



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JULY 7, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th 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 9:03 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 Comstock and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-15, with the exception of C-13, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on June 16, 2009.

Adopted Resolution No. 2009-107 amending Exhibit "A" to the County Conflict of Interest Code.

Approved Amendment One to Agreement between the County of Lake and SWCA Environmental Consultants for the preparation of an Archaeological Resource Management Report in an additional amount of \$1,354 (for a total cost of \$30,956), and authorized the Chair to sign.

Adopted Resolution No. 2009-108 approving Agreement No. 09-0135, the Organic Program, with the Department of Food and Agriculture during the period of July 1, 2009 through June 30, 2010, and authorizing execution thereof.

Approved Contract between the County of Lake and Bettina Woelbling as Coordinator of the Families for Literacy Program in the amount of \$15,000 and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and the County of Del Norte for placement of delinquent boys at the Bar-O-Boys Ranch in the amount of \$3,500 per month and authorized the Chair to sign.

Adopted Resolution No. 2009-109 approving the application to apply for grant funds from the Infrastructure Grant Fund under the Stewardship Council.

Adopted Resolution No. 2009-110 for approval of Right-of-Way Certification, Soda Bay Road Rehabilitation Project Federal Project No. ESPL-5914 (060).

Awarded Bid No. 09-38 to International Surfacing Systems for the Clearlake Keys Cape Seal Coating in the amount of \$387,458.20 and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 003-045-41 - Stan T. Weiper and Susan K. Weiper), and approved Purchase Agreement between the County of Lake and Stan T. Weiper and Susan K. Weiper for Scotts Valley Road - Storm Damage Project located in Lakeport, and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-171-45 - Mark L. Watson and Debra L. Watson), and approved Purchase Agreement between the County of Lake and Mark L. Watson and Debra L. Watson for State Street Sidewalk Project located in Kelseyville, and authorized the Chair to sign.

Authorized the Director, Public Works Department, to sign a Notice of Completion for work performed under agreement dated November 4, 2008 (Main Street Pavement Rehabilitation and Accessibility Improvements from Gunn Street to First Street, Kelseyville).

Found it in the public interest to waive the normal bidding process for reasons set forth in the Memorandum from Public Works Director dated June 24, 2009, and authorized the Public Works Director to issue a purchase order to Granite Construction (sole source provider in Lake County), for purchase of asphalt concrete for preparation of Clearlake Keys Cape Seal Project in the amount of \$44,490.75.

Awarded Bid to Dunken Pumps for repair of floway pumps for the Geyser's Pipeline in the amount of \$42,448.21, 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 Care and Control Officer Ben Cheek presented one rabbit currently available for adoption.

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

EXTRA #1 - Discussion/consideration of request for out-of-state travel for Environmental Health Supervisor James Scott to Anniston, Alabama, on July 19-23, 2009, for Hazard Assessment and Response Management (HARM) training (all costs associated with this travel will be paid for by FEMA) - This item was continued to later in the day.

CITIZEN'S INPUT - Nina Marino spoke regarding the Soper-Reese Theater Donor Reception.

John Daniels spoke regarding algae and weeds in Clear Lake.

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4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Review of the performance of Grant #08-EDBG-2604 - Upper Lake Revitalization and Historic Preservation Strategies, Pear Shed Re-Use Study, Historic Lucerne Hotel Study and CDBG Agreement with the State of California** - Administrative Analyst Doug Willardson presented the staff summary.

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

The Board took no action on this item.

5. **ITEM A-13 - Update on the emergency action taken on December 9, 2008, regarding the prohibition of fish stocking by the Department of Fish and Game in water bodies of Lake County** - County Counsel Anita Grant presented the staff summary.

On motion of Supervisor Smith and by vote of the Board (5 ayes), determined an emergency still exists.

6. **ITEM A-17 - Discussion/consideration of request to approve a 9/80 work scheduled for Public Services Director Kim Clymire** - After discussion, this item was continued to a future date.

7. **ITEM A-6 - 9:30 A.M. - HEARING - Notice of Nuisance Abatement - 9343 Stagecoach Lane, Lower Lake, CA (APN 049-072-12-00 - Ava Woodvine)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Ava Woodvine were sworn in by the Clerk.

Ms. Brumfield presented a power point presentation regarding the conditions of the property.

Ms. Woodvine presented testimony.

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 9343 Stagecoach Lane, Lower Lake, CA (APN 049-072-12-00 - Ava Woodvine), 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.

