

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 14, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 14th day of August, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Anthony Farrington and Rob Brown, Interim County Administrative Officer Matt Perry, 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 Brown. A moment of silence was dedicated to the memory of Patsy Thorburn. Following the moment of silence, Supervisor Smith led the salute to the flag of the United States of America.

1. **ITEM A-2 - 9:05 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-15.

Approved Minutes of the Board of Supervisors meeting held on August 7, 2012.

Adopted Proclamations commending Chris Rivera, Hart Gall and Mike Curran for their service to Lake County; (b) designating August as Child Support Awareness Month; and (c) designating August as Breastfeeding Awareness Month.

Approved Agreement between the County of Lake and First 5 Lake Commission for FY 2012-13 Mother-Wise Program (Post Partum Depression Initiative), for a maximum amount of \$42,500, and authorized the Chair to sign.

Adopted Resolution No. 2012-95, amending Resolution 2012-71 establishing position allocations for Fiscal Year 2012-2013, Budget Unit No. 4014, Mental Health

Adopted Resolution No. 2012-96, of Intention to establish proposed Zone R (Cheppewa South) of County Service Area No. 23, approve a County contribution of \$297,000 to the Zone, approve the engineer's report, approve the form of ballot and balloting process for the assessment, and setting a public hearing for protests and balloting determination on **October 9, 2012, at 9:15 a.m.**

Approved Plans and Specifications for Nice-Luceme Cutoff Rehabilitation on Nice-Lucerne Cutoff from Highway 29 to 0.27 miles East of Rodman Slough Bridge in Lake County, Bid No. 12-15; and authorized the Public Works Director/Assistant Purchasing Agent to advertise for bids.

Approved Second Amendment to Agreement between the County of Lake and Kleinfelder West, Inc., for geotechnical services for soldier pile retaining wall at Socrates Mine Road at PM 1.84 (PW 3038) (Bid No. 11-10), for an increase of \$2,000 (total contract amount of \$17,750), and authorized the Chair to sign.

Approved submission of a grant application to the U.S. Department of Homeland Security, in the amount of \$99,230 for distribution according to the recommendations of the Anti-Terrorism Board, as listed in the staff memorandum dated August 1, 2012.

Approved Leave of Absence request for Food Services Supervisor Michelle Paterson, to expire September 1, 2012, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Regents of the University of California, Davis, for FY 2012-13 training services, in the amount of \$62,700 (funded by Federal and State funds and the University's in-kind contribution), and authorized the Chair to sign.

Approved Lease Agreement between the County of Lake and Ronn and Montie Westhart for warehouse and workshop space, located at 15890 Kugelmann Street, Warehouse #1, Lower Lake, CA, extending the term an additional three years, at an annual amount of \$12,640, and authorized the Chair to sign.

Approved Plans and Specifications for the Water Treatment System Improvement SRF Project, for County Service Area 2 - Spring Valley, and authorized the Special Districts Administrator/Assistant Purchasing Agent to advertise for bids.

Authorized distribution of excess proceeds from Tax Defaulted Land Sale #150 (Group 1 final) in the amount of \$7,273.78, in accordance with staff memorandum dated July 20, 2012.

Authorized distribution of excess proceeds from Tax Defaulted Land Sale #150A (Group 1 final) in the amount of \$555.33, in accordance with staff memorandum dated July 23, 2012.

Sitting as the Lake County Sanitation District Board of Directors, (a) approved Easement Deed and directed Clerk to certify for recordation (APN 039-333-23 - Matthew McKean and Fantasy Cook-McKean), and approved Right of Way Agreement between the County of Lake and Matthew Cook-McKean and Fantasy Cook-McKean for the construction of the wastewater force main sanitary sewer line, and authorized the Chair to sign the agreement.

2. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #1 - Consideration of proposed modifications to the weed and algae abatement agreements - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved taking up this item.

This item was taken up for the following reason: it came to staff's attention after the posting of the agenda that the weed abatement contract funding had been exceeded. This past week, staff has seen explosive weed growth and requests the Board consider this issue before the next meeting.

This item will be taken up later in the day.

PUBLIC INPUT - Robert Clifton spoke regarding the Lucerne Senior Center and Area Agency on Aging funding.

Glori Anderson spoke regarding an attack on her dog kids by a neighbor's dogs.

Bonnie Goodwin spoke regarding the economic condition of Lake County.

Cal Fire Liaison Officer Scott Lindgren and Incident Commander Eric Hoffman provided an update on the Wye and Walker fire activities.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 14, 2012

3. **ITEM A-5 - 9:10 A.M. - (a) Presentation of Proclamations commending Chris Rivera, Hart Gall and Mike Curran for their service to Lake County; (b) Presentation of Proclamation designating August as Child Support Awareness Month; and (c) Presentation of Proclamation designating August as Breastfeeding Awareness Month** - (a) Supervisor Brown read the Proclamations into the record and presented them to Chris Rivera, Hart Gall and Mike Curran, who spoke.

(b) Supervisor Rushing read the Proclamation into the record and presented it to Child Support Services Director Gail Woodworth, who spoke.

(c) Supervisor Brown read the Proclamation into the record and presented it to Angela Salazar, who spoke.

- BACK TO #1 - CONSENT AGENDA ITEM C-8 - Approved submission of a grant application to the U.S. Department of Homeland Security, in the amount of \$99,230 for distribution according to the recommendations of the Anti-Terrorism Board, as listed in the staff memorandum dated August 1, 2012** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved taking up the Consent Agenda.

Captain Chris Macedo addressed questions from Chair Brown.

This item had already been approved.

4. **ITEM A-13 - (a) Consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of request to authorize Sheriff/Coroner/Asst. Purchasing Agent to issue a purchase order to Autowest for one replacement vehicle for the Narcotics Task Force** - Captain Chris Macedo presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the formal bidding process and made a determination that competitive bidding would produce no economic benefit to the County.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), requested the vehicle be placed on the list of the intended purchases prior to the approval of the budget.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized Sheriff/Coroner/Asst. Purchasing Agent to issue a purchase order to Autowest, in the amount of \$23,972.69, for one replacement vehicle for the Narcotics Task Force.

5. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of appeal (AB 12-02) of the Planning Commission's decision to approve a mitigated negative declaration and minor use permit to allow a small winery (MUP 11-03, IS 11-09) in an existing metal building for property located at 8200 South Highway 29, Kelseyville, CA; APN 009-006-75; appellant is Old Muddy II, LLC; project applicant is Red Lava Vineyard and Winery, LLC** - Community Development Director Rick Coel, Assistant Resource Planner Peggy Barthel, Brian Carter, Dave Lanferman, Ted Jorgenson, Joan Moss and Ira Lawson were sworn in by the Clerk.

Mr. Coel and Ms. Barthel presented the staff report.

Mr. Carter and Mr. Lanferman gave testimony.

Chair Brown opened the public hearing and the following people spoke: Ted Jorgenson, Joan Moss and Ira Lawson spoke. No one else was present wishing to speak and the public hearing was closed.

This item was continued two weeks, to August 28, 2012, at 11:15 a.m.

After a brief recess, the Board reconvened into Regular Session at 11:15 a.m.

6. **ITEM A-7 - 10:15 A.M. - PUBLIC HEARING - Consideration of Planning Commission's recommendation to deny application GPAP 12-01 and RZ 12-01 proposing a general plan amendment from Low Density Residential to Suburban Residential Reserve and a rezone from "R1-B3" Single-Family Residential - 20,000 square foot minimum parcel size to "SR" Suburban Reserve for property located at 8255 Point Drive, Kelseyville, CA; APN 044-331-24; applicant is Dennis De La Montanya** - Community Development Director Rick Coel, Senior Planner Emily Minton, John Parker, Claudia Street, Arnold Carpenter, Dean Eichelmann, Jim Bengard, Taja Odom, Joan Moss, John Lotte, Bob Braitto, Marie Hughes, Jim Robello, Tony Braitto, Larry Rodgers, Russell Linnett, Tiffany Faye, Anna Marie and Dennis De La Montanya were sworn in by the Clerk.

Ms. Minton presented the staff report.

Chair Brown opened the public hearing and the following people spoke: John Parker, Claudia Street, Arnold Carpenter, Dean Eichelmann, Jim Bengard, Taja Odom, Joan Moss, John Lotte, Bob Braitto, Marie Hughes, Jim Robello, Tony Braitto, Larry Rodgers, Russell Linnett, Tiffany Faye, Anna Marie and Dennis De La Montanya. No one else was present wishing to speak and the public hearing was closed.

This item was continued two weeks, to August 28, 2012, at 1:30 p.m.

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

7. **ITEM A-8 - 11:00 A.M. - Consideration of proposed letter to the California Public Utilities Commission and state representatives, in opposition to the rate increase proposed by the California Water Service Company for Lucerne service area** - Supervisor Rushing introduced the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Charles Moton, John Parker, Grace Galt, Barbara Johnson, Kurt McKelby, Glen Kettle, Becky Ornelas, John Zebelean, Ruth Valenzuela, Jeff Tyrell, John Nelson, Charles Behne, Gerry Morehouse, Damell Walton, Craig Buck, Tom Smago, Trish Vandenburg and Bill Kline. 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 the letter to the California Public Utilities Commission and state representatives, in opposition to the rate increase proposed by the California Water Service Company for Lucerne service area, and authorized all Supervisors to sign.

8. **ITEM A-9 - 11:15 A.M. - (a) Presentation of annual Fish and Wildlife Advisory Board Report; and (b) Consideration of proposed amendments to Bylaws** - (a) Fish and Wildlife Advisory Committee Chair Greg Giusti presented the report.

By consensus, the Board approved the allocation of \$1,400 from the Fish and Wildlife Advisory Committee fund to purchase seven new quagga mussel display cases for the Department of Water Resources.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD AUGUST 14, 2012

(b) Supervisor Comstock offered Resolution No. 2012-98, and it was passed by roll call vote (5 ayes).

9. **ITEM A-10 - 11:30 A.M. - (a) Update on County permitting process enhancements and fee waivers to facilitate economic investment; and (b) Consideration of request to change the valuation basis used to determine building permits and construction traffic road impact fees** - (a) Interim County Administrative Officer Matt Perry presented the staff report.

(b) Chair Brown asked if anyone was present wishing to speak and Paul Racine spoke.

On motion of Supervisor Smith and by vote of the Board (5 ayes), denied the appeal of construction road impact fee.

10. **ITEM A-15 - Consideration of appointment of staff and officials to identify alternatives for the establishment of a Sheriff's substation in Clearlake Oaks and to serve as a negotiating team on behalf of the County** - Undersheriff Pat Turturici and Captain Chris Macedo were present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), temporarily appointed Supervisor Smith to the Space Committee, to cover Supervisor Brown's absence, and directed the committee to identify alternatives for the establishment of a Sheriff's substation in Clearlake Oaks.

11. **ITEM A-11 - 11:40 A.M. - Consideration of the Group Insurance Committee recommendations for the EIA Health plans for the 2013 benefit year** - Human Resources Director Kathy Ferguson presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Group Insurance Committee recommendations for the EIA Health plans for the 2013 benefit year.

12. **Consideration of proposed Funding Agreement between the County of Lake and the California Department of Public Health for CSA #2 Spring Valley Water System Improvements** - Special Districts Fiscal Officer Jan Coppinger presented the staff report.

Supervisor Rushing offered Resolution No. 2012-99, and it was passed by roll call vote (5 ayes).

- BACK TO #2 - ITEM A-3 - Extra #1 - Consideration of proposed modifications to the weed and algae abatement agreements** - Water Resources Director Scott De Leon presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved modifications to the weed and algae abatement agreements as recommended.

13. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, J. Hammond and A. Flora; and (b) Employee Organization: DDAA 2. Public Employee Performance Evaluation: Title: Air Pollution Control Officer 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9(a): Merrill et al. v. Lake County Board of Supervisors** - Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 5:05 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 5:05 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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