



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Final BOARD OF SUPERVISORS

Tuesday, November 6, 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 in memory of William (Bill) Wolfe.

3. Pledge of Allegiance

Led by Supervisor Smith.

4. Consideration of Extra Items Not Appearing on the Posted Agenda

- 4.1** EXTRA ITEM - (a) Consideration of an Extra Agenda item for the reasons listed; and (b) Consideration of Letter to Congressman Mike Thompson, in support of a disaster package that assists Lake County Winegrape growers

Supervisor Brown presented the item to the Board. This item came up after the posted agenda.

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 taking this item up as an extra for the reasons stated. The motion carried by the following vote:

Ayes: Supervisors Simon, Smith, Scott Brown and Steele

On motion of Supervisor Brown, and by vote of the Board, approved a letter to Congressman Mike Thompson in support of a disaster package that assists Lake County Winegrape growers. The motion carried by the following vote:

Ayes: Supervisors Simon, Smith, Scott Brown and Steele

- 4.2** EXTRA ITEM - (a) Consideration of an Extra Agenda item for the reasons listed; and (b) Consideration of Resolution Authorizing the Public Works Director to Sign the Notice of Completion for the Eastlake Elementary SRTS & CDBG Project, Bid No. 16-16

Public Works Director Scott DeLeon presented the item the Board. This item came up after the posted agenda.

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 taking this item up as an extra for the reasons stated. The motion carried by the following vote:

Ayes: Supervisors Simon, Smith, Scott Brown and Steele

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

Ayes: Supervisors Simon, Smith, Scott Brown and Steele

Enactment No: Resolution No. 2018-144

5. Current Construction Projects - Contract Change Orders

- 5.1** (Continued from October 23, 2018) Consideration of Change Order No. Thirteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$15,798.14, for a revised contract amount of \$5,399,820.83, 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 Smith, and by vote of the Board, approved Change Order No. Thirteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$15,798.14, for a revised contract amount of \$5,399,820.83, and authorized the Chair to sign. The motion carried by the following vote:

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

- 5.2** (Continued from October 23, 2018) Consideration of Change Order No. Fourteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$30,982.79, for a revised contract amount of \$5,430,803.62, 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 Smith, and by vote of the Board, approved Change Order No. Fourteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$30,982.79, for a revised contract amount of \$5,430,803.62, and authorized the Chair to sign. The motion carried by the following vote:

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

- 5.3** (Continued from October 23, 2018) Consideration of Change Order No. Fifteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$43,390.86, for a revised contract amount of \$5,474,194.48, 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 Smith, and by vote of the Board, approved Change Order No. Fifteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$43,390.86, for a revised contract amount of \$5,474,194.48, and authorized the Chair to sign. The motion carried by the following vote:

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

- 5.4** (Continued from October 23, 2018) Consideration of Change Order No. Sixteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$35,650.45, for a revised contract amount of \$5,509,844.93, 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 Smith, and by vote of the Board, approved Change Order No. Sixteen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16, Federal Aid No. SRTSL-5914(097) for an increase of \$35,650.45, for a revised contract amount of \$5,509,844.93, and authorized the Chair to sign. The motion carried by the following vote:

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

- 5.5** (Continued from October 23, 2018) Consideration of Change Order No. Seventeen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16 Federal Aid No. SRTSL-5914(097) for a decrease of \$16,347.72, for a revised contract amount of \$5,493,497.21, 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 Smith, and by vote of the Board, approved Change Order No. Seventeen for Eastlake Elementary SRTS & CDBG Project, in Clearlake Oaks, CA, Bid No. 16-16 Federal Aid No. SRTSL-5914(097) for a decrease of \$16,347.72, for a revised contract amount of \$5,493,497.21, and authorized the Chair to sign. The motion carried by the following vote:

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

6. Approval of the Consent Agenda

- 6.1** Adopt Proclamation Commending Jill Shaul for Her Years of Service to the County of Lake

- 6.2** (a) Waive the Consultant Selection Policy; (b) Award the Contract to Conduct Lake County's Comprehensive Classification and Total Compensation Study to CPS-HR, in the amount of \$100,000 and Authorize the County Administrative Officer to Sign

This item was pulled at the request of a public member.

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.

