

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 25, 2000

REGULAR MEETING

9:06 a.m.: Chairman Fust called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Kehoe
District No. 2 - Supervisor Fust
District No. 3 - Supervisor Hawes
District No. 5 - Supervisor Clarke

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Clerk of the Board - Carolyn Taylor
District No. 4 - Supervisor Wilson - Excused

INVOCATION

Invocation was given by Veterans Service Officer Don Mangrum.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Supervisor Hawes.

PUBLIC COMMENT PERIOD - OPEN TIME

Frank Felch addressed the Board of Supervisors regarding the necessity of cleaning up gutters and shoulders along the roadways to inhibit the spread of any wildfires and to improve the looks of the County as well. Chairman Fust suggested that Public Works Director Ron Hill provide the Board of Supervisors with an update on the weed abatement program during a future meeting.

Nicholas Burczyk addressed the Board of Supervisors expressing his concerns about crime and drug problems which he stated exist in Shasta County, as well as the failure of local law enforcement to stop the problem. Mr. Burczyk called for an investigation by the Federal Prosecutor and provided the Board Members copies of a letter which he said he would distribute to the public.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Fust pulled from the Consent Calendar for clarification the request to approve an amendment to the Personal Services Agreement with Quad Knopf, Inc., to extend the term of the agreement for completion of the Environmental Impact Report (EIR) for the proposed Flying J Travel Plaza development.

Deputy Director of Resource Management Jim Cook reviewed the staff report with the Board of Supervisors. He explained that one of the contracts requires that the applicant provide information to the department for the preparation of the EIR, and then this information is provided to the consultant. Because there was a delay in receiving the information, an extension of the contract period to December 31, 2000 is necessary. Mr. Cook further explained that public hearings will commence around July on the environmental document, and the extension will allow sufficient time to accomplish all follow-up work.

Victor Ogrey, Chairman of the Churn Creek Homeowners Association, expressed his support for taking additional time to study and prepare the environmental document. He asked if the County participated in the expense of preparing the environmental document or if it was solely the applicant's responsibility. Mr. Ogrey was advised that it was the applicant's responsibility.

Supervisor Kehoe requested a change to the minutes. He explained that during the discussion of the consequences of not managing the fuel situation on public lands, David Rutledge had made the presentation, not Don Chapman.

CONSENT CALENDAR

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar:

Adopted Resolution No. 2000-62 which authorizes the issuance of tax and revenue anticipation notes for Fiscal Year 2000-2001. (Administrative Office)
(See Resolution Book No. 41)

Approved and authorized the Chairman to sign a renewal agreement with the public accounting firm of Vavrinek, Trine, Day & Co. to perform the outside financial audit of the County for Fiscal Year 1999-2000, for a maximum of \$51,860, with two one-year extensions. (Administrative Office)

Authorized the issuance of warrants totaling \$91,708.05 for County operating funds and special districts, as submitted. (Auditor-Controller)

Approved the minutes of the meeting held on April 18, 2000, as changed. (Clerk of the Board)

Enacted Ordinance No. 462-111 which prohibits parking on Lassen View Drive between Deschutes Road and Meadowlark Way in the Palo Cedro area, Monday through Friday, from 8:00 a.m. to 4:00 p.m., as introduced on April 11, 2000. (Clerk of the Board)
(See Parking Ordinance Book)

Adopted Resolution No. 2000-63 to formally notify the Public Employees Retirement System (PERS) that the County pays employees' member contributions to the retirement system for some employee groups after five years of service with the County. (Support Services - Personnel Division)
(See Resolution Book No. 41)

Received the Treasurer's Quarterly Report of Investments for the period ending March 31, 2000. (Treasurer-Tax Collector-Public Administrator)

Approved and authorized the Chairman to sign an agreement with Agnes Dickson, Ph.D., in the amount of \$20,000 to provide Medicaid Managed Care counseling and therapy services during the period of April 25, 2000 through June 30, 2000. (Mental Health)

Approved and authorized the Chairman to sign amendments to agreements with 13 Medicaid Managed Care providers of counseling and therapy services which increase each agreement by \$5,000 to a total of \$20,000 during Fiscal Year 1999-2000. (Mental Health)

Approved and authorized the Chairman to sign an agreement with the California Institute for Mental Health in the amount of \$50,000 to develop a Parent Advocacy Training curriculum during the period of April 25, 2000 through June 30, 2000 to be used statewide. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the Memorandum of Understanding with the Probation Department which increases the amount by \$14,660 to a total of \$76,273 for additional drug court services during Fiscal Year 1999-2000. (Mental Health - Alcohol and Drug Programs)

Adopted Resolution No. 2000-64 which approves and authorizes the Chairman to sign a renewal grant with the California Department of Transportation (CalTrans) for reimbursement of \$90,000 to the Opportunity Center for roadside maintenance during the three-year period of July 1, 2000 through June 30, 2003. (Social Services)

(See Resolution Book No. 41)

Approved and authorized the Chairman to sign a contract for right of way for the Fern Road East at Old Cow Creek bridge replacement project located in the Whitmore area, and accepted an easement deed which conveys one parcel of right of way to the County. (Public Works)

Approved and authorized the Chairman to sign a right-of-way certificate which attests to the fact that the County has sufficient rights to construct seismic retrofit projects at the Old 44 Drive at South Cow Creek and the Churn Creek Road at Churn Creek bridges. (Public Works)

Took the following actions regarding the Year 2000 Slurry Seal project: Approved the project and found it to be categorically exempt in conformance with the California Environmental Quality Act, approved the plans and specifications, instructed the Director of Public Works to advertise for bids, and authorized the opening of bids on May 26, 2000 at 11:00 a.m. (Public Works)

Adopted Resolution No. 2000-65 which requests and initiates LAFCo proceedings to annex Assessor's Parcel Numbers 45-020-05 and 07 to the Clear Creek Community Services District, and approved and adopted a California Environmental Quality Act determination of a Negative Declaration concluding that the annexation will not have a significant effect on the environment. (Public Works)

(See Resolution Book No. 41)

Took the following actions for Tract 1826 (Buese) located in the Lamoine area: Approved the final map for filing, accepted on behalf of the public the right of way for the public roads shown thereon, and adopted Resolution No. 2000-66 which consents to, but does not accept offers of dedication for the private roads shown thereon. (Public Works)

(See Resolution Book No. 41)

Approved and authorized the Chairman to sign an amendment to the personal services agreement with Quad Knopf, Inc., to extend to December 31, 2000 the term of the agreement for the completion of the Environmental Impact Report for the proposed Flying J Travel Plaza development. (Planning Division)

REGULAR CALENDAR

GENERAL GOVERNMENT

BOARD OF SUPERVISORS

PRESENTATION: DAVID PUGH, SUPERINTENDENT WHISKEYTOWN NATIONAL RECREATION AREA

The Board of Supervisors recognized David Pugh on the occasion of his retirement and in recognition of his years of dedicated and outstanding service as the Superintendent of the Whiskeytown National Recreation Area. Chairman Fust will present a plaque to Mr. Pugh at a later date.

PROCLAMATION: VETERANS APPRECIATION MONTH

By motion made, seconded (Clarke/Hawes), and unanimously carried the Board of Supervisors adopted a proclamation which designates May 2000 as "Veterans Appreciation Month" in Shasta County. Chairman Fust presented the proclamation to Rob Hutchinson and Patrick Hutchinson, Local Veterans representatives with the State Employment Development Department.

**PRESENTATION: UPDATE ON VETERANS
AFFAIRS OUTPATIENT CLINIC**

Tony Pineda, Director of the U. S. Department of Veterans Affairs Outpatient Clinic of Redding, gave a presentation on the activities of the Clinic. Mr. Pineda explained that because of changes in the law, all former military personnel may be treated at the clinic, not just veterans. He further explained that additional physicians were being hired and medical services will be provided to the outlying areas at their Veterans Halls. Mr. Pineda stated that they would be using state-of-the-art technology which would mean going to a paperless system of medical records management. Clinic staff will be able to access a patient's records in other parts of the Country where previous treatment was provided. He thanked the Board Members for their support and help in getting the word out concerning these services.

**PRESENTATION: NO-ACTION ALTERNATIVE
FOREST FIRE RECOVERY ON FEDERAL LANDS**

Jeff Bryant, Regional Professional Forester, made himself available for any questions from the Board Members concerning his report on the consequences of the No-Action Alternative on forest fire recovery on federal lands. Mr. Bryant explained that the Forest Service is currently focused on going through their very lengthy review process. He stated that the focus should be on clearing, piling and burning slash, as well as allowing salvage operations to remove timber before it loses its value. The funds received from the sale of this timber would more than pay for the work that needs to be done on forest lands to remove fire fuel.

Mr. Bryant suggested that the Board of Supervisors contact surrounding county Boards of Supervisors and work jointly to apply pressure to get action. He explained that a small advisory group could be formed to further educate the Board Members and to advise them when dealing with the various agencies involved. Supervisor Hawes offered to work with such an advisory group. It was further suggested that this issue be presented to the National Association of Counties for assistance in dealing with this problem. County Administrative Officer Doug Latimer announced that Shasta-Trinity National Forest Supervisor Sharon Heywood was invited to address Board Members on this topic some time within the next two to three weeks.

APPOINTMENTS: BUCKEYE FIRE PROTECTION DISTRICT

At the recommendation of Clerk of the Board Carolyn Taylor and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors made the following appointment and reappointments to the Buckeye Fire Protection District Board of Directors: Appointed Gene F. Grove and reappointed Fred M. Braun, Mike Smith, R. Rick Sawyer, Michael Sawyer for terms to the District's next general election (2001)

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer explained that there were no specific bills to report on, since most legislation is being held in abeyance until after the May budget revision is completed.

Supervisors reported on issues of countywide interest.

**REPORT: ORGANIZATIONAL STRUCTURE
DEPARTMENT OF PUBLIC HEALTH**

Barbara McKend presented the staff report outlining the findings of a review of the Department of Public Health's organizational structure. Ms. McKend stated the proposed model for the Department of Public Health would include a Director, Deputy Director, and Health Officer, and she reviewed the roles of each.

Supervisor Kehoe explained that, at the request of the Chairman, he had met with Interim Public Health Director Marta McKenzie and County Administrative Officer (CAO) Doug Latimer to discuss various models for the Public Health Department to work under. He recommended that a workshop be held to review and discuss these various models and alternatives for the proper structuring/restructuring of the Public Health Department. Supervisor Fust concurred with this recommendation.

Ms. McKend stated that it may be the appropriate time to reassess the Public Health Department structure and the direction in which they should be going. However, because the hiring process takes considerable time, the interim Director should be allowed to begin the process of hiring at least one Deputy Director. Supervisor Kehoe expressed his belief the workshop process could be completed within three to four weeks. Supervisors Hawes and Clarke supported holding the workshop, but stated that the department should be allowed to move forward with recruitment at this time in light of the length of this process.

Interim Public Health Director Marta McKenzie announced that the workshop is tentatively scheduled for May 23, 2000. Discussion then ensued regarding the type of services provided by Public Health including the provision of additional direct services without competing with the private sector and working with and receiving input from the community regarding the needs of the community.

By motion made, seconded (Hawes/Clarke), and carried, the Board of Supervisors authorized beginning the recruitment as recommended in the staff report. Supervisor Kehoe voted against this action.

HEALTH AND WELFARE

HOUSING AND COMMUNITY ACTION AGENCY PROGRAM

AGREEMENT: CALWORKS PROGRAM SALARY RESOLUTION NO. 1101

At the recommendation of Housing and Community Action Programs Director Jerry Brown and Community Programs Coordinator Sherry Littrell and by motion made, seconded (Hawes/Kehoe) and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement for reimbursement of up to \$102,837 to place and monitor referred participants through June 30, 2000, adopted Salary Resolution No. 1101 which adds four RSVP Clerks to the Housing and Community Action Agency budget, and approved an amendment to the budget which increases contract revenue and salary appropriations in the amount of \$31,437.

(See Salary Resolution Book)

11:01 a.m.: The Board of Supervisors recessed and convened as the Shasta county Housing Authority.

SPECIAL DISTRICTS/OTHER AGENCIES SCHEDULED HEARING

SHASTA COUNTY HOUSING AUTHORITY

ANNUAL PLAN FOR COUNTY HOUSING AUTHORITY HOUSING AUTHORITY RESOLUTION NO. 2000-1

Housing Authority Director Jerry Brown recommended that following the public hearing, the Shasta County Housing Authority consider approving the proposed five-year plan and annual plan for the Shasta County Housing Authority, as required by the Department of Housing and Urban Development, and authorize the Director of the Shasta County Housing Authority to sign the related certification.

The public hearing was opened, at which time no one spoke for or against the matter, and the public hearing was closed.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Housing Authority Resolution No. 2000-1 which approves a five-year plan and an annual plan for the Shasta County Housing Authority, as required by the Department of Housing and Urban Development, and authorizes the Director of the Shasta County Housing Authority to sign the related certification.

(See Housing Authority Resolution Book)

11:02 a.m.: The Shasta County Housing Authority adjourned, and the Board of Supervisors reconvened.

CLOSED SESSION ANNOUNCEMENT

Chairman Fust announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with its counsel to discuss existing litigation entitled Bellegante vs. Morris, pursuant to Government Code Section 54956.9, subdivision (a).

2. Confer with its Labor Negotiator, County Administrative Officer Doug Latimer, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriff's Association, Sheriffs Administrative Association, Professional Peace Officers' Association, Unrepresented Employees, United Public Employees of California, and Trades and Crafts, pursuant to Government Code Section 54957.6.

11:04 a.m.: The Board of Supervisors recessed to Closed Session.

12:35 p.m.: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:35 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Fust, Hawes, and Clarke, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Pamela English present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations. At that time, and by unanimous vote, the Board of Supervisors authorized the assignment of Bellegante vs. Morris to the firm of Angelo, Kilduff, and Kilduff. No other reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

APPEAL: USE PERMIT 00-03,

AIR TOUCH CELLULAR,

PALO CEDRO AREA

RESOLUTION NO. 2000-67

This was the time set to conduct a public hearing and consider the appeal of the Planning Commission's approval of Use Permit 00-03, Air Touch Cellular, which would have allowed the erection of a 50-foot high monopole and related antennas for cellular communications, as well as the construction of a 240-square-foot unmanned equipment shelter on a 10.3-acre parcel in addition to two existing residences.

Senior Planner Marcelino Gonzalez presented the staff report and displayed slides showing the project area, a demonstration performed by Air Touch on April 7, 2000 showing the visibility of such a tower from the surrounding residences and other areas, the increased range of cellular phone coverage this tower would allow, and samples of similar structures. The communication tower would introduce a new 50-foot tall feature to the landscape. The total overall height will be 65 feet with whip antennas placed on top of the tower which extend 15 feet higher than the tower. Whip antennas are long rod-type antennas which are approximately 3-inches in diameter. Panel antennas would also be affixed at the top of the monopole tower. Mr. Gonzalez reported that based upon the tower location and height and the distance between the tower and the nearest residences, the site does not place residents in close proximity to the facilities. Therefore, the amount of electromagnetic fields (EMF's) generated over the distance to the nearest receptors is considered to be less than significant and not a health hazard.

Mr. Gonzalez explained that equipment shelters used in conjunction with the antenna and tower facilities are used to store backup power sources. The backup power sources are either batteries, or diesel or propane generators. The conditions of approval require an emergency response plan and reporting requirements for facilities which use hazardous materials in reportable quantities. The unmanned communication facilities are fenced for site security. He further explained that the equipment shelters are also required to be painted in earth-tone colors to blend with the surrounding area. The site has brush and trees which screen the location of the equipment shelter. The trees and brush also provide screening for the lower portion of the proposed monopole tower. The recommended project conditions require that the proposed tower be painted or constructed of materials of neutral or sky tone colors. As part of the painting of the tower, it was recommended that the lower portion be painted in an earth-tone color and a sky-tone for the portion above the tree level. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time Jerry Jazmadarian, Project Manager with Spectra Sites representing Air Touch Cellular, explained that finding a location for this tower in the Palo Cedro area has taken over a year's time, and the proposed site is the best location. He further explained that this project would significantly increase cellular coverage in the Palo Cedro area and would produce no noise or waste. Mr. Jazmadarian reported that the applicant's contract with the landowners is for a maximum of 50 feet in height. He expressed his belief that this tower would help the law enforcement and emergency services agencies in this area through expanded cellular coverage.

Chip Stalica presented slides of the demonstration tower from photographs taken showing the visibility of the tower from the neighboring properties and surrounding areas. He noted that the demonstration was done during the full bloom of surrounding trees and foliage. At any other time, there would be no screening for the tower. Mr. Stalica presented an example of what the whip antenna would look like in size, and he noted that this would increase the visibility of the tower by 15 feet. He alleged that the tower would ruin the scenic corridor and would not preserve the rural aesthetics of the area. Mr. Stalica cited the Board of Supervisor's denial of a cellular tower in the Bella Vista area in 1996 due to its visual impact. He urged the Board to deny this proposal and find another site away from Highway 44.

Also speaking against this proposal and making similar comments were Bruce Farrell with the Palo Cedro Chamber of Commerce and residents Vicky Pugh, Lois Park, Marla Stalica, Fred McCullough, and Dan Taylor. Concerns about the possible health hazards resulting from the EMF's which emanate from the tower were also expressed. After receiving rebuttal comments from both parties, no one else spoke, and the public hearing was closed.

The Board Members discussed the issue of potential health hazards as a result of this proposal. Comments were made that such a risk would be negligible, and there is no credible data showing such a danger. It was also noted that this tower would significantly improve cellular coverage in an area that has none to speak of at this time, which would be a direct benefit to cellular users and law enforcement/emergency services.

Supervisor Kehoe expressed his belief that while Air Touch is trying to be a good neighbor, the residents are concerned about a possible degradation of their quality of life. He stated that while the Board has spent approximately one hour on this subject, the residents will have to deal with this for the rest of their lives.

By motion made, seconded (Hawes/Clarke), and carried, the Board of Supervisors adopted Resolution No. 2000-67 denying the appeal and upholding the approval of the Planning Commission for Use Permit No. 00-03, Air Touch Cellular, Palo Cedro area, with the findings and conditions as specifically set forth in Planning Commission Resolution No. 00-023. Supervisor Kehoe voted against the approval of this project.

(See Resolution Book No. 41)

2:35 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy