

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 17, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 17th day of August, 2010 there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Rob Brown and Anthony Farrington, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:01 a.m. by Chair Farrington. Following a moment of silence, Water Resources Director Scott DeLeon led the salute to the flag of the United States of America.

1. **ITEM A-1 - APPROVAL OF THE CONSENT AGENDA** - A typographical error was noted and corrected on Consent Agenda Item C-6; the motion for Consent Agenda Item C-3 was amended to authorize all Supervisors to sign; and Consent Agenda Item C-7 was removed from the Consent Agenda at staff's request. On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-9, as amended and corrected above, and with the exception of Consent Agenda Item C-8, which will be taken up immediately following the approval of the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on August 10, 2010.

Approved Agreement between the County of Lake and the Clearlake Oaks County Water District for collection of the District's Water and Sewer Delinquent Charges and perform related services, and authorized the Chair to sign.

Approved letter to Congressman Mike Thompson expressing the Board's appreciation for his efforts to restore Federal Geothermal Royalty payments to the Counties, and authorized all Supervisors to sign.

Approved renewal of Agreement between the County of Lake and Westlaw (Thomson Reuters) for legal research services (a 36-month minimum term) at a monthly rate of \$780.00, and authorized the Chair to sign.

Approved Findings of Fact - Appeal of a Vicious Animal Abatement Orders (Larry Long), and authorized the Chair to sign.

Approved requests and ordered consolidation of the following School Districts' Elections with the General District Election to be held on November 2, 2010: Board of Trustees of Konocti Unified School District; and Board of Trustees of Middletown Unified School District, pursuant to their respective Resolutions.

Sitting as the Board of Directors, authorized the return of unexpended Fiscal Year 2007/2008 Carl Moyer Program Year 10 Retrofit funds back to the State Air Resources Board in the amount of \$3,643.01.

CONSENT AGENDA ITEM C-7 - Consideration of request to approve First Amendment to Commercial Lease Agreement between County of Lake and Gary Weiser and Shelley Weiser for offices at 4477 Moss Avenue, Suites B and C, Clearlake (adjusting the lease rate from \$1.08 to \$1.10, for a monthly total of \$2,157.00, for a period of five years) - At the request of staff, this item was removed from the Consent Agenda. It was not carried forward to a future date.

CONSENT AGENDA ITEM C-8 - (a) Consideration of request to authorize the Treasurer-Tax Collector to reissue seventeen (17) tax refunds, totaling \$6,524.97 (previously unclaimed); and (b) Consideration of request to authorize the Treasurer-Tax Collector to transfer unclaimed funds (tax refunds and estates) totaling \$33,501.82 to General Fund 001-1122-492.7990, as described in staff memorandum dated August 17, 2010 - This motion was amended to the following totals: (a) eighteen (18) tax refunds, totaling \$6573.75; and (b) \$33453.04 to be transferred to the General Fund, as requested in staff memorandum dated August 17, 2010.

On motion of Supervisor Comstock and by vote of the Board, authorized the Treasurer-Tax Collector to reissue eighteen (18) tax refunds, totaling \$6,524.97 (previously unclaimed); and authorized the Treasurer-Tax Collector to transfer unclaimed funds (tax refunds and estates) totaling \$33,453.04 to General Fund 001-1122-492.7990, as described in staff memorandum dated August 17, 2010.

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.

CITIZEN'S INPUT - Cheri Holden showed the movie short, "Clear Lake", by Sylvia Manners, the winning submission of the We Love Tules Contest.

3. **ITEM A-12 - Consideration of application for appointment to the Lower Lake County Waterworks District #1** - At Supervisor Comstock's request, this item was carried over three weeks, to September 7, 2010.

4. **ITEM A-13 - Consideration of request to authorize out-of-County travel and related expenses for Mental Health staff and nine (9) clients to travel to Fort Bragg, CA on August 27, 2010, for a Client Outing** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized out-of-County travel and related expenses for Mental Health staff and nine (9) clients to travel to Fort Bragg, CA on August 27, 2010, for a Client Outing.

5. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Appeal (AB 10-01) of Houser Holdings CA, LLC (U Wanna Camp) of the Planning Commission's denial of Administrative Appeal (AA 09-02) to the Notice of Violation issued on September 3, 2009, in conjunction with Case #RC98, regarding the long-term occupancy of RV spaces on a site with an expired use permit; located at 2699 Scotts Creek Road, Lakeport, CA (APN 005-026-27) (Appellant has requested a continuance to September 14, 2010, at 10:30 a.m.)** - Community Development Director Rick Coel was present.

Chair Farrington opened the public hearing and Steve Brookes spoke. No one else was present wishing to speak and the public hearing was continued four weeks, to September 14, 2010.

6. **ITEM A-6 - 9:20 A.M. - Request for Board direction regarding draft amendment to the Lake County Zoning Ordinance of winery and wine-related special events definition** - Community Development Director Rick Coel presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Mary Jane Fagalde and Monica Rosenthal. 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 begin the formal Zoning Ordinance amendment process.

7. **ITEM A-14 - Discussion/consideration of request to award Bid No. 10-11, in the amount of \$119,442.96, to Gregg Simpson Trucking, for construction of the Morgan Valley Road PM 5.91 Storm Damage Repair project** - Assistant Public Works Director Lars Ewing and Principal Civil Engineer Ken Brown were present.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 17, 2010

Mr. Ewing presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), awarded Bid No. 10-11, in the amount of \$119,442.96, to Gregg Simpson Trucking, for construction of the Morgan Valley Road PM 5.91 Storm Damage Repair project, and authorized the Chair to sign the Bid Award and Agreement.

