

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 6, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th day of April, 2010 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 Farrington. After a 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-14.

Approved Minutes of the Board of Supervisors meeting held on March 23, 2010.

Adopted Proclamation appointing Russell Gonzaga as Lake County Poet Laureate for the years 2010-2012.

Adopted Proclamation designating the month of April 2010, as Domestic Violence Awareness Month, April 20th as the Sexual Assault Awareness Month Day of Action, April 21st as Denim Day, and April 18-24, 2010, as National Victims Rights Week in Lake County.

Appointed James Cox to the Mental Health Advisory Board for a term expiring on January 1, 2011.

Approved Hold Harmless and Indemnification Agreement between the County of Lake and Upper Lake High School District, as a condition to provide a town hall meeting facility and authorized the Chair to sign.

Approved Certificate of Partial Cancellation of the Williamson Act Contract on seven (7) acres of the 87.1 acre parcel located at 21258 Morgan Valley Road, Lower Lake, CA (APN 012-069-07 - Kathryn Faloon), and authorized the Chair to sign.

Approved advanced step hiring of Skip Simkins as an extra-help Clear Lake Lands Coordinator (5th step of the salary range).

Approved Engineering and Inspection Agreement between County of Lake and Ben Lawson for review of plans and specifications and inspection of work for a Merger-Resubdivision (MRS 08-03), located at 11967 and 12037 East Highway 20, Clearlake Oaks, CA (APNs 035-092-01 and 035-284-10), and authorized the Chair to sign.

Approved Lease Agreement between the County of Lake and Culco, Inc. (Steve Culbertson), for lease of 21,665 square feet of County property located at Lampson Field Airport in the amount of \$1,500 per month and authorized the Chair to sign.

Adopted Resolution No. 2010-61, approving the application to the Federal Aviation Administration (FAA), for grant funds in the amount of \$150,000, for FAA airport improvement and designating the Public Works Director as sponsor's official representative.

Adopted Resolution No. 2010-62, changing mileage in County Maintained Road System.

Adopted Resolution No. 2010-63, authorizing the Director, Public Works Department to sign a Notice of Completion for work performed under agreement dated September 8, 2009 (2005/2006 Storm Damage Repair - Bartlett Springs Road PM 1.4).

Approved Third Amendment to Contract between the County of Lake and Ed Robey for information support services increasing the maximum compensation to \$15,000 (an increase of \$5,000), and authorized the Chair to sign.

Sitting as the Lake County Local Board of Equalization, accepted Stipulation Change in Assessment for Kenneth Russell on property located at 661 Keys Boulevard, Clearlake Oaks, CA (APN 035-841-06), for a change in the value of land from \$119,000 to \$100,000, for the 2009/2010 Tax Year.

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

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

Change Order No. 2 - 2005/2006 Storm Damage Repair: Bartlett Springs Road (PM 1.4) - This change order addresses a change in conditions (unforeseen soils found in six of the tie back holes) which caused additional drilling time, excess cement and grout and need to install steel sleeves; extra time required to place base rock do to the unforeseen soil conditions; and the balancing of final in-place quantities.

Public Works Director Brent Siemer gave the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order No. 2 - 2005/2006 Storm Damage Repair: Bartlett Springs Road (PM 1.4), Team Ghilotti, Inc., for an increase of \$13,695.33, and authorized the Chair to sign the change order.

Change Order Nos. 2 and 3 - 2005/2006 Storm Damage Repair: Sulphur Bank Drive (PM 1.94) - These change orders address the need to excavate unsuitable soils and replace with stockpiled native soils (for an increase of \$2,192.29); and to repair uneven pavement along Sulphur Bank Drive due to damage that occurred during construction in the wet months of the year by the construction activity and the general public's traffic in this area (for an increase of \$400). These change orders were already signed by the Public Works Director; they are presented to the Board for retroactive approval.

Public Works Director Brent Siemer gave the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order Nos. 2 and 3 - 2005/2006 Storm Damage Repair: Sulphur Bank Drive (PM 1.94), Granite Construction Company, for a total increase of \$2,592.29, and retroactively authorized the Public Works Director to sign the change orders.

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

Change Order No. 3 - Lucerne 3rd Avenue Plaza Pier - This change order addresses upgrading roof sheathing to tongue and groove board and the installation of composition shingle.

Deputy Redevelopment Director Eric Seely presented the staff report.

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On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No. 3 - Lucerne 3rd Avenue Plaza Pier, Stewart Engineering, Inc., for an increase of \$9,823.00, and authorized the Chair to sign the change order.

Change Order No. 6 - Upper Lake Main Street Project - This change order addresses extra work performed by the contractor via force account.

Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No. 6 - Upper Lake Main Street Project, Argonaut Constructors, for an increase of \$13,024.35, and authorized the Chair to sign the change order.

The Board of Directors of the Lake County Redevelopment Agency adjourned and convened as the Board of Directors of the Kelseyville County Waterworks District No. 3.

Change Order No. 2 - Kelseyville Wastewater Treatment Facility (09-26) - This change order incorporates the Davis Bacon Prevailing Wage Requirements into the contract, to satisfy ARRA funding requirements.

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), approved Change Order No. 2 - Kelseyville Wastewater Treatment Facility (09-26), CH2MHill, a no-cost change order, and authorized the Chair to sign the change order.

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

CITIZEN'S INPUT - Carter Irwin spoke regarding the Public Education & Government Channel 8.

4. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation appointing Russell Gonzaga as Lake County Poet Laureate for the years 2010-2012** - Supervisor Rushing read the proclamation into the record and presented it to Russell Gonzaga, who recited a poem.
5. **ITEM A-6 - 9:20 A.M. - Presentation of Proclamation designating the month of April 2010, as Sexual Assault Awareness Month, April 20th as the Sexual Assault Awareness Month Day of Action, April 21st as Denim Day, and April 18-24, 2010, as National Victims Rights Week in Lake County** - Supervisor Rushing read the proclamation into the record and presented it to Gloria Flaherty, who spoke. Many County staff members were present.
6. **ITEM A-7 - Continued from March 23, 2010 - 9:30 A.M. - Update from Calpine representatives regarding Calpine's community outreach, workforce, power generation and related matters** - CalPine Representatives Danielle Matthews Seperas and Dave Jackson presented the update to the Board.

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

7. **ITEM A-8 - 9:45 A.M. - (a) Consideration of request from Michael and Denise Hagy (Lake Marine Construction), for waiver of Construction Traffic Road Fee in the amount of \$225, for project located at 9355 Bass Road, Kelseyville, CA (APN 044-352-17); and (b) Consideration of request from Michael and Denise Hagy (Lake Marine Construction), for waiver of Construction Traffic Road Fee in the amount of \$250, for project located at 9955 Highway 20, Glenhaven, CA (APN 035-542-10); and (c) Consideration of request from Michael and Denise Hagy (Lake Marine Construction) for waiver of Construction Traffic Road Fee in the amount of \$95.00, for project located at 13319 Lakeshore Drive, Clearlake, CA (APN 037-301-20)** - Public Works Director Brent Siemer and Denise Hagy were present.

Mr. Siemer presented the staff report.

Ms. Hagy presented her request.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the Construction Traffic Road Fee in the amount of \$225, Michael and Denise Hagy (Lake Marine Construction), for project located at 9355 Bass Road, Kelseyville, CA (APN 044-352-17).

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the Construction Traffic Road Fee in the amount of \$250, Michael and Denise Hagy (Lake Marine Construction), for project located at 9955 Highway 20, Glenhaven, CA (APN 035-542-10).

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the Construction Traffic Road Fee in the amount of \$95.00, Michael and Denise Hagy (Lake Marine Construction), for project located at 13319 Lakeshore Drive, Clearlake, CA (APN 037-301-20).

After a brief recess, the Board reconvened at 10:21 a.m.

8. **ITEM A-9 - Continued from March 23, 2010 - 10:00 A.M. - HEARING - Notice of Nuisance Abatement - 2646 Lakeshore Boulevard, Lakeport, CA (APN 007-015-50 - Fred Reinell and Vicki Reinell)** - At the request of the department, this item was carried over two weeks, to April 20, 2010, at 10:00 a.m.
9. **ITEM A-10 - 10:15 A.M. - Presentation regarding Lake County Community Action Agency's programs funded through contracts with the Alcohol and Other Drugs Services Division** - Mental Health Director Kristy Kelly, Alcohol and other Drug Services Coordinator Laura Solis, Lake County Community Action Agency Executive Director Georgia Lehne and Jennifer Rogers were present.

Ms. Rogers gave the presentation to the Board.

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

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

10. **ITEM A-12 - 10:45 A.M. - PUBLIC HEARING - Discussion/consideration of an Ordinance amending Section 706B of the Sewer Use Ordinance pertaining to inflationary adjustment determined by the Engineering News Record-Construction Cost Index** - This item was carried over to later in the day.
11. **ITEM A-13 - 11:00 A.M. - PUBLIC HEARING - Discussion/consideration of a written report of urgency status and the extension of an urgency measure adopting an an Interim Ordinance establishing temporary restrictions upon connections to the Southeast Regional Wastewater System** - This item was carried over to later in the day.

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

12. **ITEM A-17 - Discussion/consideration of proposed First Amendment to the Agreement between the County of Lake and Lake County Community Action Agency for provision of the alcohol and drug counseling services to Lake County adolescents attending New Beginnings Highland High School for Fiscal Year 2009-2010 (an increase from \$100,000 to \$200,000)** - Mental Health Director Kristy Kelly and Alcohol and other Drug Services Coordinator Laura Solis presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the First Amendment to the Agreement between the County of Lake and Lake County Community Action Agency for provision of the alcohol and drug counseling services to Lake County adolescents attending New Beginnings Highland High School for Fiscal Year 2009-2010 (an increase from \$100,000 to \$200,000), and authorized the Chair to sign.

13. **ITEM A-16 - Discussion/consideration of proposed First Amendment to the Agreement between the County of Lake and Milhous Children's Services for specialty mental health services (an increase from \$50,000 to a maximum amount of \$80,000)** - Mental Health Director Kristy Kelly and Alcohol and other Drug Services Coordinator Laura Solis presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the First Amendment to the Agreement between the County of Lake and Milhous Children's Services for specialty mental health services (an increase from \$50,000 to a maximum amount of \$80,000), and authorized the Chair to sign.

Chair Farrington announced that the 10:45 a.m. and the 11:00 a.m. public hearings will be taken up at 1:30 p.m.

After a lunch recess that began at 10:55 a.m., the Board convened as the Board of Directors of the Lake County Sanitation District at 1:33 p.m.

14. **ITEM A-11 - Advanced from March 23, 2010 - 10:35 A.M. - An Ordinance amending Section 706B of the Sewer Use Ordinance pertaining to Sewer System Capacity Fees for connections to the Southeast Regional Wastewater Collection System - (Second Reading)** - Special Districts Administrator Mark Dellinger was present.

Director Smith offered Ordinance No. 2922, and it was passed by roll call vote (5 ayes).

- BACK TO #10 - ITEM A-12 - ITEM A-12 - 10:45 A.M. - PUBLIC HEARING - Discussion/consideration of an Ordinance amending Section 706B of the Sewer Use Ordinance pertaining to inflationary adjustment determined by the Engineering News Record-Construction Cost Index** - Special Districts Administrator Mark Dellinger presented the staff report.

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

On motion of Director 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 Director Smith and by vote of the Board (5 ayes), advanced the ordinance one week, to April 13, 2010.

- BACK TO #11 - ITEM A-13 - ITEM A-13 - 11:00 A.M. - PUBLIC HEARING - Discussion/consideration of a written report of urgency status and the extension of an urgency measure adopting an an Interim Ordinance establishing temporary restrictions upon connections to the Southeast Regional Wastewater System** - Special Districts Administrator Mark Dellinger presented the staff report.

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

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

Director Smith offered Ordinance No. 2923, and it was passed by roll call vote (5 ayes).

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

15. **ITEM A-15 - Update on proposed Floating Island Demonstration Project and acceptance of donations to assist in financing this project** - Deputy Public Works Director Pam Francis and Floating Islands West Representative Shawn Dempsey were present.

Mr. Dempsey gave a power point presentation to the Board.

Chair Farrington asked if anyone was present wishing to speak and Chuck Lamb spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), endorsed the project, in concept, authorized the County to accept donations from the public to be used toward the biohaven floating islands demonstration project, and directed staff to bring a scoping of the project to the Board at a later date, for consideration of possible financial support.

After a brief recess, the Board reconvened at 3:12 p.m.

16. **ITEM A-19 - Consideration of request to award Bid No. 10-21 in the amount of \$882,160, to North Bay Construction for the construction of Soda Bay Road Rehabilitation and Overlay MP 11.5 to 13.8 (Federal-Aid Project Number ESPL-5914)** - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 10-21 in the amount of \$882,160, to North Bay Construction for the construction of Soda Bay Road Rehabilitation and Overlay MP 11.5 to 13.8 (Federal-Aid Project Number ESPL-5914), and authorized the Chair to sign the bid award.

17. **ITEM A-20 - Discussion/consideration of proposed Agreement between the County of Lake and Megabyte Systems, Inc. for Property Tax System maintenance (not to exceed \$153,760)** - Tax Collector-Treasurer Sandra Kacharos and Assessor-Recorder Doug Wacker were present and each gave a brief summary..

Ms. Kacharos also stated that the amount of the agreement was changed to from \$153,760 to \$119,062.

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County Administrative Officer Kelly Cox spoke regarding the County's on-going interest in developing or acquiring a property tax system that would be less costly than the Megabyte System. Assessor-Recorder Doug Wacker advised the Board that the would explore, for future consideration, options that may be available using his contacts' in the State Assessors Association.

Ms. Kacharos indicated the would do the same through her State Association of Tax Collectors.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement, as amended, between the County of Lake and Megabyte Systems, Inc. for Property Tax System maintenance (not to exceed \$119,062), and authorized the Chair to sign.

18. **ITEM A-18 - Consideration of request for authorization to pursue potential purchase of property located at 14510 Lakeshore Drive, Clearlake, for mental health programs (using MHPA Capital Facilities funding)** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the Mental Health Director to pursue potential purchase of property located at 14510 Lakeshore Drive, Clearlake, for mental health programs (using MHPA Capital Facilities funding).

19. **ITEM A-14 - Supervisors' weekly calendar, travel and reports** - Deputy County Administrative Officer Marketing and Economic Development Debra Sommerfield announced the Lake County Tourism Workshop, titled "Building the Visitor Experience - Celebrating Tourism in Lake County", on May 7, 2010 at the Rob Roy Golf Club.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board adjourned at 3:47 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board