COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Final
BOARD OF SUPERVISORS

Tuesday, December 15, 2015 | **9:00 AM** | **Board Chambers**

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Farrington. County Administrative Officer Matt Perry, County Counsel Anita Grant and Asst. Clerk of the Board Alicia Flores were present, along with the following Supervisors:

Present- Supervisors: 5- Comstock, Smith, Steele, Brown, Farrington

2. Moment of Silence

Dedicated to retired Lakeport Fire Cheif, Ken Wells.

3. Pledge of Allegiance

Led by Supervisor Comstock.

4. Presentation of Animals at the Animal Care and Control Shelter

Animal Care and Control was not present.

5. Consideration of Items Not Appearing on the Posted Agenda (Extra Items)

6.1 - Consideration of Continuing the Proclamation of a Local Health Emergency by the Lake County Health Officer.
Dr. Karen Tait presented the item to the Board, stating that due to an administrative oversight, this item was inadvertently left off of the agenda. In order to qualify for State and Federal funding, this declaration must be renewed every two weeks. Unfortunately with the holiday's there would be three weeks between the last renewal and next scheduled Board meeting, thus making it necessary to do today.

On motion of Supervisor Comstock, and by vote of the Board, approved taking this item up as Extra Item #1. The motion carried by the following vote:

Ayes - Supervisors: 5 - Comstock, Smith, Steele and Farrington
Absent - Supervisors: 1 - Brown

Public Health Officer Dr. Karen Tait introduced the item to the Board. Environmental Health Director Ray Ruminski was also present. Chair Farrington asked if anyone wished to speak on this item. No one present wished to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock, and by vote of the Board, continued the Proclamation of a Local Health Emergency. The motion carried by the following vote:

Ayes - Supervisors: 5 - Comstock, Smith, Steele and Farrington
Absent - Supervisors: 1 - Brown

6. Current Construction Projects - Contract Change Orders

5.1 Contract Change Order No. 1 - Paradise Valley Intertie Pipeline Construction Contract with O.C. Jones & Sons, Inc., cost reduction of $31,022.85.

Special DIstricts Administrator Mark Dellinger presented the item to the Board. He clarified that the Board Chair does not need to sign, he is requesting a minute order for final payment due to a different form being used.
Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Steele, and by vote of the Board, approved Contract Change Order No. 1 - Paradise Valley Intertie Pipeline Construction Contract with O.C. Jones & Sons, Inc., cost reduction of $31,022.85.. The motion carried by the following vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

5.2 Contract Change Order No. Three with Statewide Traffic Safety & Signs, Inc for HR3 Sign Replacement & Striping Project

Scott DeLeon presented the item to Board.
Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock, and by vote of the Board, approved Contract Change Order No. Three with Statewide Traffic Safety & Signs, Inc for HR3 Sign Replacement & Striping Project. The motion carried by the following vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

5.3 Contract Change Order No. Two with Statewide Traffic Safety & Signs, Inc for HR3 Sign Replacement & Striping Project

Public Works Director Scott DeLeon presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock, and by vote of the Board, approved Contract Change Order No. Two with Statewide Traffic Safety & Signs, Inc for HR3 Sign Replacement & Striping Project. The motion carried by the following vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

7. Approval of the Consent Agenda

7.1 Approve Minutes of the Board of Supervisors meetings held April 7, 2015, April 21, 2015, April 28, 2015, May 5, 2015, November 17, 2015 and November 20, 2015-Special Mtg.

7.2 Approve Late Travel Claim for Assessor-Recorder Richard Ford, in the amount of $327.28.

7.3 Approve reissuance of tax refund check to F and C Investment in the amount of $1,366.62.

7.4 Approve Agreement between the County of Lake and Redwood Community Services, Inc. for AOD Perinatal Program Services for Fiscal Year 2015-16, in the amount of $299,655 and authorize the Chair to sign.

7.5 Approve First Amendment to the Agreement between the County of Lake and Community Care HIV/AIDS Program for Provision of HIV/AIDS Counseling and Case Management Services for Lake County Residents for Fiscal Year 2015-16, changing the location of 4 of the 10 workshops and authorize the Chair to sign.

