

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, July 19, 2005

REGULAR MEETING

9:02 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 Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
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 - Tazina Otis

INVOCATION

Invocation was given by Pastor Gary D. Tracy, Gateway Community Church of the Nazarene.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

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

CONSENT CALENDAR

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Cibula abstained on the item regarding the two agenda items regarding the Courthouse Annex and the Justice Center as he has real estate holdings in the immediate vicinity; and Supervisor Kehoe abstained on the item with the U.S. Forest Service due to his employment with that agency):

Authorized the issuance of warrants totaling \$3,556.43 requiring special board action. (Auditor-Controller)

Adopted Resolution No. 2005-83, which establishes the Shasta County Appropriations Limit for Fiscal Year 2005-06 in the amount of \$98,652,611; and sets the annual adjustment factors used to calculate the appropriations limit at the percentage change of 7.02 percent in local

assessment roll from the preceding year for Shasta County due to the addition of local non-residential new construction, and a population factor of 1.39 percent reflecting the change in population within the incorporated areas of Shasta County as provided by the Demographic Section of the Department of Finance. (Auditor-Controller)

(See Resolution Book No. 46)

Approved the minutes of the meeting held on June 28, 2005, as submitted. (Clerk of the Board)

Appointed Harold Jones (as recommended by District 4 Supervisor Hartman) to the Superior California Economic Development Corporation Board of Directors to fill an unexpired term to January 2006. (Clerk of the Board)

Reappointed Kenneth Krammerman as a member to the Board of Employee Appeals and appointed James Holdridge as an alternate to the Board of Employee Appeals, with terms to expire January 8, 2007. (Clerk of the Board)

Appointed Charles Rowe to the Fall River Resource Conservation District to fill an unexpired term to December 2008. (Clerk of the Board)

Appointed Robert Gambrel to the Mountain Gate Community Services District to fill an unexpired term to December 2005. (Clerk of the Board)

Appointed Daniel Kovacich to the PSA 2 Area Agency on Aging - Advisory Council for a four-year term to expire July 2009. (Clerk of the Board)

Appointed Jim Simpson to the Shasta County Community Action Board for a five-year term to expire December 2010. (Clerk of the Board)

Appointed Susan Weale to the Shasta Community Services District to fill an unexpired term to December 2007. (Clerk of the Board)

Adopted Resolution No. 2005-84, which approves an amendment to Appendix A, Designated Positions, of the Conflict of Interest Code for the Burney Cemetery District. (Clerk of the Board)

(See Resolution Book No. 46)

Approved an amendment to the by-laws of the Commission on Aging, changing the times and locations of its meetings. (Clerk of the Board)

Enacted Ordinance No. 378-1902, which approves Zone Amendment No. 04-022, Szakal (Shingletown area), as introduced May 17, 2005. (Clerk of the Board)

(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1903, which approves Zone Amendment No. 05-012, Amen (Cottonwood area), as introduced June 21, 2005. (Clerk of the Board)

(See Zoning Ordinance Book)

Introduced and waived the reading of an ordinance which would amend Shasta County Code section 3.04.010, *Purchases by Purchasing Agent* to conform to amendments to Administrative Policy 6-101, the *Shasta County Contracts Manual* that were effective July 27, 2004. (County Counsel)

Approved and authorized the Chairman to sign the amended California State Association of Counties-Excess Insurance Authority (CSAC-EIA) Joint Powers Agreement, expanding the definition of "public entity" to include certain county-related non-profit organizations. (Support Services)

Adopted Resolution No. 2005-85, which delegates authority to the Shasta County Court Executive Officer or Assistant Court Executive Officer to make determinations concerning disability or industrial disability retirement for Court employees who are local safety members and make an application for disability retirement for any Court employee. (Support Services)
(See Resolution Book No. 46)

Adopted Resolution No. 2005-86, which authorizes the District Attorney to continue as the agent to conduct negotiations and submit documents necessary for the Spousal Abuser Prosecution Program. (District Attorney)
(See Resolution Book No. 46)

Adopted Resolution No. 2005-87, which authorizes the District Attorney to expend grant funds in an amount not to exceed \$6,000 to host a training for law enforcement and community-based agencies involved in addressing domestic violence and authorizes the Auditor-Controller to pay claims for expenses related to the project. (District Attorney)
(See Resolution Book No. 46)

Approved and authorized the Chairman to sign a contract with the County of Glenn in the amount of \$85 per day to place juvenile court wards at Crystal Creek Regional Boys' Camp on a space-available basis from the date of signing through July 18, 2008. (Probation)

For the Bear Mountain Road at Daniels Lane Reconstruction Project, approved and authorized the Chairman to sign right-of-way contracts with William and Maria Cleveringa (0.2 acres at \$1,800) and Clayton Matt Graftenreed (0.13 acres at \$3,500); accepted two easement deeds from William and Maria Cleveringa and Clayton Matt Graftenreed conveying parcels of project right of way; and accepted two quitclaim deeds releasing any of the adjoining properties' interest in the current Bear Mountain Road alignment. (Public Works)

For the Courthouse Annex Chiller Replacement Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and direct the Director of Public Works to advertise for bids; and authorized the opening of bids on or after August 4, 2005, at 11:00 a.m. (Public Works)

Approved and authorized the Chairman to sign an amendment to an agreement with Carrier Corporation increasing compensation by \$26,000 (for a new total of \$50,000) for maintenance and emergency repair of the Justice Center chiller work that has already been completed. (Public Works)

Approved and authorized the Chairman to sign a personal services agreement with Basic Laboratory, Inc. in an amount not to exceed \$85,000 to collect samples at County water, wastewater, and solid waste facilities and conduct laboratory tests from the date of signing through June 30, 2006, with two optional one-year extensions. (Public Works)

Approved and authorized the Chairman to sign an amendment to an agreement with Western Shasta Resource Conservation District increasing compensation by \$46,819 (for a new total of \$108,070) to provide a Shasta County Fire Safe Council liaison with the U.S. Forest Service for the period July 1, 2004 through June 30, 2006. (Public Works)

Adopted Resolution No. 2005-88, which authorizes the temporary partial closure of Park Avenue in Burney for the annual Good Medicine Health Fair event. (Public Works)
(See Resolution Book No. 46)

REGULAR CALENDAR**PRESENTATIONS****PRESENTATION: SMART BUSINESS RESOURCE CENTER**

Smart Business Resource Center (Smart) Executive Director Anna Brassart gave an update on Smart Business Resource Center activities. Ms. Brassart advised that Smart, formerly called Private Industry Council (PIC) served 7,580 job-seekers in the past year and has a website the public may perform job searches.

BOARD MATTERS**PROCLAMATION: PROBATION SUPERVISION WEEK**

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors adopted a proclamation which designates July 17-23, 2005 as Probation Supervision Week in Shasta County.

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, noting that there is now an approved state budget. The property tax administration program, which has a significant amount of taxes to the schools and state, and small amounts to cities and counties, has been deleted. It is now funded for one year in advance, which will cause an adverse effect of approximately \$350,000 next year. The state will repay the Vehicle License Fund (VLF) funds to Shasta County in one payment. Recommendations for the use of the funds will be brought to the Board after the budget hearings in August. Supervisor Clarke commented that it will now be necessary for the County to provide the funds, which were taken from specific programs or projects. By consensus, the Board of Supervisors directed that the CAO prepare a letter sent to the state supporting the continuation of the Property Tax Administration Program.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE**SHASTA COUNTY ECONOMIC DEVELOPMENT CORPORATION
ANNUAL REPORT**

Senior Administrative Analyst Julie Hope recommended the board report and introduced Shasta County Economic Development Corporation (EDC) President and CEO Jim Zauher presented an annual report regarding EDC. In response to a question of Supervisor Kehoe, Mr. Zauher advised that the Board of Supervisors can track the accountability of EDC by their quarterly reports which will reflect their successes in creating jobs. By motion made, seconded (Kehoe/Cibula), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal agreement with EDC in an amount not to exceed \$54,180 to provide business expansion, retention and recruitment services for Fiscal Year 2005-06.

CLERK OF THE BOARD

**COUNTY SERVICE AREA NO. 17 - COTTONWOOD SEWER
ORDINANCE NO. 639**

9:25 a.m.: Supervisor Cibula recused himself due to a possible conflict with his law firm, and he left the room.

By motion made, seconded (Clarke/Hartman), and carried, the Board of Supervisors enacted Ordinance No. 639, which repeals Resolution No. 97-10 and establishes new sewer rates for County Service Area No. 17 - Cottonwood Sewer effective August 1, 2005, as introduced June 28, 2005. Supervisor Cibula recused himself due to a possible conflict with his law firm and he left the room.

(See General Ordinance Book)

9:26 a.m. Supervisor Cibula returned to the room.

PUBLIC WORKS

**BLUE JAY LANE
RESOLUTION NO. 2005-89**

At the recommendation of Senior Planner Dan Little and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-89, which makes a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration for the Blue Jay Lane at Anderson Creek Bridge replacement project subject to certain findings.

(See Resolution Book No. 46)

RESOURCE MANAGEMENT

CALIFORNIA HORSE PARK

Director of Resource Management Russ Mull gave a staff presentation regarding the establishment of the California Horse Park and an expanded advisory committee to evaluate the development. The horse park would be located in an unincorporated area, and the facility would need utilities and financing. The City of Redding may be a part of this project and would like each Supervisor to appoint an individual to serve on a committee to study this endeavor.

McConnell Foundation Communications and Programs Director Shannon Phillips advised that Gore Ranch was left to the McConnell Foundation in 1995. Various equestrian groups have been surveyed, and they state that resources and facilities for horse riding are not available in Shasta County. Five facilities in the United States were visited and researched, which led them to believe that a horse park in Shasta County would be a beneficial project. Ms. Phillips stated that the McConnell Foundation would like the County of Shasta and the City of Redding will partner with them to create a horse park. She stated that with five representatives on a citizens' committee, the County would be able to make a decision as to whether this project would be of financial interest to the County. The Gore Ranch, off Highway Interstate-5, is an ideal location to provide 800 acres of trails and open space provided to the public, the relocation of the Redding Rodeo Association, and an enclosed climate-controlled stadium with a minimum of 5,000 seats to be used for concerts, horse shows and other events.

Horse Park Committee Chairman Dave Scott stated that the study support group is looking into the feasibility of establishing a horse park. This project would generate sufficient revenues in the form of Transiency Occupancy Tax, sales tax, property tax, and other fees and levies. The parties to be involved would be McConnell Foundation, County of Shasta, City of Redding, and the Rancheria.

Supervisor Kehoe confirmed that all meetings will be open and public meetings that will be operated under Brown Act requirements.

In reply to a question of Supervisor Clarke, Mr. Mull confirmed that the committee to be assigned is to confirm the validity of the facts provided and whether this project is something that the County chooses.

By motion made, seconded (Cibula/Hawes), and unanimously carried, the Board of Supervisors approved appointing one member per supervisor to represent the County on the committee, with the name of each appointee to be provided to the Director of Resource Management by July 26, 2005.

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 Gettings v. County of Shasta, Carey v. Andrews, Philapandeth v. County of Shasta, and MacFadyen v. Shasta County, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its counsel to discuss anticipated litigation entitled Shasta County v. Hall pursuant to Government Code Section 54956.9, subdivision (c).

10:25 a.m.: The Board of Supervisors recessed to Closed Session.

11:25 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 Mike Ralston, Deputy Clerk of the Board Elaine Grossman, and Deputy Clerk of the Board Tazina Otis were present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing and anticipated litigation. By unanimous vote, the Board of Supervisors referred the defense of Gettings v. County of Shasta to the law firm of Gary Brickwood. By unanimous vote, the Board of Supervisors continued the referral of the appeal of Carey v. Andrews to the law firm of Gary Brickwood. By unanimous vote, the Board of Supervisors approved a settlement of \$390,000 to the plaintiff in the case of Philapandeth v. County of Shasta. By unanimous vote, the Board of Supervisors approved the handling of Shasta County v. Hall by County Counsel.

No other reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

ZONE AMENDMENT NO. 05-008

ABBIE BUNTIN

COTTONWOOD AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-008, Abbie Buntin, which would rezone approximately 0.25 acres in the Cottonwood area from a One-Family Residential (R-1) District to a Commercial General Plan (C-2) District. Senior 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.

In response to a question from Supervisor Clarke regarding whether an applicant fee due to an inconsistency between the Zoning Plan and the General Plan would be the Planning Division's responsibility, Director of Resource Management Russ Mull replied that most of the General Plan designations were not decided by the Department of Resource Management, but he added that he would research the situation.

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

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-008, Abbie Buntin, Cottonwood area:

1. Adopted the California Environmental Quality Act (CEQA) determination of a negative declaration with a de minimis finding of significance, with the findings as specifically set forth by the Planning Commission Resolution No. 2005-064;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-064; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-008 as requested.
4. Directed the Director of Resource Management to investigate the matter of the inconsistency and the applicant possibly being charged a fee to correct it.

GENERAL PLAN AMENDMENT NO. 03-007 AND ZONE AMENDMENT NO. 03-021

HARINDERPAL AHLUWALIA, BUCKEYE AREA

GENERAL PLAN AMENDMENT NO. 04-009 AND ZONE AMENDMENT NO. 04-024

CATHY HUTCHINS, ANDERSON AREA

GENERAL PLAN AMENDMENT NO. 05-002 AND ZONE AMENDMENT NO. 05-004

CHUCK AND LINDA JEWELL, WEST REDDING AREA

RESOLUTION NO. 2005-90

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. 03-007 and Zone Amendment No. 03-021, Harinderpal Ahluwalia (Buckeye area), which would change approximately 8.04 acres from a Suburban Residential (SR) land use designation to a Commercial (C) land use designation and would rezone approximately 8.04 acres from an Interim Rural Residential (IR) district to a Planned Development (PD) district.

2. General Plan Amendment No. 04-009 and Zone Amendment No. 04-024, Cathy Hutchins (Anderson area), which would change approximately 73 acres from a General Industrial (I) land use designation to a Rural Residential A (RA) land use designation and would rezone approximately 73 acres from a General Industrial (M) district to a Rural Residential (R-R) district. Approximately 36 acres to the north would be amended from an existing General Industrial (M) district to a Light Industrial (M-L) district as a buffer.
3. General Plan Amendment No. 05-002 and Zone Amendment No. 05-004, Chuck and Linda Jewell (West Redding area), which would change approximately 108 acres from an Open Space (OS) combined with a Mineral Resource Buffer (MRB) land use designation to a Rural Residential A (RA) combined with a Mineral Resource Buffer (MRB) land use designation and would rezone approximately 108 acres from an Unclassified (U) combined with a Mineral Resource Buffer District (MRB) district to a Rural Residential (R-R) combined with a Mineral Resource Buffer District (MRB) district.

Senior Planner Zach Bonnin presented the staff report and recommended approval of General Plan Amendment No. 03-007 and Zone Amendment No. 03-021. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board. In response to questions by Supervisor Cibula regarding surrounding uses and opposition to the project, Mr. Bonnin explained that the site is next to a gas station and that the only respondent did not oppose the project.

Senior Planner Zach Bonnin presented the staff report and recommended approval of General Plan Amendment No. 04-009 and Zone Amendment No. 04-024. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board. In response to a question by Supervisor Hawes, Mr. Bonnin replied that the wetlands area was removed from the project.

Mr. Bonnin's presentation included an "Industrial Inventory" of Shasta County. Supervisor Clarke expressed concern about removing some of that inventory and converting it to residential property. She added that there are already homeowners unhappy with the nearby commercial uses and questioned adding more residences to that area.

Senior Planner Zach Bonnin presented the staff report and recommended approval of General Plan Amendment No. 05-002 and Zone Amendment No. 05-004. 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 E.C. Ross of Robertson and Dominick, Inc. said he concurred with the conditions of General Plan Amendment No. 03-007 and Zone Amendment No. 03-021 (Ahluwalia) and was present for any questions.

Jim Elkins, representing Cathy Hutchins, explained that the project offers transition strips from residential to heavy commercial and discussed transition alternatives to the current proposal.

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

Director of Resource Management Russ Mull recommended that Mr. Elkins voluntarily withdraw the proposal and meet with staff to refine the boundary on the west side of the project site. Mr. Elkins stated he would prefer a vote at this time and believed the current proposal was the best.

By motion made, seconded (Clarke/Hartman), and carried, the Board of Supervisors took the following actions, with Supervisor Hawes abstaining from Item #5 due to a possible conflict with the proximity to wetlands:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration for General Plan Amendment No. 03-007/Zone Amendment

No. 03-021 and General Plan Amendment No. 05-002/Zone Amendment No. 05-004, with the findings as specifically set forth in Planning Commission Resolutions No. 2005-060 and 2005-038, respectively.

- 2. Adopted Resolution No. 2005-90, which approves the following General Plan Land Use Element map changes as recommended by the Planning Commission;
 - a. General Plan Amendment No. 03-007: From a Suburban Residential (SR) land use designation to a Commercial (C) land use designation; and
 - b. General Plan Amendment No. 05-002: From an Open Space (OS) combined with a Mineral Resource Buffer (MRB) land use designation to a Rural Residential A (RA) combined with a Mineral Resource Buffer (MRB) land use designation;
- 3. Adopted the rezoning findings for Zone Amendment No. 03-021 and Zone Amendment No. 05-004 as specifically set forth in Planning Commission Resolutions No. 2005-060 and 2005-038 respectively.
- 4. Introduced and waived the reading of two ordinances which approve Zone Amendment No. 03-021 and Zone Amendment No. 05-004.
- 5. Denied all requested actions for General Plan Amendment No. 04-009 and Zone Amendment No. 04-024.

(See Resolution Book No. 46)

2:22 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy