

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 8, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th day of February, 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 the moment of silence, Assistant Clerk of the Board Mireya Turner 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-7, with the exception of C-3, which was pulled from the agenda at staff request.

Approved Minutes of the Board of Supervisors meeting held on February 1, 2011.

Adopted Proclamation commending Tim Prather for his many years of service to the County of Lake.

Adopted Resolution No. 2011-15, approving the Standard Agreement (SA) between the County of Lake and the State of California Department of Public Health for the AIDS Drug Assistance Program (ADAP), for Fiscal Year 2010-2011, and authorizing the Director of Health Services to sign.

Approved waiver of 900-hour limit for extra-help Courthouse Janitorial employee Maria Perez, as per the staff memorandum, dated January 21, 2011.

Adopted Resolution No. 2011-16, authorizing the Public Services Department to submit an application to California Department of Resources and Recycling and Recovery (CalRecycle) for a local government waste tire cleanup and amnesty event grant for Fiscal Year 2010/2011.

Approved the annual delegation of investment authority to Treasurer-Tax Collector Sandra Shaul, pursuant to Government Code 53607.

Consent Agenda Item C-3 - Approve Plans and Specifications for Middletown Senior Center and Library Project, and authorize the Purchasing Agent to advertise for bids - At the request of Administrative staff, this item was removed from today's agenda.

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

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

Change Order No. 2 - County-wide Stop Sign and Street Name Sign Replacement Project in Lake County, CA - This change order addresses the additional working days needed due to ordering and delivery of upgraded street name sign materials and support materials addressed in Change Order No. 1 (approved by the Board on December 1, 2009).

Interim Public Works Director Gerry Shaul and Assistant Public Works Director Lars Ewing were present.

Mr. Shaul gave the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order No. 2 - County-wide Stop Sign and Street Name Sign Replacement Project in Lake County, CA, for a 77-day extension of the contract, with no additional cost, McGuire-Pacific Constructors, and authorized the Chair to sign.

CITIZEN'S INPUT - Mr. James Robello spoke regarding local home prices.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of request for Rezone from "A" Agriculture to "SR-B3" Suburban Reserve - 3 acre minimum parcel size (RZ 10-05) and the adoption of a Negative Declaration for said Rezone (IS 10-22); Project applicant is Shirley Brooks; located at 3575 Hill Road, Lakeport, CA (APN 005-017-76)** - Community Development Director Rick Coel and Associate Planner Alan Flora were present.

Mr. Flora presented the staff report.

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

On motion of Supervisor Farrington and by vote of the Board (5 ayes), found on the basis of Initial Study 10-22, that the rezone will not have a significant effect on the environment and therefore adopted a negative declaration for the proposed rezoning with the findings listed in the staff memorandum dated January 25, 2011.

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

Supervisor Farrington offered Ordinance No. 2937, and it was passed by roll call vote (5 ayes).

5. **ITEM A-6 - 9:30 A.M. - Presentation of Proclamation commending Tim Prather for his years of service to the County of Lake** - Supervisor Brown read the Proclamation into the record and presented it to Tim Prather, who spoke.

Many County staffers were present.

After a brief recess, the Board reconvened into Regular Session at 9:41 a.m.

6. **ITEM A-7 - 9:40 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$2769.47 - 5360 Scotts Valley Road, Lakeport, CA (APN 030-045-63 - Rudolph Ortega)** - Community Development Director Rick Coel and Associate Resource Planner Ron Yoder were sworn in by the Clerk.

Mr. Yoder presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), confirmed the assessment of \$2,769.47, for nuisance abatement on property located at 5360 Scotts Valley Road, Lakeport, CA (APN 030-045-63 - Rudolph Ortega), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-10.

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7. **ITEM A-8 - Continued from January 25, 2011 - 9:50 A.M. - Update regarding proposed construction of a new public road connecting Wildcat Road and State Route 175; and consideration of staff recommendation to conduct a biological study (estimated cost of \$10,000, to be drawn from Budget Unit 3011 - Roads) - Interim Public Works Director Gerry Shaul and Assistant Public Works Director Lars Ewing were present.**

Mr. Ewing presented the staff report.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Jerry Stuefloten, Joan Moss, Bobby Dutcher and Francis Schutz. 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 proceed with Option 2; the repair of the existing timber bridge abutments.

8. **ITEM A-9 - 10:15 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Ordinance amending Chapter 4 of the Lake County Code establishing fees for dog and cat licensing, redemptions and other services provided by Lake County Animal Care and Control (Reflecting an increase in cat licensing and special cremation fees) - Acting Animal Control Director Bill Davidson presented the staff report.**

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

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).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to February 15, 2011.

9. **ITEM A-10 - 10:30 A.M. - PUBLIC HEARING - Discussion/consideration of proposed Ordinance adding Subsection 14.8 to Section 4-14 of Chapter 4 of the Lake County Code providing for modifications/removal of existing vicious animal orders (Enabling the owner/possessor of a vicious animal to petition for a hearing before the Board of Supervisors in order to request a modification or removal of their existing Vicious Animal Order after three (3) years) - Acting Animal Control Director Bill Davidson presented the staff report.**

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

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).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), advanced the ordinance one week, to February 15, 2011.

10. **ITEM A-15 - Discussion/consideration of request to hire a veterinary consultant to perform study on most efficient way to create a departmental medical program - Acting Animal Control Director Bill Davidson presented the staff report.**

Chair Comstock asked if anyone was present wishing to speak and Robert Stark 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 hiring of a veterinary consultant to perform a study on the most efficient way to create a departmental medical program.

11. **ITEM A-11 - 10:45 A.M. - Review of existing perimeter security procedures for the Courthouse with consideration of the option of moving the screening station to the fourth floor - Sheriff Rivero gave a summary to the Board.**

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: District Attorney Don Anderson and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

The Board voiced support, by consensus, to the exploration of options for moving the building security station to the 4th floor of the Courthouse.

The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization.

12. **ITEM A-12 - 11:30 A.M. - Assessment Appeal Hearings:**

(a) Melvin and Lynn Goos - Application No. 78-2010 - 4425 Emilee Court, Lakeport, CA (APN 026-342-090-000) - This appeal has been withdrawn by the appellant and will not be heard today.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

After a brief recess, the Board reconvened into Regular Session at 11:46 a.m.

13. **ITEM A-13 - 11:35 A.M. - Reconsideration of January 4, 2011 appointment to the Lower Lake Cemetery Board of Trustees - Chair Comstock asked if anyone was present wishing to speak and Frank Jeffries spoke.**

No Board action was taken on this item.

The Board of Supervisors convened as the Lake County Air Quality Management District Board of Directors, to sit concurrently.

14. **ITEM A-14 - Consideration of proposed letter to the Northern Sonoma County Air Pollution Control District in support of the Calpine Buckeye and Wild Horse Power Plant Project - Air Pollution Control Officer Doug Gearhart was present.**

Amendments were made to the letter, as recommended by Mr. Gearhart.

Chair Comstock asked if anyone was present wishing to speak and Robert Stark spoke. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor and Director Brown and by vote of the Board (5 ayes), approved the letter to the Northern Sonoma County Air Pollution Control District in support of the Calpine Buckeye and Wild Horse Power Plant Project, as amended, and authorized the Chair to sign.

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15. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, R. Lambert, M. Perry and J. Hammond; and (b) Employee Organization: DSA 2. Conference with Legal Counsel - Existing litigation pursuant to Government Code Section 54956.9, subdivision (a): (1) Sidetracked Associates, Inc. - dba Featherbed Railroad v. LACOSAN; and (2) County of Lake v. Bouchey 3. Public Employee Performance Evaluation: Title: Agricultural Commissioner** - Chair Comstock announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board returned into Regular Session with no action taken at 12:45 p.m.

There being no further business, the Board adjourned at 12:45 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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