7.6 Approve Second Amendment to Agreement between the County of Lake and Breezy Bill Pay and Errands for Janitorial Services, contract maximum of $29,100 and authorize the Chair to sign.

7.7 Adopt Resolution Amending Resolution No. 2015-120 Establishing Position Allocations for Fiscal Year 2015-2016, Budget Unit 2110, District Attorney.

Enactment No: Reso. No. 2015-170

7.8 Adopt Resolution Authorizing the Public Services Director or his Designee to Sign a Notice of Completion for Work Performed Under Agreement for Construction of the Holiday Harbor Sheet Pile Wall.

Enactment No: Reso. No. 2015-171

7.9 Adopt Resolution delegating to the County Public Works Director authority to initiate negotiations for the purchase of a portion of certain parcels (APN 008-664-010, 008-664-120, 008-665-010, 242-042-010, 242-041-010, 242-041-020 and 242-041-030) as part of the Konocti Road Safe Routes to School project.

Enactment No: Reso. No. 2015-172

7.10 Adopt Resolution delegating to the County Public Works Director authority to initiate negotiations for the purchase of a portion of certain parcels (APN 050-471-080, 050-471-090, 050-471-150, 050-471-100 and 050-471-140) as part of the bridge replacement on Foard Road

Enactment No: Reso. No. 2015-173

7.11 Adopt Resolution delegating to the County Public Works Director authority to initiate negotiations for the purchase of a portion of a certain parcel (APN 013-031-240) as part of the bridge replacement project on Dry Creek Road.

Enactment No: Reso. No. 2015-174

7.12 (a) Waive the normal sealed bid process under Ordinance #2406, section 38.2, for the purchase of two F-250 pick-ups; and (b) Authorize the Sheriff/Coroner or his designee to issue a purchase order to Downtown Ford in the amount of $57,310.

7.13 Adopt Resolution Amending Resolution No. 2015-120 Establishing Position Allocations for Fiscal Year 2015-2016 for Budget Unit Number 5012 – Social Services Special Programs

Enactment No: Reso. No. 2015-175

7.14 Adopt Resolution Amending Resolution No. 2015-120 Establishing Position Allocations for Fiscal Year 2015-2016 for Budget Unit Number 5164 – Housing

On motion of Supervisor Smith, and by vote of the Board, approved Consent Agenda Items 7.1 - 7.14. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

Enactment No: Reso. No. 2015-176

8. Timed Items

8.1 9:05 A.M. - Public Input

Kevin Waycik spoke.

8.2 9:15 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 15-04) of Planning Commission's denial of Cobb Vista Subdivision Unit No. 1 SD-14-01 and Initial Study IS 14-11; project located at 15385 Stonefield Court, Middletown (APN 014-11-21); applicant is Damon Fanucchi

Chair Farrington opened the Public Hearing and Asst. Clerk of the Board swore in Community Development Director Richard Coel, Assistant Planner Mireya Turner, Appellant Damon Fanucchi and citizens Barbara Galvin and Greg Scott. Ms.Turner gave the staff report and Mr. Coel also spoke.

Mr. Fannuchi gave his testimony and both Ms.Galvin and Mr. Scott spoke.

No one else wished to speak and Chair Farrington announced the public hearing was now closed.

On motion of Supervisor Comstock, and by vote of the Board, denied the appeal of Damon Fanucchi and directed County Counsel to prepare proposed Findings of Dact. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

8.3 9:20 A.M. - PUBLIC HEARING - Consideration of request for General Plan Amendment (GPA 15-01) of one parcel from Low Density Residential to High Density Residential and a Rezone (RZ 15-02) from "PDR-SC" Planned Development Residential-Scenic Combining to "R3" Multi-family Residential; project applicant is Mark Tanti; located at 500 Whalen Way, Lakeport (APN 029-371-01)

Due to improper notification in the paper, this item was continued to January 19, 2016 at 9:45 a.m.

RECOMMENDATION

The Planning Commission recommends that the Board of Supervisors take the following actions:

A. Adopt a negative declaration for GPAP 15-01 and RZ 15-02 with the following findings:

1. This rezoning is consistent with the Lake County General Plan and the Lakeport Area Plan.

2. The uses permitted in the "R3" district are compatible with the surrounding land uses.

3 This project will not result in the need for increased public services.

4. This rezoning will not result in any significant adverse environmental impacts and a negative declaration has been recommended.

B. Approve GPAP 15-01 for the following reasons:

1. This amendment is consistent with the Lake County General Plan and the Lakeport Area Plan.

2. The uses allowed in the High Density General Plan designations are compatible with existing land uses in the vicinity.

3. This project will not result in any significant adverse environmental impacts, and a negative declaration has been recommended.

C. Approve RZ 15-02 for the following reasons:

1. This rezoning is consistent with the Lake County General Plan and the Lakeport Area Plan.

2. The uses allowed in the "R3" district are compatible with existing land uses in the vicinity.

3. This project will not result in any significant adverse environmental impact, and a negative declaration has been recommended.

Sample Motions:

A. Proposed Negative Declaration

I move that the Board of Supervisors find that on the basis of the Initial Study No. 15-02 prepared by the Planning Division that the General Plan Amendment and Rezone as applied for by Mark Tanti will not have a significant effect on the environment and, therefore, a negative declaration shall be adopted with the findings set forth in the Board Memorandum dated November 16, 2015.

B. General Plan Amendment Approval

I offer the resolution.

C. Rezone Approval

I move that the reading of the ordinance be waived and be read in title only.
I offer the ordinance.

8.4 9:30 A.M. - Discussion and consideration of a request to rescind Resolution No. 2015-22, a Resolution to Put an Advisory Question Concerning the Adoption of a Declaration Calling for State Split Pursuant to Article IV, Section 3 of the U.S. Constitution on the Ballot for the Next General Election so to Determine the Will of the Voters regarding support for the State of Jefferson.

Chair Farrington passed the gavel to Vice Chair Brown and presented the item to the Board. Vice Chair Brown asked if anyone present wished to speak and the following people spoke: Randy Sutton, Truman Bernal, Tom Reed, Karen MacDougall, Kevin Waycik, Larry Anderson, Greg Scott, Victoria Brandon, Jillian Purillo, Cynthia Cowen, Nancy Harby, Pete Chandre and Shirley Helen. No one else present wished to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington, and by vote of the Board, rescinded Resolution No. 2015-22 and suggested the proponents of the State of Jefferson collect signatures for petition to place before the electorate on the November 2016 ballot. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

Enactment No:

8.5 10:30 A.M. - Swearing in ceremony for Correctional Officers Susan West and Wesley Besgrove.

Sheriff Martin introduced Susan West and Wesley Besgrove and administered the Oath of Office.

8.6 11:00 A.M. - Consideration of the Request for Proposals for Community Choice Aggregation Development and Operations Services.

Deputy County Administrative Officer Josh Jones presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Smith, and by vote of the Board, approved the February 1, 2016 release of Request for Proposals for Community Choice Aggregation Development and Operations Services. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

8.7 11:05 A.M. - Consideration of a letter of opposition to the California Public Utilities Commission regarding the proposal by Pacific Gas & Electric to increase the Power Charge Indifferent Adjustment

At the request of Chair Farrington, Deputy County Administrative Officer Josh Jones presented the item to the Board.
Chair Farrington asked if anyone present wished to speak and the following people spoke: Victoria Brandon, Randy Sutton, Peter Rumble, Brian Pierson, Phil Murphy, Farrahlene Aldridge. No one else wished to speak and the public input portion of this item was closed.

On motion of Supervisor Steele, and by vote of the Board, approved the letter of opposition to the California Public Utilities Commission regarding the proposal by Pacific Gas & Electric to increase the Power Charge Indifferent Adjustment. The motion carried by the following vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

8.8 11:30 A.M. - South Main Street, Lakeport, Water Project Update

Special Districts Administrator Mark Dellinger stated that the hydrology report and pump test at the Carter well site has been completed and the report was submitted to Community Development. Staff is currently waiting for that to go before the Planning Commission. Supervisor Brown recommended appointing two Board members to reach out to the City of Lakeport to initiate discussion surrounding possible water system and revenue sharing before staff spends any more time on other options. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

There was Board consensus to bring item back to the January 5, 2016 to formally appoint County representatives to meet with the City of Lakeport representatives to negotiate an out-of-area service agreement to provide water to the South Main Street/ Soda Bay Road corridor.

