

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD DECEMBER 10, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 10<sup>th</sup> day of December, 2013, there being present Supervisors Jim Comstock, Denise Rushing, Anthony Farrington, Rob Brown and Jeff Smith, County Administrative Officer Matt Perry, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:01 a.m. by Chair Smith. A moment of silence was dedicated to Tracey Avila and Bob Piveronas, Supervisor Rushing led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-5.

Approved Minutes of the Board of Supervisors meeting held on December 3, 2013.

Approved Agreement between the County of Lake and Rico Aroma for installation and operation of a coffee and retail food service kiosk in the Courthouse Lobby, and authorized the Chair to sign.

Adopted Resolution No. 2013-134, approving final parcel map and the signing of the final parcel map (Martinez PM 12-02).

Approved Second Amendment to the Agreement between the County of Lake and Fierce, Inc., for training services, an increase of \$13,663, and authorized the Chair to sign.

Sitting as the Air Quality Management Board of Directors, approved Memorandum of Understanding between Lake County Air Quality Management District and North Coast Air Quality Management District for redirection of Carol Moyer Program Year 14 funds, total amount \$200,000, and authorized the Air Pollution Control Officer to sign program documents

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

**Change Order #3 - Clearlake Oaks Senior Center** - This change order addresses the following: credit to change shelving, attic venting holes at eaves and ridges, fire rated vents in soffits and the addition of line items 7 & 15 from Change Order #1.

Deputy County Administrative Officer-Special Projects Eric Seely presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes) approved Change Order #3 - Clearlake Oaks Senior Center, an increase of \$29,896.18, Randy Hill Construction, Inc., and authorized the Chair to sign.

**PUBLIC INPUT** - Gloria Flaherty spoke regarding the recent freezing temperatures and announcing the opening of a Warming Center at the Lake Family Resource Center Clearlake Campus.

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

**Extra #1 - Consideration of request for support to operate the Warming Center during the anticipated cold weather evenings** - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up this item, determining the event occurred after the posting of the agenda and requires Board consideration before the next meeting.

Social Services Director Carol Huchingson and Lake Family Resource Center Executive Officer Gloria Flaherty were present.

Ms. Flaherty requested County support in staff resources to operate the Warming Center during the evening hours. She suggested 4-6 hour shifts, with 2-3 people each shift, for the next seven evenings.

There was Board consensus to authorize Social Services Department staff to volunteer, at the discretion of the Social Services Director, to work their daily shift at the Warming Center, to staff the center through the evening hours for the next seven nights.

Consideration of further actions concerning the freezing temperatures was placed on the December 17, 2013 agenda.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - Consideration of request for a Rezone (RZ 05-19) from "RR-SC" Rural Residential-Scenic and "RL-WW" Rural Lands-Waterway to "PDR-SC-WW" Planned Development Residential-Scenic-Waterway, and a General Plan of Development (GPD 12-01) for the establishment of a master-planned community with a maximum of 77 residential units clustered within the valley portion of the property, with additional amenities to include an agriculturally oriented commercial parcel for winery and/or equestrian uses, a vineyard, an equestrian center with pasture, park and network of private and public non-motorized trails; Project Applicant is Brookwood, LLC; located at 8150 & 8300 E. State Highway 20; 7250 & 7270 Cindy Lane; and 836 Pearl Court, Lucerne, CA (APNs 006-005-24, 49, 50 & 51; and 006-006-05)** - Community Development Director Rick Coel, Principal Planner Kevin Ingram and Utilities Systems Compliance Coordinator Jan Copping were present.

Mr. Ingram presented the staff report.

Richard Carlisle, representing Brookwood, LLC, spoke.

Vice Chair Rushing opened the public hearing and the following people spoke: Dr. John Parker, Victoria Brandon, Batsulwin Brown and Cheryl Carr. 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 (4 ayes, Supervisor Smith ABSENT), found on the basis of Initial Study (IS 12-29) that the rezone and General Plan of Development as applied for by Brookwood, LLC, and as amended, will not have a significant effect on the environment and, approved, as amended, a mitigated negative declaration for the proposed rezone and General Plan of Development with the findings listed in the Board of Supervisors Memorandum dated October 30, 2013.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Smith ABSENT), waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Brown offered Ordinance No. 2995, and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved the General Plan of Development applied for by Brookwood, LLC, as modified with the findings listed in the Board memo dated October 30, 2013, and as amended.

After a brief recess, the Board reconvened into Regular Session at 10:19 a.m. The gavel was returned to Chair Smith.

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5. **ITEM A-6 - 9:45 A.M. - PUBLIC HEARING - (a) Consideration of request to facilitate the acquisition of the Sterling Shores Estates Manufactured Housing Community by Caritas Affordable Housing, Inc; and (b) Consideration of proposed Joint Exercise of Powers Agreement between the County of Lake and the California Municipal Finance Authority (CMFA) to issue bonds for the benefit of Caritas Affordable Housing, Inc. - (a) Caritas representative John Wooley and California Municipal Finance Authority (CMFA) Representative Mona Dmitrenko were present.**

County Administrative Officer Matt Perry presented the staff report.

Mr. Wooley provided additional information.

Chair Smith opened the public hearing and the following people spoke: Dick Forbes, Maria Teter, Joan Moss and Cheryl Carr. No one else was present wishing to speak and the public hearing was closed.

(b) Supervisor Farrington offered Resolution No. 2013-135, and it was passed by roll call vote (5 ayes).

The Board of Supervisors adjourned and convened as the Lake County Air Quality Management District Board of Directors.

6. **ITEM A-7 - 10:00 A.M. - Presentation of update on the California Air Resources Board Truck and Bus Rule - Air Pollution Control Officer Doug Gearhart presented the report.**

Director Brown commended Mr. Gearhart on his advocacy of Lake County residents before the Air Pollution Control Board.

This item was informational only. No Board action was taken on this item.

The Lake County Air Quality Management District Board of Directors adjourned and convened as the Board of Supervisors.

7. **ITEM A-10 - (a) Update on wind storm event; (b) Consideration of termination of local emergency and other related fiscal actions - (a) County Administrative Officer Matt Perry presented the staff report.**

(b) Supervisor Comstock offered Resolution No. 2013-136, terminating the local emergency, and it was passed by roll call vote (5 ayes).

Supervisor Comstock offered Resolution No. 2013-137, adjusting appropriations, and it was passed by roll call vote (5 ayes).

8. **ITEM A-11 - Consideration of proposed Ordinance amending Chapter 5 of the Lake County Code and adopting by reference the 2013 California Building Standards Code, known as the California Code of Regulations, Title 24, Parts 1 through 6, 8 through 12, incorporating the 2013 Edition of the California Building Code; the 2013 Edition of the California Residential Code; the 2013 Edition of the California Electrical Code; the 2013 Edition of the California Plumbing Code; the 2013 Edition of the California Mechanical Code; the 2013 Edition of the California Green Building Code; the 2013 Edition of the California Energy Code; the 2013 Edition of the California Fire Code; the 2013 Edition of the California Administrative Code, the 2013 Edition of the California Historical Building Code, the 2013 Edition of the California Existing Building Code, the 2012 Edition of the International Property Maintenance Code and the 2012 Edition of the International Wildland-Urban Interface Code (SECOND READING) - Supervisor Brown offered Ordinance No. 2996, and it was passed by roll call vote (5 ayes).**

9. **ITEM A-9 - Supervisors' weekly calendar, travel and reports - Chair Smith praised the efforts and accomplishments of Special Districts Administration staff during the recent wind storm event.**

10. **ITEM A-13 - Consideration of expression of condolence to the Robinson Rancheria Citizens Business Council on the loss of Tribal Chairperson Tracey Avila - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the letter of condolence to the Robinson Rancheria Citizens Business Council on the loss of Tribal Chairperson Tracey Avila, and authorized all Supervisors to sign.**

11. **ITEM A-12 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, S. Harry, M. Perry, A. Flora and C. Shaver; and (b) Employee Organization: DDAA, DSA, LCCOA, LCEA and LCSEA 2. Conference with real property negotiator (a) Property located at: 3980 Gard Street, Kelseyville (APN 024-081-01) (b) Negotiating Parties: For County: Supervisor Rob Brown, Child Support Services Director Gail Woodworth, County Administrative Officer Matt Perry and Deputy County Administrative Officer Alan Flora For seller: Kelseyville Unified School District representatives (c) Under Negotiation: Lease terms 3. Sitting as the Board of Directors of the Lake County IHSS Public Authority: Conference with Labor Negotiator: (a) Agency Negotiator: Carol Huchingson and F. Buchanan (b) Employee Organization: California United Homecare Workers Union AFSCME/SEIU Local 4034 4. Public Employee Evaluation Title: County Librarian - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.**

The Board reconvened into Regular Session with no action taken at 11:45 a.m.

After a recess, the Board of Supervisors reconvened into Regular Session at 5:30 p.m. at Fritch Hall, Lake County Fairgrounds, 401 Martin Street, Lakeport, CA.

12. **ITEM A-8 - 5:30 P.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake adding Article 72: Regulations for the Cultivation of Medical Marijuana (AM 13-01) - Community Development Director Rick Coel, Captain Chris Macedo, Deputy County Administrative Officer Alan Flora and Deputy County Counsel Shanda Harry were present.**

Mr. Coel presented the staff report to the Board.

Chair Smith opened the public hearing and the following people spoke: Tom Guthrie, Rachelle Snyder, Constance Goetz, Adelia Leonard, Frederick Rose, Al Lemorre, Ron Green, Terri Larson, Bill Waite, Hurb Gura, Jay Schmidt, Cheryl Carr, Brandy Murray, Dante D'Amici, Paul Kolb, Michael Busby, Michael Horner, Joan Moss, Cynthia, Bobby Dutcher, Ron Riggs, Michael McAllister, Dan Rush, Justice Carpenter, Paula Morgan, Shauna Armstrong, Bobbie Goodwin, Gordon Haggitt, Peter DeLong, Steve Ellis, Wayne Miller, Daniel, Moses Valdez, Wayne Johnson, Dr. Rob Rosenthal, Andrew Simmons, Skip Wilson, Ron Green, Ron Rossburg, Glen Hollenbeck, Peter Windrem, Bill Kearney, Milos Leubner, John Brosnan and Phil Murphy. Chair Smith closed the public hearing.

Captain Macedo read a statement from Sheriff Rivero into the record.

Deputy County Administrative Officer Alan Flora read a memorandum from the Administrative Office into the record.

After a brief recess, the Board reconvened into Regular Session at 8:58 p.m.

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Supervisor Comstock read a letter from Dan Desmond into the record.

This item was continued one week, to December 17, 2013, at 11:00 a.m.

There being no further business, the Board of Supervisors adjourned at 9:04 p.m.

MATT PERRY  
Clerk of the Board

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Chair - Lake County Board of Supervisors

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