



MINUTES

COUNTY OF LAKE

BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 6, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th day of October, 2009, there being present Supervisors Jim Comstock, Anthony Farrington, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Smith was absent all day.

The meeting was called to order at 9:00 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 (4 ayes, Supervisor Smith ABSENT), approved Consent Agenda Items C-1 through C-22, with the exception of C-21, which will be taken up later in the day

Adopted Proclamation commending Charlotte Griswold for her many years of outstanding and dedicated service to the citizens of Lake County and for her extremely generous financial contributions toward the County's acquisition of Mt. Konocti.

Appointed Kati Galvani to the Maternal, Child and Adolescent Health (MCAH) Advisory Board for a term expiring on January 1, 2011.

Approved Agreement between the County of Lake and Mt. Konocti Facilitation for economic development activities in the amount of \$25,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Lake County Winery Association to fund special marketing and promotional projects in the amount of \$10,000, and authorized the Chair to sign.

Approved Memorandum of Agreement between the County of Lake and the City of Clearlake for animal shelter services (City of Clearlake to pay the County of Lake an amount not to exceed \$50,000), and authorized the Chair to sign.

Adopted Resolution No. 2009-169 appropriating unanticipated revenue in the amount of \$1,452 (received from Fedco Construction for the replacement of a damaged awning at the Visitor Information Center), Budget Unit 1890 - Visitor Information Center.

(a) Adopted Resolution No. 2009-170 appropriation unanticipated revenue in the amount of \$270,229 (received from California Department of Public Health), for the CDC Public Health Emergency Response H1N1 Phase I and II and Hospital Preparedness Program H1N1 combined grant funding - Budget Unit No. 4011 - Health Services.

(b) Adopted Resolution No. 2009-171 approving the 2009-10 CDC Public Health Emergency Preparedness (PHER), State General Fund (GF) Pandemic Influenza and Hospital Preparedness Program (HPP), and authorize the Board Chair to sign Non-Supplantation Certification.

Authorized the Lake Pillsbury Fire Protection District's audits to be performed every other year, as recommended in District's Resolution 09-1.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Jack Olof), and authorized the Chair to Sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Lake Aero Styling and Repair), and authorized the Chair to Sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Newhall Aviation Services), and authorized the Chair to Sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (REACH Air Medical Services), and authorized the Chair to Sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (Steve's Aircraft), and authorized the Chair to Sign.

Approved Engineering and Inspection Agreement between County of Lake and Mike Humble for review of plans and specifications and inspection of work for a Tentative Parcel Map (PM 07-11), located at 3100 Keeling Avenue, Lakeport, and authorized the Chair to sign.

Accepted Irrevocable Offers of Dedication for roadway and public utility purposes, (a portion of APN 008-045-26 - Mortgage Electronic Registration Systems, Inc; 008-045-26 - U.S. Bank Trust Company, National Association; and 008-045-26 Ralph L. Rittenhouse and Catherine A. Rittenhouse), for Davis Drive southerly of Merritt Road, Lakeport, and directed Clerk to certify for recordation.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 002-025-35 - Marvin B. Conley, Jr.), and approved Purchase Agreement between the County of Lake and Marvin B. Conley, Jr. for Elk Mountain Road Storm Damage Project and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 024-071-67 - Westgate Petroleum, Inc.), and approved Purchase Agreement between the County of Lake and Westgate Petroleum, Inc. for Kelseyville Main Street Sidewalk Project and authorized the Chair to sign.

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Adopted Resolution No. 2009-172 setting rate of pay for Election Officers for the November 3, 2009, Consolidated General District Election pursuant to Section 12310 of the Elections Code.

Authorized the Sheriff's Department to destroy jail records (arrest booking files for Fiscal Year 2002/2003 and earlier), pursuant to Government Code 26202.

Approved Fiscal Year 2010 Operating and Financial Plan for Cooperative Patrol between the County of Lake and the U.S. Forest Service for enforcement efforts on Forest Service land (Pillsbury area), and authorized the Chair to sign.

Sitting as the Board of Directors of the Air Quality Management District, approved the reappointment Nikki White (public representative), to the Lake County Air Quality Management District Hearing Board for term expiring October 6, 2012.

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

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

Change Order No. 5 - Bear Canyon Zero Booster Pump Station Project - This change order addresses: (1) the electrical switchgear delivery was expedited to accommodate PG&E delays in approving the shop drawings, (2) the concrete slab in front of the switchgear was extended due to PG&E requirements, (3) the 8 inch raw sewer pipeline was unmarked and required repair and relocation after it was struck during excavation, and (4) the one inch electrical conduit was requested by NCPA for use by the solar facilities.

Deputy Special Districts Administrator Pete Preciado and Compliance Coordinator John Thompson presented the staff report.

On motion of Director Comstock and by vote of the Board (4 ayes, Director Smith ABSENT), approved Change Order No. 5, Bear Canyon Zero Booster Pump Station Project, for an increase of \$14,755.93, Terracon, Inc., and authorized the Chair to sign.

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

CITIZEN'S INPUT - Tom Slight spoke regarding Lake County air quality.

3. ITEM A-5 - 9:10 A.M. - Presentation of Proclamation commending Charlotte Griswold for her many years of outstanding and dedicated service to the citizens of Lake County and for her extremely generous financial contributions toward the County's acquisition of Mt. Konocti - Chair Rushing read the Proclamation into the record and presented the proclamation to Charlotte Griswold.

Public Services Director Kim Clymire was present and 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 Hearings:

Dortha Watson - Application No. 2008-242 - Assessment Parcel No. 050-902-090; located at 9995 Meadow Drive, Cobb, CA - At the request of the appellant, this item was continued to January 19, 2010, at 11:30 a.m.

James Watson - Application No. 2008-243 - Assessment Parcel No. 050-864-020; located at 10055 Meadow Drive, Cobb, CA - At the request of the appellant, this item was continued to January 19, 2010, at 11:30 a.m.

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 - Discussion/consideration of request to establish a permanent Geothermal and Illicit Discharge Coordinator position and approval of job description - Community Development Director Rick Coel presented the staff report.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved, in concept, to establish a permanent Geothermal and Illicit Discharge Coordinator position, approved the job description and directed staff to proceed with the meet and confer process and bring recommendations to the Board for consideration at a future date.

6. ITEM A-16 - Consideration of award of Bid No. 09-07 for the construction of Sulphur Bank Drive PM 1.94 Storm Damage Repair Project - At the request of Public Works Director Brent Siemer, this item was carried over two weeks, to October 20, 2009. (Note: This item was later pulled from the October 20, 2009 agenda, to be carried over to a later date.)

7. ITEM A-17 - Consideration of award of Bid No. 09-35 for construction of Soda Bay Road Rehabilitation and Overlay Project a MP 11.9 to MP 13.8 - At the request of Public Works Director Brent Siemer, this item was carried over two weeks, to October 20, 2009. (Note: This item was later pulled from the October 20, 2009 agenda, to be carried over to a later date.)

8. ITEM A-18 - Discussion/consideration of Master Agreements between the County of Lake and RGH Consultants, De Leon Engineering, Green Valley Consulting Engineers, Ruzicka Associates and SHN Consulting Engineers & Geologists, Inc. for construction management inspection, surveying and testing services (each agreement not to exceed \$100,000) - Public Works Director Brent Siemer presented the staff report.

No Board action was taken on this item.

9. ITEM A-7 - 9:45 A.M. - Consideration of request from Joshua Lutzenberg for waiver of the Construction Traffic Road Fee in the amount of \$1,616 for project located at 19844 Dale Court, Hidden Valley Lake, CA (APN 114-042-03) - Public Works Director Brent Siemer was present.

Mr. Lutzenberg presented his request to the Board.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), denied the request.

10. **ITEM A-8 - 10:15 A.M. - PUBLIC HEARING - Planning Commission's recommendation for approval of the following General Plan amendment proposal (GPAP 09-01) and REZONE (RZ 09-04), the applicant is the County of Lake: GPAP 09-01 and RZ 09-04 are proposing a partial general plan amendment from Resources Conservation to Rural Residential project is located at 1000 Robin Hill Drive, Lakeport (APN 004-024-15); a partial general plan amendment from Resource Conservation to Rural Residential project is located at 729 Nice-Lucerne Cutoff, Lakeport (APN 004-024-14); a partial general plan amendment from Rural Residential to Resource Conservation and a zoning change from "RR" (Rural Residential) to "TPZ" (Timber Preserve), project is located at 9355 Wildcat Road, Kelseyville (APN 011-042-08); a general plan amendment from Rural Lands to Resource Conservation and a zoning change from "RL" (Rural Lands) to "TPZ" (Timber Preserve), project is located at 9465 Wildcat Road, Kelseyville (APN 011-068-50); a zoning change from "A" (Agriculture) to "M2" (Heavy Industrial), project is located at 4545 Loasa Road, Kelseyville (APN 008-038-06); and a zoning change from "APZ" (Agriculture Preserve) to "RR" (Rural Residential), project is located at 2595 Scotts Creek Road, Lakeport (APN 005-026-25); and adoption of a Negative Declaration for said GPAP and Rezone, based on Initial Study 09-29 - Community Development Director Rick Coel and Associate Planner Alan Flora were present.**

Mr. Flora presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Smith ABSENT), found that on the basis of the Initial Study IS 09-29, that the general plan amendment and rezoning as applied for by the Lake County Community Development Department will not have a significant effect on the environment and therefore a negative declaration was adopted with the findings set forth in the Board Memorandum dated August 14, 2009.

Supervisor Farrington offered Resolution No. 2009-173, adopting an amendment to the Lake County General Plan (GPAP 09-02), and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Smith ABSENT), waived the reading of the ordinance, to be read in title only. (Clerk so did).

Supervisor Farrington offered Ordinance No. 2911 and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).