8. **ITEM A-7 - 10:00 A.M. - HEARING - Summary Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$1,004.17 - 19214 Moon Ridge Road, Hidden Valley Lake, CA (141-352-140 - Daniel Darnell)** - Community Development Director Rick Coel and Code Enforcement Officer Allison Garrett were sworn in by the Clerk.

Neither the owner, nor representation was present.

Mr. Coel presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), confirmed the assessment of \$1,004.17, for nuisance abatement on property located at 19214 Moon Ridge Road, Hidden Valley Lake, CA (APN 141-352-140 - Daniel Darnell), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

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

9. **ITEM A-8 - 10:05 A.M. - Annual report of Lake One Stop activities and future plans** - One Stop Board President Richard Birk and Executive Director Seth DeSimone presented the annual report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Jonathan Crooks, Chris Tallifero, Brooks Lockhart, Debra Isberg, Chris Auburn, Thomas Mattikin, Joey Luiz, Matt Johnson, Dan Bufalo and Kathy Fowler. No one else was present wishing to speak and the public input portion of this item was closed.

10. **ITEM A-9 - Continued from August 3, 2010 - 10:30 A.M. - PUBLIC HEARING - Appeal of Brian Case of the Planning Commission's denial of a General Plan Amendment (GPAP 10-01) from Agriculture and Rural Lands to Industrial and Rural Lands and a Rezone (RZ 10-01) from "A-SC-WW-FF" (Agriculture-Scenic-Waterway-Floodway Fringe) and "RL-WW-FF" (Rural Lands-Waterway-Floodway Fringe) to "M1-WW-FF" (Commercial/Manufacturing-Waterway-Floodway Fringe) and "RL-W-FF" (Rural Lands-Waterway-Floodway Fringe); located at 12942 and 12982 Highway 29, Lower Lake, CA (APNs 012-023-260 and 012-023-270)** - Community Development Director Rick Coel, Assistant Planner Brian Horn, Brian Case and Brandi Case were present.

On motion of Supervisor Comstock and by vote of the Board (5 ayes) approved a motion of intention to consider a General Plan Update and Rezone as requested by the applicant; and directed staff to present this item to the Planning Commission for its consideration.

11. **ITEM A-15 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA AND LCCOA; 2. (a) Conference with Legal Counsel - Existing Litigation - California Government Code - Subdivision (a) of Section 54956.9: Sierra Club v. County of Lake, et al.; (b) Conference with Legal Counsel - Decision whether to initiate Litigation Pursuant to California Government Code - Subdivision (c) of Section 54956.9: Gail and Lila Bennett; 3. Public Employee Performance Evaluation: Title: Air Pollution Control Officer** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 11:49 a.m. and took the following actions:

2. (a) In the matter of the Sierra Club v. County of Lake, et al, on motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Settlement Agreement pursuant to the terms described therein which do not include any monetary settlement on the part of the County, which do require that the County process a general plan amendment to revise Lake County General Plan Policy LU-6.12, clarifying the requirements for the permitting of mixed use resorts, and further require that simultaneous to the adoption of such amendment, the Board Consider and, if appropriate, make findings of consistency as to the Cristallago Project previously approved by this Board and Policy LU-6.12 as revised.

2. (b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized on behalf of the County of Lake and any affected employees of the County the filing of a Petition for Order Striking and Releasing Liens and take action to pursue civil damages pursuant to Government Code Section 6223 against Gail and Lila Bennett.

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

12. **ITEM AD-1 - Update on emergency action taken on March 2, 2010, regarding the Southeast Regional Wastewater Collection System - Interim Collection System Improvements** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Director Comstock (5 ayes), determined an emergency exists.

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

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

13. **ITEM A-10 - Continued from August 3, 2010 - 1:30 P.M. - PUBLIC HEARING - Draft Middletown Area Plan Update (GPAP 09-05), the rezoning of lands within the Area Plan (RZ 09-09) and the Environmental Impact Report (EIR 09-05) (the plan proposes to amend the general plan and rezone portions of approximately 150 square miles of unincorporated territory of Lake County including the communities of Middletown, Hidden Valley Lake and Anderson Springs, along with the outlying rural areas; and includes all or portions of Assessor's Parcel Books 013, 014, 024, 050, 136, 141, 142 and 144)** - Community Development Director Rick Coel and Assistant Planner Alan Flora were present.

Mr. Coel presented the staff update.

Chair Farrington reopened the public hearing and the following people spoke: Faith Smith, Ron Minudri, Chuck March, Jack Lair, Pat Rosenthal and Monica Rosenthal. No one else was present wishing to speak and the public hearing was closed.

Supervisor Rushing made the motion to modify the Environmental Impact Report (EIR), replacing the Planning Commission's findings with staff findings and to certify the EIR, as modified. The motion was seconded for discussion by Supervisor Smith. Upon further discussion, Supervisor Rushing withdrew the motion.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 17, 2010

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock NO), made the following amendments to the EIR:

- (a) Remove Section B from the Findings of Fact
- (b) Remove reference to the Smith property elsewhere in the EIR
- (c) Restored the Rosenthal property to retain its Agricultural Zoning on the map

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock NO), re-certified the Environmental Impact Report (EIR), as amended.

Supervisor Comstock offered Resolution No. 2010-149, amended as described above, with the addition of Section 5.5.3 d to the General Plan, as submitted by staff, and it was passed by roll call vote (5 ayes).

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

Supervisor Comstock offered Ordinance No. 2929, as amended, and it was passed by roll call vote (5 ayes).

There being no further business, the Board adjourned at 4:04 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board