



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Draft BOARD OF SUPERVISORS

Tuesday, March 26, 2019

9:00 AM

Board Chambers

1. Call to Order

The meeting was called to order at 9:00 a.m. by Chair Scott. 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 Sabatier, Supervisor Crandell, Supervisor Brown and Chair Scott

2. Moment of Silence

A moment of silence was observed in honor of Jan Layfield.

3. Pledge of Allegiance

Led by Greg Scott.

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

There were no extra items to consider.

5. Approval of the Consent Agenda

- 5.1 Adopt Proclamation in recognition of Vietnam Veterans Day
- 5.2 Authorize the Advanced Salary Step for Jim Emenegger, Elections Assistant II, Extra Help, at step 6, effective immediately
- 5.3 Adopt Resolution Amending Resolution 2019-23 Declaring the Board of Supervisors Intent to Sell Property Not Required for Public Use, Located at 8695 Soda Bay Road, Kelseyville, California (APN 009-002-430), Pursuant to Government Code Section 25520 Et Seq.

Enactment No: Resolution No. 2019-38
- 5.4 Approve waiver of the 900 hour limitation for Animal Control employees Gabirelle Reil and Collette Hall
- 5.5 Approve Long Distance Travel for Dr. Erin Gustafson, Denise Pomeroy, Iyesha Miller, and Dean Eichelmann to Anniston, Alabama from April 14, 2019 - April 18, 2019 to attend the 2019 Health Care Coalition Response Leadership Course

- 5.6** Approve Long Distance Travel for Denise Pomeroy to Hartford, CT from April 29, 2019 - May 2, 2019 to attend the Annual Wellville Gathering
- 5.7** (a) Waive the formal bidding process, pursuant to Lake County Code Section 38.2, as it is not in the public interest due to the unique nature of goods or services; and (b) Approve the purchase of PA-3220 firewalls and associated support and services from ePlus Technology, Inc. in the amount of \$63,703.65 and authorize IT director to issue purchase order
- 5.8** Approve Advanced Step Appointment of Beverly Dodgen, Weighmaster, at Fourth Step, effective immediately
- 5.9** Adopt Resolution Supporting the Creation of a Statewide Commission on Recycling Markets

Enactment No: Resolution No. 2019-39

- 5.10** Approve Amendment No. 3 to Equipment Repair and Service Contract between the County of Lake and Peterson Tractor Company in the amount of \$50,000 for a revised not-to-exceed amount of \$275,000, and authorize the Chair to sign
- 5.11** Approve Plans and Specifications for the FMAG HMGP Culvert Replacement No. 1 Project; Bid No. 19-01, Project No: FMAG-HMGP Pilot # 5093-1-1R; Construction Estimate \$493,000, and authorize the Public Works Director / Assistant Purchasing Agent to advertise for bids
- 5.12** Approve Plans and Specifications for the FMAG HMGP Culvert Replacement No. 2 Project; Bid No. 19-02, Project No: FMAG-HMGP Pilot # 5112-1-1R; Construction Estimate \$347,000, and authorize the Public Works Director / Assistant Purchasing Agent to advertise for bids

On motion of Supervisor Simon, and by vote of the Board, approved Consent Agenda Items 5.1 through 5.12. The motion carried by the following vote:

Ayes- Supervisors: 5 - Simon, Sabatier, Crandell, Scott and Brown

6. Timed Items

6.1 9:05 A.M. - Public Input

There was no public input.

6.2 9:10 A.M. - Presentation of Proclamation in recognition of Vietnam Veterans Day

Supervisor Crandell read the proclamation into the record and presented it to the Veterans that attended the ceremony. Greg Scott accepted the Proclamation and spoke. Dean Gotham was also present and spoke.

This Ceremonial Item was read into the record and presented.

6.3 9:15 A.M. - (THIS ITEM CONTINUED TO APRIL 23, 2019 @ 9:20 A.M.) PUBLIC BID OPENING – Consideration of Bids to Purchase the Property Located at 8695 Soda Bay Road in Kelseyville California (APN 009-002-430)

County Administrative Officer Carol Huchingson presented the item to the Board. Ms. Huchingson requested to continue this item to the April 23, 2019 agenda.

Chair Scott 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 to continue the Consideration of Bids to Purchase the Property Located at 8695 Soda Bay Road in Kelseyville California (APN 009-002-430) to April 23, 2019. The motion carried by the following vote:

Ayes- Supervisors: 5 - Simon, Sabatier, Crandell, Scott and Brown

6.4 9:30 A.M. - PROTEST HEARING - (a) Proposed Creation of Zone of Benefit Clearlake Riviera within CSA No. 23, (b) Proposed Creation of Zone of Benefit Buckingham within CSA No. 23, (c) Proposed Creation of Zone of Benefit Riviera West within CSA No. 23, (d) Proposed Creation of Zone of Benefit Riviera Heights; and (e) Tabulation of Ballots for said proposed assessment

Chair Scott opened the Public Hearing and the following people spoke:

Riviera District - Tom Nixon, Emily Miller, Michael Goforth, Don Richen, Greg Scott, Janet Swedburg, Ken Melville and Gerald Peterson.

Buckingham District - No one wished to speak.

Riviera West District - Ray Oleva and Greg Scott.

Riviera Heights District - Henry Byrd, Debbie White, Joan Moss and Tom Nixon

No one else wished to speak and the Public Hearing was closed.

Administrative Analyst Marcy Harrison read the ballot results:

Clearlake Riviera votes

654 yes 56%

514 no 44%

1168 votes

Buckingham votes

250 yes 62%

152 no 38%

402 votes

Riviera West

180 yes 68%

86 no 32%

266 votes

Riviera Heights

170 yes 55%

138 no 45%

308 votes

6.5 10:00 A.M. - PUBLIC HEARING - Consideration of Proposed Amendments (GPAP 16-05) to the Housing Element of the Lake County General Plan, Clarifying Programs and Policies based on Correspondence with the State Department of Housing and Community Development

Community Development Director Michalyn DelValle introduced the item. Principal Planner Byron Turner presented the item to the Board.

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

(a) On motion of Supervisor Sabatier, and by vote of the Board, approved the Final Draft Housing Element 2014-2019, as amended, and directed staff to submit this update to the State Department of Housing and Community Development (HCD) for certification. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

(b) On motion of Supervisor Sabatier, and by vote of the Board, approved the Negative Declaration for the 2014-2019 Housing Element, based on the Initial Study IS16-11. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

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

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

Enactment No: Resolution No. 2019-40

7. Non-Timed Items

7.1 Supervisors' weekly calendar, travel and reports

7.2 Consideration of Amendment to Paid Emergency Leave Policy

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

Chair Scott 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 Amendment to the Paid Emergency Leave Policy. The motion carried by the following vote:

Ayes- Supervisors: 5 - Simon, Sabatier, Crandell, Scott and Brown

- 7.3** (Second Reading) - Consideration of an Ordinance Amendment, AM 19-01 to Amend Chapter 21 of the Lake County Zoning Ordinance to remove the requirement for commercial cannabis applicants to be enrolled with the Regional Water Quality Control Board as of October 1, 2019 and to remove the requirement for a Conditional Certificate of Recognition (Self Certification) of Compliance with Article 72 in order to apply for Early Activation of use

Community Development Director Michalyn Del Valle presented the item to the Board. It was noted that the title of the item on the agenda should have read "Consideration of an Ordinance Amendment, AM19-01 to Amend Chapter 21 of the Lake County Zoning Ordinance to "establish" (instead of the word "remove") the requirement for commercial cannabis applicants to be enrolled with the Regional Water Quality Board as of October 1, 2019.

Chair Scott asked if anyone present wished to speak and Eric Sklar spoke. No one else wished to speak and the public input portion of this item was closed.

Supervisor Sabatier offered the Ordinance and it was passed by roll call vote:

Ayes- Supervisors: 4 - Simon, Sabatier, Crandell and Scott

Nayes- Supervisors: 1 - Brown

Enactment No: Ordinance No. 3081

- 7.4** (Second Reading) Consideration of an Ordinance adding Article VIII to Chapter 13 of the Lake County Code Regarding Hazardous Vegetation Abatement

Chair Scott presented the item to the Board. Community Development Director Michalyn DelValle spoke.

Chair Scott asked if anyone present wished to speak and the following people spoke: Joan Moss, Charles Francis, Henry Berg and Tom Nixon. No one else wished to speak and the public input portion of this item was closed.

Supervisor Simon offered the Ordinance and it was passed by roll call vote:

Ayes- Supervisors: 5 - Simon, Sabatier, Crandell, Scott and Brown

Enactment No: Ordinance No. 3082

- 7.5** Discussion and Consideration of a Possible Limited Moratorium Relating to the Acceptance of Pre-applications and Applications for Commercial Cannabis Cultivation Use Permits to Allow for the Expedious Processing of Applications Already Submitted and to Allow for Review of Possible Changes to the Zoning Ordinance to more Efficiently Coordinate the Processing of Such Permits

County Counsel Anita Grant presented the item to the Board. Community Development Director Michalyn DelValle and Principal Planner Byron Turner were also present and spoke.

Chair Scott asked if anyone present wished to speak and the following people spoke: Eric Sklar, Bennie Alveraz, Lance Williams and Nancy Ruzika. No one else wished to speak and the public input portion of this item was closed.

There was Board consensus to revise the moratorium date from April 1, 2019 to May 1, 2019 and agreed to accept 12 applications per month on a first come first serve basis. The item will be brought back next week for a first reading.

7.6 Consideration of Agreement between the County of Lake and Foothill Associates for Proposition 68 Statewide Park Development and Community Revitalization Program Support Services

Public Services Director Lars Ewing presented the item to the Board.

Chair Scott 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 Agreement between the County of Lake and Foothill Associates for Proposition 68 Statewide Park Development and Community Revitalization Program Support Services. The motion carried by the following vote:

Ayes- Supervisors: 5 - Simon, Sabatier, Crandell, Scott and Brown

7.7 Consideration of (a) Amendment Two to Agreement between the County of Lake and Lake County Waste Solutions, Inc. for Solid Waste Handling and Recycling Services; and (b) Amendment Two to Agreement between the County of Lake and South Lake Refuse Company, LLC for Solid Waste Handling and Recycling Services

Public Services Director Lars Ewing presented the item to the Board.

Chair Scott asked if anyone present wished to speak and the following people spoke: Debbie White. No one else wished to speak and the public input portion of this item was closed.

(a) On motion of Supervisor Sabatier, and by vote of the Board, approved Amendment Two to Agreement between the County of Lake and Lake County Waste Solutions, Inc. for Solid Waste Handling and Recycling Services. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

(b) On motion of Supervisor Sabatier, and by vote of the Board, approved Amendment Two to Agreement between the County of Lake and South Lake Refuse Company, LLC for Solid Waste Handling and Recycling Services. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

7.8 Consideration of (a) A change to the days and hours of operation at the Lower Lake Schoolhouse Museum and (b) A change to the hours of operation at the Gibson Museum in Middletown

Public Services Director Lars Ewing presented the item to the Board. Museum Curator Clark McAbee was also present and spoke.

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

(a) On motion of Supervisor Simon, and by vote of the Board, approved to change the days and hours of operation at the Lower Lake Schoolhouse Museum to Wednesday through Saturday 11:00 a.m. to 4:00 p.m. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

(b) On motion of Supervisor Simon, and by vote of the Board, approved to change the hours of operation at the Gibson Museum in Middletown to Wednesday through Saturday 11:00 a.m. to 4:00 p.m. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

8. Closed Session

Chair Scott announced that the Board would now go into Closed Session at 11:50 a.m. for the reasons stated on the agenda.

8.1 Public Employee Evaluations
Title: Interim Public Health Officer

8.2 Public Employee Appointment Pursuant to Gov. Code Section 54957(b)(1):
(a) Appointment of Public Health Officer

The Board reconvened into Regular Session at 12:10 p.m. having taken the following action:

On motion of Simon, and by vote of the Board, appointed Erin Gustafson to Public Health Officer. The motion carried by the following vote:

Ayes: Supervisors Simon, Sabatier, Crandell, Brown and Scott

8.3 Employee Disciplinary Appeal (EDA 19-01) Pursuant to Gov. Code sec. 54957

Chair Scott announced that the Board would go back into Closed Session at 12:13 p.m. for the reasons stated on the agenda.

8.4 Employee Disciplinary Appeal (EDA 19-02) Pursuant to Gov. Code sec. 54957

8.5 Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code sec. 54956.9(d)(1): County of Lake, et al. v. PG&E, et al

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

9. 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