

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, December 16, 2003

REGULAR MEETING

9:00 a.m.: Chairman Clarke 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. 3 - Supervisor Hawes
 District No. 4 - Supervisor Wilson
 District No. 5 - Supervisor Clarke

District No. 2 - Supervisor Fust - Absent

County Administrative Officer - Doug Latimer
 County Counsel - Karen Jahr
 Deputy Clerk of the Board - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Jim Wilson, Pray Northstate.

PLEDGE OF ALLEGIANCE

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

CONSENT CALENDAR

By motion made, seconded (Hawes/Wilson), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar [Supervisor Kehoe voted no on the item regarding the Land Conservation (Williamson Act) contract with Jeff and Terri Davis as he is not supportive of the project]:

Authorized the issuance of warrants totaling \$137,518.07 for County operating funds and special districts, as submitted. (Auditor-Controller)

Reappointed L.R. "Skip" Willmore and Daryl Hovis to the Inter-Mountain Fair Board of Directors for terms to expire January 2008 and 2009 respectively. (Clerk of the Board)

Enacted Ordinance No. SCC 2003-3, which re-enacts Chapter 9.10 of the Shasta County Code, *Unlawful Operation of Motorized Vehicles and Discharge of Firearms and Other Weapons On and Within One Hundred Feet of the Sacramento River Rail-Trail, Unlawful Discharge of Firearms and Other Weapons At and Within One Hundred Feet of the Keswick Lake Boat Launch Facility, and Nighttime Closure of the Sacramento River Rail-Trail and the Keswick Lake Boat Launch Facility*, and repeals section 9.10.060 of the chapter, as introduced on December 2, 2003. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Chemical People, Inc. in the amount of \$176,122 to provide substance abuse and violence prevention services for the period January 1, 2004 through December 31, 2004, with an automatic renewal for an additional one-year period. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an amendment to the agreement with the Department of Health Services, Women, Infants, and Children (WIC) increasing compensation by \$292,235 (for a total of \$2,811,233) to provide services to WIC clients for the period October 1, 2002 through September 30, 2005. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Shasta Head Start Child Development, Inc. increasing compensation by \$58,439 (for a total of \$128,765) for continuation of a First 5 Shasta Funded Healthy Beginnings project to decrease rates of childhood anemia and obesity for the period January 1, 2003 through December 31, 2004. (Public Health)

Approved and authorized the Chairman to sign a contract with the City of Redding in an amount not to exceed \$569,328 for the Opportunity Center to provide recyclable material sorting services for the period January 1, 2004 through December 31, 2005. (Social Services-Opportunity Center)

Approved and authorized the Chairman to sign a contract amendment with the Shasta County Office of Education reducing compensation in the amount of \$322,749 (for a total of \$1,777,251) to provide CalWORKs Stage I Child Care Services for the period July 1, 2003 through June 30, 2004. (Social Services)

Approved and authorized the Chairman to sign a contract with the Shasta County Child Abuse Prevention Coordinating Council in the amount of \$27,268 to administer the AmeriCorps Initiative to Prevent Child Abuse in Shasta County from the date of signing through June 30, 2004. (Social Services)

For the 2004 Weed Spray Triennial Contract on County Roads, Airports, and Service Area projects, approved plans and specifications and directed the Director of Public Works to advertise for bids; and authorized opening of bids on or after January 16, 2004 at 11 a.m. (Public Works)

For the 2002 California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 grant application, adopted Resolution No. 2003-236, which authorizes the Director of Public Works as the County's agent to sign documents for the purposes of the grant; directed the Director of Public Works to apply for funds; allocated the County's per capita grant share of \$1,200,000 to the City of Redding for use on City parks projects; and approved and authorized the Chairman to sign a new memorandum of understanding with the Shingletown Community Center, Inc. to reflect the change in the organization's name and tax status. (Public Works)

(See Resolution Book No. 44)

Adopted Resolution No. 2003-237, which approves issuance of Certificate of Compliance No. 03-014, Metzler (Millville area), to recognize the separate legal status of a 320-acre parcel. (Resource Management-Planning Division)

(See Resolution Book No. 44)

Approved the cancellation of 88 acres of a 742-acre Land Conservation (Williamson Act) contract with Jeff and Terri Davis (Cottonwood area); and approved and authorized the Chairman to sign a new contract covering the remaining 654 acres for a period of not less than 10 years from the date of signing. (Resource Management-Planning Division)

REGULAR CALENDAR**GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer deferred his legislative report until the update on Vehicle License Fee funding.

Chairman Clarke noted that she recently attended a Regional Council of Rural Counties (RCRC) meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE**VEHICLE LICENSE FEE FUNDING UPDATE**

CAO Latimer presented an update on the State's fiscal condition, including the loss to counties of Vehicle License Fee funding and the County's plan of action. He explained that no action will be considered at the State level until after the Governor's January 10 budget speech. Most likely, vehicle license fees will not be addressed until March 2004. At this point, no bills regarding backfill funding are being allowed out of committee.

At the County level, the Administrative Office has tried to follow the Board of Supervisors' priorities. Staff has met with department heads as a group and is in the process of meeting with department heads individually to discuss what measures must be taken. The Administrative Office should have a plan in place by January 13, 2004.

AUDITOR-CONTROLLER**FINAL ADJUSTMENTS: FISCAL YEAR 2002-03**

At the recommendation of Auditor-Controller Rick Graham and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved final adjustments to the Fiscal Year 2002-03 budget, increasing appropriations by a net of \$5,654,162 and increasing total revenues by \$2,374,369 and using available fund balance or retained earnings by a net of \$3,279,793 for various budget units and special districts under the Board of Supervisors.

CLERK OF THE BOARD**MINUTES: DECEMBER 2 AND 9, 2003**

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors approved the minutes of the meetings held on December 2 and December 9, 2003, as submitted.

LAW AND JUSTICE

PROBATION

LEASE: JOHN AND MARJORIE DARRAH
OFFICE SPACE, 1429 AND 1431 MARKET STREET, REDDING

This item was continued from the December 9, 2003 meeting so that staff could assess whether the staff from Probation could be relocated to vacant space in the Department of Child Support Services (DCSS) facility. Chief Probation Officer Jim Kuhn presented the staff report and recommended approval of the request. He explained that the total cost of the DCSS office space (\$2.21/square foot) is far more than the requested office space. CAO Latimer also noted that the State does not allow Child Support Services to sublease the space at the rate Probation currently pays. In response to a question from Supervisor Kehoe, CAO Latimer explained that the reason for the vacant space in the Child Support Services building is that the State assured the County that the building was appropriate for existing staffing and funding levels, and then cut funding levels, forcing layoffs in the department and, therefore, vacant space in the building.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal lease with John and Marjorie Darrah in the amount of \$1,850 per month for 2,950 square feet of office space (\$0.627/square foot) at 1429 and 1431 Market Street for the Probation Department for the period December 15, 2003 through December 14, 2006, with two additional one-year options to extend with a 3 percent increase in each successive year.

9:27 a.m.: The Board of Supervisors recessed and reconvened as the In-Home Supportive Services (IHSS) Public Authority Governing Board.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD

FINAL ADJUSTMENTS: FISCAL YEAR 2002-03

At the recommendation of Auditor-Controller Rick Graham and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors approved final year-end adjustments to the FY 2002-03 budget for In-Home Supportive Services Public Authority, for total appropriations of \$270,981 and total revenues of \$270,981.

9:28 a.m.: The IHSS Public Authority Governing Board adjourned and reconvened as the Board of Supervisors.

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with its Real Property Negotiators, Agency Negotiator Kirk Trost, to negotiate price and terms of payment to Union Pacific regarding Union Pacific property, Oregon Street, Redding, pursuant to Government Code Section 54956.8.
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 (UPEC), and Trades and Crafts, pursuant to Government Code Section 54957.6.

9:30 a.m.: The Board of Supervisors recessed to Closed Session.

11:15 a.m.: The Board of Supervisors recessed from Closed Session.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Wilson, Clarke, Kehoe, and Hawes, Assistant County Counsel Michael Ralston, and Deputy Clerk of the Board Linda Mekelburg present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss real property negotiations, as well as labor negotiations. On a unanimous vote, with Supervisor Fust absent, the Board of Supervisors took the following action:

1. If the General Unit ratifies the terms of the successor Memorandum of Understanding (MOU):
 - a. The Director of Support Services and County Auditor shall implement group health premium County contribution increases for the UPEC General Unit to the same level as established for employees in other MOUs with a term in 2004, effective for the paycheck of December 23, 2003;
 - b. The Director of Support Services and County Auditor shall implement a 3 percent salary increase for all classes in the General Unit effective the pay period starting December 28, 2003; and
 - c. The Director of Support Services shall return on January 6, 2004 with a report for the Board of Supervisors' Agenda to implement other terms of the successor MOU.
2. If the Professional Unit ratifies the terms of the successor MOU:
 - a. The Director of Support Services and County Auditor shall implement group health premium County contribution increases for the UPEC Professional Unit to the same level as established for employees in other MOUs with a term in 2004, effective for the paycheck of December 23, 2003;
 - b. The Director of Support Services and County Auditor shall implement a 3 percent salary increase for all classes in the Professional Unit effective the pay period starting December 28, 2003; and
 - c. The Director of Support Services shall return on January 6, 2004 with a report for the Board of Supervisors' Agenda to implement other term of the successor MOU.

No other reportable action was taken.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT - PLANNING DIVISION****ZONE AMENDMENT NO. 03-017****RAYMOND AND SUSAN TIFFANY FAMILY TRUST****OAK RUN AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 03-107, Raymond and Susan Tiffany Family Trust, which would rezone approximately 161 acres in the Oak Run area from an Unclassified (U) District to a Timber Production (TP) District. Senior Planner John Stokes presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 03-017, Tiffany Family Trust, Oak Run area:

1. Found the project categorically exempt from the California Environmental Quality Act (CEQA) as specifically set forth in Planning Commission Resolution No. 03-118;
2. Made the rezoning findings as specifically set forth in Planning Commission Resolution No. 03-118; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 03-017 as requested.

ZONE AMENDMENT NO. 03-005**CAROLE AKENS****HAT CREEK AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 03-005, Carole Akens, which would rezone a 35-acre parcel in the Hat Creek area from a Limited Agricultural District with a 35-acre Minimum (A-1-BA35) District to a Limited Agricultural District with a Building Site Minimum (A-1-BSM) District. Associate Planner Zach Bonnin presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 03-005, Carole Akens, Hat Creek area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 03-084;
2. Made the rezoning findings as specifically set forth in Planning Commission Resolution No. 03-084; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 03-005 as requested.

ZONE AMENDMENT NO. 02-022
MELVIN DeGOOYER/LYNN PRESIDIO
SHINGLETOWN AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 02-022, Melvin DeGooyer and Lynn Presidio, which would rezone approximately 431.9 acres from a Timber Land (T-L) District to an Exclusive Agriculture combined with an Agricultural Preserve (EA-AO) District. Senior Planner John Stokes presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 02-022, Melvin DeGooyer and Lynn Presidio, Shingletown area:

1. Found the project categorically exempt from CEQA as specifically set forth in Planning Commission Resolution No. 03-124;
2. Made the rezoning findings as specifically set forth in Planning Commission Resolution No. 03-124;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 02-022 as requested; and
4. Approved and authorized the Chairman to sign the appropriate documents to approve a Land Conservation (Williamson Act) contract.

GENERAL PLAN AMENDMENT NO. 03-008
HOUSING ELEMENT UPDATE, COUNTYWIDE AREA
RESOLUTION NO. 2003-238

This was the time set to reconvene the public hearing (continued from November 25, 2003) and consider the update to the existing Housing Element in compliance with the requirements of the California State Planning Law. Special Projects Planner Paul Bolton presented the staff report and recommended approval. A draft of the Housing Element was submitted to the Department of Housing and Community Development (HCD) and, based upon their comments, modified to meet their approval. The Housing Element of the General Plan ensures that sufficient provision is made for moderate- and low-income housing.

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

Supervisor Kehoe questioned whether the moderate- and low-income housing targets were "hard" targets or simply a goal to encourage production of such housing. Resource Management Director Russ Mull explained that the State recognizes that the housing is almost entirely market driven and that contractors cannot be forced to build low-income housing. Therefore, no penalties will be incurred if Shasta County does not meet its targets as long as a good-faith effort is made.

