

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, August 27, 2002

REGULAR MEETING

9:00 a.m.: Chairman Kehoe 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. 4 - Supervisor Wilson
District No. 5 - Supervisor Clarke

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Clerk of the Board - Carolyn Taylor

INVOCATION

Invocation was given by Reverend James Wilson, Pray Northstate.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

Introductions of the Members of the Board, county staff, elected officials, and county department heads were made.

PUBLIC COMMENT PERIOD - OPEN TIME

Russ Wade addressed the Board of Supervisors regarding his beliefs on the situation in Iraq.

Joseph James requested a copy of the Fiscal Year 2002-2003 Budget to utilize in determining how "Hubzones" could benefit the County and the business community. County Administrative Officer (CAO) Doug Latimer agreed to brief Mr. James on the budget and said copies of the final budget would be available in the County Libraries in November.

CONSENT CALENDAR

By motion made, seconded (Clarke/Wilson), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Kehoe voted no on the request to approve a contract with Becker and Bell, Inc. to provide professional negotiations and labor relations services due to the length of the contract. He also voted no on the request to approve an extension to the agreement with Quad Knopf, Inc. for environmental services for the proposed Flying J Travel Plaza Project, stating it was time to move forward and bring this to a conclusion.):

Authorized the issuance of warrants totaling \$163,020.13 for County operating funds and special districts, as submitted. (Auditor-Controller)

Approved the minutes of the meeting held on August 20, 2002, as submitted.

Enacted Ordinance No. 378-1858, which approves Zone Amendment No. 01-010, Double D Land Preserve, Inc., Anderson area, as introduced on August 13, 2002. (Clerk of the Board)

(See Zoning Ordinance Book)

Repealed Ordinance 378-1784, and rescinded the adoption of a mitigated negative declaration for Zone Amendment No. 7-96 and Tract 1833 and prior approval of the tentative map. (County Counsel)

Approved and authorized the Chairman to sign a contract with Becker and Bell, Inc. to provide professional negotiations and labor relations services and support for the period December 1, 2002 through November 30, 2005. (Support Services-Personnel Division)

Approved and authorized the Chairman to sign a contract with Harold E. Kimbrough in the amount of \$20,762 to design Whitmore Community Center for the period January 1, 2002 through December 31, 2002; and ratified the payment made on April 18, 2002 in the amount of \$6,745 for a portion of these services. (Housing/Community Action Programs)

Approved and authorized the Chairman to sign a Declaration of Intent notifying the California Department of Health Services (DHS) of the County's intent not to apply for Fiscal Year 2002-2003 Rural Health Services Program funding in favor of continuing DHS's disbursement of funds directly to area hospitals and physicians. (Public Health)

Approved and authorized the Chairman to sign a contract with Doreen Bradshaw to provide compensation in the amount of \$29,000 for administrative support for the Children's Policy Council for the period September 1, 2002 through June 30, 2003. (Social Services)

Approved and authorized the Chairman to sign a contract amendment with California State University, Chico, Research Foundation to extend the term for two months through October 31, 2003 with no increase in the total compensation amount of \$82,242 to provide independent evaluation of the Local Interagency Network for Children's Services Program. (Social Services)

Approved and authorized the Chairman to sign the Joint Powers Agreement with CalTrans for the period September 1, 2002 to August 31, 2005, with compensation to the County in the amount of \$119,907.24 to provide mailroom services. (Social Services-Opportunity Center)

Approved and authorized the Chairman to sign a contract with Shasta Community College in the amount of \$36,097 to provide an onsite college counselor at CalWORKs from date of signing through June 30, 2003. (Social Services)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the Phillips Road at Oak Run Creek Bridge Deck Replacement Project, effective August 23, 2002. (Public Works)

Approved and authorized the Chairman to sign an agreement with Shaw and Associates in an amount not to exceed \$20,000 to provide real property appraisal services on the Fall River Mills Airport Expansion Project to terminate 120 days after date of signing. (Public Works)

Approved and authorized the Chairman to sign an amendment to the Personal Services Agreement with Quad Knopf, Inc. to extend the term of the agreement to August 28, 2003 or the completion of the Environmental Impact Report for the Flying J Travel Plaza Development Project and acceptance of the mitigation monitoring plan, whichever comes first. (Planning Division)

