

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 23, 2004

REGULAR MEETING

9:00 a.m.: Chairman Hawes 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
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Tori Monthei

INVOCATION

Invocation was given by Pastor Dan Iles, Shasta Bible College.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Public Defender Neal Pereira introduced Assistant Public Defender Tim Pappas.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Clarke pulled for discussion the item regarding a revised cooperative agreement with the U.S. Department of Agriculture (USDA), Animal and Plant Health Inspection Services, Wildlife Services (APHIS, WS) to provide professional wildlife management services. Agricultural Commissioner/Sealer of Weights and Measures Mary Pfeiffer advised that the USDA funding will be for predatory animal control and will also assist airports by keeping animals and birds off the runway.

Supervisor Clarke pulled for discussion the item regarding the proposed calendar for the Board of Supervisors' meetings for 2005. Corrections were made to leave the November 15, 2005 and the December 20, 2005 as open meetings.

Supervisor Kehoe pulled for discussion the item regarding the request for delegation to the County Administrative Officer for the selection of the recipient of the scholarship from the 2004 Regional Council of Rural Counties and the Rural Alliance, Inc. Rural Scholarship

Program. CAO Analyst Julie Hope noted that because the first two meetings in February 2005 were canceled due to the move to the Shasta County Administration Center, this matter needed to be discussed prior to the close of the year 2004.

Supervisor Kehoe pulled for discussion the request for approval of County claims, as the Sheriff's Office had been requested to come before the Board of Supervisors with an explanation of a payment. Sheriff's Office Fiscal Officer Margie Stolz advised that a retired officer had inadvertently placed the order for the T-shirts for the DARE program. Supervisor Kehoe also inquired as to the payment requested by Public Health for the senior fitness flyers with a purchase order. Public Health Director Marta McKenzie advised that five senior fitness flyers were inadvertently ordered without purchase orders.

CONSENT CALENDAR

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

Adopted Resolution No. 2004-164, which delegates to the County Administrative Officer the selection of the recipient of the scholarship from the 2004 Regional Council of Rural Counties and the Rural Alliance, Inc. Rural Scholarship Program. (Administrative Office)
(See Resolution Book No. 45)

Approved and authorized the Chairman to sign a revised cooperative agreement with the U.S. Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services (APHIS, WS) to provide professional wildlife management services for the period January 1, 2005 through December 31, 2009; and the APHIS, WS Annual Work and Budget Plan in the amount of \$36,228 for the period January 1, 2005 through June 30, 2005. (Agricultural Commissioner/Sealer of Weights and Measures)

Authorized the issuance of warrants totaling \$6,299.54 for County requiring special board action. (Auditor-Controller)

Approved the minutes of the meetings held on October 26, November 2, and November 9, 2004, as submitted. (Clerk of the Board)

Approved the proposed calendar for the Board of Supervisors' meetings for 2005, as amended. (Clerk of the Board)

Enacted Ordinance No. 378-1887, which approves Zone Amendment No. 03-020, Tappan (Cottonwood area), as introduced on October 5, 2004. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. 631, which establishes a fee for the District Attorney's Office for services and administration associated with implementation of a misdemeanor pre-complaint diversion program, as introduced on November 9, 2004. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. S.C.C. 2004-1, which amends section 2.04.010 of the Shasta County Code to change the location of meetings of the Board of Supervisors from the County Courthouse to the County Administration Center, as introduced on November 9, 2004. (Clerk of the Board)
(See Zoning Ordinance Book)

Approved the award of Bid No. 426 to Nortrax West in the amount of \$63,236.39 for the purchase of one hydraulic detachable gooseneck trailer with a 40-ton capacity for the Department of Public Works. (Support Services-Purchasing Division)

Approved the award of Bid No. 427 to Riverview International Trucks in the amount of \$647,158 for the purchase of four dump trucks for the Department of Public Works. (Support Services-Purchasing Division)

Approved the award of Bid No. 428 to Riverview International Trucks in the amount of \$127,800 for the purchase of one heavy-duty truck with a hydraulic crane, and approved a budget amendment which transfers funds in the amount of \$47,800 from two fixed asset accounts to the 1 Flat Bed Truck with Crane account in the Roads budget unit. (Support Services-Purchasing Division)

Approved the award of Bid No. 429 to Peterson Tractor Company in the amount of \$243,637.85 for the purchase of one motor grader with a front snowplow attachment for the Department of Public Works. (Support Services-Purchasing Division)

Approved the appointment of Ricardo Murillo at Step "E" of the Public Defender Investigator classification. (Support Services/Public Defender)

Authorized the Director of Housing and Community Action Programs to sign and submit a grant application in the amount of \$5,000, and any subsequent amendments, to the California Story Fund grant program to provide funding of the Retired and Senior Volunteer Program (RSVP) Veteran's History Project. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign a renewal agreement with Loren K. Cronk, M.F.T. in an amount not to exceed \$20,000 annually to provide mental health services to Medi-Cal beneficiaries from the date of signing through June 30, 2005, with two one-year renewals. (Mental Health)

Approved and authorized the Chairman to sign an agreement with Far Northern Regional Center to pay Shasta County an amount not to exceed \$112,842 for Mental Health to provide collaborative assistance from the date of signing through June 30, 2005. (Mental Health)

Approved and authorized the Chairman to sign amendments to the agreements with BHC Sierra Vista Hospital and BHC Heritage Oaks Hospital increasing the maximum annual compensation for each agreement by \$500,000 (for a total of \$600,000 each) to provide inpatient psychiatric services from the date of signing through June 30, 2005. (Mental Health)

Approved and authorized the Chairman to sign the application for the community grants component of the Healthy Eating, Active Communities initiative offered by The California Endowment for an obesity-prevention effort in southern Shasta County. (Public Health)

Approved a budget amendment, previously approved in Fiscal Year 2003-04, increasing appropriations by \$9,846 in the Wildlife Control budget unit for the Redding Rotary Club's Canyon Creek Fishway Project. (Public Works)

Authorized the Public Works Director to sign a Notice of Completion for the Deschutes Road Improvements in Palo Cedro Project and record it within 10 days of actual completion of the work. (Public Works)

Took the following actions regarding the Wildcat Road at North Fork Battle Creek Bridge Replacement Project: approved and authorized the Chairman to sign a right-of-way contract with The Nature Conservancy; accepted a corporation grant deed conveying one parcel of project right of way; and adopted Resolution No. 2004-163, which adopts a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration with a de minimis finding of significance. (Public Works)

Approved and authorized the Chairman to sign a Land Conservation (Williamson Act) Contract with Kenneth J. Elwood (Igo area) limiting the use of 1,029 acres to agricultural and compatible uses for a period of not less than 10 years from the date of signing. (Resource Management/Planning Division)

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on specific legislation of importance to Shasta County including possible funding of the PILT program.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

**RENEWAL LEASE: 1600 COURT STREET/1815 YUBA STREET
PUBLIC DEFENDER AND ALCOHOL AND DRUG PROGRAMS**

Supervisor Kehoe questioned CAO Doug Latimer as to the proposed rates for the 1600 Court Street/1815 Yuba Street building compared with the current rate structure. CAO Latimer advised that the property owner will pay the property taxes and the County will pay for the insurance. The building repairs to assure the building complies with American with Disabilities Act (ADA) requirements will be shared equally between the County and the owner. By motion made, seconded (Clarke/Wilson), and carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal lease with Robert and Dorothy Nutto in the amount of \$12,364.46 per month (\$1.13/square foot) with 2.5 percent annual rent increases to provide the Public Defender and Alcohol and Drug Programs office space at 1600 Court Street/1815 Yuba Street for the period February 1, 2005 through January 31, 2010, with one optional five-year renewal. Supervisor Kehoe voted no.

