

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 27, 2012**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 27<sup>th</sup> day of March, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing and Rob Brown, Administrative Officer Kelly Cox, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner. Supervisor Farrington was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Brown. A moment of silence was dedicated to the memory of Walter Urmann. Following the moment of silence, Valerie Sullivan 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 (4 ayes, Supervisor Farrington ABSENT), approved Consent Agenda items C-1 through C-9, with the exception of Consent Agenda Item C-9, which will be taken up directly following the approval of the Consent Agenda.

**Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meetings held on March 20, 2012** - At Supervisor Comstock's request, this item was removed from the Consent Agenda for discussion.

Adopted Resolution No. 2012-28, authorizing Grant Project - Lake County DUI Intensive Response Team.

Approved request to waive 900 hour limit for extra help Client Services Assistant I Terry Washington.

(a) Adopted Resolution No. 2012-29, authorizing the Chair of the Board of Supervisors to sign a Notice of Completion for work performed under Agreement dated September 13, 2011 (Construction of Landfill Gas Migration System at Eastlake Sanitary Landfill, Bid No. 11-08); and (b) Approved Budget Transfer B-150 from Professional Services, in the amount of \$12,150, for the purchase of a Gem 2000 portable gas analyzer for monitoring methane gas at the Eastlake Landfill, and authorized the Chair to sign.

Approved Cooperative Law Enforcement Annual Patrol Operations Plans and Financial Plans between the County of Lake, the U.S Department of Agriculture (USDA), the U.S. Forest Service for FY 2012/13 suppression of the manufacturing and trafficking of controlled substances and for patrolling the Pillsbury area, for a total amount of \$55,000, and authorized the Chair and Sheriff to sign.

Approved Second Amendment to the Agreement between the County of Lake and Lake One-Stop (LOS) (deferring repayment of loan from the County to September 1, 2012), and authorized the Chair to sign.

Approved Encroachment Permit for NorCal Boat and Ski Club for boat and ski races on Clear Lake during 2012, and authorized the Chair to sign.

Waived Travel Policy requirements and approve retroactive out of state travel for Jim Steele for his trip to Lake Mead, Nevada from September 30 - October 2, 2011, per Water Resources Director's memorandum, dated March 14, 2012.

Sitting as the Board of Directors of the Lake County Sanitation District, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-461-32 - Beulah Tripp), and approved Right of Way Agreement between the County of Lake and Beulah Tripp for the construction of the wastewater force main sanitary sewer line; and (b) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-481-51 - James Moore), and approved Right of Way Agreement between the County of Lake and James Moore for the construction of the wastewater force main sanitary sewer line, and authorized the Chair to sign both agreements.

**Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on March 20, 2012** - An amendment was made to the proposed Minutes.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Minutes of the Board of Supervisors meeting held on March 20, 2012.

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-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**Extra #1 - (a) Discussion/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 the Public Works Director/Asst. Purchasing Agent to issue a purchase order to UST Services Group, Inc., for the purchase and delivery of 5000 lbs of floating boom, in the amount of \$33,834.01** - On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved taking up this item as an extra, during Closed Session.

This item was taken up for the following reason: After the posting of the agenda, staff received approval of a grant to purchase the boom material. Staff is concerned the material may not be available for purchase by the next Board meeting.

Public Works Director Scott De Leon presented the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), waived the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County.

(b) On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), authorized the Public Works Director/Asst. Purchasing Agent to issue a purchase order to UST Services Group, Inc., for the purchase and delivery of 5000 lbs of floating boom, in an amount not to exceed \$34,000.

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

**Change Order #3 - Courthouse Elevator Renovation** - This change order addresses the addition of a 6-key switch to allow for restriction of access to certain floors when necessary.

Public Services Director Caroline Chavez presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Change Order #3 - Courthouse Elevator Renovation, in the amount of 3,875, Dream Ride Elevator, Inc., and authorized the Chair to sign.

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5. **ITEM A-11 - Consideration of proposed Agreement between the County of Lake and Deep Green Building and Remodeling for the construction of a deck addition with ADA access and roof cover at 14954 Burns Valley Road, Clearlake** - Mental Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved Budget Transfer BT-164, from Budget Unit 4014 Construction in Process, in the amount of \$29,350, for the remodeling and construction of a deck addition with ADA access and roof cover at 14954 Burns Valley Road, Clearlake, and authorized the Chair to sign.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the Agreement between the County of Lake and Deep Green Building and Remodeling for the construction of a deck addition with ADA access and roof cover at 14954 Burns Valley Road, Clearlake, in the amount of \$29,350, and authorized the Chair to sign.

6. **ITEM A-10 - Consideration of proposed County policy governing the acceptance of donations** - Deputy Administrative Officer Jeff Rein presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved the County policy governing the acceptance of donations.

7. **ITEM A-12 - Consideration of proposed Lease Agreement between the County of Lake and Gary Weiser and Shelley Weiser, for office space at 4477 Moss Avenue, Unit B, Clearlake, CA** - Interim Chief Probation Officer Steve Buchholz and Assistant Chief Probation Officer Rob Howe were present.

Mr. Buchholz presented the staff report.

Chair Brown asked if anyone was present wishing to speak and Joey Luiz 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 (4 ayes, Supervisor Farrington ABSENT), approved the Lease Agreement between the County of Lake and Gary Weiser and Shelley Weiser, for office space at 4477 Moss Avenue, Unit B, Clearlake, CA, and authorized the Chair to sign.

8. **ITEM A-5 - 9:45 A.M. - Consideration of proposed BMX park at the State Street County Park, Kelseyville** - Public Services Director Caroline Chavez, Jeremy Holt and Valerie Sullivan were present.

Mr. Holt made the presentation to the Board.

Chair Brown asked if anyone was present wishing to speak and Joey Luiz spoke. No one else was present wishing to speak and the public input portion of this item was closed.

The gavel was passed to Vice Chair Smith.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), approved, in concept, the BMX park at the State Street County Park, Kelseyville, and directed staff to work with the Kelseyville BMX Park Project Group.

The gavel was returned to Chair Brown.

After a brief recess, the Board reconvened into Regular Session at 10:29 a.m.

9. **ITEM A-6 - 10:00 A.M. - Appeal of a Nuisance Animal Abatement Order located at 1659 Todd Road A, Lakeport, CA (Michael Donaghue - Arriba)** - Animal Control Director Bill Davidson, Animal Control Officer Ben Cheek and Michael Donaghue were sworn in by the Clerk.

Mr. Cheek presented the staff report.

Mr. Donaghue gave testimony.

An amendment was made to the Abatement Order, to allow a zipline to be installed and used in place of the kennel during the first 60 days.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), sustained the Nuisance Abatement Order located at 1659 Todd Road A, Lakeport, CA (Michael Donaghue), as amended, and with the stipulation that all requirements must be met, to the satisfaction of Animal Control, within 10 days. Additionally, if the canine is encountered by Animal Control again while stray, it will result in an immediate and complete surrender of the canine by the owner.

10. **ITEM A-13 - CLOSED SESSION - 1.Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, L. Guintivano, M. Perry and J. Hammond; and (b) Employee Organization: DSA, LCCOA and DDAA** - Chair Brown announced there would be no need to convene into Closed Session today.

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

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

The gavel was passed to Lake County Local Board of Equalization Vice Chair Rushing.

11. **ITEM A-7 - 1:30 P.M. Assessment Appeal Hearing:**

**Pete McDounough - Application No. 34-2010 - 13148 Keys Boulevard, Clearlake Oaks, CA (APN 035-861-200-000)** - The appellant requested withdrawal of the appeal.

No Board action was taken on Application No. 34-2010.

**Stephen Pollaine - Application No. 195-2010 - 13560 Casale Drive, Loch Lomond, CA (APN 011-054-020-000)** - Neither the appellant, nor representation was present.

Member Rushing verified notification to the appellant.

On motion of Member Brown and by vote of the Board (4 ayes, Supervisor Farrington ABSENT), denied the appeal, without prejudice.

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**Richard Marchini - Application No. 237-2010 - 13405 Lakeshore Drive, Clearlake Park, CA (APN 037-342-520-000)** -At the request of the appellant's agent, this appeal has been continued to April 24, 2012, at 1:30 p.m.

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

The gavel was returned to Chair Brown.

After a brief recess, the Board reconvened into Regular Session at 2:00 p.m.

12. **ITEM A-8 - 2:00 P.M. - JOINT PUBLIC HEARING - Consideration of proposed Negative Declaration based on Initial Study (IS 11-32) for the adoption of and update to the Housing Element of the Lake County General Plan (GPAP 11-03)** - Planning Commissioners Bill Vander Boon, Bob Malley, Cliff Swetnam and Gil Schoux, Community Development Director Rick Coel, Senior Planner Kevin Ingram and Planning Commission Secretary Danae Bowen were present.

Planning Commission Vice Chair Bill Vander Boon called the Planning Commission meeting to order at 2:01 p.m.

Mr. Ingram presented the staff report.

Chair Brown opened the public hearing and the following people spoke: Andy Rossoff, Richard Birk, Linda Hedstrom and Joan Moss. No one else was present wishing to speak and the public hearing was closed.

On motion of Commissioner Swetnam and by vote of the Planning Commission (4 ayes, Commissioner Martin-Steele ABSENT), found on the basis of Initial Study IS 11-32 prepared by the Planning Division, that the general plan amendment as applied for by the County of Lake will not have a significant effect on the environment and, therefore, recommended to the Board of Supervisor that they approve a negative declaration for the proposal with findings listed in the staff report dated March 12, 2012.

Commissioner Swetnam offered Planning Commission Resolution 12-01, approving a text amendment to the Lake County General Plan (GPAP 11-03) and it was passed by roll call vote (4 ayes, Commissioner Martin-Steele ABSENT).

The Board continued this item one week, to April 3, 2012, at 10:45 a.m.

There being no further business, the Board of Supervisors and the Planning Commission adjourned at 3:24 p.m.

KELLY F. COX  
Clerk of the Board

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Chair - Lake County Board of Supervisors

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board