11. **ITEM A-9 - Continued from September 15, 2009 - 10:30 A.M. - HEARING - Notice of Nuisance Abatement - 7120 Morton Street, Nice, CA (APN 030-182-30 - Edward J. Tiscornia, Jr.) - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield, Edward J. Tiscornia, Sr., Ron Stewart and Nikki Strong were sworn in by the Clerk.**

Ms. Brumfield reported on proper notification of the property owner and the conditions of the property.

Mr. Tiscornia, Sr. offered testimony.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Ron Stewart and Nikki Strong. 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 (4 ayes, Supervisor Smith ABSENT), adopted the order to complete abatement of the nuisance on property located at 7120 Morton Street, Nice, California, (APN 030-182-30 -Edward J. Tiscornia, Jr.), 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.

12. **ITEM A-10 - 11:00 A.M. - PUBLIC HEARING - Intention to vacate a portion of a public roadway, Ponderosa Lane, located along the westerly boundary of the Villa Blue Estates Subdivision (Blue Lakes), Upper Lake area - Public Works Director Brent Siemer, Community Development Director Rick Coel and County Surveyor Gordon Haggitt were present.**

Mr. Siemer presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Andre Ross, Joanne Elgaaen, Dennis Knudson, Clara Summerfield, Tedde Pierce, Anne Knudson and Susan Sparrow. No one else was present wishing to speak and the public hearing was continued two weeks, to October 20, 2009, at 11:00 a.m.

13. **ITEM A-20 - Advanced from September 22, 2009 - Ordinance amending the charges and fees for County Service Area (CSA) #16 - Paradise Valley - (Second Reading) - Supervisor Farrington offered Ordinance No. 2912, and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).**

After a lunch recess, the Board reconvened into Regular Session at 1:32 p.m.

14. **ITEM A-11 - 1:30 P.M. - Status report on Lampson Field Airport and request for Board direction regarding future development of the airport - Public Works Director Brent Siemer presented the staff report.**

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Nancy Ruzicka and Damon Trumble. 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 complete the following tasks:

(1) move forward with the environmental documentation of development of the airport and construction of the transmission line, while concurrently working with Special Districts toward the creation of a County Service Area (CSA), including consultation with Special Districts regarding the possibility of connecting to the Kelseyville sewer instead of the City of Lakeport sewer.

(2) contact Congressman Thompson's office regarding the status of the FAA grant funding and possible options for funding and/or legislation which would enable the County to move forward with development, while enabling the flexibility to bring on the unfixed base operators to have a full service airport, as it relates to the conveyance of sewer, accomodating both sides of the runway, with the intention of full build-out equivalent to 100 residential units,

(3) direct staff to begin dialogue with the Airman's Association, and other interested parties, to explore options regarding the development of the County's 14 ½ acre parcel, including a County-led development based on grant funding, as well as public-private partnerships through long-term leases.

(4) pursue grant funding to work on a Master Plan Update and to return to the Board with recommendations.

15. **ITEM A-12 - 2:30 P.M. - Update and further consideration of possible Board action in follow-up to review of fiscal and other records provided by the Sheriff's Department relative to administration of the department's DEA grant and employee's use of contracted helicopter services under said grant** - County Counsel Anita Grant presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and Donna Christopher 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 (3 ayes, Supervisor Farrington NO), directed the Administrative Office staff to begin the review of fiscal and other records relative to the Sheriff Department's administration of the department's DEA grant and employee's use of contracted helicopter services under said grant, with the intention of retaining the services of an independent contractor, should it be deemed necessary in the future.

- BACK TO #1 - ITEM A-1 - CONSENT AGENDA ITEM C-21 - Consideration of request to approve the California Emergency Management Agency Fiscal Year 2009 Grant Assurances for Homeland Security Grant funding** - On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved the California Emergency Management Agency Fiscal Year 2009 Grant Assurances for Homeland Security Grant funding, and authorized the Chair to sign.

17. **ITEM A-13 - 2:45 P.M. - (a) Discussion/consideration of recommendation to approve the demolition of the Lucerne Clubhouse building; and (b) Consideration of request for waiver of the formal bidding process and make a determination that the formal bidding process would produce no economic benefit to the County and authorize the Public Services Director to negotiate an agreement with the contractor who is demolishing the Sands Motel, for demolition of the Lucerne Clubhouse building** - Public Services Director Kim Clymire presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Donna Christopher and Lenny Matthews. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved the demolition of the Lucerne Clubhouse building.

(b) On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), waived the formal bidding process and made a determination that the formal bidding process would produce no economic benefit to the County and authorized the Public Services Director to negotiate an agreement with the contractor who is demolishing the Sands Motel, for demolition of the Lucerne Clubhouse building.

18. **ITEM A-19 - Continued from September 22, 2009 - Discussion of taking a position in response to letter from Callayomi County Water District regarding Lake County Upper Putah Creek Watershed Water Rights** - Deputy Public Works Director Water Resources Pam Francis was present.

Supervisor Comstock, citing personal involvement, recused himself and left the Board Chambers.

County Counsel Anita Grant presented the staff report.

No Board action was taken on this item.

19. **ITEM A-21 - 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 reason stated on the agenda. Supervisor Comstock returned to the Board Chambers for Closed Session.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 4:11 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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