

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 3, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 3rd 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 9:02 a.m. by Chair Farrington. Following a moment of silence, County Administrative Officer Kelly Cox 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-10.

Approved Minutes of the Board of Supervisors meetings held on July 20, and July 27, 2010.

Approved letters to key legislative leaders urging support of the PACE Assessment Protection Act of 2010 (H.R. 5766) and letter to Congressman Thompson expressing gratitude for introducing this legislation, and authorized all Board members to sign.

Adopted the Library Materials Loan Policy (establishing loan periods and a limit on the number of items a person may have checked out at one time at the County libraries).

Adopted Resolution No. 2010-134, approving the Standard Agreement between the County of Lake and the State Department of Mental Health for state hospital bed purchase and usage for Fiscal Year (FY) 2009/2010, and authorizing the Director of Mental Health to sign Agreement No. 09-79094-000.

Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 007-037-070 - Roderick A. Schnabl and Sylvia R. Schnabl); approved Purchase Agreement between the County of Lake and Roderick A. Schnabl and Sylvia R. Schnabl, for Kelsey Creek Drive FEMA Storm Damage Project, and authorized the Chair to sign.

Approved Engineering and Inspection Agreement between County of Lake and Rural Communities Housing Development Corporation (RCHDC) for review of plans and specifications and inspection of work for the construction of curb, gutter, sidewalks and drainage improvements, located at 6853 Collier Avenue, Nice, CA (APN 031-053-220), and authorized the Chair to sign.

Authorized the Elections Official to render all services necessary to conduct the City of Lakeport's General Municipal Election on November 2, 2010, for the purpose of electing two (2) members of the City Council, pursuant to the City's Resolution No. 2393 (2010).

Approved issuance of 90-day notice of termination of rental agreement for property located at 14141 and 14147 Lakeshore Drive, Clearlake, and authorized the Chair to sign.

Adopted Resolution No. 2010-135, amending Resolution No. 2010-108 establishing position allocations to conform to the recommended Budget for Fiscal Year 2010-11, Budget Unit No. 5011, Department of Social Services and Budget Unit No. 2302, Probation Officer-Juvenile Court.

Approved Amendment No. 4 to Equipment Repair and Service Contract between the County of Lake and Peterson Tractor Company (clarifying the annual maximum contract amount of \$100,000 allowed with each annual renewal), 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 Control Officer Ben Cheek presented one canine currently available for adoption.

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

Change Order No. 1 - Construction of Improvements on Soda Bay Road MPM 7.68-7.70, Storm Damage Repair, Bid No. 10-36 - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - Construction of Improvements on Soda Bay Road MPM 7.68-7.70, Storm Damage Repair, Bid No. 10-36, for an increase of \$30,879.00, Bouthillier's Construction, and authorized the Chair to sign the Change Order.

Change Order No. 1 - Soda Bay Road Rehabilitation and Overlay MP 11.5 to MP 13.8, Bid No. 10-21, Federal Stimulus Project No. ESPL 5914 (060) - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order No. 1 - Soda Bay Road Rehabilitation and Overlay MP 11.5 to MP 13.8, Bid No. 10-21, Federal Stimulus Project No. ESPL 5914 (060), North Bay Construction, Inc., for an increase of \$47,124.32, and authorized the Chair to sign the Change Order.

CITIZEN'S INPUT - Public Works Director Brent Siemer introduced Assistant Public Works Director Lars Ewing, who spoke.

Shawn Collins spoke regarding access to the AWP program by parolees with disabilities.

Kevin Engle spoke about the Ely Stage Stop restoration project.

4. **ADDENDUM ITEM A-1 - ITEM AD-1 - Special Districts Administration - 9:15 A.M. - PUBLIC HEARING - (a) Protest hearing for proposed increase of water charges and fees for County Service Area (CSA) #13 - Kono Tayee; and (b) Consideration of proposed Ordinance amending the charges and fees for County Service Area (CSA) #13 - Kono Tayee** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

(a) Chair Farrington opened the public hearing and the following people spoke: Ernie Lee, Pat Ridgel and Mariya Reznitsky. No one else was present wishing to speak and the public hearing was closed.

Assistant Clerk of the Board Mireya Turner reported a total of three protests had been received regarding the proposed increase of water charges and fees for County Service Area (CSA) #13.

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

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 3, 2010

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to August 10, 2010.

5. **ITEM A-5 - 9:10 A.M. - Consideration of request from Lake Transit Authority to relocate the bus stop and install a shelter structure near the southwest corner of Third Street at Main Street, Lakeport (Old Courthouse Square)** - Lake County Transit Manager Mark Wall described the different options for relocation of the bus stop.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), declared preference for Alternate #1 - Third and Main Street, and requested Mr. Wall continue negotiations with the City of Lakeport, and to return to the Board to consider other options if they City was unable to support Alternate #1.

6. **ITEM A-6 - 9:30 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 and Assistant Planner Brian Horn were present.

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

Supervisor Rushing was absent at 11:02 a.m.; present at 11:03 a.m. and absent at 11:05 a.m. for the remainder of the day.

Chair Farrington opened the public hearing and the following people spoke: Gary Souza and Brian Case. No one else was present wishing to speak and the public hearing was closed.

This item was continued two weeks, to August 17, 2010, at 10:30 a.m.

7. **ITEM A-7 - Continued from July 20, 2010 - 10:15 A.M. - PUBLIC HEARING - Protest Hearings for: (a) Annual water standby charges and delinquent water fees in County Service Areas Nos. 2, 6, 7, 13, 16, 18, 20, 21 and 22** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Amendments were made to the proposed ordinance to remove the text regarding standby charges.

Chair Farrington re-opened the public hearing and James Hershey spoke. No one else was present wishing to speak and the public hearing was closed.

Supervisor Brown offered Resolution No. 2010-136, as amended, and it was passed by roll call vote (4 ayes, Supervisor Rushing ABSENT).

8. **ITEM A-8 - 10:30 A.M. - Discussion/consideration of proposed Resolution of Intention to establish proposed Zone Q (Orchard Shores Subdivision) of County Service Area No. 23; approve the Engineer's Report, the form of ballot and balloting process for the assessment, and setting a Public Hearing for protests and balloting determination (to be held Tuesday, October 12, 2010, at 9:15 A.M.)** - Public Works Director Brent Siemer presented the staff report.

Supervisor Smith offered Resolution No. 2010-137, and it was passed by roll call vote (4 ayes, Supervisor Rushing ABSENT).

9. **ITEM A-9 - 10:45 A.M. - HEARING - Appeal of Order for Destruction of a Vicious Animal; located at 3896 Dixie Avenue, Nice, CA (Gerald Lindquist)** - Acting Animal Control Director Bill Davidson, Animal Control Officer Morgan Hermann, Animal Control Officer Nehemiah White, Tasha Bollinger, David Baron and Francis Murphy were sworn in by the Clerk.

Ms. Hermann presented the staff report.

Ms. Bollinger presented testimony on behalf of her client, Gerald Lindquist.

Mr. Baron and Mr. Murphy also presented testimony.

This item was continued to later in the day.

After a lunch recess, the Board reconvened into Regular Session at 1:33 p.m.

10. **ITEM A-10 - 11:30 A.M. - Assessment Appeal Hearings:**

(a) Dorice Gracia - Application No. 94-2009 - APN 032-221-240-000; located at 4315 Lakeshore Boulevard, Nice, CA - Chair Farrington announced that this appeal had been withdrawn by the appellant and would not be taken up today.

(b) Jose Acosta - Application No. 98-2009 - APN 351-121-060-000; located at 13962 Apple Lane, Clearlake Oaks, CA - Chair Farrington announced that this appeal had been withdrawn by the appellant and would not be taken up today.

- BACK TO #9 - ITEM A-9 - 10:45 A.M. - HEARING - Appeal of Order for Destruction of a Vicious Animal; located at 3896 Dixie Avenue, Nice, CA (Gerald Lindquist)** - Supervisor Comstock made a motion to deny the appeal; which Supervisor Brown seconded, for discussion.

Upon further discussion, Supervisor Comstock withdrew the appeal.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), stayed the Order for Destruction of a Vicious Animal, pending the following stipulations: (a) a qualified dog trainer be hired within 7 days, to assess Bear, the dog, for aggressiveness and the potential for training to manage the aggressive behaviors; (b) that Mr. Lindquist execute a hold harmless and indemnification agreement with the County of Lake for the time during with Bear, the dog, will be with at the trainer's facility; and c) that the dog trainer appear before the Board on October 5, 2010, at 9:15 a.m. to present testimony on the dog's progress.

11. **ITEM A-13 - Discussion/consideration of request for out of state travel for Animal Control Officer Nehemiah White to Durango, Colorado, from August 22 through August 28, 2010, to attend Equine Investigators Academy** - Acting Animal Control Director Bill Davidson and Animal Control Officer Nehemiah White were present.

Mr. Davidson presented the staff report.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), approved out of state travel for Animal Control Officer Nehemiah White to Durango, Colorado, from August 22 through August 28, 2010, to attend Equine Investigators Academy.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 3, 2010

12. **ITEM A-15 - Discussion/consideration of proposed Resolution approving the application for grant funds from the 2010 infrastructure fund of the Stewardship Council (to support the construction of a Boathouse and Aquatic Center at Lakeside County Park)** - Public Services Director Kim Clymire and Public Services Analyst Terre Logsdon were present.

Mr. Clymire presented the staff report.

Supervisor Comstock offered Resolution No. 2010-138, and it was passed by roll call vote (4 ayes, Supervisor Rushing ABSENT).

13. **ITEM A-16 - Request for Board direction regarding the development of a Countywide Transportation Mitigation Fee Program** - Public Works Director Brent Siemer presented the staff report.

This item was continued two weeks, to August 24, 2010.

14. **ITEM A-17 - Presentation of Central Garage Fleet Cost-Per-Mile Report** - Public Works Director Brent Siemer presented the staff report.

This item was informational only. No Board action was taken on this item.

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

15. **ITEM A-14 - 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 and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), determined an emergency exists.

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

16. **ITEM A-12 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing ABSENT), approved out of County travel for Supervisor Rushing to attend the Broadband Project Review Panel, in Redding, CA, on August 19, 2010.

17. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA AND LCCOA** - Chair Farrington announced the Board would not go into Closed Session today.

The meeting adjourned at 3:29 p.m., to reconvene this evening in Middletown.

The Board reconvened into Regular Session at 6:00 p.m. at the CalPine Visitor's Center, 15500 Central Park Road, Middletown, there being present Supervisors Jim Comstock, Jeff Smith and Rob Brown, Administrative Officer Kelly Cox, County Counsel Anita Grant, and Assistant Clerk of the Board Mireya Turner. Supervisors Rushing and Farrington were absent.

18. **ITEM A-11 - 6:00 P.M. - PUBLIC HEARING - (ON LOCATON IN MIDDLETOWN) 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, Senior Planner Kevin Ingram and Assistant Planner Alan Flora were present.

Mr. Ingram presented the staff report.

Vice Chair Comstock opened the public hearing and the following people spoke: Dennis Alumbaugh, Victoria Brandon, Pat Rosenthal, Greta Zeit, Meriel Medrano, Timothy Griffin, Fletcher Thornton and Dave Rosenthal.

After a brief recess, the Board reconvened into Regular Session at 7:25 p.m. and the following people spoke: Monica Rosenthal, Sonja Christian, David McMillan and Pepe Mendoza. No one else was present wishing to speak and the public hearing was closed.

This item was continued two weeks, to August 17, 2010, at 1:30 p.m.

There being no further business, the Board adjourned at 8:00 p.m.

Chair - Lake County Board of Supervisors

KELLY F. COX
Clerk of the Board

By: _____
Mireya Turner
Assistant Clerk of the Board