



COUNTY OF LAKE

255 North Forbes Street
Lakeport, CA 95453

Meeting Minutes - Final BOARD OF SUPERVISORS

Tuesday, April 23, 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 memory of Doug North and Quincy Andrus.

3. Pledge of Allegiance

Led by Brock Falkenberg.

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 Approve Minutes of the Board of Supervisors meetings held December 18, 2018 and January 8, 2019

5.2 (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 the Family Stabilization Program Provided at The Nest for Fiscal Year 2018-19 and authorize the Board Chair to sign the Agreement.

5.3 Adopt the Resolution Approving the Memorandum of Understanding Between County of Lake and Partnership Health Plan of California (PHC) and Authorize the Behavioral Health Services Administrator to sign the Memorandum of Understanding.

Enactment No: Resolution No. 2019-48

5.4 Approve Amendment 1 to the Agreement between the County of Lake and Restpadd, Inc. for Acute Inpatient Psychiatric Hospital Services and Professional Services Associated with Acute Inpatient Hospitalizations for Fiscal Year 2018-19 and authorize the Board Chair to sign the Amendment.

5.5 Approve Amendment One to the Agreement for Construction Management Services for Robinson Creek Bridge at Mockingbird Lane with MGE Engineering, Inc. in the amount of \$20,956.46 with a new contract not-to-exceed total of \$261,943.36 and authorize the Chair to sign

5.6 Adopt Resolution to Establish a list of Projects proposed to be Funded in FY 2019/2020 Pursuant to the Road Repair and Accountability Act of 2017 (SB1)

Enactment No: Resolution No. 2019-49

5.7 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, 2018 to September 30, 2019; and authorize Sheriff to sign the Agreement and Chair to sign Workplace Certifications and Grant Assurances

5.8 Approve (a) waiver of the 900 Hour extra help limit for Law Enforcement Records Technician Von McPherson and (b) Deputy Sheriff's Oliver Everhart and Michael Moore

5.9 Approve Contract between the County of Lake and People Services for yard maintenance in the amount of \$9,234.33 annually, terminating June 30, 2021, and authorize the Chair to sign

On motion of Supervisor Simon, and by vote of the Board, approved Consent Agenda Items 5.1 through 5.9. 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 9:06 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to an Atmospheric River Event 2019

Sheriff Brian Martin 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 continuation of a Proclamation of a Local Emergency due to the Atmospheric River Event 2019. The motion carried by the following vote:

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

6.3 9:07 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Mendocino Complex Fire Incident (River and Ranch Fires)

Sheriff Brian Martin 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 Sabatier, 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, Sabatier, Crandell, Scott and Brown

6.4 9:08 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 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 Crandell, 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, Sabatier, Crandell, Scott and Brown

6.5 9:09 A.M. - (a) Consideration of Continuing a Proclamation of a Local Emergency due to the Sulphur Fire Incident; and (b) Discussion and Consideration of Anti-Gouging Ordinance

(a) Sheriff Brian Martin 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.

(b) Supervisor Brown presented the item to the Board. Sheriff Brian Martin spoke. County Administrative Officer Carol Huchingson spoke. Ms. Huchingson stated that within the next 30 days, she will confer with Disaster Finance Chief Cathy Saderlund and Sheriff Brian Martin to determine the necessity of existing disaster proclamations.

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

(a) On motion of Supervisor Crandell, 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, Sabatier, Crandell, Scott and Brown

(b) On motion of Supervisor Sabatier, and by vote of the Board, rescinded Urgency Ordinance No. 3067 as the disaster conditions giving rise to this implementation no longer exist in Lake County. The motion carried by the following vote:

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

6.6 9:10 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 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 continuation of a Proclamation of a Local Emergency due to the Clayton Fire. The motion carried by the following vote:

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

6.7 9:11 A.M. - Consideration of Continuing a Proclamation of a Local Emergency due to the Atmospheric River Storm 2017

Sheriff Brian Martin 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 continuation of a Proclamation of a Local Emergency due to the Atmospheric River Storm 2017. The motion carried by the following vote:

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

6.8 9:12 A.M. - Consideration of Continuing the Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transportation, and Disposal of Fire Debris for the Mendocino Complex Fire

Health Services Director Denise Pomeroy presented the item to the Board. Environmental Health Director Jasjit Kang was present and spoke. CalOES, CalRecycle and the Environmental Health staff took a tour of the debris sites. The State will resume the fire debris removal process as of May 1, 2019 and will incorporate properties that were previously not included.

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 Sabatier, and by vote of the Board, approved the continuation of the Declaration of a Local Health Emergency and Order Prohibiting the Endangerment of the Community through the Unsafe Removal, Transportation, and Disposal of Fire Debris for the Mendocino Complex Fire. The motion carried by the following vote:

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

6.9 9:15 A.M. - Consideration of Responses to the Bureau of Indian Affairs Invitation to Provide Comment on the Habematolel Pomo of Upper Lake's Land Acquisition Application

County Administrative Officer Carol Huchingson presented the item to the Board. Chairperson for the Habematolel Pomo of Upper Lake Sherry Treppa was present and spoke. Ms. Treppa asked that the proposed letter be revised to reflect a positive rather than neutral position from the County. Sheriff Brian Martin 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.

Chair Scott closed the item to have the letter revised and will bring back later in the meeting.

Chair Scott reopened the item. County Administrative Officer Carol Huchingson presented the revised letter and read the revisions.

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 Crandell, and by vote of the Board, approved, as revised, the responses to the Bureau of Indian Affairs Invitation to provide comment on the Habematolel Pomo of Upper Lake's Land Acquisition Application. The motion carried by the following vote:

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

6.10 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. Deputy Administrative Officer Stephen Carter opened the sealed bids received.

Remax agent Teresa Lyndall representing Mark A. Wilde bid \$18,888.00.

William Biggs and Carol Biggs bid \$90,010.00.

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 Brown, and by vote of the Board, awarded the bid to William Biggs and Carol Biggs for the purchase the property located at 8695 Soda Bay Road in Kelseyville California (APN 009-002-430) in the amount of \$90,010. The motion carried by the following vote:

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

- 6.11 9:30 A.M. - PUBLIC HEARING - Consideration of Appeal (AB 19-01) of Planning Commission's Approval of Major Use Permit (UP 18-01) and Adoption of Mitigated Negative Declaration, based on Initial Study (IS 18-06) for the Construction and Operation of an Unmanned 85 Foot Tall Broad Leaf Mono-tree Wireless Telecommunication Tower Able to Accommodate up to Four (4) Wireless Communication Carriers; Project Located at 9475 Mojave Trail, Kelseyville (APN 009-004-21); Project Applicant is Horizon Tower, LLP; Appellant is Aurelia Johnson**

All parties to the hearing were sworn in by the Clerk. Community Development Director Michalyn DelValle introduced the item to the Board and Senior Planner Mark Roberts gave a PowerPoint presentation. The Appellant Aurelia Johnson was present and spoke. Additional Appellants were present and spoke: Carol Sterrett Frost, Don Greene, Frank Howard and Kirsten Olsen. Ms. Johnson read statements from: Corrina Bettencourt and Barbara Greene.

Representative from Horizon Tower Greg Guerrazzi spoke and gave two samples of the proposed mono tree. Electrical Engineer Rajat Mathur from Hammett and Edison, Inc. spoke and discussed radio frequency.

Chair Scott opened the public hearing and the following people spoke: Association of Realtors Scott Nickmeyer reported on studies. Brad Chatten and Joan Moss spoke.

At 12:30 p.m. the Board announced recess for a brief lunch break and to reconvene at 1:00 p.m. for scheduled interviews in Closed Session.

The Board will return to Regular Session at approximately 3:30 p.m. for deliberations on this appeal.

The Public Hearing reopened for deliberations. County Counsel Anita Grant spoke. Property owner Rich Gubera spoke.

Supervisor Brown made a motion to uphold the appeal due to conflicts in land use. Supervisor Crandell seconded the motion. This motion failed due to lack of a majority vote.

On motion of Supervisor Simon, and by vote of the Board, denied appeal AB 19-01, filed by Aurelia Johnson, of the Planning Commission's approval on January 24, 2019 of a Major Use Permit (UP 18-01) and Adoption of Mitigated Negative Declaration, based on Initial Study (IS 18-06), adding Vegetation Abatement A-9; and directed County Counsel to prepare proposed Findings of Fact. The motion carried by the following vote:

Ayes- Supervisors: 3 - Simon, Sabatier and Scott

Nayes- Supervisors: 2 - Crandell and Brown

7. Non-Timed Items

7.1 Supervisors' weekly calendar, travel and reports

- 7.2** (Sitting as the Lake County Air Quality Management District Board of Directors) - Consideration of the Re-Appointment of James Harvey, Public Member, to the Lake County Air Quality Management District Hearing Board for a three year term pursuant to Health and Safety Code

Chair Scott 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 Director Simon, and by vote of the Board, re-appointed James Harvey, Public Member, to the Lake County Air Quality Management District Hearing Board for a three year term pursuant to Health and Safety Code. The motion carried by the following vote:

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

- 7.3** Consideration of the Award of Bid for the Upper Lake Pedestrian Improvements for Upper Lake, Bid No. 18-11, State Project No: ATPL-5914(103) to Darren Taylor Construction of Anderson, CA in the amount of \$411,328.09 and Authorize the Chair to execute the Agreement and Notice of Award

Public Works Director Scott DeLeon 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 Crandell, and by vote of the Board, approved the Award of Bid for the Upper Lake Pedestrian Improvements for Upper Lake, Bid No. 18-11, State Project No: ATPL-5914(103) to Darren Taylor Construction of Anderson, CA in the amount of \$411,328.09 and authorized the Chair to execute the Agreement and Notice of Award. The motion carried by the following vote:

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

- 7.4** Consideration of Temporary Fee Waiver of Construction Traffic Impact Fees for Homes Damaged or Destroyed by 2018 Mendocino Complex Fires

Public Works Director Scott DeLeon 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 Crandell, and by vote of the Board, approved the Temporary Fee Waiver of Construction Traffic Impact Fees for Homes Damaged or Destroyed by 2018 Mendocino Complex Fires, as amended to include the sunset clause of 18 months after the disaster was declared. The motion carried by the following vote:

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

8. Closed Session

Chair Scott announced that the Board would now go into Closed Session at 1:00 p.m. for the reasons stated on the agenda.

8.1 Public Employee Appointment Pursuant to Gov. Code Section 54957(b)(1):

- (a) Interviews of Registrar of Voters
- (b) Appointment of Registrar of Voters

The Board reconvened into Regular Session at 3:40 p.m. having taken no action.

9. Adjournment

There being no further business, the Board of Supervisors adjourned at 4:45 p.m.

CAROL J. HUCHINGSON

Clerk of the Board

By: 

Carolyn Purdy

Assistant Clerk of the Board


Chair-Lake County Board of Supervisors