REGULAR CALENDAR

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on the State budget process, stating that should counties lose the revenue from vehicle license fees, it could impact Shasta County by \$360,000 to \$720,000. It is believed that the State's budget will be adopted by this weekend.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE/SUPPORT SERVICES

PILOT CREDIT CARD PROGRAM

Support Services Director Joann Davis presented the staff report on the request to approve a pilot credit card program. She explained that the Social Services and Sheriff's Department would participate in this trial project. Social Services Director Del Skillman expressed his support and willingness to participate in this project. A six-month time frame was recommended for this trial project.

By motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors directed staff to determine the appropriate type of credit card for use by County Departments, authorized the County Administrative Officer to institute and direct the Auditor-Controller to process payments to the credit card company allowed by the travel and training policy for a trial period of six months, and authorized the CAO to identify and allow another department to participate should the Sheriff decide not to participate.

SUPPORT SERVICES/PERSONNEL DIVISION

PERSONNEL RULES: TELECOMMUTING
RESOLUTION NO. 2002-150

At the recommendation of Support Services Director Joann Davis and Julie Hope, County Administrative Office, and by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-150, which adds Section 10.6, Telecommuting, to the Personnel Rules; and adopted the Program Handbook.

(See Resolution Book No. 43)

PUBLIC WORKS

STOP SIGNS: KNIGHTON ROAD
RESOLUTION NO. 434 OF ORDINANCE NO. 413-1

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Fust/Clarke), and carried, the Board of Supervisors adopted Resolution No. 434 of Ordinance No. 413-1, which designates Knighton Road as a through highway and installs stop signs at various locations. Supervisor Hawes abstained from taking action on this item.

(See Stop Sign Ordinance Book)

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe 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 Brewster vs County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer and Director of Support Services Joann Davis, to discuss the following employee organizations: Shasta County Employees Association, Shasta county Mid-management Association, Deputy Sheriffs 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.

9:52 a.m.: The Board of Supervisors recessed to Closed Session.

10:40 a.m.: The Board of Supervisors recessed from Closed Session.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Michael Ralston, and Administrative Board Clerks Linda Mekelburg and Christie Jewell 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. In the matter of Brewster vs County of Shasta, the Board of Supervisors on a unanimous vote ratified a settlement of \$360,000; no other reportable action was taken.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT - PLANNING DIVISION**

APPEAL: USE PERMIT NO. 02-008
SHINGLETOWN HISTORICAL SOCIETY, SHINGLETOWN AREA
RESOLUTION NO. 2002-151

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission's approval of Use Permit No. 02-008, Shingletown Historical Society. The project request is for a 6,572 square foot museum building in the Shingletown area. Associate Planner Nancy Polk presented the staff report and recommended denial of the appeal. Notice of Hearing and Affidavit of Posting are on file with the Clerk of the Board.

The public hearing was opened.

Representing the appellant, Woodridge Estates Homeowner's Association, Margo Willis emphasized that the Association is not opposed to the proposed museum. However, the Codes, Covenants, and Restrictions (CC&Rs) of the Association specify that each lot in the subdivision may have no more than one single-family dwelling, and the by-laws do not allow amendment of that particular condition. The Homeowners Association believes the history of Shingletown should be preserved, but there are other parcels available outside Woodridge Estates where the museum can be located. At a recent Association meeting, more than half of the homeowners present voted not to permit any non-residential uses on any lot in the subdivision and to recommend the Board of Supervisors deny the zone amendment; she requested that the Board of Supervisors uphold the appeal.

Maxine Holder, representing the Shingletown Historical Society, explained that there was considerable discussion at the Homeowners Association meeting regarding wording which would allow the museum to occupy its lot while maintaining the integrity of the residents' protections; she noted that more than one-third of those present at the meeting voted against the resolution. The Society has attempted to comply with all known requirements of the Association, and she is confident a solution will be found which homeowners can support.

The following people spoke in favor of the project and in opposition to the appeal: Jane Arnett, who noted that the residents of the area have been aware of the project for 18 months; Ralph Harkness, who noted that the location of the lot is at the extreme edge of the subdivision and adjacent to the Shingletown Community Center; Nancy Johnson, who explained that there are not many appropriate lots available in Shingletown; and Rich Rosen, who noted that the facility was designed to be residential in appearance.

The following people spoke in opposition to the project and in favor of the appeal: Tina Brovan-Posner, who noted that she had no opposition to the Society buying the property, but she opposed the building of the museum on the property; Tom Schlobohm and Duane Brovan, who requested the decision be postponed until the problem of the conflict with

the CC&Rs can be resolved; and Ron Schmidt, who explained that he does not oppose the museum but feels the CC&Rs must be upheld.

No one else spoke for or against the matter, and the public hearing was closed.

In response to a question from a Board Member, Assistant County Counsel Mike Ralston noted that if the Board approves this project, it would not preclude the Association from filing in civil court to uphold the CC&Rs and stop the siting of the museum.

Also in response to a question, Director of Resource Management Russ Mull explained that Use Permit No. 02-008 can be conditioned to avoid future use by any group other than the Shingletown Historical Society by rewording it as follows:

1. Condition 2, Paragraph 1, Sentence 3: “Any substantial revisions or changes in use will require a new use permit.”
2. Condition 2.a., change Sentence 1: “To construct a building to be used only as a ‘public use’ museum.” Following Sentence 1, add: “Public use shall be as defined by Section 17.02.425 of the Shasta County Code.”

By motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-151, which denies the appeal and upholds the Planning Commission’s approval of Use Permit No. 02-008, based on specific findings as set forth in Planning Commission Resolution No. 02-048 and as amended above.

(See Resolution Book No. 43)

2:18 p.m.: The Board of Supervisors recessed.

2:20 p.m.: The Board of Supervisors reconvened.

APPEAL: USE PERMIT NO. 01-026
GILBERT EVANS/UBIQUITEL LEASING COMPANY, PALO CEDRO AREA
RESOLUTION NO. 2002-152

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission’s approval of Use Permit No. 01-026, Gilbert Evans/Ubiquitel Leasing Company. The project request is for a 70-foot monopole with associated equipment on a 1,600-square-foot portion of a 10-acre parcel in the Palo Cedro area. Associate Planner Nancy Polk presented the staff report, noting that the monopole will be disguised to resemble a “gray pine,” and recommended denial of the appeal. Notice of Hearing and Affidavit of Posting are on file with the Clerk of the Board.

The public hearing was opened. Appellant Linda Harding presented several pictures of the area in question and requested the monopole be moved 100 feet to within 230 feet of an existing, undisguised monopole. She is concerned because the previously installed tower does not blend in with the scenery as promised; she is also concerned about the potential noise from an on-site generator.

Phil Hickerson, representing Ubiquitel Leasing Company, explained the difficulties in meeting the appropriate mitigating actions required to place this monopole along State Highway 44. Ubiquitel is willing to work with the community on this issue, and they believe the staff has presented good conditions. In response to a question from a Board Member, Mr. Hickerson and Mr. Mull explained that moving the monopole 100 feet would place the pole outside the 1,600-square foot confined lease area and create a need to apply for a new use permit. Mr. Hickerson also explained the maintenance schedule for the monopole appearance, noting that branches would be replaced as needed and a drip watering system would be installed for the shrubbery surrounding the equipment cabinets.

2:45 p.m.: Supervisor Wilson left the meeting.

The following spoke in opposition to the project: Chip Stalica, who presented slides showing the area in question and noted that the approval by the Planning Commission was not unanimous; and Steve Stevenson, who noted that he foresees property values declining due to placement of monopoles on properties.

Ms. Harding explained that although slats are to be placed in the chain-link fence surrounding the equipment cabinets, one can still see through the fence to the cabinets.

Mr. Hickerson noted that the landlords will not agree to any further monopoles on their property.

No one else spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Hawes/Fust), and carried, the Board of Supervisors adopted Resolution No. 2002-152, which denies the appeal and upholds the Planning Commission's approval of Use Permit No. 01-026, based on specific findings as set forth in Planning Commission Resolution No. 02-045. Supervisor Kehoe voted no.

(See Resolution Book No. 43)

2:57 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy