



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 14, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th 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 9:01 a.m. by Chair Rushing. Following the moment of silence, Supervisor Brown 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-6, with the exception of C-3, which was pulled from the Consent Agenda. It will be considered later in the day.

Adopted Proclamation commending Darryl Prather on his 31 years of County service and congratulating him upon his retirement.

Approved Contract between the County of Lake and Dazzling Janitorial for janitorial services at Redbud Library in the amount of \$11,700, and authorized the Chair to sign.

Approved Amendment Two to Agreement between the County of Lake and Northwest Biosurvey for environmental services for technical studies for ER storm damage repair projects for an increase of \$3,050 (total cost not to exceed \$42,455), and authorized the Chair to sign.

Approved Seventh Amendment to Agreement between the County of Lake and Jason K.T. Trent, M.D. for pathology services (estimated cost of \$150,000, for Fiscal Year 2009/2010), and authorized the Chair to sign.

(a) Approved Subvention Certificate of Compliance with the California department of Veterans Affairs (CDVA) for County Subvention Program for Fiscal Year 2009/2010, and authorized the Chair to sign; and (b) Approved Medi-Cal certificate of Compliance with the California Department of Veterans Affairs (CDVA) for Medi-Cal Cost Avoidance Program for Fiscal Year 2009/2010, and authorized the Chair to sign.

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

3. **ITEM A-12 - Discussion/consideration of proposed Agreement between the County of Lake and the City of Clearlake for the purpose of providing funding to the Highlands Senior Center Community Garden Project in the amount of \$40,000, to the Highlands Senior Center Community Garden Project** - County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and the City of Clearlake for the purpose of providing funding to the Highlands Senior Center Community Garden Project in the amount of \$40,000, to the Highlands Senior Center Community Garden Project, and authorized the Chair to sign.

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

4. **ITEM A-5 - 9:10 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Resolution approving the use of Tax Increment Funds to be used as leverage for CDBG Application for the construction of a new senior center in Clearlake Oaks, CA and a Housing Rehabilitation Program in the Northshore Redevelopment Project Area** - Administrative Analyst Doug Willardson presented the staff report.

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

Director Smith offered Resolution 2009-16, 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.

5. **CONSENT AGENDA ITEM C-3 - Approve Agreement between the County of Lake and Piedmont Lumber & Mill Company, Inc. for deferred payment of frontage improvements on property located at 2465 South Main Street, Lakeport (APNs 005-052-05, 005-052-14 and 005-052-17), in the amount of \$26,808, and authorize the Chair to sign** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Piedmont Lumber & Mill Company, Inc. for deferred payment of frontage improvements on property located at 2465 South Main Street, Lakeport (APNs 005-052-05, 005-052-14 and 005-052-17), in the amount of \$26,808, and authorized the Chair to sign.

6. **ITEM A-6 - 9:15 A.M. - Discussion/consideration of possible Board action regarding DEA Grant for Marijuana Eradication and related contracts for helicopter services** - Sheriff Rod Mitchell gave a brief summary.

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.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), prohibited any County employee from piloting a helicopter during his/her working hours, and prohibited any non-authorized person from riding in a helicopter during performance of marijuana eradication services.

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On motion of Supervisor Comstock and by vote of the Board (5 ayes), requested flight logs and pilot logs from any helicopter(s) used in County marijuana eradication efforts, coinciding with the time sheets of the employee involved, for the purpose of consideration of future Board action.

By consensus the Board requested the above items be received no later than August 18, 2009. Sheriff Mitchell agreed this date seemed reasonable.

7. **ITEM A-18 - Consideration of proposed Resolution approving an application for funding from the State Homeland Security Grant Program (SHSGP), in the amount of \$225,579, for Fiscal Year 2009/2010** - Sheriff Mitchell gave a brief summary.

Supervisor Brown offered Resolution No. 2009-117, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board returned to Regular Session at 10:30 a.m.

8. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of a rezone (RZ 09-02) from "CR-DR" (Commercial Resort-Design Review) to "PDC-DR" (Planned Development Commercial-Design Review); and a General Plan of Development (GPD 09-01) which is a specific plan of development for the renovation and expansion of 67 existing commercial resort/retreat units to accommodate up to 190 guests, including the development of a special events facility, creation of 30 timeshare/employee housing units and other resort related amenities proposed for Avalon Springs, L.P., based on Initial Study IS 07-82; project is located at 13333 Big Canyon Road, Middletown, CA (APN 012-006-43)** - Community Development Director Rick Coel, Senior Planner Kevin Ingram, and Applicants David Arkin and Michael Woods were present.

Mr. Ingram presented the staff report.

This item was continued to later in the day.

9. **ITEM A-9 - 10:15 A.M. - Presentation of Proclamation commending Darryl Prather on his 31 years of County service and congratulating him upon his retirement** - Supervisor Brown read the proclamation into the record and presented it to Darryl Prather who spoke.

Public Services Director Kim Clymire also spoke.

- BACK TO ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of a rezone (RZ 09-02) from "CR-DR" (Commercial Resort-Design Review) to "PDC-DR" (Planned Development Commercial-Design Review); and a General Plan of Development (GPD 09-01) which is a specific plan of development for the renovation and expansion of 67 existing commercial resort/retreat units to accommodate up to 190 guests, including the development of a special events facility, creation of 30 timeshare/employee housing units and other resort related amenities proposed for Avalon Springs, L.P., based on Initial Study IS 07-82; project is located at 13333 Big Canyon Road, Middletown, CA (APN 012-006-43)** - Community Development Director Rick Coel, Senior Planner Kevin Ingram, and Applicants David Arkin and Michael Woods were present.

Mr. Arkin gave a power point presentation on the plans of development.

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 Comstock and by vote of the Board (5 ayes), found that on the basis of Initial Study IS 07-82, that the rezone and general plan of development applied for by Avalon Springs, LP will not have a significant effect on the environment and therefore adopted a mitigated negative declaration with the findings set forth in the Board Memorandum dated June 3, 2009.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), waived the reading of the ordinance, and had it read in title only. (Clerk so did).

Supervisor Comstock offered Ordinance No. 2905, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the General Plan of Development, for the reason listed in the Board Memorandum dated June 3, 2009.

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

10. **ITEM A-8 - 10:00 A.M. - Discussion/consideration of request from Mr. Joseph Miller for waiver of current cost of water and sewer connection fees and allow the cost of the fees to be equivalent to the year of 1992, on property located at 4928 Wendy Lane, Kelseyville, CA (APN 008-062-43)** - Special Districts Financial Administrator Jan Coppinger, Joseph Miller and Lori Miller were present.

Supervisor Farrington introduced this item.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Joseph Miller and Lori Miller. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Director Farrington and by vote of the Board (5 ayes), waived the current cost of water and sewer connection fees, and directed Special Districts staff to charge Mr. and Mrs. Miller the water and sewer connection fees equivalent to the year of 1992.

11. **ITEM A-10 - 10:30 A.M. - Update and informational presentation from the Lake County Winegrape Commission** - Winegrape Commission Executive Director Shannon Gunier, Chairman Peter Molnar and Board member Bill Brunetti were present.

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

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12. **ITEM A-15 - Discussion/consideration of proposed Agreement between the County of Lake and Mary McMillan, MFT for direct counseling services to children/youth placed in Lake County Juvenile Hall in the amount of \$35 per hour (for a maximum amount of \$18,200), for Fiscal Year 2009/2010** - This item was pulled from the agenda at the request of the Mental Health department.

13. **ITEM A-14 - Discussion/consideration of proposed Agreement between the County of Lake and Charis Youth Center for children's specialty mental health services in the amount of \$199.67 per day (for a maximum amount of \$35,000), for Fiscal Year 2009/2010** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Charis Youth Center for children's specialty mental health services in the amount of \$199.67 per day (for a maximum amount of \$35,000), for Fiscal Year 2009/2010, and authorized the Chair to sign.

14. **ITEM A-16 - Discussion/consideration of proposed Agreement between the County of Lake and Remi Vista, Inc for children's specialty mental health services in the amount of \$131.24 per day (for a maximum amount of \$30,000), for Fiscal Year 2009/2010** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Remi Vista, Inc for children's specialty mental health services in the amount of \$131.24 per day (for a maximum amount of \$30,000), for Fiscal Year 2009/2010, and authorized the Chair to sign.

15. **ITEM A-17 - Discussion/consideration of proposed Agreement between the County of Lake and Casa Pacifica for children's specialty mental health services (maximum amount of \$100,000), for Fiscal Year 2009/2010** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Casa Pacifica for children's specialty mental health services (maximum amount of \$100,000), for Fiscal Year 2009/2010, and authorized the Chair to sign.

16. **ITEM A-13 - Discussion/consideration of request for out of state travel for Animal Control Officer Eric Wood to Durango, Colorado, from August 24-29, 2009, to attend Equine Investigators Academy** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out of state travel for Animal Control Officer Eric Wood to Durango, Colorado, from August 24-29, 2009, to attend Equine Investigators Academy.

17. **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 2. Conference with Legal Counsel - Existing Litigation - Subdivision (a) of Section 54956.9): Blanchard v. County of Lake** - 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 12:39 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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