8. **ITEM A-14 - Consideration of proposed Contract between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of alcohol and drug counseling services to Lake County adolescents attending New Beginnings Highland High School for Fiscal Year 2009/2010, in the amount of \$100,000** - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Coordinator Laura Solis were present.

Ms. Solis presented the staff summary.

The Board took no action on this item, directing staff to return this item to the Board for consideration when the likelihood of State funding for this item becomes more clear.

9. **ITEM A-15 - Consideration of proposed Contract between the County of Lake and Community Care HIV/AIDS Program for provision of HIV/AIDS counseling and case management services for Lake County residents for fiscal Year 2009/2010 (not to exceed \$12,000)** - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Coordinator Laura Solis were present.

Ms. Kelly presented the staff summary.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Contract between the County of Lake and Community Care HIV/AIDS Program for provision of HIV/AIDS counseling and case management services for Lake County residents for Fiscal Year 2009/2010 (not to exceed \$12,000, and authorized the Chair to sign.

10. **ITEM A-16 - Consideration of proposed Contract between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents for Fiscal Year 2009/2010, in the amount of \$161,482** - Mental Health Director Kristy Kelly and Alcohol and Other Drug Services Coordinator Laura Solis were present.

Ms. Solis presented the staff summary.

Amendments were made to the proposed Contract.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Contract, as amended, between the County of Lake and Lake County Community Action Agency (LCCAA) for provision of perinatal treatment for pregnant or parenting women experiencing alcohol or drug related problems for Lake County residents for Fiscal Year 2009/2010, in the amount of \$161,482, and authorized the Chair to sign.

11. **ITEM A-7 - 10:30 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of a subdivision (SD 06-06) proposed for Ray Williams, consisting of approximately 53 acres that would create 13 approximately one-acre parcels and a 40-acre remainder parcel; project is located at 8999 Miwok Way, Kelseyville, CA (APN 009-003-31)** - Senior Planner Emily Minton presented the staff report.

Chair Rushing opened the public hearing and the following people spoke: Forrest Broyles, John Lincoln, Chad Mosier and Joan Moss. 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), found that on the basis of the Initial Study No. 06-18 prepared by the Planning Division and the mitigation measures which have been added to the project, that the subdivision as applied for by Ray Williams will not have a significant effect on the environment and, therefore, adopted a mitigated negative declaration with the findings listed in the Board memorandum dated June 2, 2009.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found that the tentative subdivision map (SD 06-06) applied for by Ray Williams, and with the mitigation measures added, on property located at 8999 Miwok Way, Kelseyville, is in conformity with the provisions of the Subdivision Map Act and Chapter 17 of the Lake County Code and upon that basis, approved said map subject to the conditions and with the findings listed in the Board memorandum dated June 2, 2009.

12. **ITEM A-8 - 10:45 A.M. - Discussion/consideration of request from the Orchard Shores Homeowners Association to establish a Zone of Benefit and Board direction to Public Works regarding the initiation of the process** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), directed staff to initiate the process of establishing a Zone of Benefit for Orchard Shores.

13. **ITEM A-9 - 11:00 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of a proposal from Ernest Lacayo for a Minor Modification (MMU 09-04) to the previously approved General Plan of Development (PD 98-01) to allow for major auto repair and body work with minor repair permitted only as a necessary function of major repair work; project is located at 2195 Big Valley Road, Finley, California (APN 008-035-04)** - Community Development Director Rick Coel and Assistant Planner Brian Horn were present.

Mr. Horn 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), found that the Mitigated Negative Declaration, which was previously prepared for PD 98-01, meets the requirements of Section 15162(a) of the CEQA Guidelines, and therefore found that no additional environmental review need be prepared with the findings listed in the Board Memorandum dated June 4, 2009.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), upon review and consideration of the environmental effects of this Minor Modification of the General Plan of Development, approved this Minor Modification to allow major auto repair and body work with minor repair only permitted as a necessary function of major repair work for the reasons listed in the Board Memorandum dated June 4, 2009.