8.9 11:45 A.M. - Consideration of Resolution Opposing Annexation by the City of Lakeport of South Main Street/Soda Bay Road Corridor

Chair Farrington presented the item to the Board. There was discussion to table annexation and approach negotiations on water options. Chair Farrington asked if anyone present wished to speak on this item. No one wished to speak and the public input portion of this item was closed.

As stated in the previous item, there was Board consensus to bring item back to the Board January 5, 2016 to formally appoint County representatives to meet with the City of Lakeport representatives to negotiate an out-of-area service agreement to provide water to the South Main Street/ Soda Bay Road corridor.

9. Non-Timed Items

9.1 Supervisors' weekly calendar, travel and reports

9.2 Status Reports/Updates of response and recovery efforts from OES, assisting agencies and/or community groups consequent to 2015 wildland fires.

Recovery Coordinator Carol Huchingson reported that there are Manufactured Home units which 12 families are now occupying (7 renters in mobile and RV parks and 5 owners on private property); Additional sites are being prepared throughout the county. Ms. Huchingson provided a brief update on Department of Public Works flood prevention. Mendocino and Sonoma County have loaned crews to assist with ditch cleaning efforts. Uninsured individuals who want to rebuild have the option to invoice to non profit groups collecting funds in order to obtain monetary assistance for building permit costs. Staff is working on a call out survey to those not currently utilizing FEMA in order to capture rebuild intentions. Community Development DIrector Richard Coel reported 5 building permits have been issued for rebuild.

Chair Farrington asked if anyone present wished to speak and Victoria Brandon spoke. No one else present wished to speak and the public input portion of this item was closed.

9.3 Ratification of Valley Fire related contracts entered into between September 12, 2015 and December 1, 2015, over $10,000 for services and over $25,000 for materials, supplies, and equipment.

County Administrative Officer Matt Perry presented the item to the Board. Mr. Perry noted that while the Agreement for specialized tree removal, arboricultural, and related services was not to exceed $400,000, actual expenses incurred were a total of $143,936.25 from September 19th to September 30th, 2015. The Agreement is now terminated. Chair Farrington asked if anyone present wished to speak. No one present wished to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock, and by vote of the Board, approved ratification of Agreement between the County of Lake and Pacific Tree Care A Division of the J. Allan Schneider Corp., for specialized tree removal, arboricultural, and related services in an amount not to exceed $400,000. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

9.4 Consideration of using Juvenile Hall for Probation Department's Day Reporting Center and for Behavioral Health programs and eventual re-location of Emergency Operations Center to Alternative Work Program building

County Administrative Officer Matt Perry presented the item to the Board. Chief Probation Officer Rob Howe was also present and spoke.

Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock, and by vote of the Board, approved Staff's recommendations to allocate space in the former Juvenile Hall for Behavioral Health programs, move the Day Reporting Center (DRC) to the former Juvenile Hall, and move the Emergency Operations Center to the Alternative Work Program building once the DRC is relocated. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

9.5 Consideration of (a) Resolution authorizing an increase in the County's cash contribution to the proposed adult local criminal justice facility project; and (b) Resolution amending Resolution No. 2015-119 to amend the Adopted Budget for FY 2015-16 by cancelling obligated fund balance in fund 153 and transferring funds for the SB 1022 jail expansion project to appropriate money in Fund 960 to provide the necessary cash contribution.

County Administrative Officer Matt Perry presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

Supervisor Smith offered Resolution No. 2015-178 - Amending Resolution No. 2015-119 to Amend the Adopted Budget for FY 2015-16 by Cancelling Obligated Fund Balance in Fund 153 and Transferring Funds for the SB 1022 Jail Expansion Project to Appropriate Money in Fund 960 to Provide the Necessary Cash Contribution.

Ayes - Supervisors: 5 - Comstock, Smith, Steele, Brown and Farrington

Supervisor Smith offered Resolution No. 2015-177 - Authorizing an Increase in the County's Cash Contribution to the Proposed Adult Local Criminal Justice Facility Project and it was passed by roll call vote:

Ayes - Supervisors: 5 - Comstock, Smith, Steele, Brown and Farrington

Enactment No: (a) Reso.No. 2015-177 / Reso.No. 2015-178

9.6 Consideration of Salary Adjustment for Certain Classifications in Social Services Department and Child Support Services Department.

County Administrative Officer Matt Perry presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

Supervisor Smith offered the Resolution and it was passed by roll call vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

Enactment No: Reso. No. 2015-179

9.7 Consideration of revision to Sick Leave Policy

Human Resources Director Kathy Ferguson presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock, and by vote of the Board, approved the revised personnel rules regarding sick leave to be effective January 1, 2016 and authorized the Human Resources Director to conduct any necessary meet and confer with the County's bargaining units. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

9.8 Consideration of Applicant Interview Travel Expense Reimbursement Policy

Human Resources Director Kathy Ferguson presented the item to the Board. Chair Farrington asked if anyone present wished to speak on this item. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Steele, and by vote of the Board, approved the Applicant Interview Travel Expense Reimbursement Policy. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

9.9 Consideration of Resolution Adopting Amendment Number Two to the Memorandum of Understanding by and Between the County of Lake and the Lake County Safety Employees Association, for the Period from July 1, 2014 Through December 31, 2015.

County Counsel Anita Grant presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

Supervisor Comstock offered the Resolution and it was passed by roll call vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

Enactment No: Reso. No. 2015-180

9.10 Consideration of Amendment Number Two to the Memorandum of Understanding by and Between the County of Lake and the Lake County Correctional Officer's Association, Unit 6, for Calendar Years 2014 and 2015.

County Counsel Anita Grant presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

Supervisor Comstock offered the Resolution and it was passed by roll call vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

Enactment No: Reso. No. 2915-181

9.11 Consideration of Amendment Number One to the Memorandum of Understanding by and Between the County of Lake and the Lake County Sheriff's Association, Unit 16, for Fiscal Years 2014-15.

County Counsel Anita Grant presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

Supervisor Comstock offered the Resolution and it was passed by roll call vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

Enactment No: Reso. No. 2015-182

9.12 Consideration of Approval of Correspondence to the Robinson Band of Pomo Regarding an Obstruction to a Public Roadway

County Counsel Anita Grant presented the item to the Board at the request of Supervisor Steele. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Steele, and by vote of the Board, approved the Letter to Robinson Rancheria of Pomo Indians of California regarding an Obstruction to a Public Roadway. The motion carried by the following vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

9.13 Consideration of Resolution Approving an Application for Funding under the United States Department of Agriculture's Rural Development Community Facilities Program for the Lakeport Library Modernization Project.

County Administrative Officer Matt Perry presented the item to the Board. Chair Farrington asked if anyone present wished to speak. No one wished to speak and the public input portion of this item was closed.

Supervisor Comstock offered the Resolution and it was passed by roll call vote:
Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

9.14 Consideration of Agreement between the County of Lake and Kitchell CEM, Inc. for Construction Management Services for the Hill Road Correctional Facility Expansion Project.

Deputy Public Works Director Lars Ewing presented the item to the Board. Chair Farrington asked if anyone wished to speak. No one wished to speak and the public input portion of this item was closed.

On motion of Supervisor Brown, and by vote of the Board, approved the Agreement between the County of Lake and Kitchell CEM, Inc. for Construction Management Services for the Hill Road Correctional Facility Expansion Project. The motion carried by the following vote:

Ayes- Supervisors: 5- Comstock, Smith, Steele, Brown and Farrington

10. Closed Session

Chair Farrington announced the Board would now go into Closed Session for the reasons stated on the agenda at 2:15 p.m.

10.1 Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, M. Perry, K. Ferguson and S. Jansen; and (b) Employee Organizations: DDAA, DSA, LCCOA, LCEA and LCSEA

10.2 Conference with Legal Counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9 (d)(2) (e) (3) - Claim of Gilmore

10.3 Public Employment pursuant to Gov. Code Sec. 54957 – Interviews
Title: County Administrative Officer

The Board reconvened into Regular Session at 3:15 p.m. having taken no action.

11. Adjournment

There being no further business, the Board of Supervisors adjourned at 3:15 p.m.

MATT PERRY
Clerk of the Board

By: ______________________________
Alicia M. Flores
Assistant Clerk of the Board

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Chair - Lake County Board of Supervisors