

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 23, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 23rd day of August, 2011, there being present Supervisors Jeff Smith, Denise Rushing, Anthony Farrington, Rob Brown and Jim Comstock, 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 Comstock. Following a moment of silence, Supervisor 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-11, with the exception of Items C-4, and C-11. These items were not taken up later in the day.

Approved Minutes of the Board of Supervisors meeting held on August 16, 2011.

Adopted Proclamation designating September 21, 2012 as the International Day of Peace, and June 22 - September 21, 2012 as the Summer of Peace in Lake County.

Adopted Proclamation designating the month of September 2011 as Alcohol and Drug Addiction Recovery Month in Lake County.

Consent Agenda Item C-4 - Approve Remittance Agreement between the County of Lake and the Lake County Redevelopment Agency, relative to Assembly Bill X127 Implementation, and authorize the Chair to sign. (This agreement to be approved by the Board sitting concurrently as the Lake County Redevelopment Agency, as described below.) - This item was removed from the Consent Agenda and was not taken up later in the day.

Approved Equitable Sharing Agreement and Certification between the County of Lake and the U.S. Department of Justice, for the sharing of federally seized asset forfeiture monies, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Office of Education - Safe Schools Healthy Students Program, for FY 2011-12, specialty mental health services, and authorized the Chair to sign.

(a) Authorized the purchase of thirteen NX700H Kenwood digital mobile radios (five for installation at the Sheriff's offices, eight for installation in Marine Patrol boats), in the amount of \$7428.24, to Advanced Communications; (b) Authorized the purchase of seventy NX200K Kenwood digital portable radios, in the amount of \$36,743.70, to Advanced Communications, per Sheriff's memorandum dated August 10, 2011.

Approved submission of an Anti-Drug Abuse (Cal-EMA) Grant Application, in the amount of \$124,194 (to be shared with the District Attorney), to combat drug manufacturing and sales.

Approved Agreement between the County of Lake and Redwood Children's Services Inc., for FY 2011-2014 emergency shelter care and services, and authorized the Chair to sign.

Approved claims for excess proceeds from Tax Sale #149A (Group 1 Final), per Section 4675 of the Revenue and Taxation Code as recommended in the Memorandum dated August 9, 2011, from Treasurer-Tax Collector Sandra Kacharos.

Consent Agenda Item C-11 - Approve Remittance Agreement between the Lake County Redevelopment Agency and the County of Lake, relative to Assembly Bill X127 Implementation, and authorize the Chair to sign. (This agreement to be approved by the Board sitting concurrently as the Lake County Redevelopment Agency, as described above.) - This item was removed from the Consent Agenda and was not taken up later in the day, due to recent action by the California Supreme Court that temporarily prohibits redevelopment agencies from entering into new contracts.

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 - Robert Fairweather spoke regarding dreissenid mussels.

3. **ITEM A-15 - Consideration of appointments to the following: Lake County/City Areawide Planning Council (Alternate position)** - On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Ron Bertsch to the Lake County/City Areawide Planning Council (Alternate position), for a term to expire January 1, 2013.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating September 21, 2012 as the International Day of Peace, and June 22 - September 21, 2012 as Summer of Peace in Lake County** - Supervisor Farrington read the Proclamation into the record and presented it to Taira St. John, who spoke.

5. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of an appeal of the Planning Commission's partial denial of a modified version of the following project: GPAP 11-01, RZ 11-01 and MMU 10-06 proposing a general plan amendment of 0.8 acres from Service Commercial to Community Commercial and 4.2 acres from Agriculture to Service Commercial; a rezone from "C3" Service Commercial to "CH" Highway Commercial and "A" Agriculture to "C3" Service Commercial; and a Minor Modification to existing permits (Res. 69-83, UP 88-42 and MUP 09-23) to allow a convenience store and construction of a 30,000 gallon propane tank; appellant is Westgate Petroleum; project located at 3740 Highland Springs Road, Lakeport (APN 008-002-31)** - Community Development Director Rick Coel, Associate Planner Brian Horn, Agricultural Commissioner Steve Hajik, Ron Bartolucci, Craig Shannon, Rick Gunier, Claude Brown, Joan Moss and Melissa Fulton were sworn in by the Clerk.

Mr. Horn presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Ron Bartolucci and Craig Shannon.

This item was continued to later in the day.

6. **ITEM A-7 - Carried over from August 16, 2011 - 10:00 A.M. - PUBLIC HEARING - Discussion/consideration of the formation of an Energy and Water Efficiency Assessment District and Adoption of the California Property Assessed Clean Energy (California PACE) Program** - Chief Deputy County Administrative Officer Matt Perry presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Joe Flores and Jim Steele. No one else was present wishing to speak and the public hearing was closed.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 23, 2011

Supervisor Rushing offered Resolution No. 2011-126, and it was passed by roll call vote (5 ayes).

7. **ITEM A-8 - 10:25 A.M. - Presentation of Proclamation designating the month of September 2011 as Alcohol and Drug Addiction Recovery Month in Lake County** - Chair Comstock read the Proclamation into the record and presented it to Mental Health Director Kristy Kelly and Substance Abuse Programs Counselor Jim Gessner, who spoke.

BACK TO #4 - ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of an appeal of the Planning Commission's partial denial of a modified version of the following project: GPAP 11-01, RZ 11-01 and MMU 10-06 proposing a general plan amendment of 0.8 acres from Service Commercial to Community Commercial and 4.2 acres from Agriculture to Service Commercial; a rezone from "C3" Service Commercial to "CH" Highway Commercial and "A" Agriculture to "C3" Service Commercial; and a Minor Modification to existing permits (Res. 69-83, UP 88-42 and MUP 09-23) to allow a conveniene store and construction of a 30,000 gallon propane tank; appellant is Westgate Petroleum; project located at 3740 Highland Springs Road, Lakeport (APN 008-002-31) - Chair Comstock re-opened the public hearing and the following people spoke: Agricultural Commissioner Steve Hajik, Rick Gunier, Claude Brown, Joan Moss and Melissa Fulton. No one else was present wishing to speak and the public hearing was closed.

This item was continued four weeks, to September 20, 2011, at 10:00 a.m.

8. **ITEM A-12 - 11:10 A.M. - HEARING - Consideration of the recommendation of the Agricultural Grievance Committee regarding the enforcement of the Agricultural Abatement Ordinance; location 9275 North State Highway 29, Upper Lake (APN 003-034-07 - Carpenter Orchard Inc.)** - This item was carried over two weeks, to September 6, 2011, at 9:15 a.m.

9. **ITEM A-9 - 10:30 A.M. - HEARING - Nuisance Abatement of 3210 Lee Street, Nice, CA (APN 030-194-17 - Kathleen Miller)** - Community Development Director Rick Coel and Code Enforcement Officer Roderic Hilliard were sworn in by the Clerk.

Neither the owner, nor representation was present.

Supervisor Brown was absent at 12:00 p.m. and present at 12:04 p.m.

This item was continued to later in the day.

10. **ITEM A-17 - Update and consideration of staff recommendation relative to the Redwood Empire Food Bank's request for financial support (Continued from July 12, 2011)** - Social Services Director Carol Huchingson presented the staff report, proposing a budget transfer in the amount of \$5,000, plus the use of \$2609 in FEMA funds, to aid in the support of the Redwood Empire Food Bank's operations into October 2011.

Chair Comstock 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 Rushing and by vote of the Board (5 ayes), approved, in concept, the proposal as presented by the Social Services Director.

- BACK TO #8 - ITEM A-9 - 10:30 A.M. - HEARING - Nuisance Abatement of 3210 Lee Street, Nice, CA (APN 030-194-17 - Kathleen Miller)** - Mr. Hilliard presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 3210 Lee Street, Nice, CA (APN 030-194-17 - Kathleen Miller), by September 2, 2011, and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

11. **ITEM A-10 - 10:40 A.M. - Discussion/consideration of proposed Ordinance rescinding Ordinance 2834 which established a Public Defender Legal Fee Reimbursement Program, Registration Fee and Reimbursement Fee Schedule** - Treasurer-Tax Collector Sandra Shaul gave a brief summary.

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).

On motion of Supervisor Brown and by vote of the Board (5 ayes), advanced the ordinance two weeks, to September 6, 2011.

12. **ITEM A-11 10:50 A.M. - CLOSED SESSION - Meeting with Lake County Grand Jury pursuant to Government Code Section 54953.1** - Chair Comstock announced the Board would now go into Closed Session for the reason stated on the agenda.

No action was taken on this item.

The Board remained in Closed Session for the next item.

13. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Public Employee Performance Evaluations: Titles: Special Districts Administrator; and Continued from August 16, 2011: Air Pollution Control Officer and Animal Control Director 3. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): Alvarez et al v. Lake County Board of Supervisors et al.** - The Board reconvened into Regular Session with no action taken at 12:45 p.m.

After a lunch recess, the Board reconvened into Regular Session at 1:50 p.m.

14. **ITEM A-13 - 1:30 P.M. - PUBLIC HEARING - Discussion/consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake adding Article 72A: Regulations for the Cultivation of Medical Marijuana (AM 11-03)** - Community Development Director Rick Coel presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Don Merrill, Daniel Chadwick, Richard Durham, Art Grothe, Alan Blunen, Michael Lavalley, Riverson, Robert Sterling, Daniel McClain, Sean Carr, Ron Green, Mac McCullough and Craig Shannon.

After a brief recess, the Board reconvened into Regular Session at 3:40 p.m. and the following people spoke: Valarie Adase, Patricia Voulgaris, Mike McDaniel, Donna Webb, Josh Dill, Joe Wetz, Bobby Dutcher, Joan Moss, Joe Fernandez, David Armstrong, Sheriff Francisco Rivero and John Brosnan. No one else was present wishing to speak and the public hearing was closed.

This item was continued four weeks, to September 20, 2011, at 1:30 p.m.

BACK TO #7 - ITEM A-12 - 11:10 A.M. - HEARING - Consideration of the recommendation of the Agricultural Grievance Committee regarding the enforcement of the Agricultural Abatement Ordinance; location 9275 North State Highway 29, Upper Lake (APN 003-034-07 - Carpenter Orchard Inc.) - Chair Comstock announced this item would be continued two weeks, to September 6, 2011, at 9:45 a.m.

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

15. **ADDENDUM AD-1 - Consideration of proposed Enforceable Obligations Payment Schedule, pursuant to AB 1x 26** - Deputy County Administrative Officer Jeff Rein presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Enforceable Obligations Payment Schedule, pursuant to AB 1x 26, and directed copies be sent to the County Auditor-Controller, the State Controller, and the Department of Finance and posted on the County website.

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

16. **ITEM A-16 - (a) Consideration of proposed Contract with R.E. West Construction for construction of Middletown Library and Senior Center facility per Bid No. 11-02; and (b) Consideration of proposed Contract Change Order(s) for the Middletown Library and Senior Center project** - Deputy County Administrative Officer Jeff Rein and Deputy Redevelopment Director Eric Seely presented the staff report.

The gavel was passed to Vice Chair Smith.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Contract with R.E. West Construction for construction of Middletown Library and Senior Center facility per Bid No. 11-02, in the amount of \$3,680,304, and authorized the Chair to sign.

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Change Order No. 1 for the Middletown Library and Senior Center project, R.E. West, for a decrease of \$280,236, and authorized the Chair to sign.

BACK TO #11 - ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Public Employee Performance Evaluations: Titles: Special Districts Administrator; and Continued from August 16, 2011: Air Pollution Control Officer and Animal Control Director 3. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): Alvarez et al v. Lake County Board of Supervisors et al. - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda. He further announced the Public Employee Performance Evaluations would be carried over two weeks, to September 6, 2011.

The Board reconvened into Regular Session with no action taken.

There being no further business, the Board of Supervisors adjourned at 6:00 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

By: _____
Mireya G. Turner
Assistant Clerk of the Board