14. **ITEM A-10 - 11:15 A.M. - PUBLIC HEARING - Discussion/consideration of the following regarding the Community Development Block Grant (CDBG) Program: (a) Adopting an updated CDBG Program Income Reuse Plan to reflect current practices and requirements (b) Transferring an additional \$29,996 from the CDBG Program Income money from the Business Expansion and Retention Revolving Loan Fund to support activities in Grant #05-1421 with the following details: (1) Reducing the amount committed for the actual curb, gutter and sidewalk construction in the Northshore Redevelopment Project Area by \$7,000 (new total of \$342,192); (2) Increasing the amount for activity delivery associated with the sidewalks to \$16,947; and (3) Increasing the amount for activity delivery associated with the Clearlake Oaks Plaza to \$20,057 (c) Approving an application for the maximum amount of \$800,000 under the CDBG General Allocation component for a public facility activity (construction of a new Senior Center in Clearlake Oaks and for the Housing Rehabilitation Program to be performed in the Northshore Redevelopment Project Area in the communities of Upper Lake, Nice, Lucerne and Clearlake Oaks/Glenhaven), and committing \$407,408 of Program Income to be transferred from the Business Expansion and Retention Revolving Loan Fund to be used towards the construction of the Clearlake Oaks Senior Center** - Administrative Analyst Doug Willardson presented the staff report.

Chair Rushing opened the public hearing and the following people spoke in favor of the Clearlake Oaks Senior Center project: Margaret Madeiros, Richard Merritt, Louise Talley, Pat Grabham, Rena Nunn, Linda Gallo, Kurt Grabham, Kashmer Ujvarosy, Phil Madeiros, Theresa Castillo, Jackie Hill, Jessica Nelson, Evelyn Dothage, Ginger Fisher, Dan Emerald, Lori Hall, Harry Clay, Isabel Blavet and Ethel George. No one else was present wishing to speak and the public hearing was closed.

(a) Supervisor Smith offered Resolution No. 2009-111, adopting the "CDBG Program Income Reuse Plan, a reuse plan governing program income from CDBG-assisted activities, and it was passed by roll call vote (5 ayes).

(b) Supervisor Smith offered Resolution No. 2009-112, reducing the amount of Community Development Block Grant Program income committed to sidewalk projects in the Northshore Redevelopment Project Area and committing program income for activity delivery costs associated with the sidewalk projects and the Clearlake Oaks Plaza Project, and it was passed by roll call vote (5 ayes).

(c) Supervisor Smith offered Resolution 2009-113, approving an application for funding for a Clearlake Oaks Senior Center and Housing Rehabilitation Program, committing program income and other funding sources, and approving the execution of a grant agreement and any amendments thereto from the general allocation of the State CDBG Program, and it was passed by roll call vote (5 ayes).

15. **ITEM A-18 - Discussion/consideration of proposed Resolution amending Exhibit "A" to Resolution No. 2004-199, adding Alta Rock Energy Company to the membership of the Anderson Springs Geothermal Mitigation Committee** - Special Districts Administrator Mark Dellinger presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Bill Smith, Joan Clay, Adrian Foley, Mariel Medrano and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Comstock offered Resolution 2009-114, and it was passed by roll call vote (5 ayes).

BACK TO ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

EXTRA #1 - Discussion/consideration of request for out-of-state travel for Environmental Health Supervisor James Scott to Anniston, Alabama, on July 19-23, 2009, for Hazard Assessment and Response Management (HARM) training (all costs associated with this travel will be paid for by FEMA) - 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 for the following reason:

This class date is the best option for the scheduling of the department staffing. Therefore, it is requested the Board consider the request as soon as possible, in order to make travel arrangements directly upon approval.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved out-of-state travel for Environmental Health Supervisor James Scott to Anniston, Alabama, on July 19-23, 2009, for Hazard Assessment and Response Management (HARM) training (all costs associated with this travel will be paid for by FEMA).

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After a lunch recess, the Board reconvened at 1:34 p.m.

16. **ITEM A-11 - 1:30 P.M. - (a) Discussion/consideration of a proposed policy for bridge rehabilitation and replacement; and (b) Discussion/consideration of the advancement of funding in the amount of \$856,250, to expedite the replacement of the Mathews Road Bridge at Manning Creek, Lakeport** - Public Works Director Brent Siemer, Community Development Director Rick Coel and Roads Superintendent Steve Stangland were present.

Mr. Siemer presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Al Morehead, Doug Mooney, Bill Brunetti, Dave Wallschmidt, Lisa Weger and Joe Huggins spoke. No one else was present wishing to speak and the public input portion of this item was closed.

(a) There was board consensus to add additional import to the consideration of public safety in the prioritization of bridge rehabilitation and replacement.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the policy for bridge rehabilitation and replacement, as amended.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to conduct CEQA and NEPA studies for the Mathews Road bridge replacement and bring recommendations to the Board for consideration at a future date.

There was Board consensus to direct staff to also investigate alternate solutions for the temporary repair of the Mathews Road bridge.

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. Public Employee Performance Evaluation: Title: County Librarian** - 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 3:32 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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