



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Draft BOARD OF SUPERVISORS

Tuesday, December 18, 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: 5 - 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 Chairman Steele.

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

There were no extra items to consider.

5. Current Construction Projects - Contract Change Orders

- 5.1** Consideration of Contract Change Order #8 for the Clearlake Oaks Intertie Control Valve Project, SD17-03 to confirm the revised contract price, and authorize the Chair to sign

Special Districts Deputy Administrator Scott Harter 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 Contract Change Order #8 for the Clearlake Oaks Intertie Control Valve Project, SD17-03 to confirm the revised contract price, 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** Approve Letter of Support for the Middletown Art Center's (MAC) 2019 Artists in Schools "Being Leonardo" Grant Application and Authorize the Chair to Sign.
- 6.2** Adopt Proclamation Commending Diane Fridley for Her Years of Service to the County of Lake

- 6.3** Approve Leave of Absence Request for Melinda Daunis from October 21, 2018 through January 31, 2019 and authorize the Chair to sign
- 6.4** Adopt Resolution to Support Participation in the 2020 Census and Consideration of Direction to Staff to Complete the Processes Necessary to Apply for State Funding Available to Lake County to Support Census 2020 Outreach Efforts

Enactment No: Resolution No. 2018-166

- 6.5** (a) Approve in Concept Revisions of Personnel Rule 1604.6, Salary Plan Administration, Pending Meet and Confer; (b) Rescind County Policy Restricting Purchase of Bottled Water for County Offices; (c) Approve Revisions of County Employee Appreciation and Team Building Policy (E.A.T.S)

This item was pulled by Supervisor Scott for discussion. County Administrative Officer Carol Huchingson presented the item to the Board.

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

(a) On motion of Supervisor Scott, and by vote of the Board, approved in concept the revisions of Personnel Rule 1604.6, Salary Plan Administration, pending Meet and Confer. The motion carried by the following vote:

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

(b) On motion of Supervisor Scott, and by vote of the Board, rescinded County Policy restricting purchase of bottled water for County Offices. The motion carried by the following vote:

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

(c) On motion of Supervisor Scott, and by vote of the Board, approved revisions of County Employee Appreciation and Team Building Policy (E.A.T.S). The motion carried by the following vote:

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

- 6.6** Approve letter to CalPERS appealing decision disallowing LCDSA employees a special enrollment period based on increase in employer contribution for health care from \$800 to \$1,000 per employee per month, to be signed by all five Board members
- 6.7** (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 Agreement between the County of Lake and Lake Family Resource Center (LFRC) for the Provision of the FEMA Based Immediate Services Program and Known as Cal Hope for Fiscal Year 2018-19, for an amount not to exceed \$225,000; and authorize the Chair to sign

- 6.8** (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 Agreement between the County of Lake and Redwood Community Services, Inc. for Substance Use Disorder (SUD) Perinatal Intensive Outpatient (IOP) and Perinatal Outpatient Drug Free (ODF) Services Provided at H.O.M.E. for Fiscal Year 2018-19, for an amount not to exceed \$30,000; and authorize the Chair to sign
- 6.9** (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 Agreement between the County of Lake and Redwood Community Services, Inc. Tule House for Substance Use Disorder (SUD) Perinatal Residential Services for Fiscal Year 2018-19, for an amount not to exceed \$62,000; and authorize the Chair to sign
- 6.10** Adopt Resolution Accepting Official Canvass of the Statewide General Election held on November 6, 2018; and, declaring the Results of County Measure under the Board's Jurisdiction

Enactment No: Resolution No. 2018-167

- 6.11** Adopt Resolution Approving County of Lake Health Services to apply for the Farm to School Grant receiving one time funding in the amount of \$75,000 through the Department of Agriculture Food and Nutrition Services (USDA) for the Fiscal Years 2019-2021 and authorizing the Director of Health Services to sign application, and necessary amendments, certifications, clauses, contracts, and payment requests to said Grant Agreement on behalf of the County of Lake

Enactment No: Resolution No. 2018-168

- 6.12** Approve Advanced Step Hire for Dana Sturzbecher, Occupational Therapist to the County of Lake Public Health Division
- 6.13** Adopt Resolution appointing Representatives to the CSAC-EIA Insurance Authority Board of Directors

Enactment No: Resolution No. 2018-169

- 6.14** Approve Budget Transfer and new Capital Asset in the amount of \$6,033.00 to Purchase a Parks Maintenance Landscaping Trailer and Authorize the Chair to sign.
- 6.15** Approve Amendment One to the Laboratory Services Agreement between the County of Lake and BC Laboratories, Inc. for Water Sampling, Monitoring, and Testing at the Eastlake Landfill for an annual amount not to exceed \$50,000.00; and authorize the Chair to sign

- 6.16** Approve the Agreement between the County of Lake and SCS Engineers for CEQA Environmental Review and Regulatory Agency Permitting Services for the Eastlake Landfill Expansion, and authorize the Chair to sign

- 6.17** Adopt Resolution Approving Final Parcel Map – Smith & Smythe PM 15-03 and Authorizing the Chair to sign

Enactment No: Resolution No. 2018-170

- 6.18** Approve the Plans and Specifications for the Cycle 7 & Cycle 8 HSIP Signs and Striping Project; Bid no. 18-22, Federal Aid project no. HSIPL-5914 (104) & HSIPL-5914 (113)

- 6.19** (a) Waive the normal sealed bid process under Ordinance #2406, Section 38.2, for the purchase of four (4) Central Garage Pool Vehicles and four (4) ISF vehicles; and (b) Authorize the Public Works Director/Assistant Purchasing Agent to issue a purchase order through the Statewide Bid Contract in the amount of \$104,266.94 and a purchase order to Matt Mazzei in the amount of \$123,727.78

- 6.20** Authorize the Destruction of Records under Government Code sections 26202 and 26205 for the Sheriff's Department

- 6.21** (a) Adopt Resolution to Amend the Adopted Budget for FY 2018-19 by Cancelling Obligated Fund Balance to Make Available for Appropriation in Budget Unit 8482; and (b) Approve payment of outstanding General Fund loan balance in full.

Enactment No: Resolution No. 2018-171

- 6.22** Adopt Resolution accepting the Clearlake Oaks Intertie Control Valve Project, SD17-03, as complete and authorize the Special Districts Administrator to sign the Notice of Completion

Enactment No: Resolution No. 2018-172

- 6.23** Authorize the Purchase of Two Sedans and Two AWD's From Redwood Ford for \$86,420.46 and authorize the Social Services Director to sign the Purchase Order and all other accompanying documents for this transaction

- 6.24** Approve First Amendment between the County of Lake and JUMP Technology Services in the Amount of \$10,560 from July 1, 2016 to June 30, 2019 and authorize the Chair Sign

- 6.25** Approve the Addendum to Lease Agreement between Mobil Modular for Public Restrooms at our Lower Lake Main Office, extending the term through April 14, 2022, for an annual lease rate of \$6,192 and authorize the Chair to sign

On motion of Supervisor Scott, and by vote of the Board, approved Consent Agenda Items 6.1 through 6.25, with the exception of 6.5, which was pulled for discussion. The motion carried by the following vote:

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

7. Timed Items

7.1 9:05 A.M. - Public Input

Paul Kolb spoke.

7.2 9:10 A.M. - Presentation of Proclamation Commending Diane Fridley for Her Years of Service to the County of Lake

Supervisor Steele read the proclamation into the record and presented it to Diane Fridley for her 41 years of service to the County of Lake. Ms. Fridley and Donna Marshall spoke.

The Ceremonial Item was read into the record and presented.

7.3 9:12 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 and spoke. The debris cleanup is in process but not complete. Director Kang reported out of 176 properties, a total of 135 have been cleaned up for debris removal and 58 are complete to rebuild. There are a total of 13 private and 20 modified clean ups. To date there has been one abatement.

Chair Steele asked if anyone present wish 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 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

7.4 9:15 A.M. - Consideration of Acceptance of \$11,100 Donation from the Lake County Literacy Coalition

Librarian Christopher Veach presented the item to the Board. Lake County Literacy Coalition members Ginny Cholez, Jo Fay, and Pam Klier were present.

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 acceptance of \$11,100 Donation from the Lake County Literacy Coalition. The motion carried by the following vote:

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

- 7.5** 9:20 A.M. - Discussion and Consideration of a First Amendment to the Joint Powers Agreement Creating the Lake County Community Risk Reduction Authority in order to include the Kelseyville Fire Protection District as a Member

County Counsel Anita Grant 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 First Amendment to the Joint Powers Agreement Creating the Lake County Community Risk Reduction Authority in order to include the Kelseyville Fire Protection District as a Member. The motion carried by the following vote:

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

- 7.6** 9:30 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 18-02) of the Planning Commission's Decision to Approve Use Permit (UP 17-04) and Variance (VR 18-03) for an Unmanned 70-foot tall Broad Leaf Mono-tree Wireless Telecommunication Tower and Variance to Allow 15-foot wide Access Easement; Project Location 25 and 55 Worley Drive, Lakeport (APNs 029-141-31 and 029-141-33); Applicant: Verizon Wireless (c/o Epic Wireless), Appellant: Linda Shields

All parties to the hearing were sworn in by the Clerk. Community Development Associate Planner Mark Roberts presented the item to the Board and gave a PowerPoint presentation. Director Michalyn DelValle was present and spoke. Verizon/Epic Wireless representative Andrew Leesa and Verizon Outside Counsel Paul Albritton were present and spoke.

Chair Steele opened the public hearing and the following people spoke: Peter Siltby, Duke Belcher and Jim Magliulo from Country Air Properties. The Chair announced that the meeting would go into recess for lunch at 12:20 p.m. and would reconvene at 1:30 p.m.

The meeting reconvened at 1:30 p.m. and the public hearing continued. Janice Pilcher, Karen Krisey, Joan Moss, Daniel Christensen, Chris Macedo, Brad Chatten and Appellant Linda Shields spoke. No one else wished to speak and the public hearing was closed.

On motion of Supervisor Scott, and by vote of the Board, denied Appeal, AB18-02 filed by Linda Shields of the approval of Use Permit, UP 17-04 and Variance, VR 18-03 approved by the Planning Commission on October 25, 2018 and directed County Counsel to prepare findings of fact. The motion carried by the following vote:

Ayes- Supervisors: 3 - Simon, Smith and Scott

Nayes- Supervisors: 2 - Brown and Steele

- 7.7** 10:00 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 18-03) of Planning Commission's denial of Variance (VR 18-05) to Allow Applicant to Apply for a Use Permit to Operate a Type 1c Indoor Cannabis Cultivation License within 1,000 feet of a Drug and Alcohol Rehabilitation Facility; Project Location 14725 Catholic Church Road, Clearlake Oaks (APN 010-046-06); Applicant Liyu Shen

All parties to the hearing were sworn in by the Clerk. Community Development Principal Planner Byron Turner presented the item to the Board and gave a Powerpoint presentation. Director Michalyn DelValle was present and spoke. Appellant Liyu Shen was present along with Mr. Young, who will act as interpreter for this hearing.

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

Chair Steele passed the gavel to Vice-Chair Scott to make a motion to uphold the appeal of the Planning Commission's denial of Variance (VR 18-05) to allow the applicant to apply for a use permit to operate a type 1C indoor cannabis cultivation license within 1,000 feet of a Drug and Alcohol Rehabilitation Facility. The motion failed due to a lack of second.

On motion of Supervisor Brown, and by vote of the Board, denied the appeal (AB 18-03) filed by Liyu Shen of the Variance (VR 18-05) that was denied by the Planning Commission on October 25, 2018 and directed County Counsel to prepare proposed findings of fact. The motion carried by the following vote:

Ayes- Supervisors: 3 - Simon, Scott and Brown

Nayes- Supervisors: 1 - Steele

Abstain- Supervisors: 1 - Smith

- 7.8** 10:30 A.M. - Discussion and Consideration of Staffing and Vacancies within the Lake County Sheriff's Department

Sheriff's Department Detective Richard Kreutzer presented the item to the Board. Sergeant John Drewery was present and read a statement from Deputy Shamus Stafford. Sheriff Brian Martin spoke.

Chair Steele asked if anyone present wished to speak and the following people spoke: Jeff Mora, Jermey Wichlaz and Nathaniel Newton. No one else wished to speak and the public input portion of this item was closed.

No action. Informational item only.

8. Non-Timed Items

8.1 Supervisors' weekly calendar, travel and reports

8.2 Consideration of Letter of Support for a grant request to CAL FIRE's California Climate Investments (CCI) Fire Prevention Grant Program

Supervisor Brown 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 Letter of Support for a grant request to CAL FIRE's California Climate Investments (CCI) Fire Prevention Grant Program. The motion carried by the following vote:

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

8.3 Reconsideration of (a) Board appointment of delegate and alternate to the Rural County Representatives (RCRC) Board of Directors for 2019; (b) Board appointment of delegate and alternate to Golden State Finance Authority (GSFA) Board of Directors for 2019; and (c) Board appointment of delegate and alternate to the Rural Counties Representatives of California Environmental Services Joint Powers Authority (ESJPA) Board of Directors for 2019

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.

(a) On motion of Supervisor Smith, and by vote of the Board, appointed Supervisor Simon as delegate to the Rural County Representatives (RCRC) Board of Directors for 2019. An alternate for this Board will be considered at the January 8, 2019 meeting. The motion carried by the following vote:

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

(b) On motion of Supervisor Smith, and by vote of the Board, appointed Supervisor Simon as delegate to Golden State Finance Authority (GSFA) Board of Directors for 2019. An alternate for this Board will be considered at the January 8, 2019 meeting. The motion carried by the following vote:

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

(c) On motion of Supervisor Smith, and by vote of the Board, appointed Supervisor Simon as delegate and Public Services Director Lars Ewing as alternate to the Rural Counties Representatives of California Environmental Services Joint Powers Authority (ESJPA) Board of Directors for 2019. The motion carried by the following vote:

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

- 8.4** Consideration of (a) Late travel claim for District 3 Supervisor Jim Steele in the amount of \$523.02; and (b) Late mileage claim for District 3 Supervisor Jim Steele in the amount of \$149.84.

Chair Steele recused himself from this item and turned the gavel over to Vice-Chair Scott. 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 Smith, and by vote of the Board, approved the late travel claim in the amount of \$523.02 and the late mileage claim in the amount of \$149.84 for District 3 Supervisor Jim Steele. The motion carried by the following vote:

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

Recused- Supervisors: 1 - Steele

- 8.5** Consideration of Intent to Award Bid No. 18-13 for Propane Fueling Services

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.

(a) On motion of Supervisor Simon, and by vote of the Board, approved to Award Bid No. 18-13 to Suburban Propane for propane fueling services and authorized the Chair to sign. The motion carried by the following vote:

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

(b) On motion of Supervisor Simon, and by vote of the Board, approved the Agreement between the County of Lake and Suburban Propane for propane fueling services, and authorized the Chair to sign. The motion carried by the following vote:

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

- 8.6** Consideration of a Memorandum of Understanding (MOU) Between the County of Lake and the Lake County Sheriff Management Association for the Period from January 1, 2019 through December 31, 2019

County Administrative Officer Carol Huchingson presented the item to the Board. A revision to the MOU document will include Page 12, item 4.6. correcting the date to December 31, 2019 and to include the item in the table of contents.

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 as amended, the Memorandum of Understanding (MOU) Between the County of Lake and the Lake County Sheriff Management Association for the Period from January 1, 2019 through December 31, 2019. The motion carried by the following vote:

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

8.7 Consideration of Agreement Regarding the Sale of Property Located at 3700 Country Club Drive, Lucerne, California, Between the County of Lake and the Romero Institute – New Paradigm College

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 Agreement regarding the Sale of Property Located at 3700 Country Club Drive, Lucerne, California, between the County of Lake and the Romero Institute – New Paradigm College. The motion carried by the following vote:

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

8.8 (Second Reading) Consideration of an Ordinance Amending Article X of Chapter Two, of the Lake County Code to Revise the Local Procurement Standards to State and Federal Standards for Public Projects

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.

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

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

Enactment No: Ordinance No. 3080

8.9 Informational Workshop to discuss impacts and potential policy options regarding short-term rental services for temporary lodging

Community Development Director Michalyn DelValle 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.

This item will be continued to January 29, 2019.

8.10 Consideration of a Resolution of Intention to Develop and Implement an Ordinance adding Article VIII to Chapter 13 of the Lake County Code regarding Hazardous Vegetation Abatement on Unimproved Parcels in the Unincorporated Areas of the County of Lake

County Counsel Anita Grant presented the item to the Board.

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

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

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

Enactment No: Resolution No. 2018-174

8.11 Discussion and Consideration of Temporary Courthouse Elevator Modifications for Inmate Transport during Repair of the Court Holdings Elevator

Public Services Director Lars Ewing presented the item to the Board. Undersheriff Chris Macedo was present and spoke. County Administrative Officer Carol Huchingson 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.

No action. Informational item only.

9. Closed Session

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

9.1 Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code sec. 54956.9(d)(1): Tabba aka Ward v. Wright, et al.

The Board reconvened into Regular Session at 4:12 p.m. having taken the following action:

On motion of Supervisor Scott, and by vote of the Board, approved the settlement of the matter in the amount of \$35,000, inclusive of fees and costs. The motion carried by the following vote:

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

Absent- Supervisors: 1 - Brown

10. Adjournment

There being no further business, the Board of Supervisors adjourned at 4:13 p.m.

CAROL J. HUCHINGSON
Clerk of the Board

By: _____
Carolyn Purdy
Assistant Clerk of the Board

Chair-Lake County Board of Supervisors