

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 9, 2010

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th day of November, 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 9:03 a.m. by Chair Farrington. The moment of silence was dedicated to the memory of the following people: Tommy Vilotte, Zane Gray and Doug Eastley. Following the moment of silence, Jim Brown 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-5, with the exception of a portion of Consent Agenda Item C-1, Minutes of the Board of Supervisors meeting held on October 26, 2010, which will be taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on November 2, 2010.

Adopted Proclamation honoring all veterans on Veterans Day 2010.

Approved Agreement between the County of Lake and CGI Communications, Inc. for production services of promotional video segments (at no cost to the County), and authorized the County Administrative Officer to sign.

Approved permit to conduct aeronautical activities at Lampson Field Airport (REACH Air Medical Services), and authorized the Chair to Sign.

Adopted Resolution No. 2010-201, authorizing the Chairman of the Board to approve and direct the Tax Collector to sell, at public auction via internet, tax defaulted property which is subject to the power to sell in accordance with Chapter 7 of Part 6 of Division 1, of the California Tax Revenue and Taxation Code and approving sales below minimum price on specified cases.

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 - Lakeshore Boulevard Bikeway MP 1.53-MP 1.88 and MP 2.05 to 3.27, and MP 3.38 to 3.62, Bid No. 10-03 - Public Works Director Brent Siemer presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 2 - Lakeshore Boulevard Bikeway MP 1.53-MP 1.88 and MP 2.05 to 3.27, and MP 3.38 to 3.62, Bid No. 10-03, North Bay Construction, for a decrease of \$18,813.04, and authorized the Chair to sign.

CITIZEN'S INPUT - Ron Rose spoke regarding the potential of a landfill to produce income for the County.

4. **ITEM A-5 - 9:15 A.M. - Presentation of Proclamation honoring all veterans on Veterans Day 2010** - Chair Farrington read the proclamation into the record and presented it to Veterans Services Officer Jim Brown, who spoke. Many Veterans were present and introduced themselves.

5. **ITEM A11 - Consideration of proposed Findings of Fact - Appeal (AB 10-02) of Veronica Fisher (El Dorado Motel) of the Planning Commission's denial of Administrative Appeal (AA 09-04) to the Notice of Violation issued on September 9, 2009, in conjunction with Case #RC30, for the conversion of a motel to a combination permanent living establishment along with transient occupancy facilities; located at 3955 Lakeshore Boulevard, Lakeport, CA (APN 029-231-78)** - The gavel was passed to Vice Chair Comstock.

County Counsel Anita Grant recommended a few amendments.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSTAIN) approved the Findings of Fact - Appeal (AB 10-02) of Veronica Fisher (El Dorado Motel) of the Planning Commission's denial of Administrative Appeal (AA 09-04) to the Notice of Violation issued on September 9, 2009, in conjunction with Case #RC30, for the conversion of a motel to a combination permanent living establishment along with transient occupancy facilities; located at 3955 Lakeshore Boulevard, Lakeport, CA (APN 029-231-78), as amended, and authorized the Vice Chair to sign.

The gavel was returned to Chair Farrington.

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

6. **ITEM A-12 - Update on emergency action taken October 12, 2010, regarding roofing repairs at the Lucerne Hotel** - Deputy Redevelopment Director Eric Seely presented the staff report.

On motion of Director Rushing and by vote of the Board (5 ayes), determined an emergency exists.

There was Board concurrence to authorize the additional work of roof repair on the flat roof above the atrium, and pressure washing the exterior.

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

7. **ITEM A-6 - Continued from October 26, 2010 - 9:30 A.M. - PUBLIC HEARING - Request for Rezone from "RR" Rural Residential (RZ 07-14) and a General Plan of Development for the subdivision of approximately 105 acres to create 30 residential lots (GPD 07-03); Project Applicant is Plum Flat, LLC; located at 10929 Point Lakeview Road, Kelseyville (APN 009-006-300)** - Community Development Director Rick Coel and Principal Planner Emily Minton were present.

Ms. Minton presented the staff report.

Chair Farrington reopened the public hearing and the following people spoke: Scott Bennett and Anna Ravenwood. No one else was present wishing to speak and the public hearing was closed.

On motion of Supervisor Brown and by vote of the Board (5 ayes), found on the basis of Initial Study IS 06-15 that the rezone and General Plan of Development as applied for by Plum Flat, LLC, and as modified, will not have a significant effect on the environment, and therefore, approved a mitigated negative declaration for the proposed rezone and General Plan of Development with the findings listed in the Board memorandum dated November 4, 2010.

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On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the rezoning from "RR" to "PDR" as set forth on the Exhibit "A" zoning map, applied for by Plum Flat, LLC on property located at 10929 Point Lakeview Road, Kelseyville, for the reasons listed in the Board memorandum dated November 4, 2010.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), approved the General Plan of Development applied for by Plum Flat, LLC, as modified with the findings listed in the Board memorandum dated November 4, 2010.

The Board returned to this item later in the day.

BACK TO #1 - ITEM A-1 - CONSENT AGENDA ITEM C-1 - Consideration of proposed Minutes of the Board of Supervisors meeting held on October 26, 2010 - Chair Farrington asked if anyone was present wishing to speak and Teresa Thurman 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 Minutes of the Board of Supervisors meeting held on October 26, 2010, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 10:51 a.m.

8. **ITEM A-7 - 9:45 A.M. - Consideration of request from Kane Thistle, for waiver of Construction Traffic Road Fee in the amount of \$225, for project located at 4687 Hawaina Way, Kelseyville, CA (APN 043-351-02)** - Public Works Director Brent Siemer announced to the Board that this refund request had been granted and processed by the Public Works Department.

A typo was noted on the agenda, the total amount of the refund is \$609.

On motion of Supervisor Brown and by vote of the Board (5 ayes) waived the Construction Traffic Road Fee, in the amount of \$609, for project located at 4687 Hawaina Way, Kelseyville (APN 043-351-02 - Kane Thistle).

9. **ITEM A-8 - 10:00 A.M. - Consideration of proposed Ordinance establishing goals for hiring local subcontractors** - Deputy County Administrative Officer Jeff Rein presented the staff report.

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

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 November 16, 2010.

10. **ITEM A-9 - 10:15 A.M. - (a) Consideration of request for financial contribution to the PEG Channel and discussion/consideration of various options relative to future County participation in the current PEG Channel; and (b) Consideration of request to amend the current City/County PEG Channel agreement to revise the composition of the PEG Board of Directors** - Clearlake Councilmember Joyce Overton and PEG Channel Volunteer Vince Metzger were present.

County Administrative Officer Kelly Cox presented the staff report.

Chair Farrington asked if anyone was present wishing to speak and the following people spoke: Dante DeAmici, Shaun Swatosh, Hiram Dukes, Tom Slaughter, Marilys Goodmanson and Carter Irwin. No one else was present wishing to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown NO) continued the existing City/County agreement and approved a budget transfer from Contingencies to Budget Unit 1781 - Special Projects, in the amount of \$5000, to provide a financial contribution to the PEG Channel for Fiscal Year 2010-11, and authorized the Chair to sign.

(b) There was Board consensus to support the revision of the composition of the PEG Board, to delete the Mediacom representative and add an additional public member.

The PEG Board will report back to the Board of Supervisors regarding their process prior to May 1, 2011.

11. **ITEM A-13 - Consideration of request for loan from the County Building/Infrastructure fund and proposed Resolution transferring loan funds and appropriating said funds as unanticipated revenue to Budget Unit 8480, Soda Bay County Services Area #20 (in the amount of \$60,000, to meet immediate financial obligations and provide funding for any further backwash pumping and hauling)** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the emergency loan and appropriated funds as unanticipated revenue in Fund 280, Budget Unit 8480, Object Code 23.80.

Supervisor Brown offered Resolution 2010-202, and it was passed by roll call vote (5 ayes).

BACK TO #7 - ITEM A-6 - Continued from October 26, 2010 - 9:30 A.M. - PUBLIC HEARING - Request for Rezone from "RR" Rural Residential (RZ 07-14) and a General Plan of Development for the subdivision of approximately 105 acres to create 30 residential lots (GPD 07-03); Project Applicant is Plum Flat, LLC; located at 10929 Point Lakeview Road, Kelseyville (APN 009-006-300) - On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only. (Clerk so did).

Supervisor Brown offered Ordinance No. 2933, and it was passed by roll call vote (5 ayes).

12. **ITEM A-10 - Supervisors' weekly calendar, travel and reports** - There was Board consensus to cancel the December 28, 2010 Board of Supervisors meeting.

13. **ITEM A-14 - CLOSED SESSION - 1. Public Employee Performance Evaluations: Title: Public Works Director; and 2. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Mishewal Wappo Tribe of Alexander Valley v. Salazar** - Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda.

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The Board reconvened into Regular Session at 1:12 p.m. and took the following action:

In the matter of Mishewal Wappo Tribe of Alexander Valley v. Salazar, on motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Memorandum of Agreement between the County of Lake and the Mishewal Wappo Tribe, which provides that the tribe shall not acquire any Lake County property into trust for a ten-year period following federal recognition and shall comply with the County's General Plan and zoning laws if the tribe takes property into trust thereafter, and authorized the Chair to sign.

In the matter of Mishewal Wappo Tribe of Alexander Valley v. Salazar, on motion of Supervisor Comstock and by vote of the Board (5 ayes), as a result of this settlement, authorized the County to file a dismissal in this case.

There being no further business, the Board adjourned at 1:14 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Mireya Turner
Assistant Clerk of the Board