255 North Forbes Street
Lakeport, CA 95453

COUNTY OF LAKE

Meeting Minutes - Draft
BOARD OF SUPERVISORS

Tuesday, July 19, 2016 | **9:00 AM** | **Board Chambers**

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Brown. County Administrative Officer Carol Huchingson, County Counsel Anita Grant, and Asst. Clerk of the Board Carolyn Purdy were present, along with the following Supervisors:

Present: 5 - Supervisor Steele, Supervisor Farrington, Vice Chair Smith, Chair Brown and Supervisor Comstock

2. Moment of Silence

Dedicated to the Officers in Baton Rouge, Louisiana.

3. Pledge of Allegiance

Led by Supervisor Smith.

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

Animal Care and Control Officer Holly Bray presented one canine available for adoption.

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

There were no items to consider.

6. Current Construction Projects - Contract Change Orders

There were no Contract Change Orders.

7. Approval of the Consent Agenda

Items 7.1 and 7.5 were pulled from the Consent Agenda. Item 7.1 will be taken up later in the meeting and Item 7.5 will be moved to a later date.

7.1 Adopt Resolution Approving the 2016 Lake County Funding Application, in the Amount of $200,000, to the Economic Development Administration to Implement the 2016 Comprehensive Economic Development Strategy (CEDS).

County Administrative Officer Carol Huchingson presented the item to the Board. Community Development Services President Jeff Lucas was also present and spoke.

Chair Brown 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 - Steele, Farrington, Smith, Brown and Comstock

Enactment No: 2016-109

7.2 Approve Minutes from the Board of Supervisors meeting held on June 7, 2016 and June 14, 2016.

7.3 Adopt the Resolution Authorizing the Grant Project - County Victim Services Program and Authorize the Chair to Sign the Certification of Assurance of Compliance for a Grant Application in the amount of $197,121 for a two year period retroactive to July 1, 2016.

Enactment No: 2016-110

7.4 (a) Waive the formal bidding process, per Ordinance #2406, Purchasing Code 38.2, as it is not in the public interest due to the unique nature of goods or services; and (b) Approve License Agreement, Software support and Maintenance Agreement with LexisNexis Claims Solutions, Inc. in the amount of $20,000 and authorize the Sheriff to sign.

7.5 Approve Amendments #8 and #9 between the County of Lake and Sun Ridge Systems, Inc. for the installation of both In Station and Mobile Mapping and Mobile Software in the total amount of $97,857, to be paid from Budget 2206, object code 28.30 and authorize Chair to sign.

Item 7.5 was pulled and moved to a later date.

7.6 (Sitting as the Lake County Watershed Protection District, Board of Directors) Adopt Resolution Authorizing the Lake County Watershed Protection District to File Grant Application and Signature Authorization to Execute Agreement for an Aquatic Conservation Grant with the United States Fish and Wildlife Service in the amount of $141,475.62

Enactment No: 2016-111

7.7 (a) Approve Administrative Encroachment Permit #16-22 (closure located at the City of Lakeport's Library Park, approximately 800 feet offshore and extended for approximately 1 mile) for the Hot Car and Boat Show August 12- 14, 2016 and Authorize the Water Resources Director to sign the permit; and (b) Waive the Encroachment Permit fee of $665 in light of the positive economic benefit the event will bring to the County.

On motion of Supervosir Smith, and by vote of the Board, approved Consent Agenda Items 7.1 through 7.7, with the exception of 7.1 and 7.5. The motion carried by the following vote:

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

8. Timed Items

8.1 9:05 A.M. - Public Input

No public input.

8.2 9:15 A.M. - Informational Report on 26th Annual Konocti Challenge Bike Race

Konocti Challenge Ride Director Jennifer Strong presented the item to the Board and gave a PowerPoint presentation on the event.

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

8.3 9:30 A.M. PUBLIC HEARING - (Sitting concurrently as Clearlake Keys CSA#1, CSA#3, 6, 7, 13, 16, 18, 20, 21, 22, Kelseyville County Water Works District #3, and Lake County Sanitation District, Board of Directors) - Consideration of (a) Resolution Confirming Collections of Annual Lighting Fees; (b) Resolution Confirming Collections of Delinquent Water Fees; (c) Resolution Confirming Collections of Delinquent Water and Sewer Fees; and (d) Resolution of Delinquent Sewer Fees for Lake County Sanitation District.

Special Districts Administrator Jan Coppinger presented the item to the Board. Deputy Fiscal Administrator Josefine Eckler and Accountant Marci Harrison were present and spoke. Customer Services Coordinator Jill Shaul was also present.

Chair Brown asked if anyone present wished to speak and the following person spoke: Raymond Choy. No one else wished to speak and the public input portion of this item was closed.

(a) Supervisor Comstock offered the Resolution and it was passed by roll call vote (5 ayes):

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

(b) Supervisor Comstock offered the Resolution and it was passed by roll call vote (5 ayes):

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

(c) Supervisor Comstock offered the Resolution and it was passed by roll call vote (5 ayes):

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

(d) Supervisor Comstock offered the Resolution and it was passed by roll call vote (5 ayes):

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

Enactment No: 2016-112, 2016-113,2016-114, 2016-115

8.4 9:45 A.M. – Consideration of Resolution of the Lake County Board of Supervisors Establishing the Cobb Municipal Advisory Council

Eliott Hurwitz presented the item to the Board.

Chair Brown asked if anyone present wished to speak and the following people spoke: Tom Slate, Fletcher Thornton and Jessyka Lyttle. No one else wished to speak and the public input portion of this item was closed. Chair Brown passed the gavel for the vote.

(a) Supervisor Brown offered the Resolution as amended and passed by roll call vote (5 ayes):

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

(b) On motion of Supervisor Brown, and by vote of the Board, appointed the following Board Members: Gary Prather, Jessica Pyska, Eliot Hurwitz, Jessyka Lytel and Barbara Flynn.

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

Enactment No: 2016-116

8.5 10:00 A.M. - PUBLIC HEARING (Continued from June 14, 2016 and May 24, 2016) Consideration of Appeal (AB 16-02) of Planning Commission's Denial of Major Use Permit (UP 15-08, IS 15-10) and Mitigated Negative Declaration to allow construction of a 9,100 square foot Dollar General Store; Appellant is Cross Development, LLC; project located at 20900 State Highway 29, Middletown (APN 024-301-18)

Community Development Principal Planner Audrey Knight and Senior Planner Michalyn DelValle presented the item to the Board and gave a PowerPoint presentation. Cross Development representative Joe Dell also presented a PowerPoint presentation from their company regarding the proposed project. Cross Development Attorney Chad Roberts was present and spoke.

Chair Brown asked if anyone present wished to speak and the following people spoke: Hal Muscat, Victoria Brandon, Ada Kennedy, Gloria Cox, Mark Borghesani, Palani Velloo, Laura Hershey, Christine Laurenberg, Melissa (No last name given), Fairlight Ahlgren, Monica Rosenthal and Fletcher Thornton. No one else 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 to overturn the decision and grant the Appeal (AB 16-02) of Planning Commission's Denial of Major Use Permit (UP 15-08, IS 15-10) and Mitigated Negative Declaration to allow construction of a 9,100 square foot Dollar General Store; Appellant is Cross Development, LLC; project located at 20900 State Highway 29, Middletown (APN 024-301-18). The motion carried by the following vote:

Ayes- Supervisors: 3 - Steele, Smith and Comstock

Nayes- Supervisors: 2 - Farrington and Brown

8.6 11:00 A.M. - (Carried over from July 12, 2016) Discussion and Consideration of (a) Separating the Public Works and Water Resources Departments; (b) Approve Revisions to the Water Resources Director classification and establish the minimum qualification criteria; and (c) Request an advertising process broader than normal because of the unique nature of the position and value to the County' economy.

Supervisor Steele presented the item to the Board. Public Works Director Scott DeLeon was present and spoke. Human Resources Director Kathy Ferguson spoke.

Chair Brown asked if anyone present wished to speak and the following people spoke: Joan Moss, Tom Nixon, Jillian Purlow, Fletcher Thornton and Mireya Turner. No one else wished to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Steele, and by vote of the Board, approved separating the Public Works and Water Resources Departments . The motion carried by the following vote:

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

(b) On motion of Supervisor Steele, and by vote of the Board, approved revisions to the Water Resources Director classification and establish the minimum qualification criteria. The motion carried by the following vote:

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

(c) On motion of Supervisor Steele, and by vote of the Board, approved an advertising process broader than normal because of the unique nature of the position and value to the County' economy. The motion carried by the following vote:

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

8.7 11:30 A.M. - Consideration of Amendment to the Exclusive Negotiating Rights Agreement with Veterans Housing Development Corporation

County Administrative Officer Carol Huchingson presented the item to the Board. Chief Interim County Administrative Officer Jeff Rein was also present and spoke.

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

The Board directed staff to add a requirement that the Veterans Housing Development Corporation apply for grant funds by a deadline. This item will be brought back on the August 2, 2016 meeting.

9. Non-Timed Items

9.1 Supervisors' weekly calendar, travel and reports

9.2 Approve Agreement between the County of Lake and Coleman Environmental Engineering Inc. for Abatement of Nuisance Conditions at 10715 Gifford Springs Rd, Cobb (owner Benjamin Hittle, APN 013-037-07), for the amount of $15,000 and authorize Chair to sign.

Community Development Code Enforcement Officer Mike Penhall presented the item to the Board. Environmental Health Director Ray Ruminski was also present and spoke.

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

On motion of Supervisor Comstock, and by vote of the Board, approved the Agreement between the County of Lake and Coleman Environmental Engineering Inc. for Abatement of Nuisance Conditions at 10715 Gifford Springs Rd, Cobb (owner Benjamin Hittle, APN 013-037-07), for the amount of $15,000. The motion carried by the following vote:

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

9.3 Discussion and Consideration of Proposed Ordinance Imposing a Medical Cannabis Cultivation Tax in the Unincorporated Areas of Lake County

County Counsel Anita Grant presented the item to the Board. Community Development Director Bob Massarelli was present and spoke.

Chair Brown asked if anyone present wished to speak and the following person spoke: Sheryl Carr. No one else wished to speak and the public input portion of this item was closed.

By consensus, the Board agreed to changes in the Ordinance so that it may be brought back for the First Reading on July 26, 2016.

9.4 (Continued from July 12, 2016 and June 14, 2016) Consideration of an Agreement Between the County of Lake and Martin Scheel for the Repayment of Abatement Costs Associated with the Removal of a Submerged Crane in Clear Lake.

County Administrative Officer Carol Huchingson presented the item to the Board.

Chair Brown 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 Agreement between the County of Lake and Martin Scheel for the Repayment of Abatement Costs Associated with the Removal of a Submerged Crane in Clear Lake. The motion carried by the following vote:

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

10. Closed Session

Chair Brown announced that the Board would now go into Closed Session for the reasons stated on the agenda.

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

10.2 Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code sec. 54956.9(d)(1) – Prisbrey v. County of Lake, et al.

10.3 Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code sec. 54956.9(d)(1) – Lakeside Height HOA, et al. v. County of Lake

10.4 Conference with Legal Counsel: Decision Whether to Initiate Litigation pursuant to Gov. Code sec. 54956.9(d)(4) – two potential cases

The Board reconvened into Regular Session at 6:20 p.m. having taken the following action:

On motion of Supervisor Smith, and by vote of the Board, authorized unlawful detainer action vs David Flores.

11. Adjournment

There being no further business, the Board of Supervisors adjourned at 6:20 p.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: ______________________________
Carolyn Purdy
Assistant Clerk of the Board

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Chair-Lake County Board of Supervisors