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors took the following actions regarding General Plan Amendment No. 03-008, which updates the existing Housing Element in compliance with the requirements of California Government Code, Sections 65580-65590:

1. Adopted the California Environment Quality Act (CEQA) determination of a negative declaration with a de minimis finding as specifically set forth by the Planning Commission; and
2. Adopted Resolution No. 2003-238, which approves General Plan Housing Element changes for General Plan Amendment No. 03-008.

(See Resolution Book No. 44)

2:02 p.m.: Supervisor Hawes recused himself and left the meeting, stating that he had a financial conflict as he is the owner of the wetlands bank K.O.H. Atlas Corporation would need to access.

APPEAL OF TRACT MAP 1871
K.O.H. ATLAS CORPORATION/JIM HOFFMAN
REDDING MUNICIPAL AIRPORT AREA

This was the time set to consider the appeal of the Planning Commission's approval of Tract Map 1871, K.O.H. Atlas Corporation/Jim Hoffman. The project request is for approval of a 35-lot subdivision on a 19.3-acre parcel at the east end of Bonita Way, south of Meadow View Drive and west of Airport Road.

Assistant County Counsel Michael Ralston explained that since there were only three Board members available to hear the matter, any action taken by the Board of Supervisors must be by a unanimous vote; any action taken which does not receive a unanimous vote would be considered "no action."

Chairman Clarke explained that the Board of Supervisors could convene the public hearing and receive testimony, reconvene and reopen the public hearing at the January 6, 2004 Board of Supervisors' meeting, and receive further testimony at that time. In the meantime, Supervisor Fust will have the opportunity to listen to the audiotape of the meeting. She also explained that the Board of Supervisors could continue the public hearing to January 6, 2004 and receive testimony at that time.

Chairman Clarke asked for a show of hands from those persons in the audience who would prefer to come back at the January 6, 2004 meeting; no one in the audience raised their hands.

Senior Planner John Stokes presented the staff report, noting that two separate appeals were received on the matter:

1. The appeal from Frank Wilson requested an access road through the project site, stated that the project design is inconsistent with the General and Specific Plans, and cited substantial environmental damage due to the project.
2. The appeal from Jim McCall requested an environmental impact report be prepared, cited the lack of a second access to the project, and cited substantial environmental damage due to the project.

The public hearing was opened.

Appellant Jim McCall explained that he has two main objections to the project: He thinks the developer should be required to provide a second access to relieve traffic problems, and he thinks the project should be returned to the Planning Commission for an Environmental Impact Report. Fred Lucero of Pace Engineering, representing K.O.H. Atlas Corporation/Jim Hoffman, responded that the existing roads in the subdivision have been designed for the type of development proposed.

Appellants Frank and Dan Wilson explained that in the past, access roads have been required to extend to the property line. That was not done in this project; the access road was

only required to extend to the subdivision entrance. Mr. Lucero responded that the first subdivision map had a dedicated right of way that extended to the property line; however, prior to the Planning Commission meeting, they were informed that the right of way was not necessary, and it was removed. The applicant will reinstate the right of way for Bonita Way if so requested.

Betty Doty, Paul Uncapher, and Virginia Jones spoke in opposition to the project, citing environmental concerns. Roger McKinnon, Gerry Anderson, and Rex Gross spoke in opposition to the project, discussing traffic and access concerns.

Bob Whitman noted that there needs to be a better understanding of the traffic situation in the area. Ann Tijerina noted that she lives in an area with a similar traffic situation and does not consider the additional traffic to be a large impact.

Bill Godman, a Tucker Oaks Water District Board member, explained that the Water District Board has adopted an annexation policy which would cover this project.

Applicant James Hoffman explained that two firms which specialize in wetlands and rare species analysis have been hired to address the environmental issues, and reports have been submitted to the Army Corps of Engineers and to the Department of Fish and Game. The reports indicate that there are no rare species of plants or endangered species of invertebrates in the project area. He also noted that he has not been approached regarding the extension of Bonita Way.

No one else spoke for or against the project, and by consensus, the Board of Supervisors continued the matter to January 6, 2004 at 1:30 p.m., or as soon thereafter as may be heard.

In response to a request from Supervisor Kehoe, Resource Management Director Russ Mull will attempt to reconcile the parties on the environmental issues, will offer to facilitate a meeting between the parties involved regarding the extension of right-of-way on Bonita Way, and will request the Department of Public Works attend the next hearing to address traffic issues.

3:19 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy