

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 15, 2013

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 Moty
District No. 3 - Supervisor Giacomini
District No. 4 - Supervisor Schappell
District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Charles Clark, St. Mark's Baptist Church.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

EMPLOYEE OF THE MONTH
COMMUNITY MENTAL HEALTH WORKER TONI WIELAND
RESOLUTION NO. 2013-098

At the recommendation of Health and Human Services Agency (HHS) Branch Director Dean True and by motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-098, which recognizes Community Mental Health Worker Toni Wieland as Shasta County's Employee of the Month for October 2013.

(See Resolution Book No. 54)

PROCLAMATION: BREAST CANCER AWARENESS MONTH AND THINK PINK DAY

By motion made, seconded (Giacomini/Moty), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2013 as Breast Cancer Awareness Month and October 17, 2013 as Think Pink Day in Shasta County. Nor-Cal Think Pink Breast Cancer Awareness Representative Melody Christensen was present to accept the proclamation.

PUBLIC COMMENT PERIOD - OPEN TIME

Sobering Choice Coalition Project Director Cathy Grindstaff encouraged the Board of Supervisors to direct the Planning Commission to review the medical marijuana ordinance for possible changes and increased enforcement. County Executive Officer (CEO) Larry Lees advised that the Planning Commission will consider the medical marijuana issue in November 2013.

Joann Owen told of experiences she has had with an individual that rents a residence she owns in the City of Redding which has caused numerous problems. Chairman Kehoe requested that the information from Ms. Owen be forwarded to Redding City Manager Kurt Starman for action as determined necessary.

Redding School District Superintendent Rick Fauss presented an Igo/Ono/Platina Union School District resolution, dated October 14, 2013 affirming violations of Shasta County's marijuana ordinance.

Dolores Lucero alleged that illegal activity has occurred in local government.

Center for Economic Development (CED) Project Manager Cathy Emerson advised the CED broadband project is making available the implementation of a broadband infrastructure that provides high-speed services for individuals in Shasta County.

Northeastern Building and Construction Council representative Andrew Meredith stated disappointment that Larry Russell was not appointed to serve on Local Agency Formation Commission (LAFCO).

Tracy Costello opposed the idea of separating as the "State of Jefferson."

CONSENT CALENDAR

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

Adopted Resolution No. 2013-099, which authorizes a short-term loan in the amount of \$4,000 to the Fall River Mills Cemetery District from the County General Reserve which will be repaid from the District's tax apportionment. (Administrative Office)

(See Resolution Book No. 54)

Approved and authorized the Chairman to sign the County Claims List totaling \$1,642 requiring special board action. (Auditor-Controller)

Enacted Ordinance No. SCC 2013-05, which amends Shasta County Code Chapter 6.08, *Bees*, as introduced October 1, 2013. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Adopted resolutions which notify the Public Employees' Retirement System of the County's contribution to the 2014 group health insurance premium: Resolution No. 2013-100 for United Public Employees of California (UPEC) General; Resolution No. 2013-101 for Deputy Sheriff's Association; Resolution No. 2013-102 for Unrepresented Managers; Resolution No. 2013-103 for Unrepresented Confidential; Resolution No. 2013-104 for Professional Peace Officers Association; Resolution No. 2013-105 for Shasta County Employees Association-Supervisory; Resolution No. 2013-106 for Deputy Sheriff's Association-Correctional Officers; Resolution No. 2013-107 for Sheriff Administration Association; Resolution No. 2013-108 for

Mid-Management; and Resolution No. 2013-109 for UPEC Professional bargaining units. (Support Services-Personnel)

(See Resolution Book No. 54)

Adopted Salary Resolution No. 1430, effective September 21, 2014 which implement salary adjustments for United Public Employees of California-General Unit increasing salaries by three percent effective September 21, 2014 pursuant to the Memorandum of Understanding approved by the Board of Supervisors on July 23, 2013; and Salary Resolution No. 1431, effective September 21, 2014, which will implement salary adjustments for Confidential classifications increasing salaries by three percent effective September 21, 2014 pursuant to the Memorandum of Understanding approved by the Board of Supervisors on July 23, 2013. (Support Services-Personnel)

(See Salary Resolution Book)

Adopted Salary Resolution No. 1432, effective June 29, 2014, which implements salary adjustments for United Public Employees of California-Professional Unit classifications increasing salaries by two percent effective July 29, 2014, pursuant to the Memorandum of Understanding approved by the Board of Supervisors on February 26, 2013. (Support Services-Personnel)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Child Abuse Prevention Coordinating Council in an amount not to exceed \$234,995 for the period October 23, 2013 through June 30, 2014 to provide Parent Partners and a Skillbuilder; and cooperatively administer the Shasta County Child Abuse Prevention Referral Team. (Health and Human Services Agency-Children's Services)

Reviewed the Fiscal Year 2012-13 Youthful Offender Block Grant annual expenditure report; and reviewed and approved the Fiscal Year 2012-13 Juvenile Justice Crime Prevention Act of 2000 annual progress report. (Probation)

Approved and authorized the Chairman to sign an amendment to the agreement with BI Incorporated increasing maximum compensation by \$106,500 per fiscal year (for a new fiscal year maximum compensation of \$156,000, or \$361,500 during the entire term of the agreement) to provide additional GPS monitoring devices and related monitoring services, and retaining the term December 17, 2013 through June 30, 2013, with two automatic one-year extensions. (Probation)

Ratified the Sheriff Chief Fiscal Officer's signature on and accept the 2013 Federal Justice Assistance grant acceptance documents; and approved a budget amendment increasing appropriations and revenues by \$41,057 in the Sheriff's Budget to purchase up to 50 replacement computer workstations. (Sheriff)

Approved and authorized the Chairman to sign a retroactive Sub-Recipient Cooperative Agreement with the Shasta Regional Transportation Agency (SRTA) effective July 1, 2013 to allow Shasta County to be reimbursed for SRTA-related tasks performed by Shasta County personnel; and approved and authorized the Public Works Director or his designee to sign amendments and minor changes to the agreement, including annual Scope of Work, Sub-Recipient Budget, and new agreements that do not result in substantial or functional change to the original intent of the agreement, subject to approval by County Counsel. (Public Works)

For the Opportunity Center Transit Shelter, found that the bid submitted by WB Construction, Inc. is nonresponsive because it failed to submit a bid bond as required by the bid documents; and awarded to True North Contractors, on a lump-sum basis, the contract for construction in the amount of \$79,200. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Redding Regional Septage Impoundment 1B Cleanout Project and record it within 15 days of actual completion of the work. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the West Central Landfill Storm Water Pond Project and record it within 15 days of actual completion of the work. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Palo Cedro Bike Lanes Project and record it within 15 days of actual completion of the work. (Public Works)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees had no legislative update.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES-PERSONNEL

ANNUAL POSITION CLEANUP SALARY RESOLUTION NO. 1433

At the recommendation of Director of Support Services Angela Davis and by motion made, seconded (Giacomini/Moty), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1433, for the annual position allocation clean-up effective October 20, 2013 which adds a footnote regarding additional premium pay; adds footnote 58 to the Correctional Officer II job classification; adds and deletes positions in various budgets; and reclassifies two positions in the Mental Health and Agriculture Extension Service budgets.

(See Salary Resolution Book)

LAW AND JUSTICE

SHERIFF/PUBLIC WORKS

MEDIUM-SECURITY ADULT REHABILITATION CENTER REQUEST FOR STATE LEASE-REVENUE BOND FINANCING FOR CONSTRUCTION RESOLUTIONS NO. 2013-110, 2013-111, 2013-112, AND 2013-113

Sheriff Tom Bosenko explained that a proposal was submitted to obtain Senate Bill (SB) 1022 State lease-revenue bond funding to build a 64-bed medium-security Adult Rehabilitation Facility (Facility). Approximately \$100 million is available for small counties through the SB 1022 funding; a single project may not exceed \$20 million. Small counties are counties of a population of less than 200,000. The architectural firm, Nichols Melburg & Rossetto, has updated the needs assessment of the Adult Rehabilitation Facility (Facility).

In response to questions by Supervisor Giacomini, County Executive Officer (CEO) Larry Lees confirmed that the funds for the County's match have been set aside.

In response to questions by Supervisor Moty, Sheriff Bosenko stated that the facility will be able to be expanded in the future, when needed.

In response to questions by Supervisor Baugh, Sheriff Bosenko said the various counties will submit their plans and make a presentation to the Executive Steering Committee in November 2013. The committee will review and make a determination by December 2013 or January 2014, and announced the conditional awards.

CEO Lees elaborated that the County's goal is to rehabilitate those housed in the facility. The facility will be built in a location that will allow growth, in an area near needed services. Sheriff Bosenko said that there will be multiple services such as assistance in obtaining a high school diploma, a GED, vocational training, and mental health issues.

Sheriff Bosenko advised that a clarification is needed on the wording on the proposed resolution. The words "minimum security" should read "medium security," which will require the resolution being amended prior to signing the documents.

Sally Riley, Andrew Meridith, Charles Adamo, and Mark Moelmer supported the submittal of the funding proposal as additional facilities for rehabilitation is needed, and it will provide employment for the construction trades.

Dolores Lucero opposed the project, stating the bond will ultimately be paid by the taxpayers.

Charles Alexander questioned whether the facility will be minimum-security or medium-security. Sheriff Bosenko clarified that the facility will be a medium-security facility for Shasta County inmates.

By motion made, seconded (Moty/Baugh), and unanimously carried, as amended, the Board of Supervisors took the following actions regarding a Senate Bill (SB) 1022 (Chapter 42, Statutes of 2012) funding proposal to request State lease-revenue bond financing to build a 64-bed medium-security Adult Rehabilitation Center (Facility): adopted Resolution No. 2013-110, which authorizes the application for the construction of an adult criminal justice facility pursuant to SB 1022, approves and authorizes certain County officers to represent Shasta County and sign state construction financing program application, state agreements, and other required documents, provides funding preference criterion assurance, and provides other assurances required by the State of California; adopted Resolution No. 2013-111, which certifies Shasta County's match funds and funds for ineligible costs in the amount of \$2.5 million from the General Fund; adopted Resolution No. 2013-112, which represents and warrants that Shasta County has full legal right, power, and authority to enter into the Ground Lease Agreement with relevant State agencies; and adopted Resolution No. 2013-113, which approves the 30-Year Proposed Staffing Plan and Estimated Operating Costs for the new Facility.

(See Resolution Book No. 54)

SCHEDULED HEARINGS

PUBLIC WORKS

SKYLARK LANE EMERGENCY FIRE ESCAPE ROAD (PALO CEDRO AREA)
PERMANENT ROAD DIVISION
RESOLUTIONS NO. 2013-114 AND 2013-115

This was the time set to conduct a public hearing to consider the formation of Skylark Lane Emergency Fire Escape Road Permanent Road Division in the Palo Cedro area. Supervising Engineer Al Cathey presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

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

Chief Deputy Clerk of the Board Glenda Tracy provided the results of the tabulation of the ballots, as required by Proposition 218. One ballot was received in favor of the formation of Skylark Lane Emergency Fire Escape Road Permanent Road Division (Palo Cedro area).

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors took the following actions for the Skylark Lane Emergency Fire Escape Road Permanent Road Division (Palo Cedro area):

1. Adopted Resolution No. 2013-114, which forms the division;
2. Adopted Resolution No. 2013-115, which confirms the annual parcel charge report for Fiscal Year 2014-15; and
3. Received the annual parcel charge report.

(See Resolution Book No. 54)

10:36 a.m.: The Board of Supervisors recessed.

10:39 a.m.: The Board of Supervisors reconvened.

RESOURCE MANAGEMENT

PLANNING DIVISION

USE PERMIT NO. 11-011A
REDDING RESERVE ONE
MOUNTAIN GATE AREA
RESOLUTION NO. 2013-115

This was the time set to conduct a public hearing to consider the appeal of Casey Duggan to overturn the Planning Commission's approval of Use Permit No. 11-011A, the Redding Reserve One, in the Mountain Gate area. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Senior Planner Kent Hector presented the staff report, advising that on August 9, 2012, Redding Reserve One applied for and was granted a use permit to build Shasta Wine Village in the Mountain Gate area. On September 12, 2013, the Planning Commission approved Use

Permit Amendment 11-011A to allow expansion of the approved project to include a 1.49-acre gathering area with a pavilion and a raised platform to be used for various group activities, such as wine tasting events, winemaker dinners, and weddings. The proposed use is consistent with the existing use of the property.

Casey Duggan, the appellant, asserted that the noise levels will be excessive and, as a nearby neighbor, this excess sound will affect his quality of life.

In response to questions by Supervisor Moty, Mr. Hector explained that the noise consultant has said that the section of wall that is of six-foot high is sufficient, to mitigate any sound coming from the venue, and a taller wall at that area was not needed due to the sound level.

In response to questions by Supervisor Schappell, Mr. Hector stated that the speakers would not be raised above the platform level, and the noise levels would not be excessive.

Director of Resource Management Rick Simon advised the applicant has a business plan. All of the gathering events will be by invitation only and not open to the public. If a future event is planned as a larger event, the owner will be required to apply for a separate use permit for each event.

The public hearing was opened, at which time Mr. Duggan stated that he is not opposed to the wine village; however, he stated that the pavilion is too close to the property line and he is able to see the stage floor from a window in his home.

Redding Reserve One representative Einhard Diaz stated the speakers will be on the ground and the lighting plan will be pursuant to Shasta County Code.

Cheri Beck opposed the project due to the location being near to the freeway and possibility of excessive noise levels.

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

By motion made, seconded (Schappell/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-115, which denies the appeal of Casey Duggan and upholds the Planning Commission's approval of Use Permit Amendment 11-011A Redding Reserve One (Mountain Gate area), Redding Reserve One (Mountain Gate area), based on findings set forth in Planning Commission Resolution No. 2013-019, with modifications to the conditions of approval, and adopts a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with findings as specifically set forth by the Planning Commission.

(See Resolution Book No. 54)

GENERAL PLAN AMENDMENT NO. 13-001
ZONE AMENDMENT NO. 13-003
REDDING RESERVE ONE, LLC
MOUNTAIN GATE AREA
RESOLUTION NO. 2013-116

This was the time set to conduct a public hearing to consider the request to approve General Plan Amendment No. 13-001 and Zone Amendment No. 13-003, Redding Reserve One, LLC, which would change approximately 6.7 acres in the Mountain Gate area from a Rural Residential "A" (RA) designation to a Commercial (C) designation and rezone approximately 10 acres from a Highway Commercial District to a Community Commercial combined with Design Review (C-2-DR) District and/or other appropriate district. Senior Planner Kent Hector presented the staff report and recommended approval of the project. The Notice of hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, and which time Casey Duggan reiterated his concerns over the possible excessive noise and lighting from the Shasta Wine Village project.

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

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding General Plan Amendment No. 13-001 and Zone Amendment No. 13-003, Redding Reserve One, LLC, Mountain Gate area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as set forth in Planning Commission Resolution No. 2013-017;
2. Adopted Resolution No. 2013-116, which approves General Plan Land use Element map changes for General Plan Amendment No. 13-001 from a Rural Residential "A" (RA) designation to a Commercial (c) designation, as listed in Planning Commission Resolution No. 2013-017;
3. Made the rezoning findings; and
4. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 13-003, as requested.

(See Resolution Book No. 54)

ZONE AMENDMENT 13-002
MAYERS MEMORIAL HOSPITAL
FALL RIVER MILLS AREA

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 13-002, Mayers Memorial Hospital (Fall River Mills area), which would rezone approximately 6.4 acres in the Fall River Mills area from a Rural Residential (R-R) zone district to a Public Facilities (PF) zone district, with a portion combined with the Restrictive Flood (PF-F-2) district and/or other appropriate district. Senior Planner Bill Walker presented the staff report and recommended approval of the project. The Notice of Hearing and the Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time Mayers Memorial Hospital CEO Matt Rees supported the rezoning request

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

By motion made, seconded (Giacomini/Moty), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 13-002, Mayers Memorial Hospital, Fall River Mills area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration, with the findings as set forth in Planning Commission Resolution No. 2013-014;
2. Made the rezoning findings; and
3. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 13-002, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to confer with its Labor Negotiators, County Executive Officer Larry Lees, Personnel Director Angela Davis, 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.

12:26 a.m.: The Board of Supervisors recessed to Closed Session.

12:51 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Executive Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

12:52 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy