



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 9, 2008

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th day of September 2008, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown, 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. by Chair Robey. Following a moment of silence, Administrative Officer Kelly Cox 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-10, with the exceptions of C-1 which will be carried over one week to September 16, 2008, and C-7 which will be taken up later in the day.

Adopted Proclamation commending Steven R. Buchholz for his years of service to the County of Lake.

Reappointed Barbara Ehr to the Mental Health Board for a term expiring on June 30, 2011.

Approved advanced step hiring of extra-help Associate Planner Keith Gronendyke due to applicant's extraordinary qualifications (5th step of the salary range).

Adopted Resolution No. 2008-167 approving Medi-Cal Administrative Activities (MAA) Provider Participation Agreement between the County of Lake and the California Department of Health Services and directed the Director of Health Services to sign.

Approved First Amendment to Agreement between the County of Lake and Jeri E. Owens, MD, for specialty mental health services and authorized the Chair to sign.

Approved the revised Non-Disposal Facility Element of the Countywide Integrated Waste Management Plan.

Approved Second Amendment to Agreement between the County of Lake and Ruzicka Associates for surveyor services for right-of-way purposes for Storm Damage Project for an increase of \$6,890.00, and authorized the Chair to Sign.

Adopted Resolution No. 2008-168 amending Resolution No. 2000-174 authorizing access to the state and local summary criminal history information by the Department of Social Services.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Eric Wood presented one canine available for adoption.

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

Extra #1 - Consideration of proposed Agreement between the County of Lake and Cutting Edge Helicopters for flight services at a rate of \$480 per hour, not to exceed \$80,000, and authorize the Chair to sign - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved taking up this item due to the fact that the need to take action arose after the posting of today's agenda.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Cutting Edge Helicopters for flight services at a rate of \$480 per hour, not to exceed \$80,000, and authorized the Chair to sign.

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

Change Order No. Seven (7) - Construction on Merritt Road at Kelsey Creek Federal-Aid Bridge Replacement Project No. BRLO-NBIL (037) in Lake County - Bid No. 07-02, Project No. 30065 - This change order addresses compensation for the contractor for interest due on late payments for Change Orders 2 through 5 and Retention Released.

Public Works Director Brent Siemer gave a brief summary.

This item was continued to later in the day.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Planning Commission's Recommendation for approval of the following General Plan Amendment Proposal for Tower Energy Group (GPAP 07-10) and Rezone (RZ 07-18): GPAP 07-10 and RZ 07-18 are proposing a General Plan Amendment for the Tower Energy Group, to demolish the existing 3,000 square foot retail convenience store and build an 8,000 square foot retail convenience store; a General Plan Amendment from Medium and High Density Residential to Local Commercial in conjunction with a Rezone of a portion of the site zoned "R1" Single-Family Residential to match the existing "C1-DR" Local Commercial Design Review; and consideration of a proposed Ordinance Rezoning Lands from "R1" (Single Family Residential) and "C1-DR" (Local Commercial Design Review) to "C1-DR" (Local Commercial Design Review) proposed for Tower Energy Group; and Adoption of a Negative Declaration for Said GPAP and Rezone, based on Initial Study IS 07-60; this project is located at 2935 and 2939 Lakeshore Blvd., Lakeport, CA (APNs 028-092-23 and 028-331-10)** - Community Development Director Rick Coel and Associate Planner Kevin Ingram were present.

Mr. Ingram presented the staff report.

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

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On motion of Supervisor Farrington and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 07-48, that the general plan amendment from Suburban Residential Reserve to Resort Commercial and Agriculture and rezone from "U" to "CR" and "A" applied for by John Patrick Robertson will not have a significant effect on the environment and therefore adopted a negative declaration with the findings set forth in the Board Memorandum dated June 2, 2008.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), made an intended decision to approve the general plan amendment for Tower Energy Group GPAP 07-10, and deferred offering the resolution until after hearing the general plan amendment and rezone proposal of John Patrick Robertson (GPAP 07-09 and RZ 07-17).

6. **ITEM A-7 - 9:45 A.M. - Presentation of Employee Service Awards** - Chair Robey presented certificates, pen/pencil sets, and clocks in recognition of fifteen or more years of employment with the County of Lake (or in the case of department heads or Board members, five or more years of service).

The following employees received certificates for ten years of service: Jacqueline Broman - Social Services, Hank Comstock - Sheriff, Sandra Davis - Social Services, Michele Dibble - Social Services, Jennifer Fitts - Social Services, John Geib - Social Services, Joan Kammerer - Public Health, Kelly Larsen - Mental Health, Katherine Lindsley - Public Health, Dennis Owens - Sheriff, Robert Penny - Veterans Services, Susan Robb - Auditor/Controller, Kathleen Weiner - Social Services and Carrie White - Mental Health/AODS.

The following employees received clocks for fifteen years of service: Joseph Cardono - Special Districts, Gary Hall - Sheriff, Carol Huchingson - Social Services, Susan Kronos - District Attorney, James Richardson - Social Services and Sheryl Swartz - Public Health.

