. - Presentation of Proclamation designating the month of May as Motorcycle Awareness Month in Lake County** - Supervisor Brown read the proclamation into the record and presented it to Lori Adams, who spoke. Members of ABATE were present.

BACK TO ITEM A-9 - 10:05 A.M. - Presentation of Proclamation designating the week of May 18 through May 24, 2008, as Emergency Medical Services Week in Lake County - Supervisor Robey read the proclamation into the record.

12. **ITEM A-17 - Discussion/consideration of proposed Third Amendment to Agreement between the County of Lake and CH2M Hill in the amount of \$61,500 for water system engineering for Spring Valley Lakes - CSA #2** - On motion of Supervisor Rushing and by vote of the Board (5 ayes) approved the Third Amendment to Agreement between the County of Lake and CH2M Hill in the amount of \$61,500 for water system engineering for Spring Valley Lakes - CSA #2, and authorized the Chair to sign.

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

13. **ITEM A-18 - Continued from May 13, 2008 - An Ordinance establishing an inspection program for all water vessels launched in the County of Lake - (Second Reading)** - Supervisor Brown offered Ordinance No. 2866 and it was passed by roll call vote (5 ayes).

BACK TO EXTRA #1 - Discussion/consideration of declaring a "State of Emergency" in Lake County that would initiate a temporarily quarantine of non-residential water crafts on all Lake County water bodies to prevent the infestation of quagga mussels - Sheriff Rod Mitchell, Deputy CAO - Marketing and Economic Development Debra Sommerfield, Deputy Public Works Director - Water Resources were present.

Sheriff Mitchell gave a brief update of the experiences of the Sheriff's Department on enforcement of the quagga sticker regulations.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Proclamation in concept, requesting the Governor to declare a State of Emergency.

This item was continued to later in the day.

After a brief recess, the Board reconvened at 11:50 a.m.

14. **ITEM A-11 - 11:45 A.M. - Presentation of Volunteer Awards for the Adopt-A-Highway Program** - Public Works Director Brent Siemer and State Senator Patricia Wiggins Representative Kathy Kelly were present.

CalTrans District 1 Director Charlie Fielder presented the 2007 Volunteer of the Year Award to Russ Dietrich, who spoke.

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Kathy Kelly presented a Commendation to Mr. Dietrich, on behalf of State Senator Patricia Wiggins and State Assemblymember Patty Berg.

15. **ITEM A-15 - Consideration of proposed Ordinance establishing a pool use fee schedule for the Middletown County Pool for the Public Services Department - Parks Division** - This item was continued to later in the day.

After a lunch recess, the Board reconvened at 1:00 p.m.

16. **ITEM A-19- CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry; and (b) Employee Organizations: LCEA, LCCOA, SDA AND DDAA 2. Public Employee Performance Evaluations: Titles: Public Services Director; Social Services Director** - 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 1:45 p.m. with no action taken.

17. **ITEM A-12 - Continued from May 6, 2008 - 1:30 P.M. - PUBLIC HEARING - Appeal of Heart Consciousness Church/Harbin Hot Springs (AB 08-02) of the Planning Commission's approval of a minor use permit (MUP 06-41) for Eagle Consulting on behalf of U.S. Cellular, for the construction and operation of a wireless communication facility on leased parcels, which will consist of a synthetic pine tree-type 62-foot high steel monopole with six panel antennas; project located at 19237, 19241, 19657, 19672 and 19682 Harbin Springs Road, Middletown, CA (APNs 014-240-01, 014-240-05, 014-240-06, 014-240-08 and 014-240-09)** - Community Development Director Rick Coel and Assistant Resource Planner Ted Elliott were present.

On Friday, May 16, 2008, the Clerk of the Board's office was contacted by Attorney Steven C. Mitchell, Counsel for US Cellular, requesting an continuance of the Appeal of Heart Consciousness Church/Harbin Hot Springs to August 5, 2008, at 1:30 p.m.

Chair Robey asked if there was anyone present wishing to speak who would be unable to attend the August 5th public hearing. Cheryl Little Deer was sworn in by the Clerk and gave testimony. No one else was present wishing to speak and the public hearing was continued to August 5, 2008, at 1:30 p.m.

- BACK TO EXTRA #1 - Discussion/consideration of declaring a "State of Emergency" in Lake County that would initiate a temporarily quarantine of non-residential water crafts on all Lake County water bodies to prevent the infestation of quagga mussels** - Public Works Director Brent Siemer, Deputy Public Works Director - Water Resources Pam Francis and Deputy CAO Marketing and Economic Development Director Debra Sommerfield were present.

Supervisor Rushing offered Resolution No. 2008-103, Proclamation requesting the Governor to declare a State of Emergency, and it was passed by roll call vote (5 ayes).

- BACK TO ITEM A-15 - Consideration of proposed Ordinance establishing a pool use fee schedule for the Middletown County Pool for the Public Services Department - Parks Division** - Various amendments were made to this ordinance.

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

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance one week, to May 27, 2008.

There being no further business, the Board adjourned at 3:25 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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