PUBLIC WORKS

SHASTA COUNTY LIBRARY - REDDING MAIN PROJECT

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Kehoe/Wilson), and unanimously carried, the Board of Supervisors approved plans and specifications for the Shasta County Library - Redding Main Project to abate lead and asbestos and to demolish buildings on the construction site, and directed the Public Works Director to advertise for bids; and authorized the opening of bids on or after December 16, 2004 at 11 a.m.

9:45 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR**SHASTA COUNTY WATER AGENCY****AGREEMENT: CH2M HILL****ENVIRONMENTAL IMPACT STATEMENT FOR THE WATER RESOURCES MASTER PLAN**

At the recommendation of Public Works Associate Engineer Eric Wedemeyer and by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Directors of the Shasta County Water Agency approved and authorized the Chairman to sign an agreement with CH2M Hill in the amount of \$283,464 to prepare an Environmental Impact Statement for the Water Resources Master Plan for the period of one year from the date of signing; and approved a budget amendment increasing appropriations by \$33,464 and revenues by \$25,700 in the Water Agency budget unit.

9:50 a.m.: The Shasta County Water Agency adjourned and reconvened as the Board of Supervisors.

SCHEDULED HEARINGS**PUBLIC WORKS****FALL RIVER MILLS AIRPORT EXPANSION****PACIFIC GAS & ELECTRIC****RESOLUTION NO. 2004-164**

This was the time set to conduct a public hearing and consider adopting a resolution of necessity to acquire property from Pacific Gas & Electric Corporation (PG&E) by eminent domain for the Fall River Mills Airport Expansion. Public Works Director Pat Minturn presented the staff report and recommended the Board of Supervisors issue eminent domain proceedings. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Supervisor Kehoe inquired as to the standing of PG&E on the acquisition of the property. County Counsel Karen Jahr stated that because of the recent bankruptcy of PG&E, the time limits to purchase the property would not allow the purchase to take place prior to the County's grant for this project. PG&E has consented to the eminent domain action due to the time line issue.

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 (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2004-164, to acquire property from Pacific Gas & Electric Corporation by eminent domain for the Fall River Mills Airport Expansion.

(See Resolution Book No. 45)

BURNEY DISPOSAL, INC.**INCREASE OF RATES****RESOLUTION NO. 2004-165**

This was the time set to conduct a public hearing and consider adopting a resolution which adjust rates for Burney Disposal, Inc. and Anderson-Cottonwood Disposal Services effective December 1, 2004; to approve and authorize the Chairman to sign a contract

amendment with Anderson-Cottonwood Disposal Services to increase compensation for diesel fuel prices by \$0.50 per gallon (for a total of \$2.10 per gallon); and to receive a report on potential Sunday landfill services.

Deputy Public Works Director Dan Kovacich advised that Anderson-Cottonwood Disposal Services (Anderson-Cottonwood) has requested that the rate increase associated with a request to for a fuel surcharge be pulled due to some incorrect data Anderson-Cottonwood had provided to the County, and the failure to receive the contract amendment.

Mr. Kovacich presented the remainder of the staff report to adjust the fuel charge adjustment for Burney Garbage Disposal and to provide a report on Sunday landfill services. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Mr. Kovacich explained that after Anderson-Cottonwood provides accurate information, the hearing will be continued to an unspecified date in the future. Mr. Kovacich stated that research was done regarding the cost to open a landfill on Sunday. The West Central Landfill would cost approximately \$180,000 per year and the Anderson Landfill would cost approximately \$110,000 per year. Due to the costs that would be expended, it is not recommended to open the landfills on Sunday.

Supervisor Clarke inquired if signs had been posted to advise that the landfill is not open on Sunday. Mr. Kovacich advised that he would investigate.

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 (Clarke/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2004-165, which adjusts rates for Burney Disposal, Inc. effective December 1, 2004; and continued the rates for Anderson-Cottonwood Landfill to an unspecified date.

(See Resolution Book No. 45)

WHISPERING WOODS TRACT NO. 1809
PERMANENT ROAD DIVISION
SHASTA AREA

This was the time set to conduct a public hearing and consider various actions regarding the formation of Whispering Woods Tract No. 1809 Permanent Road Division in the Shasta area.

Deputy Public Works Director Scott Wahl presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Mr. Wahl advised that the item before the Board is a proposed 25-lot subdivision. The public hearing had been scheduled because the developers had requested that the road be maintained by Permanent Road Division. However, there is question as to the life of the tentative map, scheduled to expire on November 28, 2004. Mr. Wahl stated that because the public hearing was scheduled, he requests that the hearing take place and the ballot(s) will be opened by the Clerk of the Board for tabulation, and the matter be continued until the final map issue is resolved.

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

The ballots were given to the Clerk of the Board for tabulation. There was one ballot, marked: Yes/Approve.

By consensus, the Board of Supervisors continued the matter to a future date to consider formation of the Permanent Road Division.

WHISPERING WOODS TRACT NO. 1785
PERMANENT ROAD DIVISION
SHASTA AREA

This was the time set to conduct a public hearing and consider various actions regarding the formation of Whispering Woods Tract No. 1785 Permanent Road Division in the Shasta area. Deputy Public Works Director Scott Wahl presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Mr. Wahl advised that the item before the Board is a proposed 24-lot subdivision. The public hearing had been scheduled because the developers had requested that the road be maintained by the permanent road division. However, there is question as to the life of the tentative map, scheduled to expire on November 28, 2004. Mr. Wahl stated that because the public hearing was scheduled, he requests that the hearing take place and the ballot(s) will be opened by the Clerk of the Board for tabulation, and the matter be continued until the final map issue is resolved.

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

Mr. Wahl noted that in accordance with Proposition 218, the property owners must approve the requested parcel charge, and he delivered the ballot to the Clerk of the Board for tabulation. There were two ballots, marked: Yes/Approve.

By consensus, the Board of Supervisors continued the matter to a future date to consider formation of the Permanent Road Division.

CROWLEY CREEK RANCHETTES
PERMANENT ROAD DIVISION
WEST COTTONWOOD
RESOLUTION NO. 2004-166 AND RESOLUTION NO. 2004-167

This was the time set to conduct a public hearing and consider taking various actions regarding the formation of Crowley Creek Ranchettes Permanent Road Division in the west Cottonwood area. Deputy Director of Public Works Scott Wahl presented the staff report and recommended approval. 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.

Mr. Wahl noted that in accordance with Proposition 218, the property owners must approve the requested parcel charge, and he delivered the ballot to the Clerk of the Board for tabulation. There was one ballot, marked: Yes/Approve.

By motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors took the following actions on the formation of Crowley Creek Ranchettes Permanent Road Division:

1. Adopted Resolution No. 2004-166, which forms the district;
2. Adopted Resolution No. 2004-167, which confirms the annual parcel charge report for Fiscal Year 2005-06; and
3. Received the annual parcel charge report.

(See Resolution Book No. 45)

LAVERNE LANE PERMANENT ROAD DIVISION
HAPPY VALLEY AREA

This was the time set to conduct a public hearing and consider taking various actions regarding the formation of Laverne Lane Permanent Road Division in the Happy Valley area. Deputy Director of Public Works Scott Wahl presented the staff report and recommended approval. 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 Mr. Fairburn spoke in favor of the proposal. No one else spoke for or against the proposal, and the hearing was closed.

Mr. Wahl noted that in accordance with Proposition 218, the property owners must approve the parcel charge, and he delivered the ballots to the Clerk of the Board for tabulation.

By consensus, the Board of Supervisors directed the Clerk of the Board to tabulate the results of the vote regarding the parcel charge as required by Proposition 218 on Tuesday, November 30, 2004 at 9 a.m. in the Clerk of the Board's Office; and continued the matter until December 7, 2004 at 9 a.m., or as soon thereafter as may be heard, at which time the results of the vote will be announced.

