

CARRE BROWN
First District

JOHN MCCOWEN
Second District
Vice-Chair

JOHN PINCHES
Third District

KENDALL SMITH
Fourth District
Chair

DAN HAMBURG
Fifth District

CARMEL J. ANGELO
Chief Executive Officer/Clerk of the Board

JEANINE B. NADEL
County Counsel

MENDOCINO COUNTY BOARD OF SUPERVISORS

AGENDA

MAY 17, 2011 – 9:00 A.M.

THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETS CONCURRENTLY AS THE BOARD OF DIRECTORS OF THE: MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, MENDOCINO COUNTY LIBRARY DISTRICT, REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

MEETING HIGHLIGHTS

Open Session

(9:00 a.m.)

Public Expression

(Approximately 9:05 a.m. - See Page No. 3)

Noticed Public Hearing:

Discussion and Possible Action Regarding Adoption of a Resolution Authorizing Submittal of a \$140,000 Application for Funding from the Community Development Block Grant (CDBG) Planning and Technical Assistance Allocation; Further Authorizing the Chief Executive Officer to Sign Application and Any Grant-Related Documents

(10:00 a.m. - See Item No. 8a)

Adjourn to Lunch Recess

(Approximately 12:00 Noon)

Reconvene for Afternoon Session

(Approximately 1:30 p.m.)

Noticed Public Hearing:

Public Hearing to Review and Discuss the Draft 2007 Ukiah Valley Area Plan (UVAP), and Confirmation of June 14, 2011, for Consideration and Possible Action to Certify the Final Environmental Impact Report (EIR) and Adopt the UVAP

(1:30 p.m. - See Item No. 8c)

Presentation by the Administrative Office of the Courts Regarding the Process to Construct a New Mendocino County Courthouse

(Approximately 3:30 p.m. - See Item No. 8d)

Adjourn to Closed Session

(Approximately 4:30 p.m. - See Item No. 11)

Reconvene & Report Out from Closed Session

(Approximately 5:00 p.m.)

Order of Agenda:

Open Session,
Roll Call &
Pledge of Allegiance

Public Expression

Adoption of
Consent Calendar

Regular
Agenda Items

Closed Session

Selected items have
been assigned an
appointed time for
the convenience
of the Board and
the Public

Online Information
& Web Streaming
(See Page 4)

Televised
Board Meetings
(See Page 4)

Welcome to the
meeting of the
Mendocino County
Board of
Supervisors

Agenda items
generally occur
sequentially,
however, when
circumstances
warrant, the order
of items may be
changed at the
discretion of the
Chair

Please see the end of
the agenda for
additional meeting
information
including ADA
accommodations
and public
expression



ORDER OF AGENDA

ITEM NO. 1 – OPEN SESSION AND ROLL CALL (9:00 A.M.)

- Roll Call will be conducted at the beginning of Open Session

ITEM NO. 2 – PLEDGE OF ALLEGIANCE

- The Pledge of Allegiance will be recited at the beginning of Open Session

ITEM NO. 3 – APPROVAL OF MINUTES

- Approval of Minutes of April 26, 2011, Board Meeting
- Approval of Minutes of May 3, 2011, Off-Site Meeting

ITEM NO. 4 – CONSENT CALENDAR

- Regular Consent Calendar (*See Attached*)

The Consent Calendar (Agenda) is considered routine and non-controversial and will be acted upon by the Board at one time without discussion. The Consent Calendar is adopted as the first order of business upon the start of the Open Session portion of the meeting. Any Board member may request that any item be removed from the Consent Calendar for individual consideration. Please consult with the Clerk of the Board for additional information.

ITEM NO. 5 – COUNTY EXECUTIVE OFFICE MATTERS

- (a) Chief Executive Officer Reports
- (b) Discussion and Possible Action Including Review, Adoption, Amendment, Consideration or Ratification of Legislation Pursuant to the Adopted Legislative Platform

ITEM NO. 6 – DEPARTMENTAL MATTERS AND REPORTS

- (a) Department of Transportation – Director’s Report
- (b) Discussion and Possible Action Regarding Adoption of a Resolution to Acknowledge Receipt of Proposals and Take Action as Appropriate, Department of Transportation Agreement No. 100086, Brooktrails Second Access – Preliminary Engineering, Phase 1 (Brooktrails Area) – Sponsoring Department: Transportation
- (c) Planning and Building Services – Director’s Report