On motion of Supervisor Simon, and by vote of the Board, (a) Waived the Consultant Selection Policy; and (b) Awarded the Contract to conduct Lake County's Comprehensive Classification and Total Compensation Study to CPS-HR, in the amount of \$100,000 and Authorized the County Administrative Officer to Sign . The motion carried by the following vote:

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

- 6.3** Adopt Resolution Approving Agreement No. 18-0250 with the State of California, Department of Food and Agriculture and Authorizing the Execution of the Contractor Certification Clause and Signatures for Insect Trapping Activities for FY 2018-19

Enactment No: Resolution No. 2018-145

- 6.4** Adopt Resolution Appointing Directors of Certain Special District Boards In Lieu of Holding a General District Election on November 6, 2018

Enactment No: Resolution No. 2018-146

- 6.5** Adopt Resolution Amending Resolution No. 2017-143 to Correct Non-Substantive Typographical Errors

Enactment No: Resolution No. 2018-147

- 6.6** (Sitting as Lake County Sanitation District, Board of Directors) Approve an Exception to Lake County Sewer Code Sec. 205, allowing APN #050-401-12 to remain on a private septic system until such time system is in need of repairs or replacement, at which time, the property will be required to connect to the sewer system at owner's expense

- 6.7** Adopt Resolution Amending Resolution No. 2018-132 Establishing Position Allocations for Fiscal Year 2018-2019, Budget Unit 6022, County Library

Enactment No: Resolution No. 2018-148

- 6.8** (a) Waive the informal bidding procedures in accordance with County Code Section 2-38.2 making a determination that competitive bidding would not be in the public's interest because of the unique nature of the services; and (b) Authorize the Public Services Director to issue a Purchase Order to Dream Ride Elevator in the amount of \$94,178.00
- 6.9** Approve Amendment One to the Agreement between the County of Lake and Quincy Engineering, Inc. for Engineering Services for Replacement of Cooper Creek Bridge at Witter Springs Road (14C-0119) in Lake County, CA
- 6.10** (Continued from October 23, 2018) Approve Amendment Eight to the Agreement for Engineering Services for Four (4) Bridge Replacement Projects and Two (2) Bridge Rehabilitation Projects in Lake County, CA, with Quincy Engineering, Inc. in the amount not to exceed \$1,370,973.05 (an increase of \$6,965.59) and authorize the Chair to sign
- 6.11** (Continued from October 23, 2018) Approve Amendment Two to the Agreement for Construction Management Services for the Eastlake Elementary Safe Routes to School & Community Development Block Grant Project with 4 Leaf, Inc. for an increase of \$153,908.70, and an amount not to exceed \$351,325.61; and authorize the Chair to sign
- 6.12** Approve the FY 2018 Emergency Management Performance Grant application in the amount of \$138,133, authorize Sheriff Brian Martin to sign the Grant SubAward Face Sheet and the Subrecipient Grants Management Assessment form; and the County Administrative Officer, Carol J. Huchingson to act as the Authorized Agent on behalf of the County, sign the grant assurances, governing body resolution and FFATA Financial Disclosure document

On motion of Supervisor Smith, and by vote of the Board, approved Consent Agenda items 6.1 through 6.12, with the exception of 6.2 which was pulled for discussion. The motion carried by the following vote:

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

Enactment No: Resolution No. 2018-149

7. Timed Items

7.1 9:05 A.M. - Public Input

Water Resources Director Dave Cowan introduced new employee Marina De Giannanis, Water Resources Coordinator.

- 7.2** 9:06 A.M. - Presentation of Proclamation Commending Jill Shaul for Her Years of Service to the County of Lake

Supervisor Brown read the proclamation into the record and presented it to Jill Shaul. Ms. Shaul spoke.

Ceremonial item only.

7.3 9:10 A.M. - Swear in of newly appointed Correctional Officers Robin Deveau and Anthony Hodges

Sheriff Martin administered the Oath of Office to Correctional Officers Robin Deveau and Anthony Hodges.

Ceremonial item only.

7.4 9:13 A.M. - Consideration of Continuing a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Pawnee Fire Incident

Interim Public Health Officer Erin Gustafson presented the item to the Board. Environmental Health Director Jasjit Kang was also present and spoke. Mr. Kang reported that 15 sites have been registered for State cleanup and 2 sites for private cleanup. A total of 13 properties have been cleaned up as of October 15, 2018.

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, approved the continuation of a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Pawnee Fire Incident. The motion carried by the following vote:

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

7.5 9:14 A.M. - (a) Consideration of Continuing a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Mendocino Complex Fire

Interim Public Health Officer Erin Gustafson presented the item to the Board. Environmental Health Director Jasjit Kang was also present. Recovery Coordinator Nathan Spangler was present and spoke. CalOES and CalRecycle will be coming out to reassess properties that were rejected.

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.

On motion of Supervisor Scott, and by vote of the Board, approved the continuation of a Proclamation of a Local Health Emergency by the Lake County Health Officer due to the Mendocino Complex Fire. The motion carried by the following vote:

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

7.6 9:15 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires); and (b) Update on the Mendocino Complex - River and Ranch Fires Recovery

Sheriff Brian Martin presented the item to the Board. Recovery Coordinator Nathan Spangler spoke. A recovery scoping meeting will be held Nov 13th for Lake County agencies.

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, approved the continuation of a Proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires). The motion carried by the following vote:

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

7.7 9:16 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Pawnee Fire Incident

Sheriff Brian Martin 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 Scott, and by vote of the Board, approved the continuation of a Proclamation of a Local Emergency due to the Pawnee Fire Incident. The motion carried by the following vote:

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

7.8 9:17 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Sulphur Fire Incident

Sheriff Brian Martin presented the item to the Board.

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

On motion of Supervisor Smith, and by vote of the Board, approved the continuation of a Proclamation of a Local Emergency due to the Sulphur Fire Incident. The motion carried by the following vote:

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

7.9 9:18 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to Clayton Fire

Sheriff Brian Martin 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, approved the continuation of a Proclamation of a Local Emergency due to Clayton Fire. The motion carried by the following vote:

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

7.10 9:19 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Atmospheric River Storm

Sheriff Brian Martin 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 Scott, and by vote of the Board, approved the continuation of a Proclamation of a Local Emergency due to the Atmospheric River Storm. The motion carried by the following vote:

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

- 7.11** 9:25 A.M. - Consideration of Acceptance of \$21,000 Donation from Lake County PEG TV, for the purpose of upgrading Board chambers and on-location Audio/Visual equipment

Deputy County Administrative Officer Matthew Rothstein presented the item to the Board. PEG Board member Ed Robey was present to present the donation of \$21,000 to Chairman Steele and spoke. PEG Board members Brock Falkenberg and Nick Bennett were also present.

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.

On motion of Supervisor Simon, and by vote of the Board, accepted the \$21,000 donation from Lake County PEG TV, for the purpose of upgrading Board chambers and on-location Audio-Visual equipment. The motion carried by the following vote:

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

- 7.12** 9:30 A.M. - PUBLIC HEARING - Consideration of Proposed Ordinance Amending Chapter 21 of the Ordinance Code of the County of Lake Pertaining to Allow a Restaurant up to 750 Square Feet Accessory to a Permitted Tasting Room in the "APZ", "A", "RL", "RR" AND "SR" Districts; Allow a Restaurant Exceeding 750 Square Feet in Size Accessory to a Permitted Tasting Room Subject to Obtaining a Major Use Permit in the "APZ", "A", "RL", "RR" and "SR" Districts; Allow a Reduction of the Minimum Residential Construction Standards in the "R1" District from a Minimum Dwelling Size of 720 Square Feet to 360 Square Feet, A Minimum Width Reduction from 15 Feet to 12 Feet and a Minimum Eave Reduction from 12 Inches to 6 Inches; Establish a Permit Process to Allow Emergency Temporary Dwellings After a Catastrophic or Natural Disaster; Modify the Collectors Permit Conditions to Allow a Two Car Garage up to 500 Square Feet Accessory to a Permitted Dwelling; Allow a Reduction in the Minimum Residential Construction Standards of the "MH" Mobile Home Combining District from a Minimum Dwelling Size of 560 Square Feet to 360 Square Feet

Community Development Director Michalyn DelValle presented the item to the Board and gave a PowerPoint presentation. Chief Building Official Mary Jane Montana was present and spoke.

Chair Steele asked if anyone present wished to speak and the following people spoke: Cheryl Carr, Richard Knoll and Cindy Leonard. No one else wished to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Brown, and by vote of the Board, finds that the proposed text amendment to the Zoning Ordinance is exempt from the California Environmental Quality Act pursuant to 15061 (b)(3) of the CEQA Guidelines. The motion carried by the following vote:

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

(b) On motion of Supervisor Brown, and by vote of the Board, approved the proposed Zoning Ordinance text amendments as presented. The motion carried by the following vote:

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

8. Non-Timed Items

8.1 Supervisors' weekly calendar, travel and reports

8.2 Consideration of Appointment of Directors to the Lake County Risk Reduction Authority (LCRRA)

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 Smith, and by vote of the Board, appointed Supervisor Simon, acting as the Board of Supervisors, as a director to the Lake County Risk Reduction Authority (LCRRA). The motion carried by the following vote:

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

On motion of Supervisor Smith, and by vote of the Board, appointed Supervisor Steele, acting as Board of Directors of the Lake County Watershed Protection District, as a director to the Lake County Risk Reduction Authority (LCRRA). The motion carried by the following vote:

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

8.3 Consideration of Report from the Treasurer-Tax Collector

This item has been continued to the November 20, 2018 meeting.

8.4 Consideration of Advisory Board Appointments:

First Five Lake County
Lucerne Area 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 Scott, and by vote of the Board, reappointed Pam Klier and Susan Jen to First Five Lake County. The motion carried by the following vote:

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

On motion of Supervisor Smith, and by vote of the Board, appointed Kurt McKelvey to the Lucerne Area Town Hall. The motion carried by the following vote:

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

8.5 Consideration of Addition of Special Meetings to the Board's Annual Meeting Calendar for 2018

County Administrative Officer Carol Huchingson 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, approved the addition of Special Meetings to the Board's Annual Meeting Calendar for 2018. The motion carried by the following vote:

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

8.6 Discussion and Consideration of a Draft Ordinance Adding Division 3 to Chapter 9 Establishing Fines and Penalties for the Illegal Disposal of Garbage/Refuse and Creating an Illegal Dumping Prevention Program

County Counsel Anita Grant introduced the item. Chair Steele presented the item to the Board. Public Services Director Lars Ewing was present and spoke.

Chair Steele asked if anyone present wished to speak and the following people spoke: Gene Paleno, Joan Moss and Cheryl Carr. No one else wished to speak and the public input portion of this item was closed.

There was Board consensus to carry this item over to the November 20, 2018 meeting.

8.7 Discussion and Consideration of a Draft Ordinance Adding Article VIII to Chapter 13 of the Lake County Code Regarding Hazardous Vegetation Abatement

County Counsel Anita Grant presented the item to the Board.

Chair Steele asked if anyone present wished to speak and the following people spoke: Michelle Scully, David Rosen, Tom Nixon, Michael Cremer, Pat Roy, Cindy Leonard, Magdalena Valderama, Cheryl Carr Tom Slate and Cathy Andre. No one else wished to speak and the public input portion of this item was closed.

There was Board consensus to carry this item over to the November 20, 2018 meeting.

8.8 (Continued from October 23, 2018) Consideration of Request for Board Validation of the Public Works Directors Emergency Action in the Robinson Creek Bridge Rehabilitation Project

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 Smith, and by vote of the Board, approved the Public Works Directors Emergency Action in the Robinson Creek Bridge Rehabilitation Project. The motion carried by the following vote:

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

8.9 Second Reading - Consideration of an Ordinance imposing a Benefit Assessment for County Service Area #16 - Paradise Valley to Complete the Water System Consolidation with Clearlake Oaks County Water District

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.

Supervisor Smith offered Ordinance No. 3076, and it was passed by roll call vote:

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

9. Closed Session

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

9.1 Public Employee Evaluations

Title: Water Resources Director

9.2 Conference with Legal Counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(d)(2)(e)(3): California River Watch

The Board reconvened into Regular Session at 1:32 p.m. having taken no action.

10. Adjournment

There being no further business, the Board of Supervisors adjourned at 1:32 p.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: _____
Carolyn Purdy
Assistant Clerk of the Board

Chair-Lake County Board of Supervisors