



**MENDOCINO COUNTY BOARD OF SUPERVISORS
ACTION MINUTES – OCTOBER 22, 2013**

MENDOCINO
COUNTY
BOARD OF
SUPERVISORS

CARRE BROWN
FIRST DISTRICT

JOHN MCCOWEN
SECOND DISTRICT

JOHN PINCHES
THIRD DISTRICT
VICE-CHAIR

DAN GJERDE
FOURTH DISTRICT

DAN HAMBURG
FIFTH DISTRICT
CHAIR

CARMEL J. ANGELO
CHIEF EXECUTIVE
OFFICER/
CLERK OF THE
BOARD

THOMAS R. PARKER
COUNTY COUNSEL

BOARD RESOURCE
INFORMATION:

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BOARD
ACTION MINUTES
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**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF MENDOCINO • STATE OF CALIFORNIA
FAIR STATEMENT OF PROCEEDINGS
(PURSUANT TO CALIFORNIA GOVERNMENT CODE §25150)**

REGULAR MEETING SPECIAL SESSION PLANNING MATTERS

AGENDA ITEM No. 1 – OPEN SESSION (ROLL CALL AND PLEDGE OF ALLEGIANCE - 10:02 A.M.)

Present: Supervisors Carre Brown, John Pinches, Dan Gjerde, and Dan Hamburg. Chair Hamburg presiding.

Staff Present: Ms. Carmel J. Angelo, Chief Executive Officer/Clerk of the Board; Mr. Thomas R. Parker, County Counsel; Ms. Nicole French, Deputy Clerk of the Board, and Mr. Tim Mitchell, Senior Deputy Clerk of the Board.

Pledge of Allegiance: Chief Ed O'Brien, Mendocino Volunteer Fire Department.

AGENDA ITEM No. 3 – PUBLIC EXPRESSION

Presenter/s: Ms. Agnes Woolsey.

SUPERVISOR MCCOWEN ARRIVED AT 10:10 A.M.

Board Action: No action taken.

AGENDA ITEM No. 4 – CONSENT CALENDAR

Presenter/s: Chair Hamburg.

Public Comment: Mr. Bob Parker and Ms. Kate Gaston, Mendocino County Youth Project Executive Director.

Board Action: Upon motion by Supervisor McCowen, seconded by Supervisor Pinches, and carried unanimously; IT IS ORDERED that Consent Calendar items 4(a - t) are approved/rejected as follows:

- (a) Claim of John Becker and Coral Campbell -- Rejected;
- (b) Claim of Gaylyn Curti -- Rejected;
- (c) Claim of Daniela Moncayo -- Rejected;
- (d) Approval of Letter to President Obama Calling for International Assistance to Address the Continuing Fukushima Crisis - Supervisors McCowen and Gjerde -- Approved;
- (e) Approval of Letter Requesting Amendments to Senate Bill 405 (Padilla) - Sponsors: Supervisors Brown and McCowen -- Approved;
- (f) (BOS Agreement No. 13-055) Approval of Agreement with Mendocino Access Television in the Amount of \$114, 320 for Public Education and Government Access - General Services Agency -- Approved and the Chair is authorized to sign same;

- (g) Adoption of a Resolution Authorizing Mendocino County Health and Human Services Agency to Enter into a Non-Compensated Agreement with California Health Benefit Exchange in Order to Become a Certified Enrollment Entity - Health and Human Services Agency -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 13-102

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO ENTER INTO AN AGREEMENT WITH THE "CALIFORNIA HEALTH BENEFIT EXCHANGE" IN ORDER TO PARTICIPATE IN THE CERTIFIED ENROLLMENT COUNSELOR PROGRAM

- (h) (BOS Agreement No. 13-056) Approval of Agreement with Ford Street Project, Inc. in the Amount of \$64,472 to Provide the Supportive Housing Program (SHP) Transitional Housing Program for Inland Mendocino County in Fiscal Year 2013/2014 - Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (i) (BOS Agreement No. 13-057) Approval of Agreement with Ford Street Project, Inc. in the Amount of \$96,724 to Provide the Supportive Housing Program (SHP) Seamless Transition Empowerment Program (STEP) in Fiscal Year 2013/2014 - Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (j) (BOS Agreement No. 13-058) Approval of Agreement with Mendocino Coast Hospitality Center in the Amount of \$64,472 to Provide Supportive Housing Program (SHP) Transitional Housing in Fiscal Year 2013/2014 - Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (k) (BOS Agreement No. 13-059) Approval of Agreement with Mendocino Coast Hospitality Center in the Amount of \$72,417 to Provide the Supportive Housing Program (SHP) Seamless Transition Empowerment Program (STEP) in Fiscal Year 2013/2014 - Health and Human Services Agency -- Approved and the Chair is authorized to sign same;
- (l) Authorization of Mendocino County Health and Human Services Agency Public Health Animal Care Services to Hold a One (1) Day Dog License Amnesty Program on November 23, 2013 for Residents of Mendocino County - Health and Human Services Agency -- Approved;
- (m) Authorization of the Issuance of Coastal Development Permit No. CDP 3-2013 (Fort Bragg Rural Fire Protection District) - Planning and Building Services -- Approved;
- (n) (BOS Agreement No. 13-060) Approval of Agreement with the Ford Street Project in the Amount of \$130,000 to Provide a Live-In Vocational Rehabilitation and Substance Abuse Program - Probation -- Approved and the Chair is authorized to sign same;
- (o) (BOS Agreement No. 13-061) Approval of Agreement with the Mendocino County Youth Project for the 2013-14 Fiscal Year, in the Amount of \$165,000, to Conduct the Foundations Program, and to Provide Dual-Diagnosis Counseling Services - Probation -- Approved and the Chair is authorized to sign same;
- (p) (BOS Agreement No. 11-151-A2) Adoption of Resolution Approving Amendment No. 2 to Department of Transportation Agreement No. 110087, Professional Services Agreement with SWT, Inc., for Additional Work to Update the Report of Waste Discharge as Required by the Regional Water Quality Control Board for the Final Closure of South Coast Landfill (Gualala - Point Arena Area) -- Transportation - Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 13-103

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AMENDMENT NO. 2 TO DOT AGREEMENT NO. 110087, PROFESSIONAL SERVICES AGREEMENT WITH SWT, INC., FOR ADDITIONAL WORK TO UPDATE THE REPORT OF WASTE DISCHARGE AS REQUIRED BY THE REGIONAL WATER QUALITY CONTROL BOARD FOR THE FINAL CLOSURE OF SOUTH COAST LANDFILL (GUALALA – POINT ARENA AREA)

- (q) (BOS Agreement No. 13-062) Adoption of Resolution Approving Department of Transportation Agreement No. 120104, Professional Services Agreement with Mendocino Land Trust for Acquisition of Conservation Easement to Meet Agency Mitigation Obligations for Environmental Impacts Associated with the Reconstruction and Widening of Roadway on East Side Potter Valley Road, CR 240, M.P. 2.40 to M.P. 6.42 (Potter Valley Area) - Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 13-104

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING DOT AGREEMENT NO. 120104, PROFESSIONAL SERVICES AGREEMENT WITH MENDOCINO LAND TRUST FOR ACQUISITION OF CONSERVATION EASEMENT TO MEET AGENCY MITIGATION OBLIGATIONS FOR ENVIRONMENTAL IMPACTS ASSOCIATED WITH THE RECONSTRUCTION AND WIDENING OF ROADWAY ON EAST SIDE POTTER VALLEY ROAD, CR 240, M.P. 2.40 TO M.P. 6.42 (POTTER VALLEY AREA)

- (r) (BOS Agreement No. 13-063) Adoption of Resolution Approving and Executing Department of Transportation Agreement No. 130069, Memorandum of Agreement with the Redwood Valley County Water District Concerning the School Way Bridge Replacement Project (Redwood Valley Area) - Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 13-105

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS APPROVING AND EXECUTING DEPARTMENT OF TRANSPORTATION AGREEMENT NO. 130069, MEMORANDUM OF AGREEMENT WITH THE REDWOOD VALLEY COUNTY WATER DISTRICT CONCERNING THE SCHOOL WAY BRIDGE REPLACEMENT PROJECT (REDWOOD VALLEY AREA)

- (s) Adoption of Resolution Authorizing Implementation of Reorganization of Mendocino County Department of Transportation Organizational Structure by Approval of Layoff of Assistant Director Position and Incumbent in Accordance with Applicable Civil Service Rules - Transportation -- Adopted and the Chair is authorized to sign same --

RESOLUTION NO. 13-106

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING IMPLEMENTATION OF REORGANIZATION OF MCDOT ORGANIZATIONAL STRUCTURE BY APPROVAL OF LAYOFF OF ASSISTANT DIRECTOR POSITION AND INCUMBENT IN ACCORDANCE WITH APPLICABLE CIVIL SERVICE RULES

- (t) Approval of the Air Quality Management District's Application for Subvention Funds from the California Air Resources Board - Air Quality Management District -- Approved.

AGENDA ITEM No. 5A – NOTICED PUBLIC HEARING – APPROVAL OF AMENDMENT TO THE COUNTY'S LOCAL COASTAL PROGRAM TO UPDATE THE 1992 MENDOCINO TOWN PLAN (CHAPTER 4.13 OF THE COUNTY GENERAL PLAN) AND THE TOWN ZONING CODE (DIVISION III OF TITLE 20 OF THE MENDOCINO COUNTY CODE) – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Chair Hamburg.

(Item continued below)

AGENDA ITEM No. 2A – ADOPTION OF PROCLAMATION HONORING BOBBY MARKELS FOR HER YEARS OF SERVICE TO THE CHILDREN OF THE MENDOCINO COAST – SPONSOR: SUPERVISORS HAMBURG AND GJERDE

Presenter/s: Chair Hamburg and Supervisor Gjerde.

Public Comment: Ms. Bobby Markels.

Board Action: Approved without objection.

AGENDA ITEM NO. 5A – (CONTINUED FROM ABOVE) NOTICED PUBLIC HEARING – APPROVAL OF AMENDMENT TO THE COUNTY'S LOCAL COASTAL PROGRAM TO UPDATE THE 1992 MENDOCINO TOWN PLAN (CHAPTER 4.13 OF THE COUNTY GENERAL PLAN) AND THE TOWN ZONING CODE (DIVISION III OF TITLE 20 OF THE MENDOCINO COUNTY CODE) – SPONSOR: PLANNING AND BUILDING SERVICES

Presenter/s: Mr. Andy Gustavson, Chief Planner, Planning and Building Services and Ms. Abbey Stockwell, Planner II, Planning and Building Services.

Public Comment: Mr. Grail Dawson; Mr. Jim Jackson, Ms. Martha Beihl; Mr. Jed Ayres; Ms. Margaret Mary O'Rourke; Ms. Kathleen Cameron; Ms. Sue Smith; Mr. Norbert Dall; Ms. Rachel Binah; Mr. Dale Moyer; Ms. Lindsay Shields; Mr. Norman deVall; Mr. Monte Reed; and Ms. Amy Wynn.

LUNCH RECESS: 12:00 – 1:34 P.M.

Public Comment (Continued): Mr. Tom Thomson; Ms. Barbara Reed; Ms. Wendy Roberts; Ms. Marilyn Herzog; Ms. Diana Wiedemann; Mr. Lee Edmundson; Ms. Stacey Bradley; Mr. Kelly Grimes; Mr. Ed O'Brien; Ms. Francesca Ciancutti; Mr. Steven Antler; Mr. Dennis McCroskey; Ms. Cindy Arch; Ms. Barbara Reed; and Ms. Wendy Roberts.

RECESS: 3:03 – 3:17 P.M.

CHAIR HAMBURG PASSED THE GAVEL TO CHAIR PRO-TEM PINCHES TO MAKE THE FOLLOWING MOTION

CHAIR PRO-TEM PINCHES PRESIDING

Board Action: Upon motion by Supervisor Hamburg, seconded by Supervisor Gjerde, and failed (2/3, with Supervisors Brown, McCowen, and Pinches dissenting) to approve General Plan Amendment GP 2-2013 to update to the Mendocino Town Plan (Chapter 4.13 of the General Plan) and Ordinance Amendment No. OA 1-2013 to modify the Town Zoning Ordinance (Division III of Title 20 of the Mendocino County Code), designating the Town as a Sensitive Coastal Resource Area; direct Planning and Building Services to prepare a Resolution authorizing the submittal of the LCP amendment to the Coastal Commission which states that the Board's final action will occur after the LCP is certified by the Coastal Commission; approve the eight modifications to the Mendocino Town Plan and the Zoning Code, as outlined in Planning and Building Services' document, 'Technical Corrections and Edits'; approve the implementation schedule as outlined in Planning and Building Services' document, 'Mendocino Town Plan Update: Action Items'; and further, direct Planning staff to incorporate the modifications as recommended by the Board, to be presented in an updated version, for consideration and action at a future meeting of the Board of Supervisors.

CHAIR HAMBURG PRESIDING

Board Action: Upon motion by Supervisor Pinches, seconded by Supervisor McCowen, and carried (4/1, with Supervisor Hamburg dissenting); IT IS ORDERED that the Board of Supervisors, as recommended by the Planning Commission, approves General Plan Amendment GP 2-2013 to update to the Mendocino Town Plan (Chapter 4.13 of the General Plan) and Ordinance Amendment No. OA 1-2013 to modify the Town Zoning Ordinance (Division III of Title 20 of the Mendocino County Code); directs Planning and Building Services to prepare a Resolution authorizing the submittal of the LCP amendment to the Coastal Commission which states that the Board's final action will occur after the LCP is certified by the Coastal Commission; approves the eight modifications to the Mendocino Town Plan and the Zoning Code, as outlined in Planning and Building Services' document, 'Technical Corrections and Edits'; approves the implementation schedule as outlined in Planning and Building Services' document, 'Mendocino Town Plan Update: Action Items'; and further, directs Planning staff to incorporate the modifications as recommended by the Board, to be presented in an updated version, for consideration and action at a future meeting of the Board of Supervisors.

AGENDA ITEM NO. 6A – SUPERVISORS' REPORTS REGARDING BOARD SPECIAL ASSIGNMENTS, STANDING AND AD HOC COMMITTEE MEETINGS, AND OTHER ITEMS OF GENERAL INTEREST

Presenter/s: None.

Board Action: No action taken.

THERE BEING NOTHING FURTHER TO COME BEFORE THE BOARD, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADJOURNED AT 4:10 P.M.

Attest: TIM MITCHELL
Senior Deputy Clerk of the Board

DAN HAMBURG, Chair

NOTICE: PUBLISHED MINUTES OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS MEETINGS

- Effective March 1, 2009, Board of Supervisors minutes will be produced in “action only” format. As an alternative service, public access to recorded Board proceedings will be available on the Board of Supervisors’ website in indexed audio format
- LIVE WEB STREAMING OF BOARD MEETINGS is now available through Mendocino Access Television: www.mendocinoaccess.org Requires Windows Media Player (Version 9+). If technical assistance is needed, please contact Mendocino Access Television at (707) 357-0624
- Minutes are considered draft until adopted/approved by the Board of Supervisors
- The Board of Supervisors’ action minutes are also posted on the County of Mendocino website at: www.co.mendocino.ca.us/bos
- To request an official record of a meeting of the Mendocino County Board of Supervisors, please contact the Executive Office at (707) 463-4441
- 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

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