

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 10, 2009

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 Moty
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Mike Ralston
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Valerie Ibarra

INVOCATION

Invocation was given by Pastor Heather Hennessey, First Christian Church.

PLEDGE OF ALLEGIANCE

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

BOARD MATTERS

APPOINTMENT: PLANNING COMMISSION

By motion made, seconded (Moty/Kehoe), and unanimously carried, the Board of Supervisors appointed Dick Franks to the Shasta County Planning Commission as nominated by District 2 Supervisor Moty for a four-year term to January 2013.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Hawes announced the budget amendment for the purchase of pSeries Expansion Drawer electronic storage and the award to the low bidder on the Palo Cedro Fire Station Residence Project were pulled for discussion

Supervisor Baugh pulled for discussion the agreement with California Safety Company.

CONSENT CALENDAR

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

Approved a budget amendment establishing an operating budget for administrative expenses in the Impact Mitigation Fee Administration budget unit, to be offset by the 2 percent fee incorporated into each impact fee. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$3,900.00 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on January 27, 2009, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with the law firm of Wilkins & Johnson in an amount not to exceed \$7,000 to provide legal counsel as the Shasta County Nuisance Abatement hearing officer for the period July 1, 2009 through June 30, 2012. (Clerk of the Board)

Reappointed Daryl Hovis to the Inter-Mountain Fair Advisory Board for a five-year term to January 2014. (Clerk of the Board)

Approved and authorized the Chairman to sign a retroactive agreement with Impact Assessment, Inc., fiscal agent to the California Department of Public Health, in the amount of \$20,000 to provide funding to Shasta County to implement asthma prevention activities for the period January 1, 2009 through November 15, 2009. (Public Health)

Approved the application for Fiscal Year 2008-09 Federal Transit Administration (FTA) Section 5311 funding for the County of Shasta in the amount of \$260,501 to receive transit capital and operating assistance; authorized the Public Works Director to prepare and submit applications for Fiscal Years 2009-10 and 2010-11; and adopted Resolution No. 2009-011, which approves and authorizes the Public Works Director to sign applications and agreements for FTA Section 5311 funds for Fiscal Years 2008-09, 2009-10, and 2010-11, and annual FTA certifications and assurances for Fiscal Years 2008-09, 2009-10, and 2010-11. (Public Works)

(See Resolution Book No. 50)

Introduced and waived the reading of an ordinance which establishes a 40 mile-per-hour speed limit on Whiskey Creek Road from State Route 299 to 1.4 miles north of State Route 299. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with Anderson Cottonwood Disposal Services, Inc. adjusting the time period used for determining annual rate increases. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with Burney Garbage Disposal, Inc. adjusting the time period used for determining annual rate increases. (Public Works)

For the 2009 Overlay Project, approved the list of roads for submission to the Regional Transportation Planning Agency for economic stimulus funding; designated the Public Works Director as the County's agent to approve plans and specifications for the purpose of the Project; and directed staff to advertise for bids pending funding approval and compliance with the National Environmental Policy Act. (Public Works)

For Tract Map No. 1900, Silverbridge Highlands Permanent Road Division (Millville area), received the petitions for formation and activation, affidavit verifying petition information,

maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for April 7, 2009 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

For Parcel Map No. 05-081, Jennifer Drive Emergency Fire Escape Road (EFER) Permanent Road Division (northeast Redding area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for April 7, 2009 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

For Tract Map No. 1952, Pair (Happy Valley area), released the security guaranteeing maintenance of public improvements in the amount of \$23,100. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

pSERIES EXPANSION DRAWER BUDGET AMENDMENT

In response to questions by Supervisor Kehoe, Auditor-Controller Connie Regnell described how County staff will use "timecard-on-line" software, which will allow each staff person to individually enter their time information daily. The program will calculate the hours, and at the end of the pay period, the information will be sent electronically to the supervisors, department heads, or the designated representative for approval. Two departments have been added, and five departments will be phased in as of March 1, 2009.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved a budget amendment in the amount of \$23,124 in the Auditor-Controller budget unit to create a fixed asset account to purchase pSeries Expansion Drawer electronic storage to increase storage and functionality for the IFAS 7i system network. (Auditor-Controller)

AGREEMENT: CALIFORNIA SAFETY COMPANY FIRE AND BURGLAR ALARM SERVICES

In response to questions by Supervisor Baugh, Public Works Director Pat Minturn stated that the alarm company vendors have equipment such as keypads, locks, and wiring installed in each facility which is the property of the vendor. If the service is put out to bid, rival bidders would have to replace all of the equipment installed previously by another vendor. California Safety Company has provided good service for Shasta County for over 30 years.

By consensus, the Board of Supervisors directed Mr. Minturn to process a request for proposal for competitive procurement at the conclusion of this contract.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a retroactive renewal agreement with California Safety Company in an amount not to exceed \$110,000 to provide fire and burglar alarm leasing and monitoring, dispatch, and code change services for the period January 1, 2009 through December 31, 2011. (Public Works)

AGREEMENT: ERIC PETTINGER CONSTRUCTION PALO CEDRO FIRE STATION RESIDENCE PROJECT

In response to questions by Supervisor Kehoe, Public Works Director Pat Minturn explained that the other companies who bid on this project are not harmed by the award to the low bidder in any way other than that they are not the successful bidder.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors waived minor irregularities and awarded to the low bidder, Eric Pettinger Construction, on a lump-sum basis, the contract for construction on the Palo Cedro Fire Station Residence Project in the amount of \$165,626. (Public Works)

REGULAR CALENDAR

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees presented an update on specific legislation of importance to Shasta County, including an oversight by Governor Schwarzenegger to inadvertently "blue-pencil" a pre-approved budgeted line item to fund aging nutrition programs \$1.925 million in this fiscal year, which will affect Shasta Senior Nutrition Program. By consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter to Assemblyman Nielsen and Senator Aanestad, with copies to Senators Boxer and Feinstein and Governor Schwarzenegger expressing Shasta County's dissatisfaction with the action taken and to emphasize the importance of the program to continue to assist seniors.

Supervisor Kehoe recently attended the Mental Health Board meeting.

Supervisors Hartman and Moty attended a County Fish & Game Commission meeting. Supervisors Hartman and Moty requested history of the County's Fish & Game Commission and the reason why it is no longer in operation.

Supervisors reported on issues of countywide interest.

PUBLIC WORKS

COUNTY SERVICE AREA NO. 6 - JONES VALLEY WATER RESOLUTION 2009-012

Public Works Director Pat Minturn advised that a preliminary engineering report has been prepared for a potential annexation of a portion or of all the 200 parcels in the Elk Trail area. A geological study was performed of the existing wells that serve the area, which found that many wells contain heavy metals, biological contamination, and low yields. These findings indicate that, in order to expand the County Service Area, the project would cost approximately \$10 million. Preliminary applications have been submitted for state and federal assistance, with grants and zero interest loans available. The assessment is approximately \$120 per month for the typical property owner.

In response to questions by Supervisor Kehoe, Chief Public Works Planner Dan Little stated the California Environmental Quality Act (CEQA) document required a review of the roads rights of way in the areas of the improvement; where the National Environmental Policy Act (NEPA) provides the requirement to complete the State Historic Preservation review and the Native American Heritage Commission review. This will include working at the offsite improvements outside the right of way.

Paul Stout spoke in support of the Elk Trail project.

Kathy Jalquin stated the Elk Trail project will cause migratory birds and wildlife to suffer and there will be an impact on population growth in the area. She stated houses have been built in the area without permits.

In response to a question by Supervisor Moty, Mr. Minturn stated that he is not aware of any houses being built without permits in the Elk Trail subdivision. By consensus, CAO Lees was directed to investigate whether the new construction sites had the required permits.

By motion made, seconded (Baugh/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-012, which approves the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration for the Elk Trail Water System Project.

(See Resolution Book No. 50)

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 anticipated litigation, pursuant to Government Code section 54956.9(c); and
2. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

9:50 a.m.: The Board of Supervisors recessed to Closed Session.

1:30 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Moty, Hartman, and Baugh, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Valerie Ibarra present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss anticipated litigation, as well as labor negotiations. By a unanimous vote, the office of County Counsel was authorized to join in potential litigation with Sacramento, San Diego, and various other counties seeking court orders which would direct the State of California, Controller, Treasurer, Department of Social Services, and potentially other state officers and departments to make payments to the counties of funds previously appropriated to pay the State's share for public assistance services/benefits and to order that the counties have no obligation to utilize County funds to pay the State's share in the event that the Controller continues to defer such payments. No other reportable action was taken.

SCHEDULED HEARINGS
RESOURCE MANAGEMENT
PLANNING DIVISION

APPEAL OF ZONE AMENDMENT NO. 08-023
APPEAL OF PARCEL MAP NO. 08-027
COTTONWOOD JBRE, LLC
WEST COTTONWOOD AREA

This was the time set to conduct a public hearing and consider the appeal by Cottonwood JBRE, LLC of the Planning Commission's denial of Zone Amendment No. 08-023 and Parcel Map No. 08-027 (west Cottonwood area). The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Vice Chairman Kehoe advised that the appellant has requested postponement until February 24, 2009 at 1:30 p.m., or as soon thereafter as may be heard.

The public hearing was opened, at which time no one spoke for or against the matter, and the Board of Supervisors continued the public hearing to February 24, 2009 at 1:30 p.m., or as soon thereafter as may be heard.

1:31 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy