



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Draft BOARD OF SUPERVISORS

Tuesday, February 27, 2018

9:00 AM

Board Chambers

1. Call to Order

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

Present: Supervisor Simon, Supervisor Smith, Supervisor Scott, Supervisor Brown and Chair Steele

2. Moment of Silence

A moment of silence was observed.

3. Pledge of Allegiance

Led by Gene Paleno.

4. Presentations by County Departments:

(a) Animal Care & Control - Animals Available for Adoption;

(b) Human Resources - Current County Job Openings.

(a) Animal Care and Control Officer Jonathan Armas offered one canine available for adoption. This dog has been treated for heartworm and all fees have been covered by a donor for the adoption process.

(b) Human Resources Analyst Diana Rico presented the available positions with the County of Lake.

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

There were no extra items to consider.

6. Current Construction Projects - Contract Change Orders

- 6.1** Consideration of Contract Change Order #2 Between the County of Lake and Bridgeway Civil Constructors, Inc. for the Harbin Springs Road at Harbin Creek Bridge Replacement Project, Federal Project No. BRLO-5914(106); Bid No. 17-04 for a Decrease of \$6,276.32 and a Revised Contract Amount of \$1,272,480.84; and Authorize the Chair to Sign

Public Works Director Scott DeLeon presented the item the Board.

Chair Steele 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 Simon, and by vote of the Board, approved Contract Change Order #2 between the County of Lake and Bridgeway Civil Constructors, Inc. for the Harbin Springs Road at Harbin Creek Bridge Replacement Project, Federal Project No. BRLO-5914(106); Bid No. 17-04 for a decrease of \$6,276.32 and a revised contract amount of \$1,272,480.84, and authorized the Chair to sign. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

7. Approval of the Consent Agenda

- 7.1** (a) Approve By-laws for the Western Regional Town Hall; (b) Adopt Resolution Amending Resolution No. 2017-80 and 2017-109 establishing the Western Regional Town Hall Known as "WRTH" for the Upper Lake, Blue Lakes, and Lake Pillsbury Areas.

Enactment No: Resolution No. 2018-23

- 7.2** Authorize County Administrative Officer to Approve Step Advancement for Non-Management, Confidential Unit Deputy County Administrative Officer I/II/III- Hourly employee, retroactive to January 23, 2018.
- 7.3** Approve to Waive the 90 Day Termination Requirements in the January 4, 2011 Fire Dispatch Agreement Allowing the Fire Districts to Terminate Effective March 1, 2018
- 7.4** (a) Approve Facility Space License Agreement by and between the County of Lake (Licensor) and Kelseyville Fire Protection District (Licensee) to lease tower and vault space on specified County communication sites for an annual fee of \$18,600, and a one-time payment in the amount of \$2,500 to reimburse the Administrative office for expenses, and authorize the Chair to sign; and (b) Approve Spectrum Manager Lease Agreement between the County of Lake (Lessor) and the Kelseyville Fire District (Lessee) allowing the "red net" frequencies to be shared with the Fire Districts for a one-time payment of \$5,000 to reimburse the Administrative office for expenses, and authorize the Chair to sign.
- 7.5** Approve Amendment 1 to the Agreement between the County of Lake and North Valley Behavioral Health, LLC. For Acute Inpatient Psychiatric Hospital Services for Fiscal Year 2017-18 for a decrease of \$100,000 for a new contract maximum of \$100,000 and authorize the Board Chair to sign the Amendment.

- 7.6 Approve the Commercial Lease Agreement between the County of Lake and Big Oak Center, LLC. for the lease of property located at 13340 E. Hwy 20, Clearlake Oaks, CA 95423 in the amount of \$1462.50 per month.
- 7.7 Approve Amendment 1 to the Agreement between the County of Lake and Gary Ernst for Professional Fiscal Consulting Services FY 2017-18 for an increase of \$15,000 and a new contract maximum of \$30,000, and authorize the Board Chair to sign.
- 7.8 Adopt Resolution authorizing the 2018-19 Grant Project - Lake County Child Advocacy Center Program and Authorize the Chair to Sign the Certification and Assurance of Compliance

Enactment No: Resolution No. 2018-24

- 7.9 (Sitting as Lake County Sanitation District, Board of Directors) Approve Right of Way Contract and Grant Deed for Caltrans' acquisition of a portion of the Middletown Wastewater Treatment Plant along State Highway 175 and authorize the Chair to sign the right of way contract and the grant deed as well as provide direction to the Clerk to notarize and record the grant deed.

This item was pulled at the request of the department for further discussion. Special Districts Deputy Administrator Scott Harter presented the item to the Board and explained the changes to the contract by CalTrans.

Chair Steele 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 Simon, and by vote of the Board, approved the Right of Way Contract and Grant Deed for Caltrans' acquisition of a portion of the Middletown Wastewater Treatment Plant along State Highway 175 and authorized the Chair to sign the right of way contract and the grant deed as well as provide direction to the Clerk to notarize and record the grant deed. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 7.10 Approve Amendment One to Agreement between the County of Lake and Far Western Anthropological Research Group, Inc. in the amount of \$19,695.64 for the Eastlake Elementary Safe Routes to School & Community Development Block Grant Project in Clearlake Oaks, CA; and authorize the Chair to sign.
- 7.11 Approve Advanced Step Hiring of Celia Hoberg, at Third Step retroactive to October 17, 2017, for Right of Way Agent/Airport Operations Coordinator
- 7.12 Approve Letter of Agreement between the Lake County Sheriff's Office and the Drug Enforcement Administration (DEA) of the United States Department of Justice (DOJ) in the amount of \$210,000 for the period October 1, 2017 to September 30, 2018; and authorize Sheriff to sign the Agreement and Chair to sign Workplace Certifications and Grant Assurances.

- 7.13** Approve Acceptance of Easement Deeds on Multiple Parcels in Anderson Springs for the Anderson Springs Septic to Sewer Project and authorize Clerk to sign.

On motion of Supervisor Smith, and by vote of the Board, approved consent agenda items 7.1 through 7.13, with the exception of item 7.9, which was pulled by the department and taken up immediately after. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

8. Timed Items

8.1 9:05 A.M. - Public Input

County Administrative Officer Carol Huchingson, Dan DeBonis and Paul Kolb spoke.

- 8.2** 9:06 A.M. - (a) Consideration of waiving required standards of Chapter 12, Section 8, Part III (c) 3 of County Policies for "Commemorative Names Honoring Former County Officials and Employees"; and (b) Consideration of Resolution of Intent to Supersede Resolution No. 90-306 Naming, Renaming, and Extending the Length of Existing Roads within the Area of the County Jail Facility in the County of Lake.

Public Works Director Scott DeLeon presented the item to the Board. Sheriff Brian Martin was also present and spoke.

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

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

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

Enactment No: Resolution No. 2018-25

- 8.3** 9:10 A.M. - (a) Consideration of staff report on the status of the Lake County Courthouse Construction Project; and (b) Consideration of appointment of the County Administrative Officer or her designee and the Public Works Director to serve as the negotiating team for the possible sale of the two County-owned parcels at 934 and 946 Bevins Court in Lakeport

County Administrative Officer Carol Huchingson presented the item to the Board. Court Executive Officer Krista LeVier and Tribal Health Executive Director Ermensto Padilla were present and spoke.

Chair Steele 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 Scott, and by vote of the Board, appointed the County Administrative Officer or her designee and the Public Works Director to serve as the negotiating team for the possible sale of the two County-owned parcels at 934 and 946 Bevins Court in Lakeport. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 8.4** 9:20 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$17,327.72, for 12545 Lakeview Drive, Clearlake Oaks (APN 035-152-65 - John J. Danuck)

Clerk swore in all parties to this hearing.

Community Development Code Enforcement Officer Mike Penhall presented the item to the Board.

Chair Steele 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 Simon, and by vote of the Board, confirmed the assessment of \$17,327.72 and directed staff to record a Notice of Lien against the property. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 8.5** 9:25 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of \$13,069.00, for 7271 Sierra Street, Nice (APN 031-142-05 - Dominique L. McGowen)

Clerk swore in all parties to this hearing.