The following employees received clocks for twenty years of service: Greg Campell - Assessor, Sandra Davis - Treasurer/Tax Collector, Martin Franusich - Information Technology, Matt Perry - Administration, Georgine Peters - Clerk of the Board, Val Schweifler - Environmental Health and Rosemary Townsend - Sheriff.

The following employees received clocks for twenty-five years of service: Joseph Magliocco - Community Development and Rodney Mitchell - Sheriff.

The following employee received clocks sets for thirty years of service: Diane Fridley - Elections.

7. **CONSENT AGENDA ITEM C-7 - Consideration of request by Mental Health staff to provide County transportation for clients to Ukiah, on September 15, 2008, to attend the California Network of Mental Health Clients 6th Annual Remembrance Day, as requested in the Mental Health Directors Memorandum dated August 25, 2008** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Mental Health staff to provide County transportation for clients to Ukiah, on September 15, 2008, to attend the California Network of Mental Health Clients 6th Annual Remembrance Day, as requested in the Mental Health Directors Memorandum dated August 25, 2008.

8. **ITEM A-6 - 9:30 A.M. - PUBLIC HEARING - Planning Commission's Recommendation for approval of the following General Plan Amendment Proposal for John Patrick Robertson (Villa Andrea) (GPAP 07-09) and Rezone (RZ 07-17); a General Plan Amendment of 5.5 acres from Suburban Residential Reserve to Agriculture; and consideration of a proposed Ordinance Rezoning Lands from "U" (Unclassified) to "CR" (Commercial Resort) and "A" (Agricultural) proposed for John Patrick Robertson (Villa Andrea); and Adoption of a Negative Declaration for Said GPAP and Rezone, Based on Initial Study Is 07-48; this project is located at 1780 State Highway 53, Clearlake, CA (APN 010-003-33)** - Community Development Director Rick Coel and Assistant Planner Kevin Ingram were present.

Mr. Ingram 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 Smith and by vote of the Board (5 ayes), found that on the basis of the Initial Study IS 07-48, that the general plan amendment from Suburban Residential Reserve to Resort Commercial and Agriculture and rezone from "U" to "CR" and "A" applied for by John Patrick Robertson will not have a significant effect on the environment and adopted a negative declaration with the findings set forth in the Board Memorandum dated June 2, 2008.

Supervisor Smith offered Resolution 2008-169, adopting an amendment to the Lake County General Plan (GPA 08-02), and it was passed by roll call vote (5 ayes).

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the Ordinance, amending Section 21-3.7 of Chapter 21 of the Ordinance Code of the County of Lake by adopting a Sectional District Zoning Map No 3.7(b)1.370 rezoning Lands of Domaine Aux Acres, LLC, and had it read in title only. The Clerk so did.

Supervisor Smith offered Ordinance 2871 and it was passed by roll call vote (5 ayes).

- BACK TO ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Planning Commission's Recommendation for approval of the following General Plan Amendment Proposal for Tower Energy Group (GPAP 07-10) and Rezone (RZ 07-18): GPAP 07-10 and RZ 07-18 are proposing a General Plan Amendment for the Tower Energy Group, to demolish the existing 3,000 square foot retail convenience store and build an 8,000 square foot retail convenience store; a General Plan Amendment from Medium and High Density Residential to Local Commercial in conjunction with a Rezone of a portion of the site zoned "R1" Single-Family Residential to match the existing "C1-DR" Local Commercial Design Review; and consideration of a proposed Ordinance Rezoning Lands from "R1" (Single Family Residential) and "C1-DR" (Local Commercial Design Review) to "C1-DR" (Local Commercial Design Review) proposed for Tower Energy Group; and Adoption of a Negative Declaration for Said GPAP and Rezone, based on Initial Study IS 07-60; this project is located at 2935 and 2939 Lakeshore Blvd., Lakeport, CA (APNs 028-092-23 and 028-331-10)** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the reading of the Ordinance, amending Section 21-3.7 of Chapter 21 of the Ordinance Code of the County of Lake by adopting a Sectional District Zoning Map No. 3.7:9)1.371 rezoning Lands of Tower Energy Group, and had it read in title only. The Clerk so did.

Supervisor Farrington offered Ordinance 2872, and it was passed by roll call vote (5 ayes).

9. **ITEM A-8 - 10:15 A.M. - Appeal of Vicious Animal Order for Destruction (5012 Blue Court, Kelseyville - Frances Layton)** - Animal Care and Control Director Denise Johnson, Animal Care and Control Officer Terre Flynn and Frances Layton were sworn in by the Clerk.

Ms. Flynn presented the staff report.

Ms. Layton gave testimony.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), denied the appeal.

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

10. **ITEM A-9 - 10:30 A.M. - Consideration of request to terminate the Lake County Watershed Protection District's participation as a signatory to the Contract between the Lake County Flood Control and Water Conservation District, the City of Clearlake and the City of Lakeport to provide implementation of the Lake County Clean Water Program (dated September 14, 2004), and authorize the Chair to sign letter of termination** - Public Works Director Brent Siemer gave a brief summary.

On motion of Director Brown and by vote of the Board (5 ayes), terminated the Lake County Watershed Protection District's participation as a signatory to the Contract between the Lake County Flood Control and Water Conservation District, the City of Clearlake and the City of Lakeport to provide implementation of the Lake County Clean Water Program (dated September 14, 2004), and authorized the Chair to sign the letter of termination.

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

11. **ITEM A-17 - (a) Consideration of request for waiver of the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of request for authorization for the Public Works Director/Deputy Purchasing Agent to issue a purchase order to Granite Construction for purchase of 850 tons of asphaltic concrete for CSA #23 Zone N, in an amount not to exceed \$88,587.15, Budget Unit No. 8469 - Meadow Estates** - Public Works Director Brent Siemer gave a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process and determined that competitive bidding would produce no economic benefit to the county and authorized the Public Works Director/Deputy Purchasing Agent to issue a purchase order to Granite Construction for purchase of 850 tons of asphaltic concrete for CSA #23 Zone N, in an amount not to exceed \$88,587.15, Budget Unit No. 8469 - Meadow Estates.

12. **ITEM A-16 - Consideration of recommendation from Health Insurance Committee for new Dental, Vision and Life Insurance Plans and change of insurance brokers** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the new Dental, Vision and Life Insurance Plans and change of insurance brokers, as recommended by the Health Insurance Committee.

13. **ITEM A-14 - Discussion/Consideration of recommended Ordinances and Resolution to increase the Personal Vehicle Mileage Reimbursement Rate to thirty-five cents per mile** - On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the Ordinance, to have it read in title only. Clerk so did.

On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the Ordinance two weeks, to September 23, 2008.

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the reading of the Ordinance, to have it read in title only. Clerk so did.

On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the Ordinance two weeks, to September 23, 2008.

Supervisor Smith offered Resolution No. 2008-170, and it was passed by roll call vote (5 ayes).

14. **ITEM A-15 - Carried over from August 26, 2008 - Consideration of proposed Lease Agreement between the County of Lake and Albert Moretti and Theresa Moretti for office space located at 525 North Main Street, Lakeport, in the amount of \$7420 per month (increasing each year by \$0.03 per square foot, \$234, during the time of the lease)** - Child Support Services Director Gail Woodworth gave a brief summary regarding a subsequent offer by the lessor to allow the annual increase of the rent to begin on the third year of the lease.

Modifications were made to the agreement to reflect this change.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Lease Agreement between the County of Lake and Albert Moretti and Theresa Moretti for office space located at 525 North Main Street, Lakeport, in the amount of \$7420 per month (increasing each year by \$0.03 per square foot, \$234, beginning on the third year of the lease), and authorized the Chair to sign.

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

15. **ITEM A-10 - Continued from August 26, 2008 - 11:15 A.M. - Consideration of proposed Resolution ordering a modification of the Sewer Use Ordinance Lake County Sanitation District Fee payment requirements due to special circumstances associated with those premises located at the intersection of State Highways 20 and 29 in Upper Lake, California (Three Brothers Travel Plaza)** - Special Districts Customer Services Coordinator Jill Shaul and Florence Peck were present.

Ms. Peck gave an update of the communications with BORT in regards to a business loan.

This item was continued to a future date to allow time for BORT to process the business loan request.

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

16. **ITEM A-11 - 11:30 A.M. - Presentation of Proclamation commending Steven R. Buchholz for his years of service to the County of Lake** - Chair Robey read the Proclamation into the record and presented it to Steve Buchholz, who spoke.

17. **ITEM A-18 - 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** - County Counsel Anita Grant informed the Board there were no negotiations scheduled for today.

After a lunch recess, the Board reconvened at 1:35 p.m.

18. **ITEM A-12 - 1:30 P.M. - PUBLIC HEARING - Appeal of Ray Williams (AB 08-07) of the Planning Commission's denial of a subdivision consisting of approximately 53 acres to create 13± one-acre parcels and one 40 acre remainder**

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parcel; project is located at 8999 Miwok Way, Kelseyville, CA (APN 009-003-31) - Community Development Director Rick Coel, Ray Williams, Barry Parkinson, Chad Mosier, Clifford Pell and Keith Gregory were sworn in by the Clerk.

Mr. Coel presented the staff report.

Mr. Williams, Mr. Mosier and Mr. Parkinson gave testimony.

Chair Robey opened the public hearing and the following people spoke: Clifford Pell and Keith Gregory. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Robey NO), made the intended decision to grant the appeal, directed County Counsel to prepare Findings of Fact and other necessary documents, and directed staff to conduct the necessary CEQA review.

BACK TO ITEM A-4 - Current Construction Projects - Contract Change Orders:

Change Order No. Seven (7) - Construction on Merritt Road at Kelsey Creek Federal-Aid Bridge Replacement Project No. BRLO-NBIL (037) in Lake County - Bid No. 07-02, Project No. 30065 - Public Works Director Brent Siemer spoke.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved Change Order No. 7, in the amount of \$7,134.58, MCM Construction Inc., and authorized the Chair to sign.

There being no further business, the Board adjourned at 2:35 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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