



MINUTES COUNTY OF LAKE BOARD OF SUPERVISORS

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 15, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 15th day of September, 2009, there being present Supervisors Jim Comstock, Jeff Smith, Rob Brown and Denise Rushing, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent, but present later in the day.

The meeting was called to order at 9:00 a.m. by Chair Rushing. Following the moment of silence, Supervisor Smith 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 (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda Items C-1 through C-8.

Adopted Proclamation designating the week of September 20-26, 2009 as "Adult Day Services Week" in Lake County.

Approved Agreement between the County of Lake and the Lucerne Alpine Seniors, Inc. for the purpose of providing funding to make repairs to the Lucerne Senior Citizens Center building (not to exceed \$15,000), and authorized the Chair to sign.

Adopted Resolution No. 2009-160, approving Agreement 09-C0015 with the State of California, Department of Pesticide Regulation and authorizing execution and signature for the electronic submission of pesticide use data during Fiscal Year 2009/2010.

Approved Contract between the County of Lake and SCS Engineers for Landfill Gas Feasibility Study (not to exceed \$25,130), and authorized the Chair to sign.

Approved Grant Deed and directed Clerk to certify for recordation (APN 002-025-36 - Vonna McCabe - Trustee), and approved Purchase Agreement between the County of Lake and Vonna McCabe for Elk Mountain Road Storm Damage Project and authorized the Chair to sign.

Adopted Resolution No. 2009-161, declaring intent to vacate a portion of a roadway, Ponderosa Lane, located along the westerly boundary of the Villa Blue Estates Subdivision (Blue Lakes), Upper Lake area, and set public hearing on October 6, 2009, at 11:00 a.m.

Sitting as the Board of Directors of the Lake County Air Quality Management District, approved out of state travel for Senior Air Quality Specialist Elizabeth Knight to Nashville, Tennessee, from November 2-5, 2009, to attend the 2009 National Ambient Air Monitoring Conference (all costs to be paid for by Federal EPA grant funding).

Sitting as the Board of Directors of the Kelseyville County Waterworks District No. 3, approved Easement Deed and directed Clerk to certify for recordation (APN 008-062-30 - Leah Palmer), and approved Purchase Agreement between the County of Lake and Leah Palmer for the new construction of a sanitary sewer line 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 feline currently available for adoption.

CITIZEN'S INPUT - Cheri Holden spoke regarding the Sierra Club Lake Chapter's activities in Lake County.

Joan Clay and Meriel Medrano spoke regarding seismic activity in Anderson Valley.

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 Vice Chair Smith.

3. **ITEM A-5 - 9:15 A.M. - Assessment Appeal Hearing: (a) Thomas Johnson - Application No. 2008-236 - Assessment Parcel No. 041-183-440; located at 16065 34th Avenue, Clearlake, CA and (b) William Kenna - Application No. 2008-238 - Assessment Parcel No. 013-013-410; located at 21428 Jerusalem Grade, Lower Lake, CA** - Chief Deputy Assessor-Recorder Jim Campbell was present.

(a) Mr. Campbell reported Mr. Johnson had reached agreement with the Assessor's office regarding Assessment 2008-236 and a withdrawal of the appeal had been mailed to the office.

On motion of Member Brown and by vote of the Board (4 ayes, Member Farrington ABSENT), denied the appeal of Thomas Johnson without prejudice.

(b) Lake County Local Board of Equalization Vice Chair Smith announced the appellant, William Kenna, had requested a continuance.

On motion of Member Rushing and by vote of the Board (4 ayes, Member Farrington ABSENT), continued the appeal of William Kenna, six weeks, to October 27, 2009, 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.

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4. **ITEM A-15 - Consideration of proposed response to the Fiscal Year 2008/2009 Grand Jury Final Report** - Chair Rushing introduced the item.

Amendments were made to the Board responses in Section Q. Planning Commission.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved, as amended, the response to the Fiscal Year 2008/2009 Grand Jury Final Report, and authorized the Chair to sign.

The Board of Supervisors adjourned and convened as the Board of Directors of Kelseyville Waterworks District No. 3.

5. **ITEM A-16 - Consideration of award of Bid No. 09-26 for the Kelseyville Wastewater Treatment Facilities Improvement Project** - Special Districts Administrator Mark Dellinger was present.

(a) On motion of Director Brown and by vote of the Board (4 ayes, Director Farrington ABSENT), awarded Bid No. 09-26 for the Kelseyville Wastewater Treatment Facilities Improvement Project, to TerraCon Pipelines, Inc., in the amount of \$2,564,910.00, and authorized the Chair to sign Bid Award and Agreement.

(b) On motion of Director Brown and by vote of the Board (4 ayes, Director Farrington ABSENT), authorized the Special Districts Administrator to issue the Notice to Proceed.

The Board of Directors of Kelseyville Waterworks District No. 3 adjourned and reconvened as the Board of Supervisors.

6. **ITEM A-6 - 9:45 A.M. - Discussion/consideration of expansion of membership of the Seismic Monitoring Advisory Committee (SMAC) (adding one representative from the following: Lawrence Berkeley National Laboratory, Alta Rock Energy Inc., County of Lake Community Development Department, Bottle Rock Power Company, City of Santa Rosa and Western Geopower Company), and approval of the amended Supplemental Plan and Membership of SMAC** - Special Districts Administrator Mark Dellinger and Seismic Monitoring Advisory Committee Vice Chair Hamilton Hess were present.

Mr. Dellinger presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Meriel Medrano and Joan Clay. No one else was present wishing to speak and the public input portion of this item was closed.

Amendments were made to the list of recommended members.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved, as amended, the Supplemental Plan and Membership of the Seismic Monitoring Advisory Committee (SMAC).

7. **ITEM A-7 - 10:00 A.M. - (a) Consideration of proposed Funding Agreement between the County of Lake and the U.S. Department of Energy for the operation and management of the Geysers-Wide Seismic Monitoring Array (funding provided by a U.S. Department of Energy grant and cost share matching fund provided by Calpine Corporation); and (b) Consideration of proposed Service Agreement between the County of Lake and Lawrence Berkeley National Laboratory for the operation and management of the Geysers-Wide Seismic Monitoring Array** - Special Districts Administrator Mark Dellinger, Seismic Monitoring Advisory Committee Vice Chair Hamilton Hess and U.S. Department of Energy Representative Ernie Majer were present.

Chair Rushing asked if anyone was present wishing to speak and Joan Clay spoke. 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 Farrington ABSENT), approved the Funding Agreement between the County of Lake and the U.S. Department of Energy for the operation and management of the Geysers-Wide Seismic Monitoring Array (funding provided by a U.S. Department of Energy grant and cost share matching fund provided by Calpine Corporation), and authorized the Chair to sign.

(b) On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Service Agreement between the County of Lake and Lawrence Berkeley National Laboratory for the operation and management of the Geysers-Wide Seismic Monitoring Array, and authorized the Chair to sign.

8. **ITEM A-8 - 10:15 A.M. - Presentation of Proclamation designating the week of September 20-26, 2009 as "Adult Day Services Week" in Lake County** - Chair Rushing read the proclamation into the record and presented it to Caroline Denny and Bonnie SeEVERS, who spoke.

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

9. **ITEM A-9 - 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, Code Enforcement Officer Kimberlee Heckard and Ed Tiscornia, Sr. were sworn in by the Clerk.

After discussion regarding notification of the property owner, this item was continued three weeks, to October 6, 2009, at 10:30 a.m.

10. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert and M. Perry and (b) Employee Organization: DDAA and LCEA 2. Public Employee Performance Evaluation: Title: Director of Child Support Services** - Chair Rushing announced the Board would now go into Closed Session for the reasons stated on the agenda.

Supervisor Farrington was present at 11:10 a.m.

The Board reconvened into Regular Session with no action taken at 11:16 a.m..

11. **ITEM A-10 - 11:15 A.M. - HEARING - Notice of Nuisance Abatement - 6948 Juniper Avenue, Kelseyville, CA (APN 044-372-08 - Benjamin Espinoza, III)** - Community Development Director Rick Coel, Code Enforcement Manager Voris Brumfield and Benjamin Espinoza, III were sworn in by the Clerk.

Ms. Brumfield presented the staff report.

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Mr. Espinoza gave 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 6948 Juniper Avenue, Kelseyville, California, (APN 044-372-08 - Benjamin Espinoza, III), 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-11 - 11:30 A.M. - PUBLIC HEARING - Purchase of real property consisting of approximately 1,344 acres of land located on Mt. Konocti (APNs 009-003-09, 009-003-19, 009-003-40, 009-003-41 and 009-003-45), the agreed purchase price is \$2,600,000 and the seller is Michael Fowler and Diana Madura, individually and as Successor Trustee of the Elsa Fowler Revocable Trust of 2002** - Community Development Director Rick Coel and Public Services Director Kim Clymire were present.

Mr. Clymire presented the staff report.

Chair Rushing opened the public hearing and the following people spoke: Renee Felciano, Victoria Brandon, Chuck Lamb, Sybil Frances, Olga Martin-Steele, Dennis Jenson, Joan Clay, Robert Sterling, Hamilton Hess and Solomon Brown. No one else was present wishing to speak and the public hearing was closed.

A typographical error was noted and corrected on the title page of the proposed resolution.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Notice of Exercise of Option to Purchase and authorized the Chair to sign.

Supervisor Brown offered Resolution No. 2009-159, and it was passed by roll call vote (5 ayes).

After a lunch recess, the Board reconvened into Regular Session at 1:30 p.m.

13. **ITEM A-12 - 1:30 P.M. - PUBLIC HEARING - Discussion/consideration of Shoreline Communities Area Plan (GPAP 09-02) the rezoning of lands within the Area Plan (RZ 09-05) and to review, consider and recertify, if necessary, the Final Environmental Impact Report (EIR 09-01) for the Area Plan** - Community Development Director Rick Coel, Deputy Redevelopment Director Eric Seely, Senior Planner Kevin Ingram and Associate Planner Alan Flora were present.

Mr. Ingram presented the staff report.

Chair Rushing opened the public hearing and the following people spoke: John Kirby, Scotty MacNeil, Ron Greene, Rod Schafer, Bob Gardner, Larry Littlejohn, Richard Kuehn and Martin Humphries. No one else was present wishing to speak and the public hearing was closed.

The gavel was passed to Vice Chair Farrington.

Supervisor Rushing offered Resolution No. 2009-162, adopting an amendment to the Lake County General Plan (GPAP 09-02), and it was passed by roll call vote (5 ayes).

On motion of Supervisor Rushing 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 Rushing offered Ordinance No. 2909, amending Section 21-3.7 of Chapter 21 of the Ordinance Code of the County of Lake by adopting a sectional district zoning map No. 3.7(b) 1.375 rezoning lands within the Shoreline Communities Area Plan, and it was passed by roll call vote (5 ayes).

After a brief recess, the Board reconvened into Regular Session at 3:40 p.m.

14. **ITEM A-13 - 3:30 P.M. - Discussion/consideration of an interim urgency ordinance imposing a temporary moratorium on the establishment of medical marijuana dispensaries in the County of Lake** - Community Development Director Rick Coel was present.

Supervisor Brown introduced this item.

Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Ron Greene, Fletcher Thornton, Rhonda Mattlow, Thomas Mattlow, Thomas Wahl, Dave Moses, Nicole Bibler, Diane Barkey, Frank Molida, Walter Zurcher, Anita McKee and Fred Langston. No one else was present wishing to speak and the

Amendments were made to the proposed ordinance.

On motion of Supervisor Brown 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 Brown offered Ordinance 2910, as amended, and it was passed by roll call vote (5 ayes).

There being no further business, the Board adjourned at 4:10 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

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