ITEM NO. 7 – COMMITTEE REPORTS/SUPERVISORS REPORTS

- (a) Supervisors Reports – Assigned Boards, Councils & Commissions / Other Meetings Attended
- (b) Standing Committees – Chair Reports
- (c) Ad-Hoc Committee Reports

ITEM NO. 8 – MISCELLANEOUS

- (a) *Noticed Public Hearing – 10:00 a.m.:* Discussion and Possible Action Regarding Adoption of a Resolution Authorizing Submittal of a \$140,000 Application for Funding from the Community Development Block Grant (CDBG) Planning and Technical Assistance Allocation; Further Authorizing the Chief Executive Officer to Sign Application and Any Grant-Related Documents – Sponsoring Department: Executive Office
- (b) Introduction and Waive Reading of an Ordinance Adding Chapter 5.170 of Title 5 to the Mendocino County Code Imposing a Library Special Transactions (Sales) and Use Tax – Sponsoring Departments: County Counsel, Executive Office, and Library
- (c) *Noticed Public Hearing – 1:30 p.m.:* Public Hearing to Review and Discuss the Draft 2007 Ukiah Valley Area Plan (UVAP), and Confirmation of June 14, 2011, for Consideration and Possible Action to Certify the Final Environmental Impact Report (EIR) and Adopt the UVAP – Sponsoring Department: Planning and Building Services



ITEM NO. 8 – MISCELLANEOUS (CONTINUED)

- (d) *Timed Item – 3:30 p.m.:* Presentation by the Administrative Office of the Courts Regarding the Process to Construct a New Mendocino County Courthouse – Sponsor: Supervisor McCowen
- (e) Informational Presentation of the Final Emergency Medical Services (EMS) Assessment Prepared by Fitch and Associates; and Request for the Board of Supervisors to Support Funding of the County Service Area (CSA) through a Countywide Parcel Tax for the Unincorporated Areas for Support of Emergency Medical Services First Responders and Fire Response – Sponsoring Department: Health and Human Services Agency/Community Health Services

ITEM NO. 9 – MENDOCINO COUNTY AIR QUALITY MANAGEMENT DISTRICT, MENDOCINO COUNTY PUBLIC FACILITIES CORPORATION, MENDOCINO COUNTY WATER AGENCY, MENDOCINO COUNTY LIBRARY DISTRICT, REDEVELOPMENT AGENCY OF THE COUNTY OF MENDOCINO, AND THE IHSS PUBLIC AUTHORITY GOVERNING BOARD

ITEM NO. 10 – APPOINTMENTS TO BOARDS AND COMMISSIONS

The Board of Supervisors is actively seeking qualified candidates to fill various vacancies. Please consult with the Clerk of the Board for information on specific categorical areas and District vacancies, or visit our website at: www.co.mendocino.ca.us/bos

ITEM NO. 11 – CLOSED SESSION (TIMED ITEM: 4:30 P.M.)

- (a) Sitting as the IHSS Public Authority Governing Board: Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Carmel J. Angelo, Stacey Cryer, MaryLou Leonard, and Fran Buchanan; Employee Organization(s): IHSS Providers
- (b) Pursuant to Government Code Section 54957.6 – Conference with Labor Negotiator – Agency Negotiators: Carmel J. Angelo, Meredith Ford, and Rick Haeg; Employee Organization(s): All
- (c) Pursuant to Government Code Section 54956.8 – Conference with Real Property Negotiator; Property/Physical Addresses: 825 S. Franklin St., Fort Bragg (APN 018-120-36 & 37); 120 W. Fir St., Fort Bragg (APN 008-054-12); 790 Franklin St., Fort Bragg (APN 018-040-23); Parties: County of Mendocino; Agency Negotiators: Carmel Angelo and Kristin McMenemy; Under Negotiation: Surplus/Sale of Property/Purchase

ITEM NO. 12 – COUNTY COUNSEL

ITEM NO. 13 – COMMUNICATIONS RECEIVED AND FILED

Communications received and filed are retained by the Clerk of the Board throughout the Board proceedings. To review items described in this section, please contact the Clerk of the Board staff in Room 1010.

PUBLIC EXPRESSION: (PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA)

- *Members of the public are welcome to address the Board on items not listed on the agenda and within the jurisdiction of the Board of Supervisors. The Board is prohibited by law from taking action on matters not on the agenda, but may ask questions to clarify the speaker's comment and/or briefly answer questions. The Board limits testimony on matters not on the agenda to 3 minutes per person and not more than 10 minutes for a particular subject at the discretion of the Chair of the Board.*
- *Individuals wishing to address the Board under Public Expression are welcome to do so throughout the meeting day. To best facilitate these items, please review and complete the public comment/speaker form available at the back of the Boardroom and present to the Clerk of the Board, the Chair of the Board, or your respective District Supervisor. If you wish to submit written comments, please provide 9 copies to the Clerk of the Board staff, located in the Administration Center, Room 1010. All meetings are tape-recorded and speakers are reminded to announce their names as they approach the podium.*



AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE

- The Board of Supervisors complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Clerk of the Board's Office by calling (707) 463-4221 at least five days prior to the meeting.

ADDITIONAL MEETING INFORMATION FOR INTERESTED PARTIES

- If you wish to address the Board on any matter on the agenda, please review and complete the public comment/speaker form available at the back of the Boardroom. If you wish to submit written comments, please provide 9 copies to the Clerk of the Board staff, located in the Administration Center, Room 1010
- The Board of Supervisors' agenda is posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- A copy of the Agenda Packet is available for public review in the Clerk of the Board's Office, Room 1010. Proposed actions and supporting documents are considered draft until acted upon by the Board
- Additional information on specific agenda items may be obtained by contacting the sponsoring departments. Contact information for County departments may be obtained at www.co.mendocino.ca.us/ndx.htm
- Board proceedings are broadcast on the local Public Access Channel to accommodate greater public access; tune in at the corresponding Open Session time as posted on the front page of the Agenda
- Please reference the departmental website to obtain additional resource information for the Board of Supervisors and Clerk of the Board: www.co.mendocino.ca.us/bos

ANNOUNCING EXPANDED ONLINE INFORMATION

- **LIVE WEB STREAMING OF BOARD MEETINGS:** www.mendocinoaccess.org Requires Windows Media Player Version 9. For Technical Assistance Please Contact Mendocino Access Television (707) 357-0624
- Board Meeting Agenda Summary reports and supporting documentation are available online. Please Access the Selected Agenda from the Board's Website to View Additional Information: www.co.mendocino.ca.us/bos

Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors



The Consent Calendar (Agenda) is considered routine and non-controversial. The Board will adopt the Consent Calendar at one time without discussion. The Consent Calendar is adopted as the first order of business upon the start of the Open Session portion of the meeting. Any Board member may request that any item be removed from the Consent Calendar for individual consideration. Please consult with the Clerk of the Board for additional information.

The following items are recommended for approval:

CRIMINAL JUSTICE

- (1) Approval of Agreement with the U.S. Army Corps of Engineers for the Mendocino County Sheriff's Office to Provide Services In and Around the Lake Mendocino Area – Sheriff
- (2) Authorization for the Sheriff's Office to Enter into a Financial and Operating Plan with the USDA Forest Service, Mendocino National Forest to Support the Operations to Suppress Manufacturing and Trafficking of Controlled Substances; and Designation of Sheriff Allman as the County's Authorized Agent for These Necessary Documents – Sheriff

GENERAL GOVERNMENT

- (3) Approval of the Consolidation of the City of Point Arena Recall All Mail Election with the August 30, 2011 Special District All Mail Election – Assessor-Clerk Recorder
- (4) Adoption of an Ordinance Amending Mendocino County Code Section 9.31 Medical Marijuana Cultivation Regulation – County Counsel
- (5) Approval of Extension of the Employment Agreement with Chief Executive Officer Carmel J. Angelo, with the Amended Term Ending March 9, 2015 – County Counsel
- (6) Approval of Modifications to the Board of Supervisors 2011 Master Meeting Schedule, Amending Two Board of Equalization Meeting Dates and Adding a Special Session – Executive Office
- (7) Approval to Submit Applications to the Indian Gaming Local Community Benefit Committee (CBC) for Impacts to Mendocino County as a Result of Indian Gaming; and Authorize Chief Executive Officer to Sign Applications and Any Other Related Documentation – Executive Office

HEALTH AND HUMAN SERVICES

- (8) Adoption of Proclamation Declaring May as Older Americans' Month, "Older Americans: Connecting the Community" – Health and Human Service Agency/Social Services
- (9) Adoption of Proclamation Recognizing May 2011 as Mental Health Month in Mendocino County – Health and Human Services Agency/Mental Health Services
- (10) Adoption of Resolution Authorizing Application for Local Enforcement Agency Grant EA-22 for Solid Waste Facility Permitting and Inspections – Health and Human Services Agency/Community Health Services
- (11) Adoption of Resolution Authorizing Application for the Certified Unified Program Agency (CUPA) Grant for Electronic Filing of Hazardous Material Regulatory Activities with Cal/EPA – Health and Human Services Agency/Community Health Services



HEALTH AND HUMAN SERVICES – CONTINUED

- (12) Adoption of Resolution Rescinding Resolution No. 09-188 and Assigning Signatory Authority to the Health and Human Services Director or Designee in Matters of Administering the Homelessness Prevention and Rapid Re-Housing Grant – Health and Human Services Agency/Social Services
- (13) Approval of Action Regarding Family Planning Services Employee Layoffs in Accordance with Civil Service Rule Section 6 and Applicable Provisions of the Labor Agreements with the Affected Bargaining Unit – Health and Human Services Agency/Community Health Services

PUBLIC RESOURCES

- (14) Approval of Coastal Development Permits – Planning and Building Services
 - (a) CDP No. 21-2010 – Chong Mejias (Owner) Tom Wollman (Agent) Chong and Angelo Mejias (Applicants)
LOCATION: In the Coastal Zone, Approx. 2 Miles South of the City of Fort Bragg, on the East Side of Hwy 1, Approx. 0.4 Mile South of Its Intersection with Hwy 20, at 18661 N. Hwy 1 (APN: 017-140-15).
REQUEST: After the Fact Request to Convert Existing Space in the Coast Inn and Spa to a Restaurant. Construct ~400 Sq. Ft. Covered Deck Attached to Existing Motel. Install 30"x60" Wall Sign, and Add ~2.5'x8' Sign to the Existing Free Standing Sign. Expand Parking Lot to Accommodate Restaurant Capacity.
 - (b) CDP No. 05-2011 – Van L. Phillips (Owner/Applicant)
LOCATION: In the Coastal Zone, Approx. 0.5 Mile North of Albion, on the East Side of Hwy 1, on the West Side of Albion Little River Road, Approx. 0.8 Mile North of Its Intersection with Hwy 1, at 4560 Albion Little River Road (APN 123-020-22).
REQUEST: Demolition of the Existing 1200± Sq. Ft. Single-Family Residence with an Attached 630± Sq. Ft. Garage. Associated Development Includes Construction of a 615± Sq. Ft. Detached Guest Cottage, Connect to Existing Well, New On-Site Septic Disposal System, Propane Tank, Driveway Development and Associated Grading and Landscaping.
- (15) Adoption of an Ordinance Amending Section 15.04.030(E) of the Mendocino County Code – Speed Zones, Establishing Prima Facie Speed Limit on a One Half Mile Portion of Comptche Ukiah Road, CR 223, at Mile Post 5.77 Near Little River Airport Road (Mendocino Area) – Transportation
- (16) Adoption of Resolution Accepting the Proposal for and Awarding Department of Transportation Contract No. 100040, 2010 AC Overlay on Comptche Ukiah Road, CR 223, in Mendocino County (Comptche Area) – Transportation
- (17) Adoption of Resolution Approving Department of Transportation Agreement No. 110037 (Bobby D. Gardner and Jewel R. Gardner) for the Acquisition of Rights of Way Needed for Construction of the Ryan Creek Migration Barrier Removal Project on Ryan Creek Road, CR 310C, M.P. 0.17 (Willits Area) – Transportation
- (18) Adoption of Resolution Approving Department of Transportation Agreement No. 110038 (Isidro Juarez and Hortencia Juarez) for the Acquisition of Rights of Way Needed for Construction of the Ryan Creek Migration Barrier Removal Project on Ryan Creek Road, CR 310C, M.P. 0.17 (Willits Area) – Transportation



PUBLIC RESOURCES – CONTINUED

- (19) Adoption of Resolution Approving Department of Transportation Agreement No. 110039 (Michael A. Schuette) for the Acquisition of Rights of Way Needed for Construction of the Ryan Creek Migration Barrier Removal Project on Ryan Creek Road, CR 310C, M.P. 0.17 (Willits Area) – Transportation

- (20) Adoption of Resolution Approving Department of Transportation Agreement No. 110040 (Seneca B. Garcia and Heidi Garcia) for the Acquisition of Rights of Way Needed for Construction of the Ryan Creek Migration Barrier Removal Project on Ryan Creek Road, CR 310C, M.P. 0.17 (Willits Area) – Transportation

SUPERVISORS

- (21) Adoption of Proclamation Designating the Week of May 20th through May 29th, 2011, as National Safe Boating Week in Mendocino County – Supervisors Smith and Hamburg