



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 1, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 1st day of December, 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 Georgine Hunt.

The meeting was called to order at 9:01 a.m. by Chair Rushing. Following a moment of silence dedicated to Robert Sean Boylan of Middletown, Assistant Clerk of the Board Georgine Hunt 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-17, with the exception of C-9 which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on November 17, 2009.

Adopted Proclamation designating December as World AIDS Month in Lake County.

Approved revised plans and specifications for Lucerne 3rd Avenue Plaza Pier Improvement Project.

Adopted Resolution No. 2009-215, amending position allocations in Budget Unit No. 4014 - Mental Health (deleting one Deputy Mental Health Director - Fiscal Administration and adding one Deputy Mental Health Director - Fiscal Administration I/II).

Adopted Resolution No. 2009-216, approving Agreement #09-0593 with the State of California; Department of Food and Agriculture and authorizing execution and signature for pest detection/Light Brown Apple Moth (LBAM) activities for Fiscal Year 2009/2010.

Adopted Resolution No. 2009-217, approving the application and certification statement for the State Department of Health Care Services, CMS Branch's California Childrens Services (CCS) Administration Plan Renewal Grant for Fiscal Year 2009/2010 and authorized the Board Chair to sign said Certification Statement.

Approved change to the County Library holiday schedule beginning 2010, as recommended in the Memorandum dated November 6, 2009, from County Librarian Susan Clayton.

Adopted Resolution No. 2009-218, approving Right of Way Certification for Lakeshore Boulevard - Class II Bike Lane Project (ESPLE-5914 (062) North Lakeport).

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 034-463-27 - Gladys J. Donohue), and approved Purchase Agreement between the County of Lake and Gladys J. Donohue for Robinson Road Storm Damage Project located in Lakeport, and authorized the Chair to sign.

Adopted Resolution No. 2009-219, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated September 18, 2009 (Butts Canyon Road PM 7.96 to 8.06 Storm Damage Repair; Bid No. PW 09-08).

Adopted Resolution No. 2009-220, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated September 18, 2009 (Butts Canyon Road PM 8.84 to 8.97 Storm Damage Repair; Bid No. 09-40).

Adopted Resolution No. 2009-221, temporarily prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (temporarily prohibiting parking on Hartmann Road from Coyote Valley Road to Hidden Valley Road, on December 5, 2008, from 4:00 p.m. to 9:00 p.m., during the Annual Community Holiday Tree Lighting event).

Approved staff's recommendation to reject all bids for the construction of Soda Bay Road Rehabilitation and Overlay MP 11.9 to 13.8.

Approved revised plans and specifications for Soda Bay Road Rehabilitation and Overlay MP 11.5 to 13.8.

(a) Accepted Statement of Write-In Votes Cast for a qualified write-in candidate for the office of governing board member of the Upper Lake Union Elementary School Districts; ;and (b) Accepted Certified Statement of Votes Cast in the November 3, 2008, Consolidated General District Election.

Approved Contract between the County of Lake and the State Department of Boating and Waterways, for purchase of a replacement patrol boat and trailer (awarded a grant in the amount of \$80,000 from the State Department of Boating and Waterways), and authorized the Chair to sign.

2. **Consent Agenda Item C-9 - Consideration of request to approve Engineering and Inspection Agreement between County of Lake and Kurt Steil and Gary Johnson for review of plans and specifications and inspection of work for a Merger Re-subdivision (MRS 08-02), located at 16756 Butts Canyon Road, Middletown (APNs 014-003-83 and 014-140-05)** - Citing a personal relationship, Supervisor Comstock recused himself from this item.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approve Engineering and Inspection Agreement between County of Lake and Kurt Steil and Gary Johnson for review of plans and specifications and inspection of work for a Merger Re-subdivision (MRS 08-02), located at 16756 Butts Canyon Road, Middletown (APNs 014-003-83 and 014-140-05, and authorized the Chair to sign.

3. **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 Ben Cheek presented one feline currently available for adoption.

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

Change Order No. 1 - County-wide Stop Sign and Street Name Sign Replacement Project in Lake County, Bid No. 09-04 - This change order addresses an upgrade in the size and reflective sheeting material of the street name signs, an upgrade in the reflective sheeting material for the stop signs and an upgrade in the sign support type for all new sign locations.

Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - County-wide Stop Sign and Street Name Sign Replacement Project in Lake County, Bid No. 09-04, for an increase of \$149,296.00 (\$132,566.00 to be funded by the Federal Government, \$14,730.00 to be paid by the County), McGuire-Pacific Constructors, and authorized the Chair to sign the change order.

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

Change Order No. 4 - Upper Lake Main Street Project - This change order addresses the following: modify drop inlet, excavate and place 6" Class II Base, adjust utility boxes and valley gutter.

Deputy Redevelopment Director Eric Seely presented the staff report.

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

On motion of Director Smith and by vote of the Board (5 ayes), approved Change Order No. 4 - Upper Lake Main Street Project, for an increase of \$19,108.38, Argonaut Constructors, and authorized the Chair to sign the change order.

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

CITIZEN'S INPUT - Cheri Holden spoke regarding the We Love Tules, 4 Minute Film Festival submissions, due by the end of January 2010.

Toni Scully thanked the Supervisors for the new bridge across Manning Creek.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating December as World AIDS Month in Lake County** - Chair Rushing read the proclamation into the record and presented it to Ken Young and Dennis Gray, 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.

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

James Offenbach - Application No. 2008-157 - APN 026-181-200 - located at 1600 North Main Street, Lakeport, CA - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were sworn in by the Clerk.

Neither the owner nor representation were present.

Chair Farrington confirmed proper notice to the appellant.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal without prejudice.

James Offenbach - Application No. 2008-158 - APN 026-181-120 - located at 1622 North Main Street, Lakeport, CA - Assessor-Recorder Doug Wacker and Chief Deputy Assessor-Recorder Jim Campbell were sworn in by the Clerk.

Neither the owner nor representation were present.

Chair Farrington confirmed proper notice to the appellant.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal without prejudice.

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

The gavel was returned to Chair Rushing.

7. **ITEM A-18 - Discussion and determination of Board's interest in initiating preparation of an ordinance prohibiting and/or restricting the sale of tobacco products near schools** - Supervisor Smith introduced this item.

The Board took no action on this item.

8. **ITEM A-20 - Discussion/consideration of proposed Contract between the County of Lake and Gerardo Toribio, M.D. for specialty mental health services for Fiscal Year 2009/2010, not to exceed \$22,500** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Gerardo Toribio, M.D. for specialty mental health services for Fiscal Year 2009/2010, not to exceed \$22,500, and authorized the Chair to sign.

9. **ITEM A-21 - Continued from November 17, 2009 - (a) Consideration of recommendation for award of Bid No. 10-15 for the purchase of one new 2009/2010 full size 4-wheel drive, extended cab/super cab dual rear wheel, flat-bed truck; (b) Consideration of report and staff recommendation in response to the Board's previous directive to research the availability of a used vehicle in lieu of purchasing a new vehicle** - Public Works Director Brent Siemer delivered the staff report.

There was consensus to direct staff to conduct a search for a suitable used vehicle and to return to the Board with recommendations.

The Board took no action on this item.

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Supervisor Brown was absent at 9:50 a.m.

10. **ITEM A-22 - Discussion/consideration of award of Bid No. 10-14 to Holder Ford in the amount of \$86,942.34, for the purchase of three identical 2010 full sized ½ ton 4-wheel drive, extended cab/supercab, short bed pickup** - Public Works Director Brent Siemer and Fleet Maintenance Superintendent Tim Prather were present.

Mr. Siemer presented the staff report.

An amendment were made to the total amount listed on the bid award, changing the total amount to \$82,720.59.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Brown ABSENT), awarded a Bid No. 10-14, as amended, to Holder Ford in the amount of \$82,720.59, for the purchase of three identical 2010 full sized ½ ton 4-wheel drive, extended cab/supercab, short bed pickup, and authorized the Chair to sign the bid award.

11. **ITEM A-7 - 9:45 A.M. - Presentation of report on domestic violence services provided by Lake Family Resource Center** - At the request of the Lake Family Resource Center, this item was carried over two weeks, to December 15, 2009, at 11:45 a.m.

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

12. **ITEM A-8 - 10:00 A.M. - Annual meeting of the Lake County Redevelopment Agency and presentation of the Agency's Annual Report for Fiscal Year 2008/2009 (Northshore Project Area)** - Deputy Redevelopment Director Eric Seely and Administrative Analyst Doug Willardson were present.

Mr. Willardson presented the staff report.

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

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

13. **ITEM A-9 - 10:15 A.M. - Discussion/consideration of request to authorize the Lake County Redevelopment Agency to proceed with the purchase of a town clock as part of the Upper Lake Main Street Project** - Chair Rushing introduced this item.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Shalean Smith, Tony Oliveira, Debbie McLear and Yvonne Lipscomb. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Comstock made a motion to approve the purchase of a clock. Chair Rushing passed the gavel to Vice Chair Farrington and seconded the motion. The motion failed passage by a 2-2 vote (Supervisors Smith and Farrington NO.)

Supervisor Brown was present at 10:55 a.m.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the purchase of a new town clock as part of the Upper Lake Main Street Project, only if the original clock cannot be found; 75% of the total funds to be drawn from the Redevelopment Agency and 25% to be raised by the community of Upper Lake.

There was Board consensus to continue this item 6 months, to enable community fundraising and the search for the original town clock to continue.

14. **ITEM A-10 - 10:30 A.M. - Update concerning mitigation funding for Kelsley Creek Watershed monitoring, being requested of Bottle Rock Power, LLC and consideration of staff recommendations** - Community Development Director Rick Coel and Public Works Director Brent Siemer were present.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Randy Fung, Hamilton Hess and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

15. **ITEM A-11 - 11:00 A.M. - HEARING - Notice of Nuisance Abatement - 10865 Pine Point Road, Cobb, CA (APN 051-012-11 - Flordalma Alvarez and Youri Bezdenejnykh)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Code Enforcement Officer Roderic Hilliard, Flordalma Alvarez and Youri Bezdenejnykh were sworn in by the Clerk.

Ms. Brumfield gave a power point presentation regarding the condition of the property.

Ms. Alvarez and Mr. Bezdenejnykh presented testimony.

On motion of Supervisor Brown and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 10865 Pine Point Road, Cobb, CA (APN 051-012-11 - Flordalma Alvarez and Youri Bezdenejnykh) , 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.

After a lunch recess, the Board reconvened into regular session at 1:31 p.m.

16. **ITEM A-12 - 1:30 P.M. - Discussion/consideration of request for commitment from the Board of Supervisors regarding proposed use of vacant County property located at 15837 18th Avenue, Clearlake (approximately 15 acres), for mixed use multi-agency campus** - Lake County Community Action Agency Representative Tom Jordan presented the request to the Board.

Chair Rusing asked if anyone was present wishing to speak and Georgina Lane spoke. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to direct staff to work with the Lake County Community Action Agency and the City of Clearlake to develop a social services campus on the property located at 15837 18th Avenue, Clearlake.

17. **ITEM A-13 - 1:45 P.M. - Discussion/consideration of proposed resolution authorizing the submission of an application to the California Energy Commission's Energy Efficiency and Conservation Block Grant Program to develop an Energy Efficiency and Alternative Energy Financing Program** - This item was carried over one week, to December 8, 2009, at 11:45 a.m.

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19. **ITEM A-14 - 2:00 P.M. - (a) Discussion/consideration of recommendation for appointment of members to the new Genetically Engineered (GE) Crops Advisory Committee; and (b) Discussion/consideration of recommendations regarding the growing of GE crops in Lake County** - Chair Rushing introduced this item.

Chair Rushing asked is anyone was present wishing to speak and the following people spoke: Victoria Brandon, Broc Zoller, Phil Murphy, Chuck March, Lorrie Gray and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed the following members to the new Genetically Engineered (GE) Crops Advisory Committee: Michelle Scully, Lars Crail, Victoria Brandon, Broc Zoller, JoAnn Saccato, Melissa Fulton, Andre Ross, Lorrie Gray (Alternate) and Marc Hooper (Alternate).

(b) No Board action was taken on this item.

20. **ITEM A-15 - 2:30 P.M. - (a) Consideration of request from Denise Hagy (Lake Marine Construction), for waiver of Construction Traffic Road Fee in the amount of \$112, for project located at 9595 Winflower Point, Clearlake Park (APN 036-481-04); and (b) Consideration of request for waiver of all future Construction Traffic Road Fees associated with construction projects for Lake Marine Construction** - Denise Hagy presented the request to the Board.

(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the Construction Traffic Road Fee in the amount of \$112, for project located at 9595 Winflower Point, Clearlake Park (APN 036-481-04).

(b) There was Board consensus to direct staff to bring an amendment to the Construction Traffic Road Fees Ordinance to waive fees when using the lake for construction.

After a brief recess, the Board reconvened into Regular Session at 2:50 p.m.

21. **ITEM A-16 - 2:45 P.M. - Discussion/consideration of property owner's request for relief from penalties imposed for non payment of Nuisance Abatement Lien on property located at 3297 East Highway 20, Nice (APN 032-123-02)** - Dan Kelly, Tina Kelly and Steve Dangler presented the request to the Board.

There was Board consensus to direct staff to work with the property owner regarding a waiver of the penalties and interest imposed for non payment of Nuisance Abatement Lien on property located at 3297 East Highway 20, Nice (APN 032-123-02).

22. **ITEM A-17 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to write a letter of commendation to the Public Works Department - Road Division, commending them for the construction of the Manning Creek Bridge.

23. **ITEM A-23 - Continued from November 17, 2009 - Discussion/consideration of request for authorization to destroy Time Reports and Hours Proofs for Fiscal Year 2003/2004 and earlier; Vacation and Sick Leave Accruals for Fiscal Year 2003/2004 and earlier (retain year end balances); Quarter to Date Reports for Fiscal Year 2003/2004 and earlier; Department Time Sheets for Fiscal Year 2003/2004 and earlier; Unsecured Tax Rolls for Fiscal Year 2003/2004 and earlier; Secured Tax Rolls for Fiscal Year 1996/1997 and earlier; Paid Warrants for Fiscal Year 2003/2004 and earlier; and Paid Claims and Invoices for Fiscal Year 2003/2004 and earlier; and Deposit Permits for Fiscal Year 2003/2004 and earlier** - On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized the destruction of Time Reports and Hours Proofs for Fiscal Year 2003/2004 and earlier; Vacation and Sick Leave Accruals for Fiscal Year 2003/2004 and earlier (retain year end balances); Quarter to Date Reports for Fiscal Year 2003/2004 and earlier; Department Time Sheets for Fiscal Year 2003/2004 and earlier; Unsecured Tax Rolls for Fiscal Year 2003/2004 and earlier; Secured Tax Rolls for Fiscal Year 1996/1997 and earlier; Paid Warrants for Fiscal Year 2003/2004 and earlier; and Paid Claims and Invoices for Fiscal Year 2003/2004 and earlier; and Deposit Permits for Fiscal Year 2003/2004 and earlier.

24. **ITEM A-19- Continued from November 17, 2009 - Discussion/consideration of proposed Resolution supporting "Repair California's" ballot amendments calling a State Constitutional Convention** - Supervisor Farrington offered Resolution No. 2009-222, and it was passed by roll call vote (5 ayes).

25. **ITEM A-24 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA 3. Conference with Legal Counsel - Existing Litigation - (Subdivision (a) of Section 54956.9): California Sportfishing Alliance v. County of Lake, et al. 3. Public Employee Performance Evaluation: Title: Information Technology Director** - 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.

There being no further business, the Board adjourned at 4:50 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Georgine Hunt
Assistant Clerk of the Board