Community Development Code Enforcement Officer Mike Penhall presented the item to the Board.

Chair Steele 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, confirmed the assessment of \$13,069.00 and directed staff to record a Notice of Lien against the property. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 8.6** 9:30 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 17-06) of the Planning Commission's denial of Use Permit (UP 17-06) and Design Review (DR 17-07) for an Off-site Billboard Sign, property located at 2325 East Highway 20, Nice (APN 004-055-37); Appellant is Stott Outdoor Advertising, on behalf of property owners Larry and Francis Montgomery

Clerk swore in all parties to this hearing.

Community Development Senior Planner Michalyn DelValle introduced the item. Associate Planner Eric Porter gave a PowerPoint presentation. Stott Outdoor Advertising Executive Greg Redeker was present and gave a PowerPoint presentation on the project.

Chair Steele opened the public hearing and asked if anyone present wished to speak and Cheryl Carr, Gene Paleno and Phil Moy spoke. No one else wished to speak and the public hearing was closed.

On motion of Supervisor Steele, and by vote of the Board, to deny appeal AB17-06 and uphold the Planning Commission's denial of Use Permit 17-06 and Design Review DR 17-07 applied for by Stott Advertising for property located at 2325 E. State Hwy 20, Nice, Ca. and direct County Counsel to prepare findings of fact. The motion failed by the following vote:

Ayes- Supervisors: 2 - Smith and Steele

Nayes- Supervisors: 3 - Brown, Scott and Simon

On motion of Supervisor Scott, and by vote of the Board, grant appeal AB17-06 and overturn the Planning Commission's denial of Use Permit 17-06 and Design Review DR 17-07 applied for by Stott Advertising for property located at 2325 E. State Hwy 20, Nice, Ca., subject to a CEQA review by staff and return to the Board for consideration. The motion carried by the following vote:

Ayes- Supervisors: 3 - Brown, Scott and Simon

Nayes- Supervisors: 2 - Smith and Steele

- 8.7** 10:00 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 17-05) of Planning Commission's Denial of Major Use Permit (UP 17-10) and Design Review (DR 17-05) to allow a new Off-site Billboard Sign; project located at 13550 East Highway 20, Clearlake Oaks (APN 006-510-31); Appellant is Richard Kuehn

Clerk swore in all parties to this hearing.

Community Development Associate Planner Eric Porter presented the item to the Board and gave a PowerPoint presentation on the project. Senior Planner Michalyn DelValle was also present. Appellant Richard Kuehn was present and spoke.

Chair Steele opened the public hearing and asked if anyone present wished to speak and Gene Paleno spoke. No one else wished to speak and the public hearing was closed.

On motion of Supervisor Steele, and by vote of the Board, made an intended decision to deny Appeal AB 17-05 and uphold the Planning Commission's denial of Use Permit 17-10 and Design Review DR 17-05 applied for by Richard Kuehn for property located at 13550 E. State Highway 20, Clearlake Oaks and directed County Counsel to prepare findings of fact. The motion carried by the following vote:

Ayes- Supervisors: 4 - Smith, Steele, Brown and Scott

Nayes- Supervisors: 1 - Simon

- 8.8** 10:15 A.M. - (Sitting as the Lake County Watershed Protection District, Board of Directors) - Consideration of Report on the new funding for the Middle Creek Restoration Project

Water Resources Director Phil Moy presented the item to the Board. Peter Windrem, Victoria Brandon, Dr. Harry Lyons, and Mary Jo Velasquez were present and a PowerPoint presentation was given.

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

This item was informational only.

9. Non-Timed Items

9.1 Supervisors' weekly calendar, travel and reports

- 9.2** Consideration of the following appointments:
Kelseyville Cemetery District
Western Region Town Hall

Chair Steele presented the item to the Board.

Chair Steele 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 Brown, and by vote of the Board, appointed John L. Traphagan to the Kelseyville Cemetery District. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

On motion of Supervisor Brown, and by vote of the Board, appointed Rae Eby-Carl to the West Region Town Hall. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

- 9.3** (a) Consideration of Resolution Adopting Memorandum of Understanding by and between the Lake County Employees Association, Unit 3, and the County of Lake for January 1, 2017 to September 30, 2018; and (b) Consideration of Resolution Adopting Memorandum of Understanding by and between the Lake County Employees Association, Unit 5, and the County of Lake for January 1, 2017 to September 30, 2018

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

Chair Steele asked if anyone present wished to speak and Cheryl Carr spoke. No one else wished to speak and the public input portion of this item was closed.

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

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

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

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

Enactment No: Resolution No. 2018-26 & 2018-27

9.4 Consideration of Option and Lease Agreement with Verizon Wireless to Develop a Communications Site

Chief Deputy County Administrative Officer Jeff Rein presented the item to the Board. Epic Wireless Representative Andrew Lesa for Verizon Wireless was present and spoke.

Chair Steele asked if anyone present wished to speak and Richard Kuhen spoke. No one else wished to speak and the public input portion of this item was closed.

On motion of Supervisor Scott, and by vote of the Board, approved the Option and Lease Agreement with Verizon Wireless to Develop a Communications Site, and authorized the Chair to sign The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

9.5 (a) Consideration of an Ordinance Adding Article VII to Chapter 18 of the Lake County Code Imposing a General Transactions and Use Tax Establishing a General Tax of One and One-Half Percent in the Unincorporated Area of the County of Lake; (b) Consideration of a Tax Measure, a Transactions and Use Local Revenue Measure, for the June 5, 2018 General Election; and (c) Consideration of a Resolution Placing the Tax Ordinance and the Ballot Measure Statement on the June 5, 2018 Election.

County Counsel Anita Grant presented the item to the Board. County Counsel's recommendation is to continue the item to the March 6, 2018 Board meeting.

Chair Steele asked if anyone present wished to speak and Cheryl Carr spoke. No one else wished to speak and the public input portion of this item was closed.

Supervisor Scott made a motion to reopen this item for discussion. Registrar of Voters Diane Fridley was present and spoke. The tax measure would not be on the ballot within the city limits as it would only be in the unincorporated area of the county.

This item has been continued to March 6, 2018.

On motion of Supervisor Scott, and by vote of the Board, approved to reopen this item for discussion. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

9.6 Consideration of Agreement for Oak Mitigation Services for the Cole Creek at Soda Bay Road Bridge Replacement (14C-0127) and the Highland Creek at Highland Springs Road Bridge Replacement (14C-0125) projects with Hanford ARC in the amount not to exceed \$342,446.97; and authorize the Chair to sign.

Public Works Director Scott DeLeon presented the item to the Board.

Chair Steele 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 Brown, and by vote of the Board, approved the Agreement for Oak Mitigation Services for the Cole Creek at Soda Bay Road Bridge Replacement (14C-0127) and the Highland Creek at Highland Springs Road Bridge Replacement (14C-0125) projects with Hanford ARC in the amount not to exceed \$342,446.97; and authorized the Chair to sign. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

10. Closed Session

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

10.1 Conference with Legal Counsel: Decision whether to Initiate Litigation Pursuant to Gov. Code sec. 54956.9(d)(4): County of Lake v. Martin Scheel, et al.

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

10.3 Public Employee Evaluations

Title: Registrar of Voters

Title: Agricultural Commissioner

The Public Employee Evaluation for the Registrar of Voters has been moved to March 6, 2018.

The Board reconvened into Regular Session at 12:57 p.m. having taken the following action:

10.1 - On motion of Supervisor Scott, and by vote of the Board, approved to initiate litigation against Martin Scheel to recover those monies owed pursuant to his contractual obligation to repay the nuisance abatement of a crane submerged in Clear Lake as a result of actions by Mr. Scheel. The motion carried by the following vote:

Ayes- Supervisors: 5 - Smith, Steele, Brown, Scott and Simon

11. Adjournment

There being no further business, the Board of Supervisors adjourned at 12:58 p.m.

CAROL J. HUCHINGSON

Clerk of the Board

By: _____

Carolyn Purdy

Assistant Clerk of the Board

Chair-Lake County Board of Supervisors