



# MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

## OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 11, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11<sup>th</sup> day of July, 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 9:00 a.m. by Chair Rushing. Following the moment of silence, Supervisor Comstock 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-9.

Adopted Proclamation designating the month of August 2009, as Child Support Awareness Month in Lake County.

Adopted Proclamation designating the week of August 9 through 15, 2009, as National Community Health Center Week in Lake County.

Approved correction to the Board of Supervisors Minutes of July 21, 2009, Item A-11 to read as follows: On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Option 2, as described in the staff memorandum dated July 8, 2009, authorizing a loan of \$95,000 to County Service Area #16 - Paradise Valley, at the rate of 1% and a repay term of five years, and directed staff to proceed with the preparation of a Proposition 218 notice, working with the CSA #16 Advisory Task Force and community.

Adopted Resolution No. 2009-135 amending the Visitor Center change fund amount (an increase from \$100 to \$200).

Adopted Resolution No. 2009-136 in support for H.R. 2642, the Veterans Missing In America Act.

Adopted Resolution No. 2009-137 approving a request from the Lake County Environmental Health Department to submit a grant application for the Federal Hazardous Materials Emergency Preparedness Grant (HMEP) to the Governor's Office of Emergency Services for Fiscal Year 2009/2010 and authorizing the Director of Health Services to sign said application and grant.

Approve Easement Deed and directed Clerk to certify for recordation (APN 002-037-02 - Newman Springs Preservation LLC); and approved Right-of-Way Agreement between the County of Lake and Newman Springs Preservation LLC Twin Valley Road Storm Damage Repair Project, and authorized the Chair to sign.

Adopted Resolution No. 2009-138 authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated June 23, 2009, (Hazard Mitigation Grant Program Culvert Upgrade on Lakeview Drive at Hudson Avenue in Nice).

Adopted Resolution No. 2009-139 authorizing submittal of an application to the California Housing and Community Development for funding under the Home Investment Partnership Program (HOME).

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

**Extra #1: Discussion/consideration of request for out-of-state travel for Animal Control Officer Ben Cheek to Durango, Colorado, from August 24-29, 2009, to attend Equine Investigators Academy on a full scholarship** - On motion of Supervisor 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:

On July 24, 2009, the Board approved out-of-state travel for Animal Care and Control Officer Eric Wood to attend the Equine Investigator's Academy. Since this date, for personal reasons, Officer Wood will be unable to attend. The Academy will allow the transfer of admission to Officer Ben Cheek, but has requested immediate notification of his approval, since there is a waiting list for this class. For this reason, it is imperative the Board consider this request at the earliest possible opportunity.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for Animal Control Officer Ben Cheek to Durango, Colorado, from August 24-29, 2009, to attend Equine Investigators Academy on a full scholarship.

**CITIZEN'S INPUT** - Marilyn Westphal spoke regarding the Brown Bag Food Program for local seniors.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the month of August 2009, as Child Support Awareness Month in Lake County** - Supervisor Comstock read the proclamation into the record and presented it to Child Support Services Director Gail Woodworth, who spoke.

The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization.

The gavel was passed to Lake County Local Board of Equalization Chair Farrington.

4. **ITEM A-6 - 9:15 A.M. - Assessment Appeal Hearing:**

**Robert Roberts - Application No. 2008-75; Assessment Parcel No. 062-111-030; located at 3485 Spring Valley Road, Clearlake Oaks, CA** - Chief Deputy Assessor-Recorder Jim Campbell was present.

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Chair Farrington announced this appeal had been withdrawn by the applicant.

No action was taken on this item.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

The gavel was returned to Chair Rushing.

5. **ITEM A-15 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out-of-County travel for Supervisor Farrington for a meeting at Mendocino College, on August 12, 2009, to discuss the College's search for property for a new campus.

6. **ITEM A-18 - Continued from August 4, 2009 - Discussion/consideration of request from Public Works Director to issue a purchase order for the purchase of acetone traffic paint** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Public Works Director/Assistant Purchasing Agent to issue a purchase order for acetone paint, to Ennis Paint, in an amount not to exceed \$30,302.42.

7. **ITEM A-7 - 9:30 A.M. - Presentation of Proclamation designating the week of August 9 through 15, 2009, as National Community Health Center Week in Lake County** - Supervisor Farrington read the Proclamation into the record and presented it to Lori Conway, who spoke.

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

8. **ITEM A-8 - 9:35 A.M. - Discussion/consideration of request for approval of the Relocation Plan for resident currently living at 12559 East Highway 20, Clearlake Oaks, CA (APN 035-240-000** - Administrative Analyst Doug Willardson presented the staff report.

Director Smith offered Resolution No. 2009-140, 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.

After a brief recess, the Board reconvened at 9:45 a.m.

9. **ITEM A-9 - 9:45 A.M. - Update on the use of pepper spray by Animal Control Officers** - Animal Control Director Denise Johnson and Deputy Animal Control Director Bill Davidson were present.

Mr. Davidson presented the staff report.

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

10. **ITEM A-19 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken.

11. **ITEM A-10 - 10:00 A.M. - Discussion/consideration of proposed Resolution authorizing the submission of an application to the California State Department of Housing and Community Development for funding under the Home Investment Partnership Program; and, if selected, the execution of a standard agreement, any amendments thereto, and any related documents necessary to participate in the Home Investment Partnership Program** - Chief Deputy County Administrative Officer Matt Perry presented the staff summary.

Supervisor Farrington offered Resolution No. 2009-134, and it was passed by roll call vote (5 ayes).

12. **ITEM A-11 - 10:15 A.M. - PUBLIC HEARING - Discussion/consideration of the donation of surplus property (one decontamination station), to the City of Lakeport** - Deputy County Administrative Officer Jeff Rein presented the staff report.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the donation of surplus property (one decontamination station), to the City of Lakeport.

After a brief recess, the Board reconvened at 10:31 a.m.

13. **ITEM A-12 - 10:30 A.M. - HEARING - Notice of Nuisance Abatement - 14164 Spruce Grove Road, Lower Lake, CA (APN 012-049-03 - Margaret Gokey, Delphine Newman and Jean Rubin)** - Community Development Director Rick Coel and Code Enforcement Manager Voris Brumfield were sworn in by the Clerk.

Neither the owner, nor representation was present.

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

On motion of Supervisor Comstock and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 14164 Spruce Grove Road, Lower Lake, California, (APN 012-049-03 - Margaret Gokey, Delphine Newman and Jean Rubin), 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.

14. **ITEM A-16 - Discussion/consideration of proposed Amendment Three to Agreement between the County of Lake and Quincy Engineering, Inc., for engineering services for the repair of storm damage sites on Robinson Road at PM 0.55 (an increase of \$80,940 for a total amount of \$175,450)** - Public Works Director Brent Siemer presented the staff summary.

Amendments were made to this contract, removing Subsection B on Delineated costs, for an increase of \$72,261, for a total amount of \$72,751.

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On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved, as amended, Amendment Three to Agreement between the County of Lake and Quincy Engineering, Inc., for engineering services for the repair of storm damage sites on Robinson Road at PM 0.55 (an increase of \$72,261, for a total amount of \$72,751, and authorized the Chair to sign.

15. **ITEM A-17 - Discussion/consideration of proposed Amendment Three to Agreement between the County of Lake and Ruzicka Associates for engineering services for the repair of storm damage site on Bartlett Springs Road at PM 1.4 and PM 29.3 (an increase of \$84,650, total cost not to exceed \$183,550)** - Public Works Director Brent Siemer presented the staff report.

Amendments were made to this contract, removing the Vehicle Charge, \$5640, and the Outside Services Charge, \$2300, changing the amount of this amendment to \$76,710.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved, as amended, Amendment Three to Agreement between the County of Lake and Ruzicka Associates for engineering services for the repair of storm damage site on Bartlett Springs Road at PM 1.4 and PM 29.3 (an increase of \$75,730, total cost not to exceed \$174,550), and authorized the Chair to sign.

15. **ITEM A-13 - 10:45 A.M. - PUBLIC HEARING - Discussion/consideration of the request from Yvonne D. Cox for waiver of the 60 day requirement for submittal of an application for a license to conduct an outdoor festival at Alpine Park in Lucerne, on September 26, 2009, from 11:00 a.m. - 8:00 p.m. (minimum of 150 attendees to a maximum of 300 attendees)** - Public Services Director Kim Clymire and Yvonne Cox were present.

Mr. Clymire presented the staff report. The location of the even was changed from Alpine Park to Upper Lake Park.

Chair Rushing opened the public hearing and Janet Cawn 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), waived the 60 day requirement for submittal of an application for a license to conduct an outdoor festival at Upper Lake Park in Upper Lake, on September 26, 2009, from 11:00 a.m. - 8:00 p.m. (minimum of 150 attendees to a maximum of 300 attendees).

16. **A-14 - 11:30 A.M. - Site visit and tour of Clear Lake to observe aquatic weed growth and other lake related issues; tour will begin at Lakeport's Library Park, 3<sup>rd</sup> Street boat launch facility; and conclude at the same location after being transported by boat(s) across the waters of Clear Lake** - The Board reconvened at 11:35am, at the 3<sup>rd</sup> Street boat ramp adjacent to Library Park in Lakeport, with all Board members present. Also present were County Counsel Anita Grant, County Administrative Officer/Clerk of the Board Kelly Cox, Deputy CAO Debra Sommerfield, Clearlake City Council Members Judy Thein and Chuck Leonard, Lakeport City Council Members Suzanne Lyons and Ron Bertsch. Denise Rockenstein from the Lake County Record-Bee and other members of the public were also present.

Roy Disney of Disney's Water Sports, was present along with is brother Kory Disney. Roy Disney thanked the Board for having scheduled today's tour, commenting on the challenges being faced due to the aquatic weed problem and its impact on local tourism and the local economy. Everyone present was then invited to board two boats that the Disneys made available for today's tour. A letter to the Board from Lake Vacation Rentals, dated August 11, 2009, regarding Clear Lake water conditions, was distributed to the Board members. Chair Rushing and Supervisor Farrington boarded the boat being operated by Roy Disney. Supervisors Brown, Smith and Comstock boarded the boat being operated by Kory Disney. County Counsel and the County Administrative Officer/Clerk of the Board boarded the boat with Supervisors Brown, Smith and Comstock and remained in the presence of the three board members throughout the tour.

Both boats traveled in a southeastern direction, through an area populated with aquatic weeds. A demonstration of the type of problems created by the aquatic weeds was provided by an employee of Disney's Water Sports who was operating a jet ski. After the demonstration and additional comments by the Disneys, both boats headed north toward the Rodman Slough area. Upon arriving at Rodman Slough both boats stopped and those present observed the aquatic weeds. The boats returned to Lakeport, with Chair Rushing and Supervisor Farrington's boat departing first. The second boat (with Supervisors Brown, Smith and Comstock) arrived at the 3<sup>rd</sup> Street boat ramp at 1:28m, where a demonstration was provided at the request of Supervisor Smith, in which the boat propeller was used to break-up an accumulation of algae.

The Disneys were thanked by Board members and staff for making today's informative tour possible.

With all five Board members reunited on the boat dock, and there being no further business and no action taken, Chair Rushing adjourned the meeting at 1:34pm.

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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