



# MINUTES

## COUNTY OF LAKE

### BOARD OF SUPERVISORS

#### OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 22, 2009

The Honorable Board of Supervisors of Lake County, California, met in regular session this 22<sup>nd</sup> day of September, 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 9:00 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 Smith and by vote of the Board (5 ayes), approved Consent Agenda Items C-1 through C-16, with the exception of C-14, which will be taken up directly following the Consent Agenda. .

Approved Minutes of the Board of Supervisors meetings held on August 25, September 1 and 8, 2009.

Adopted Proclamation expressing appreciation to Marr B. Olsen, Inc. General & Concrete Contractors, Granite Construction Company, Denton & Sons Trucking, Konocti Arts Society, Kelseyville Lumber and Kelseyville Business Association for their assistance with improvements to the Kelseyville's Historical Monument.

Approved Agreement between the County of Lake and the Lake County Winegrape Commission for funding marketing and economic development projects in the amount of \$10,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Chamber of Commerce for marketing, economic development and visitor information services in the amount of \$63,000, and authorized the Chair to sign.

Adopted Resolution No. 2009-163 accepting the relinquishment of real property from the California Department of Transportation located at Collier Avenue and State Route 20, Nice.

Adopted Resolution No. 2009-164 approving Agreement No. 09-0379 with the State of California, Department of Food and Agriculture for compliance with the Egg Inspection/Federal Shell Egg Surveillance Agreement and authorizing execution thereof.

Adopted Resolution No. 2009-165 approving Agreement 09-0436 with the State of California; Department of Food and Agriculture and authorizing execution and signature for pest exclusion activities for Fiscal Year 2009/2010.

Approved Agreement between the County of Lake and Fisch Drilling for the installation of five landfill gas (LFG) monitoring wells at the Eastlake Landfill in the amount of \$18,555, and authorized the Chair to sign.

Adopted Resolution No. 2009-166 approving the application for grant funds from the State Department of Parks and Recreation Habitat Conservation Fund Program for improvements to Mt. Konocti (which includes the installation of benches, signage, trash and recycling receptacles, tables and restrooms).

Approved amendment to Facility Space License Agreement between the County of Lake and Yolo County Flood Control for tower space on Mt. Konocti Buckinham Peak Communication site and authorized the Chair to sign.

Approved Federal Annual Certification Report (pertaining to asset forfeiture funds).

Approved Equal Employment Certification form (pertaining to Justice Assistance Grants).

Adopted Resolution No. 2009-167 amending Resolution No. 2009-145, establishing position allocations for Fiscal Year 2009/2010, Budget Unit No. 5011 - Department of Social Services (deleting one vacant Supervising Integrated Case Worker and adding one Eligibility Supervisor).

Sitting as the Board of Directors of the Lake County Redevelopment Agency, adopted Resolution No. 2009-168 accepting conveyance of real property (paper subdivision parcels near Lucerne - APNs 033-124-210, 033-124-070, 033-212-140, 033-212-150, 033-043-070, 033-132-220, 034-611-350 and 034-802-170).

Sitting as the Board of Directors of the Lake County Redevelopment Agency, (a) waived the formal bidding process for engineering services for the redevelopment of the Lucerne 3<sup>rd</sup> Avenue Plaza and make a determination that competitive bidding would produce no economic benefit to the County; and (b) approved Agreement between the Lake County Redevelopment Agency and De Leon Engineering for engineering services for the redevelopment of the Lucerne 3<sup>rd</sup> Avenue Plaza (not to exceed \$21,520), and authorized the Chair to sign.

2. **CONSENT AGENDA ITEM C-14 - Discussion/consideration of proposed Second Amendment to Contract between the County of Lake and Robinson Rancheria Citizens Business Council for prevention and early intervention services (total compensation in the amount of \$43,378)** - Chair Rushing asked if anyone was present wishing to speak and Eddie Crandell spoke.

This item was continued to later in the day.

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

**Extra #1 - Discussion/consideration of addendum to the Board's response to the Grand Jury Report to incorporate the Grand Jury's recommendations relative to the Animal Control Department** - 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 by the Board for the following reason:

After the Board's agenda was posted, it came to the attention of the Administrative Office that due to an oversight, the response to the Grand Jury Report that was approved by the Board last week omitted a response to the Jury's recommendations relative to the Animal Control Department. The deadline for submitting Board's response to the Grand Jury report is October 5, 2009, before the next scheduled Board meeting.

County Administrative Officer Kelly Cox provided the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the addendum to the Board's response to the Grand Jury Report to incorporate the Grand Jury's recommendations relative to the Animal Control Department.

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

**Change Order No. 1 - Installation of security fencing and CCTV cameras at Central Dispatch** - This change order addresses the need to add 46' of 10' tall chainlink fencing with razor wire. This addition is needed due to a design change in the location of the entrance/exit gate.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - Installation of security fencing and CCTV cameras at Central Dispatch, Arrow Fencing, for an increase of \$2,184.00, and authorized the Chair to sign.

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

**Change Order No. 1 - Main Street Pavement Rehabilitation & Accessibility Improvements (From Highway 20 to Second Street, Upper Lake) Bid No. 09-03** - This change order addresses an upgrade to the standard gray concrete sidewalks to colored and textured sidewalks. The Contractor has provided a proposal to upgrade the standard gray concrete sidewalks as specified under the contract on the south end of the project to match the upgraded colored and textured concrete sidewalks on the north end of the project.

Deputy Redevelopment Director Eric Seely presented the staff report, including three proposed change order options for the Board to consider.

On motion of Director Brown and by vote of the Board (4 ayes, Director Farrington NO), approved Change Order No. 1 - Option A - Main Street Pavement Rehabilitation & Accessibility Improvements (From Highway 20 to Second Street, Upper Lake) Bid No. 09-03, Argonaut Constructors, in the amount of \$32,741.75, and authorized the Chair to sign.

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

**CITIZEN'S INPUT** - Shirley Crawford and Becky Pledger spoke regarding the upcoming Sponsoring Survivorship racing event.

John Zellman spoke regarding the condition of Clear Lake.

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.

5. **ITEM A-5 - 9:15 A.M. - Assessment Appeal Hearing:**

**Lynn McIntyre - Application No. 15-2009 - Assessment Parcel No. 042-236-520; located at 16720 Dam Road, Clearlake, CA** - Chief Deputy Assessor-Recorder Jim Campell and Lynn McIntyre were sworn in by the Clerk.

Chair Farrington established that this property is Mr. McIntyre's primary residence.

Mr. Campbell presented the staff report.

Mr. McIntyre presented testimony.

On motion of Member Brown and by vote of the Board (5 ayes), denied the appeal and affirmed the Assessor's opinion of value.

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

The gavel was returned to Chair Rushing.

6. **ITEM A-6 - 9:45 A.M. - Consideration of proposed Option to Purchase Agreement for purchase of real property located at 15771 Douglas Street, 21248, 21238 and 21268 Calistoga Street and 21249 Washington Street, Middletown (APNs 024-403-05, 024-403-06, 024-403-07, 024-403-08 and 024-403-09), the agreed purchase price is \$500,000 and the seller is Norman G. Alumbaugh, Trustee of the Norman G. Alumbaugh Revocable Trust** - County Administrative Officer Kelly Cox presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and Grace Galt 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 (4 ayes, Supervisor Brown NO), approved Option to Purchase Agreement for purchase of real property located at 15771 Douglas Street, 21248, 21238 and 21268 Calistoga Street and 21249 Washington Street, Middletown (APNs 024-403-05, 024-403-06, 024-403-07, 024-403-08 and 024-403-09), the agreed purchase price is \$500,000 and the seller is Norman G. Alumbaugh, Trustee of the Norman G. Alumbaugh Revocable Trust, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 10:16 a.m.

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7. **ITEM A-7 - 10:00 A.M. - Consideration of request for waiver of Environmental Health fees in the amount of \$1,438 and Building Permit fees in the amount of \$4,937, for a total of \$6,375, located at 10865 Pine Point Road, Cobb (APN 051-012-110 - Floridalma Alvarez and Youri Bezdenejnykh)** - Floridalma Alvarez and Youri Bezdenejnykh presented their request to the Board.

Chair Rushing asked if anyone was present wishing to speak and Phyllis Rendorph spoke. 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 (5 ayes), denied the request for waiver of Environmental Health fees in the amount of \$1,438 and Building Permit fees in the amount of \$4,937, for a total of \$6,375, located at 10865 Pine Point Road, Cobb (APN 051-012-110 - Floridalma Alvarez and Youri Bezdenejnykh).

8. **ITEM A-8 - 10:15 A.M. - Presentation of Opinion Research and Survey of Property Owners regarding recreational activities/opportunities** - Susan Jen and Susan Barnes gave the power point presentation to the Board.

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

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

9. **ITEM A-9 - 11:15 A.M. - Presentation of Proclamation expressing appreciation to Marr B. Olsen, Inc. General & Concrete Contractors, Granite Construction Company, Denton & Sons Trucking, Konocti Arts Society, Kelseyville Lumber and Kelseyville Business Association for their assistance with improvements to the Kelseyville's Historical Monument** - Supervisor Brown read the proclamation into the record and presented proclamations to the following people who spoke: Kim Olsen of Marr B. Olsen, Inc. General & Concrete Contractors, Tony Shaw of Granite Construction Company, Kelseyville Business Association President Greg Olsen, Annette Higday and Jeannie Landon-Myers of Konocti Arts Society.

10. **ITEM A-10 - 11:20 A.M. - 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 and Water Resources Engineer Tom Smythe were present.

Supervisor Comstock recused himself, citing personal involvement, and was absent at 11:30 a.m.

There was Board consensus to direct staff to communicate with Yolo County regarding the date by which they would require a response, and to research the implications regarding future Lake County Upper Putah Watershed Water Rights.

This item was continued two weeks, to October 6, 2009.

Supervisor Comstock was present at 11:38 a.m.

11. **ITEM A-13 - Consideration of request for Board direction regarding possible sale of third watercraft decontamination unit** - Deputy Public Works Director Water Resources Pam Francis and Senior Administrative Analyst Jennifer Hammond were present.

Ms. Hammond presented the staff report.

There was Board consensus to offer the third watercraft decontamination unit for sale to the County of Los Angeles.

12. **ITEM A-14 - Discussion/consideration of proposed Environmental Consultant Agreement between the County of Lake and EDAW / AECOM Consultants for the preparation of an Environmental Impact Report (EIR) for the Bottle Rock Power Steam Project in the amount of \$429,717** - Community Development Director Rick Coel presented the staff report.

Chair Rushing asked if anyone was present wishing to speak and Joan Moss spoke. 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 (5 ayes), approved the Environmental Consultant Agreement between the County of Lake and EDAW / AECOM Consultants for the preparation of an Environmental Impact Report (EIR) for the Bottle Rock Power Steam Project in the amount of \$429,717, and authorized the Chair to sign.

13. **ITEM A-15 - Consideration of request for Board direction regarding possible acquisition of property located at 13885 Lakeshore Drive, Clearlake (APN 039-121-29)** - Mental Health Director Kristy Kelly presented the staff report.

There was Board consensus to appoint Ms. Kelly to negotiate the possible acquisition of property located at 13885 Lakeshore Drive, Clearlake (APN 039-121-29); negotiation instructions to take place during Closed Session.

14. **ITEM A-16 - Discussion/consideration of proposed First Amendment to Agreement between County of Lake and Jeri E. Owens, M.D. for specialty mental health services (an increase of hours from 20 to 40 per week; not to exceed \$242,400)** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the First Amendment to Agreement between County of Lake and Jeri E. Owens, M.D. for specialty mental health services (an increase of hours from 20 to 40 per week; not to exceed \$242,400), and authorized the Chair to sign.

15. **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: County Administrative Officer 3. Conference with Legal Counsel - Significant exposure to litigation (Subdivision (b) of Government Code 54956.9): One potential case 4. Conference with real property negotiator (a) Property located at: 13885 Lakeshore Drive, Clearlake - (APN 039-121-29) (b) Negotiating Parties: For County: Mental Health Director Kristy Kelly For seller: Sterling Savings Bank (c) Under Negotiation: Price and terms 5. Conference with Legal Counsel - Anticipated litigation - Initiation of litigation pursuant to California Government Code Section 54956.9(c): In the matter of the County of Los Angeles, et al. v. State of California Sitting Board of Directors of Lake County IHSS Public Authority: 6. Conference with labor negotiator: Agency Negotiators: Carol Huchingson Employee Organization: California United Homecare Workers** - 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.

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The Board returned to Closed Session later in the day.

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

16. **ITEM A-11 - 1:30 P.M. - PUBLIC HEARING - (a) Protest hearing for proposed increase of water charges and fees for County Service Area (CSA) #16 - Paradise Valley; and (b) Consideration of proposed Ordinance amending the charges and fees for County Service Area (CSA) #16 - Paradise Valley** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

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

Assistant Clerk of the Board Mireya Turner reported zero (0) written protests had been received.

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

On motion of Supervisor Smith and by vote of the Board (5 ayes), advanced the ordinance one week, to October 6, 2009.

- BACK TO #2 - CONSENT AGENDA ITEM C-14 - Discussion/consideration of proposed Second Amendment to Contract between the County of Lake and Robinson Rancheria Citizens Business Council for prevention and early intervention services (total compensation in the amount of \$43,378)** - Chair Rushing asked if anyone was present wishing to speak and Eddie Crandell spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Amendments were made to the proposed agreement.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved, as amended, the Second Amendment to Contract between the County of Lake and Robinson Rancheria Citizens Business Council for prevention and early intervention services (total compensation in the amount of \$43,378), and authorized the Chair to sign.

- BACK TO #15 - 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: County Administrative Officer 3. Conference with Legal Counsel - Significant exposure to litigation (Subdivision (b) of Government Code 54956.9): One potential case 4. Conference with real property negotiator (a) Property located at: 13885 Lakeshore Drive, Clearlake - (APN 039-121-29) (b) Negotiating Parties: For County: Mental Health Director Kristy Kelly For seller: Sterling Savings Bank (c) Under Negotiation: Price and terms 5. Conference with Legal Counsel - Anticipated litigation - Initiation of litigation pursuant to California Government Code Section 54956.9(c): In the matter of the County of Los Angeles, et al. v. State of California Sitting Board of Directors of Lake County IHSS Public Authority: 6. Conference with labor negotiator: Agency Negotiators: Carol Huchingson Employee Organization: California United Homecare Workers** - Chair Rushing announced the Board would go back 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 3:51 p.m.

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Chair - Lake County Board of Supervisors

KELLY F. COX  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board