



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 21, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21st day of April, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Anthony Farrington, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following the moment of silence, Supervisor Farrington led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-24, with the exception of C-3 and C-12, which will be taken up following the approval of the Consent Agenda.

Adopted Proclamation designating the week of April 19-25, 2009, as "National Volunteer Recognition Week in Lake County."

Approved Agreement between the County of Lake and the City of Lakeport, for animal control services and authorized the Chair to sign.

Adopted Resolution No. 2009-48, approving Environmental Health to apply for \$2,500, from the U.S. Department of Health and Human Services (to be used for the completion of tasks related to food safety and the prevention of foodborne illness).

Approved Agreement between the County of Lake and Vision Services Plan for professional vision insurance services and authorized the Chair to sign.

Adopted Resolution No. 2009-49, in support of the Comprehensive Multiagency Juvenile Justice Plan modification and application to be submitted to the Corrections Standards Authority.

Approved Agreement between the County of Lake and the City of Lakeport for a contribution toward the maintenance of Bevins Street and Lakeport Boulevard in the amount of \$20,136, and authorized the Chair to sign.

Awarded Bid No. 09-29, to Holder Ford for the purchase of one (1) 2009 3/4 ton regular cab, cab-chassis truck for Animal Care and Control in the amount of \$20,535.31, and authorized the Chair to sign the bid award.

Adopted Resolution No. 2009-50, accepting the dedication of roadway easement in the County of Lake (Mapes Pass).

Approved Amendment One to Agreement between the County of Lake and Rau and Associates, Inc. for engineering services for repair of storm damage site on Sulphur Bank Drive at PM 1.94-1.99, er 4402(015), in Clearlake Oaks (an increase of \$6,000), and authorized the Chair to sign.

Approved advanced step hiring of a Deputy Sheriff II Kellie Moe, due to applicant's extraordinary qualifications (5th step salary range).

2. **CONSENT AGENDA ITEM C-12 - Consideration of request to award Bid No. 09-33 to Holder Ford for the purchase of one (1) 2009 2-wheel drive utility bed truck in the amount of \$28,743.71, and authorize the Chair to sign the bid award** - Special Districts Administrator Mark Dellinger presented the staff report.

This item was continued to later in the day, to allow for additional input from staff.

3. **CONSENT AGENDA ITEM C-3 - (a) Consideration of proposed Resolution approving a Cooperative Agreement with the U.S. Department of Agriculture to provide an Animal Damage Control Program for the County of Lake; and (b) Consideration of proposed letter to the U.S. Department of Agriculture to verify the intent of Lake County to enter into the 2009/2010 USDA Wildlife Services Management Program** - Chair Rushing asked if anyone was present wishing to speak and Phil Murphy spoke. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued two weeks, to May 5, 2009, to allow for input from the department.

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

Extra #1 - (a) Consideration of request to waive the policy for review and selection of professional consultants and other contract service providers; and (b) Consideration of proposed Agreement for geotechnical services for the Soda Bay ARRA Overlay Project to Pavement Engineering, Inc (PEI), in the amount of 14,865.00 - Public Works Director Brent Siemer was present.

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 arose after the posting of today's agenda.

This item was taken up by the Board for the following reason:

Staff received the proposal for services from the Consultant on April 10, 2009 and was unable to get a signed copy of the agreement from the Consultant until April 16, 2009. The Soda Bay Overlay Project is a \$1,100,000 project that has been selected for funding by the American Recovery and Reinvestment Act of 2009. It has also been selected to meet our region's 120-day "shovel ready" funding obligation. To meet these deadlines, the County must expedite all processes and procedures to ensure that the project is constructed this summer.

Mr. Siemer presented the staff report.

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(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the policy for review and selection of professional consultants and other contract service providers.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement for geotechnical services for the Soda Bay ARRA Overlay Project to Pavement Engineering, Inc (PEI), in the amount of 14,865.00, and authorized the Chair to sign.

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

Extra #2 - Consideration of proposed Agreement between the Lake County Watershed Protection District and the State of California (Department of Fish and Game, Wildlife Conservation Board), for conveyance and acceptance of a conservation easement for Middle Creek Flood Reduction and Ecosystem Restoration Project Area - Public Works Director Brent Siemer was present.

On motion of Director Brown 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.

This item was taken up by the Board for the following reason:

The original documents were misplaced. The wildlife conservation board wishes to place this item on their May 14th agenda. The signed agreements can be received no later than Tuesday, April 21, 2009.

Mr. Siemer presented the staff report.

On motion of Director Smith and by vote of the Board (5 ayes), approved the Agreement between the Lake County Watershed Protection District and the State of California (Department of Fish and Game, Wildlife Conservation Board), for conveyance and acceptance of a conservation easement for Middle Creek Flood Reduction and Ecosystem Restoration Project Area, and authorized the Chair to sign.

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

Extra #3 - (a) Discussion/consideration of request form to declare the existence of a local emergency due to the failing concrete and the resultant leaks in the Southeast Reservoir Dam Drainage System (pursuant to the Public Contract Code Section 22050); and (b) Consideration of request to authorize the Special Districts Administrator to issue a purchase order to Underwater Resources, Inc. in the amount of \$21,843, for specified repairs on the Southeast Reservoir Dam Drainage System - Special Districts Administrator Mark Dellinger was present.

On motion of Director Brown 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.

This item was taken up by the Board for the following reason:

The results of the video inspection has necessitated additional work which the Division of Safety of Dams has directed the District to conduct as soon as possible to insure safety of the dam facility.

Mr. Dellinger presented the staff report.

On motion of Director Smith and by vote of the Board (5 ayes), declared the existence of a local emergency due to the failing concrete and the resultant leaks in the Southeast Reservoir Dam Drainage System (pursuant to the Public Contract Code Section 22050).

On motion of Director Smith and by vote of the Board (5 ayes), authorized the Special Districts Administrator to issue a purchase order to Underwater Resources, Inc. in the amount of \$21,843, for specified repairs on the Southeast Reservoir Dam Drainage System.

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

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

Change Order No. 2 - Main Street Pavement Rehabilitation & Accessibility Improvements (From Gunn Street to First Street, Kelseyville) - This change order addresses the need to pulverize the roadway in place, reconstruct the roadway with baserock and asphalt, and provide for changeable message boards and an additional flagger while the required work is being done.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 2 - Main Street Pavement Rehabilitation & Accessibility Improvements (From Gunn Street to First Street, Kelseyville), Granite Construction Company, for an increase of \$4,232.00, and authorized the Chair to sign.

6. ITEM A-5 - 9:15 A.M. - Presentation of Proclamation designating the week of April 19-25, 2009, as "National Volunteer Recognition Week in Lake County" - Supervisor Farrington read the proclamation into the record.

7. ITEM A-6 - 9:30 A.M. - Presentation by the Bureau of Land Management regarding the North Coast California Geotourism Project - Project Outreach Coordinator Marsha deChadenes gave the presentation to the Board.

This item was informational only. There was no action taken on this item.

8. ITEM A-7 - 9:45 A.M. - Consideration of recommendation from the Lake County Fish and Wildlife Advisory Committee for the purchase of trout from the Mt. Lassen Hatchery for stocking of Blue Lakes, in the amount of \$3,400 - Agricultural Commissioner Steve Hajik and University of California Extension Coordinator Greg Giusti were present.

Mr. Giusti gave the staff report.

Chair Rushing asked if anyone was present wishing to speak and Art Cerini spoke. No one else was present wishing to speak and the public input portion of this item was closed.

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On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the purchase of trout from the Mt. Lassen Hatchery for stocking of Blue Lakes, in the amount of \$3,400.

9. **ITEM A-17 - Discussion/consideration of request to utilize vacant County property (approximately 1/4 acre), adjacent to the South Civic Center for a memorial grove** - Supervisor Brown spoke regarding using the vacant County property as a memorial grove, dedicated to the service and memory of LCPL Ivan Willson, who was killed in the line of duty last year.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the utilization of vacant County property (approximately 1/4 acre), adjacent to the South Civic Center for a memorial grove.

10. **ITEM A-20 - Advanced from April 14, 2009 - An Ordinance amending Section 2-2 of the Lake County Code, repealing authority for office closures and making other miscellaneous amendments to office hours of County offices - (Second Reading)** - Supervisor Brown offered Ordinance No. 2897, and it was passed by roll call vote (5 ayes).

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

11. **ITEM A-21 - Advanced from April 14, 2009 - An Ordinance amending the Sewer Use Ordinance (Appendix A of the Lake County Code), concerning public sewer connection charges - (Second Reading)** - Director Smith offered Ordinance No. 2898, and it was passed by roll call vote (5 ayes).

The Board of Directors of the Lake County Sanitation District adjourned and convened as the Board of Directors of the Kelseyville Waterworks District #3.

12. **ITEM A-22 - Advanced from April 14, 2009 - An Ordinance amending the Sewer Use Ordinance (Appendix B of the Lake County Code), concerning fees and charges for permits, inspections and construction - (Second Reading)** - Director Brown offered Ordinance No. 2899, and it was passed by roll call vote (5 ayes).

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

13. **ITEM A-23 - Advanced from April 14, 2009 An Ordinance establishing fees charged by the County Coroner - (Second Reading)** - Supervisor Brown offered Ordinance No. 2900, and it was passed by roll call vote (5 ayes).

14. **ITEM A-18 - Consideration of proposed Agreement between the County of Lake and FEDCO Construction, Inc. for the HES Soda Bay Road Realignment Project in the amount of \$409,546** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and FEDCO Construction, Inc. for the HES Soda Bay Road Realignment Project in the amount of \$409,546, and authorized the Chair to sign.

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

15. **ITEM A-8 - 10:15 A.M. - Consideration of proposed Memorandum of Understanding between the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Colusa Resource Conservation District, Solano County Water Agency and Water Resources Association of Yolo County for the development of an Integrated Regional Water Management Plan (IRWMP), for the Westside Subregion of the Sacramento River Funding Area** - Deputy Public Works Director Water Resources Pam Francis gave the staff report.

On motion of Director Comstock and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Colusa Resource Conservation District, Solano County Water Agency and Water Resources Association of Yolo County for the development of an Integrated Regional Water Management Plan (IRWMP), for the Westside Subregion of the Sacramento River Funding Area, and authorized the Chair to sign.

16. **ITEM A-9 - 10:30 A.M. - Appeal of CH2M Hill of the Board's decision to waive the Consultant Selection Process for Spring Valley Water System Engineering Services** - Gerry Dehn, Martin Nicholson, Tim Jordan, John Stonebreaker, Flo Kinder and Beth Thompkins were sworn in by the Clerk.

Mr. Dehn presented the appellant's summary.

Mr. Nicholson, Mr. Jordan, Mr. Stonebreaker, Ms. Kinder and Ms. Thompkins offered testimony.

On motion of Supervisor Brown and by vote of the Board (5 ayes), denied the appeal of CH2MHill of the Board's decision to waive the Consultant Selection Process for Spring Valley Water System Engineering Services.

17. **ITEM A-10 - Continued from April 14, 2009 - 10:45 A.M. - Discussion/consideration of proposed Agreement for engineering services for CSA 2-Spring Valley Water System Improvement Project** - Special Districts Administrator Mark Dellinger gave the staff report.

Chair Rushing asked if anyone was present wishing to speak and Flo Kinder spoke. 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), approved the Agreement for engineering services for CSA 2-Spring Valley Water System Improvement Project, Ruzicka Associates, in the amount not to exceed \$257,850, and authorized the Chair to sign.

18. **ITEM A-11 - 11:00 A.M. - PUBLIC HEARING - Appeal of Terry Hopkins (AB 09-01) of the Planning Commission's decision to deny a Minor Modification of a Use Permit (MMU 08-08) to allow the establishment of home occupation with an oversized detached accessory structure that was approved as a collector's garage in 2003; project located at 1519 McMahan Road, Lakeport (APN 015-012-22 - Terry Hopkins)** - Community Development Director Rick Coel, Associate Planner Keith Gronendyke, Terry Hopkins, Mary Jane Fagalde, John Jastrup and Maryann Baty were sworn in by the Clerk.

Mr. Gronendyke presented the staff report.

Ms. Fagalde gave a power point presentation on the appellant's position.

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This item was continued to later in the day.

19. **ITEM A-12 - 11:30 A.M. - PUBLIC HEARINGS - (a) Consideration of request for authorization to submit a Grant Application to the U.S. Department of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding the initiation of a Special Victims/Vulnerable Persons Unit; and (b) Consideration of request for authorization to submit a Grant Application to the U.S. Department of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding for the hiring of civilian staff in law enforcement and public related agencies (funding to be used for one (1) additional Civilian Coroner position and to aid the existing Civilian Coroner)** - Sheriff Rod Mitchell presented a brief summary.

(a) Chair Rushing opened the public hearing and Joan Moss spoke. 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 (5 ayes), approved the submission of the Grant Application to the U.S. Department of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding the initiation of a Special Victims/Vulnerable Persons Unit.

(b) Chair Rushing opened the public hearing. No one was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the submission of the Grant Application to the U.S. Department of Justice: Edward Byrne Memorial Justice Assistance Grant (JAG) Program for funding for the hiring of civilian staff in law enforcement and public related agencies (funding to be used for one (1) additional Civilian Coroner position and to aid the existing Civilian Coroner).

- BACK TO ITEM A-11 - 11:00 A.M. - PUBLIC HEARING - Appeal of Terry Hopkins (AB 09-01) of the Planning Commission's decision to deny a Minor Modification of a Use Permit (MMU 08-08) to allow the establishment of home occupation with an oversized detached accessory structure that was approved as a collector's garage in 2003; project located at 1519 McMahan Road, Lakeport (APN 015-012-22 - Terry Hopkins)** - Mr. Hopkins, Mr. Jastrup and Ms. Baty presented testimony.

The public hearing was continued for one week, to April 28, 2009, at 10:45 a.m.

After a lunch recess, the Board reconvened at 1:46 p.m.

Supervisor Brown was absent.

20. **ITEM A-13 - 1:30 P.M. - (a) Update on Code Enforcement activities; (b) Request for Board direction on current Code Enforcement priorities, as listed in staff memorandum; and (c) Request for Board direction regarding potential options for amendments to the Zoning Ordinance, as described in staff memorandum** - Community Development Director Rick Coel and Code Enforcement Manager Voris Brumfield were present.

(a) Ms. Brumfield gave a power point presentation on Code Enforcement activities.

This item was informational only. The Board took no action on this item.

(b) Mr. Coel gave a power point presentation on current Code Enforcement priorities.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Mike Salter, Dave Moses, Dean Houghton, Vickie Beats, Mike Lawrence, Tim Rosgan, Rhonda Mottlow, Charles Jacobs, Brad Chatton and Douglas VanDyke. 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.

(c) Mr. Coel gave a power point presentation on potential options for amendments to the Zoning Ordinance.

There was Board consensus to direct Community Development staff to stay the enforcement of zoning ordinance code violations with regard to marijuana cooperative growers until the issue can be considered by the Board.

Chair Rushing scheduled a public hearing on this item on May 12, 2009, at 1:30 p.m.

After a brief recess, the Board reconvened at 3:46 p.m.

21. **ITEM A-14 - 3:00 P.M. - Discussion/consideration of implementing a speed limit for boats and other vessels using Clear Lake after daylight hours** - Phil Murphy was present and spoke about this item.

Chair Rushing asked if anyone was present wishing to speak who may not be able to attend at a future date and the following people spoke: Bert Atwood, Peter MacRae, John Graham, Rick Gunier and Sam Kartnaz. No one else was present wishing to speak and the public input portion of this item was closed.

This item was referred to the Clear Lake Advisory Subcommittee for consideration and to return to the Board for consideration at a future date.

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

22. **ITEM A-15 - 3:30 P.M. - (a) Update on drought situation in Lake County and consideration of recommendation to reiterate the need for water conservation measures in Lake County (b) Update on drought management planning for the County's ten water systems; and (c) Request for Board direction regarding the finalization and institution of the proposed Drought Management Plan including mandatory water conservation measures and urgency ordinance adopting emergency water conservation restrictions for County Service Areas (CSAs)** - Special Districts Administrator Mark Dellinger, Deputy Public Works Director Water Resources Pam Francis, Water Resources Engineer Tom Smythe and Utility Systems Coordinator John Thompson were present.

(a) Mr. Smythe presented the Water Resources staff report.

This item was informational only. No Board action was taken on this item.

(b) Mr. Dellinger presented the Special Districts staff report.

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This item was informational only. No Board action was taken on this item.

(c) Mr. Dellinger presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Victoria Brandon, Louise Talley and Hiram Dukes. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued two weeks, to May 5, 2009, at 11:30 a.m.

BACK TO CONSENT AGENDA ITEM C-12 - Award Bid No. 09-33 to Holder Ford for the purchase of one (1) 2009 2-wheel drive utility bed truck in the amount of \$28,743.71, and authorize the Chair to sign the bid award - Special Districts Administrator Mark Dellinger and Deputy Special Districts Administrator Pete Preciado were present.

Mr. Preciado presented the staff report.

On motion of Supervisor Smith and by vote of the Board (3 ayes, Supervisor Farrington NO, Supervisor Brown ABSENT), awarded Bid No. 09-33, to Holder Ford for the purchase of one (1) 2009 2-wheel drive utility bed truck in the amount of \$28,743.71, and authorize the Chair to sign the bid award.

23. ITEM A-19 - Consideration of award of Bid No. 09-32 to Coastline Equipment for the purchase of one (1) 2009 crane truck in the amount of \$100,000 - Special Districts Administrator Mark Dellinger and Deputy Special Districts Administrator Pete Preciado were present.

Mr. Preciado gave the staff report.

This item was continued one week, to April 28, 2009, to allow for further research by the department.

24. ITEM A-24 - 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: Public Works Director - Chair Rushing announced the Board would now go into 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 5:43 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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