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 03-006

MATTHEW RUSSELL

PALO CEDRO AREA

GENERAL PLAN AMENDMENT NO. 04-001

ZONE AMENDMENT NO. 04-001

SDK AGRIBUSINESS, INC.

FALL RIVER MILLS AREA

RESOLUTION NO. 2004-168

This was the time set to conduct a public hearing and consider Taking action on the following general plan amendments and zone amendments:

1. General Plan Amendment No. 03-002 and Zone Amendment No. 03-006, Matthew Russell, which would rezone two acres in the Palo Cedro area from a Community Commercial (C-2) and One-Family Residential combined with Building Acreage Minimum-One (R-1 BA-1) District to a Planned Development (PD) District; and
2. General Plan Amendment No. 04-001 and Zone Amendment No. 04-001, SDK Agribusiness, Inc., which would rezone 15 acres in the Fall River Mills area from a Community Commercial (C-2) and Rural Residential (RR) District to a Planned Development (PD) District.

Associate Planner Nancy Polk presented the staff report and recommended approval of the projects. 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/Clarke), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration for General Plan Amendment No. 03-002/Zone Amendment No. 03-006 (Matthew Russell), with the findings as specifically set forth in Planning Commission Resolutions No. 04-111 and 04-112;
2. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance for General Plan Amendment No. 04-001/ Zone Amendment No. 04-001, with the findings as specifically set forth in Planning Commission Resolution No. 04-099;
3. Adopted Resolution No. 2004-168, which approves the following General Plan Land Use Element map changes as recommended by the Planning Commission:
 - a. General Plan Amendment No. 03-002: From Commercial (C) to Suburban Residential (SR) land use designation; and
 - b. General Plan Amendment No. 04-001: From Rural Residential (RA) to Commercial (C) land use designation;
4. Adopted the rezoning findings as specifically set forth in Planning Commission Resolutions No. 04-099, 04-111, and 04-112; and
5. Introduced and waived the reading of two ordinances which approve Zone Amendment No. 03-006 and Zone Amendment No. 04-001.

(See Resolution Book No. 45)

ZONE AMENDMENT NO. 04-012
RICKERT AGRICULTURAL SERVICES, INC.
SOUTHEAST ANDERSON

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 04-012, Rickert Agricultural Services, Inc., which would rezone approximately 2,241 acres in the Southeast Anderson area from an Unclassified (U) District, an Unclassified combined with a Restrictive Flood (U F-2) District, and an Unclassified combined with an Interim Mineral Resource and a Restrictive Flood (U IMR F-2) District to an Exclusive Agricultural with Agricultural Preserve (EA-AP) District. Associate Planner Nancy Polk 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 (Clarke/Fust), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 04-012, Rickert Agricultural Services, Inc., Southeast Anderson area:

1. Found the project categorically exempt from the California Environmental Quality Act (CEQA) as specifically set forth in Planning Commission Resolution No. 2004-119;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2004-119;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 04-012 as requested; and
4. Approved and authorized the Chairman to sign a Land Conservation (Williamson Act) Contract with Rickert Agricultural Services, Inc. limiting the use of 2,241 acres to

agricultural and compatible uses for a period of not less than 10 years from the date of signing.

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes 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 Hinton v. Homem, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its real estate negotiators to negotiate price and terms of payment to Union Pacific Railroad regarding property known as Union Pacific Property, Oregon Street, Redding pursuant to Government Code section 54954.2.

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

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

11:20 a.m.: The Board of Supervisors reconvened in Open Session with Supervisors Hawes, Kehoe, and Fust, Assistant County Counsel Mike Ralston, and Chief Deputy Clerk of the Board Glenda Tracy present.

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as real estate negotiations. By unanimous vote, defense of the Hinton v. Homem matter was referred to the law firm of Gary Brickwood. No other reportable action was taken.

11:22 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy