



County of El Dorado

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Minutes - Final Board of Supervisors

Ron Briggs, Chairman, District IV
Norma Santiago, First Vice Chairman, District V
Ray Nutting, Second Vice Chairman, District II
John R. Knight, District I
James R. Sweeney, District III

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Gayle Erbe-Hamlin, Chief Administrative Officer Louis B.
Green, County Counsel

Tuesday, July 21, 2009

8:00 AM

Board of Supervisors Meeting Room

Vision Statement

"El Dorado County will remain the leader in supporting our safe, healthy, and vibrant communities, wisely managing our natural resources, and preserving our local heritage."

BOARD MEETING ROOM EQUIPPED WITH AN AUDIO INDUCTION LOOP ASSISTIVE LISTENING SYSTEM.

Public Testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals speaking for a group are allocated 5 minutes. (Adopted 8/10/93) Matters not on the agenda may be addressed by the general public during the Open Forum. Public comments during Open Forum are limited to three minutes per person. The Board reserves the right to waive said rules by a majority vote.

Materials related to an item on this Agenda submitted to the Board of Supervisors after distribution of the agenda packet are available for inspection during normal business hours in the public viewing packet located in the foyer of Building A, 330 Fair Lane, Placerville or in the Board Clerk's Office located at the same address. Such documents are also available on the Board of Supervisors' website at www.edcgov.us subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that large amounts of written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. The Board Clerk cannot guarantee that any FAX, email, or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

The Board meets simultaneously as the Board of Supervisors and the Board of Directors of the Air Quality Management District, In-Home Supportive Services, Public Housing Authority, Redevelopment Agency and other Special Districts.

For Purposes of the Brown Act § 54954.2 (a), the numbered items on this Agenda give a brief description of each item of business to be transacted or discussed. Recommendations of the staff, as shown, do not prevent the Board from taking other action.

8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

Present: 5 - Supervisor Knight, Supervisor Sweeney, Supervisor Nutting, Supervisor Briggs and Supervisor Santiago

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 3 and 21 were pulled from the Consent Calendar and Item 31 was continued off calendar.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

PRESENTATION

1. [09-0936](#) **PRESENTATION** by Supervisor Nutting of a Proclamation acknowledging Richard and Joyce Mason as volunteer ambassadors representing the County of El Dorado at the World Gold Panning Championships in Biela, Italy schedule on August 18-23, 2009.

A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to adopt the proclamation.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

OPEN FORUM

PUBLIC COMMENT:

E. Claudio RE: Parents Bill of Rights for Family Court

G. Griffin RE: Special Use Permits

BUDGET UPDATE

CONSENT CALENDAR

2. [09-0947](#) Approval of Board of Supervisors Conformed Agenda (Minutes) for the Regular Meeting of Tuesday, June 30, 2009.

Approved the minutes amending Item No. 62 by replacing Ordinance No. 4822 with Ordinance No. 4823 upon adoption of the consent calendar.

3. [09-0929](#) Chief Administrative Office recommending a Special Meeting be scheduled on Monday, August 24, 2009, at 9:00 a.m. for continued discussion in regard to the projected Fiscal Year 2009-2010 budget deficit.
- A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, as follows:**
- 1) Continue this matter to a Special Meeting on Monday July 27, 2009 at 9:00 a.m.; and
- 2) The items that were originally to be heard on Monday July 27, 2009 are as follows:
- a) 09-0348 Fire Codes and Fires Safe Regulations will be scheduled at a different time; and
- b) 09-0549/09-0992 Property Tax Increments will be heard on Tuesday July 28, 2009.
- Yes:** 5 - Knight, Sweeney, Nutting, Briggs and Santiago
4. [09-0933](#) County Counsel recommending the Chairman be authorized to sign a legal agreement with the law firm of Scharff, Brady and Vinding to provide legal representation in the case of *Sayegh v. County of El Dorado, et al.*, El Dorado County Superior Court Case No. PC20090366.
- This matter was Approved on the consent calendar**
5. [09-0897](#) County Service Area No. 3 recommending the Board receive and file the Special Taxes Accountability Act Annual Reports for Fiscal Year 2007-2008.
- This matter was Approved on the consent calendar**
6. [09-0908](#) Environmental Management Department recommending adoption of Resolution authorizing the Director of said Department, or her designee, to submit the Used Oil Recycling Block Grant Application for Fiscal Year 2009/2010 to the State of California Environmental Protection Agency, California Integrated Waste Management Board, to join with designated jurisdictions in the implementation of a used oil collection program.
- Resolution 167-2009**
- FUNDING:** California Integrated Waste Management Board.
- Adopted Resolution 167-2009 upon the approval of the consent calendar.**
7. [09-0863](#) Health Services Department recommending Chairman be authorized to sign Amendment I to perpetual Agreement 538-PHD0706 with Marshall Medical Center to provide laboratory testing services on an "as requested" basis performed by the Public Health Laboratory.
- FUNDING:** Revenues from fees for lab services.
- This matter was Approved on the consent calendar**

8. [09-0901](#) Human Services Department recommending Resolution authorizing the Chairman to sign Amendment 4 to Contract 08F-4910 with the California Department of Community Services and Development, increasing the maximum grant amount from \$345,137 to \$498,529, reflecting an increase of \$153,392, for the term January 1, 2008 through December 31, 2009 for Community Services Block Grant services; and further authorizing the Director of said Department, or his/her successor, to continue to administer Contract 08F-4910 as amended and execute subsequent documents relating to said Contract, including amendments thereto, contingent upon approval by County Counsel and Risk Management, that do not affect the dollar amount or the term, and any subsequent required fiscal and programmatic reports.

Resolution 168-2009

FUNDING: Federal Community Services Block Grant (CSBG) Funds.

Adopted Resolution 168-2009 upon the approval of the consent calendar.

9. [09-0856](#) Human Resources Department, Risk Management Division, recommending Chairman be authorized to sign Agreement 036-S1011 with PacificCare of California for the term July 1, 2009 through June 30, 2010 to provide group health benefits for County employees who elect this plan.

This matter was Approved on the consent calendar

10. [09-0896](#) Library Director recommending the Board receive and file notification of a 0.8% increase in the library parcel tax in South Lake Tahoe (Zone F) and Georgetown (Zone G) resulting in a fee of \$16.46 per parcel for Fiscal Year 2009-2010 to be used exclusively for library services within each respective zone.

FUNDING: Library Parcel Tax.

This matter was Approved on the consent calendar

11. [08-1211](#) Transportation Department recommending adoption of Resolution accepting the Irrevocable Offer of Dedication from Alireza Ghabi, Farahnaz Kafil-Ghabi and Asghar Agheli, for road right of way, including the underlying fee, along with landscape and public service easements, located on property identified as APN 119-090-43 in El Dorado Hills, necessary in order to accommodate construction of Bass Lake Road Reconstruction Project 66109.

Resolution 169-2009

Adopted Resolution 169-2009 upon the approval of the consent calendar.

12. [09-0792](#) Transportation Department recommending adoption of Resolution summarily vacating the 15-foot water system ~~El Dorado Irrigation District (EID)~~ easement situated in the westerly portion and running in a northeast to southwest direction across Lot 572 of Swansboro Country Unit 7 on property identified as APN 085-383-03, as requested by William Renard and Anneliese Renard.

Resolution 170-2009

Adopted Resolution 170-2009 as amended upon approval of the consent calendar.

13. [09-0744](#) Transportation Department recommending adoption of Resolution summarily vacating a ten-foot portion of the rear thirty-foot public utility easement for Lot 89, Cameron Park North Unit No. 8, on property identified as APN 082-542-09, requested by Mark Marriott and Karen Marriott, Trustees of the 2002 Mark M. Marriot and Karen L. Marriott Revocable Trust.

Resolution 171-2009

Adopted Resolution 171-2009 upon approval of the consent calendar.

14. [09-0780](#) Transportation Department recommending Chairman be authorized to sign the Easement Acquisition Agreement For Public Purposes and Certificates of Acceptance for a utility, slope, and temporary construction easement from Cameron Park Associates, for APNs 109-240-03, 109-030-21 and 22; and authorize the Director of said Department, or his designee, to execute the escrow instructions and any other related escrow documents for this transaction, including payment of title and escrow fees for the Durock Road/Business Drive Signalization Project 73354.

FUNDING: 2004 General Plan Traffic Impact Mitigation (TIM) Fee Program.

This matter was Approved on the consent calendar

15. [09-0870](#) Transportation Department recommending Chairman be authorized to sign Agreement for Services AGMT 08-52541 (019-S1011) with Seevers Jordan Ziegenmeyer in an amount not-to-exceed \$100,000 for a three-year term to provide on-call real property appraisal services for right-of-way purposes in support of the Department's five-year Capital Improvement Program.

FUNDING: 2004 General Plan Traffic Impact Fees and State and Federal grants.

This matter was Approved on the consent calendar

16. [09-0775](#) Transportation Department recommending Chairman be authorized to sign the First Amendment to Road Improvement Agreement AGMT 06-1216 with West Valley, LLC., extending the time to complete the road improvements for the West Valley Collector Roads on or before December 9, 2009.

FUNDING: Developer, West Valley, LLC.

This matter was Approved on the consent calendar

17. [09-0811](#) Transportation Department recommending Chairman be authorized to sign the Notice of Acceptance with Western Engineering Contractors, Inc. for the Cameron Park Drive/La Canada Drive Intersection Improvements Project (JN 72366) in Cameron Park.

FUNDING: Traffic Impact Mitigation Fees.

This matter was Approved on the consent calendar

18. [09-0887](#) Transportation Department recommending Chairman be authorized to sign the Notice of Completion with Cindy Bales Engineering Inc. for the Runway 23 Precision Approach Path Indicator (PAPI) and Runway 5-23 Lighting Rehabilitation Project (93120A) AIP 3-06-0188-12 at the Placerville Airport.

FUNDING: This Project was funded with a combination of State and Federal Grants and a 2.6% contribution from the Placerville Airport Enterprise Fund.

This matter was Approved on the consent calendar

BOARD OF SUPERVISORS

19. [09-0935](#) Supervisor Knight recommending Erich Fischer be appointed to serve as a member on the Cameron Park Design Review Committee for a term to expire January 1, 2011.

This matter was Approved on the consent calendar

20. [09-0930](#) Supervisor Nutting recommending adoption of Resolution authorizing Pyro Spectaculars, Inc. to conduct a pyrotechnic display at Serrano Country Club in El Dorado Hills; and recommending Chairman be authorized to sign a letter to the Fire Marshall approving same.

Resolution 166-2009

Adopted Resolution 166-2009 upon approval of the consent calendar.

21. [09-0943](#) Supervisor Sweeney requesting the Board authorize the Development Services Director and County Counsel to work with him to create either an Area Planning Committee or a Design Review Committee for the Diamond Springs/El Dorado area.

PUBLIC COMMENT:

R. Boyland RE: Meet with all concerned parties.

R. Maher RE: Make sure it does not block affordable housing.

B. Smart RE: Community needs to work together.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to approve this matter.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

22. [09-0934](#) Supervisor Sweeney requesting the Board authorize the Department of Transportation to assist with the preparation of a Traffic Mitigation Plan to relieve the left turn congestion from Highway 50 to Carson Road in the vicinity of Camino Heights, such plan to be created with the cooperation of the Apple Hill Growers Association and submitted to CalTrans for their review.

This matter was Approved on the consent calendar

23. [09-0923](#) Supervisor Sweeney requesting the 2009-2010 District 3 budget be reduced in the amount of \$5,000 which still exceeds the Tier 2 budget reductions; and recommending staff process said transfer during the budget adjustments in September.

This matter was Approved on the consent calendar

24. [09-0953](#) Supervisor Sweeney recommending the Board recognize Mercy Housing of California for its efforts in providing long-term solutions to meeting the County of El Dorado's affordable and workforce housing shortage; and recommending the Board endorse Mercy Housing when applying for related funding programs under the Housing and Economic Recovery Act of 2008 (HERA) and the American Recovery and Reinvestment Act of 2009 (ARRA) that support future projects within the County.

This matter was Approved on the consent calendar

25. [09-0940](#) Supervisor Santiago recommending adoption of Resolution approving highway restrictions on State Highway Routes 50 and 89 on Sunday, September 13, 2009, between Stateline through South Lake Tahoe and the County line at Tahoma between the hours of 6:00 a.m. and 12:00 noon for the 8th Annual Tour De Tahoe - Bike Big Blue bicycling event.

Resolution 172-2009

Adopted Resolution 172-2009 upon approval of the consent calendar.

END CONSENT CALENDAR

NOTICED HEARINGS

26. [09-0888](#) Hearing to consider adoption of Resolution establishing annual benefit assessment for Extended Library Services within the Cameron Park Zone of Benefit (Zone D) within County Service Area 10.

Resolution 173-2009

FUNDING: Benefit Assessment Fees in Zone D, CSA No. 10.

NO PUBLIC COMMENT

A motion was made by Supervisor Knight, seconded by Supervisor Briggs, to adopt Resolution 173-2009.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

27. [09-0912](#) Hearing to consider adoption of Resolution increasing the State of California Environmental Protection Agency surcharge for the Certified Unified Program Agency (CUPA) from \$24 to \$49 (\$25 increase) annually for a period of three years, effective July 1, 2009, per Assembly Bill 2286.

Resolution 174-2009

NO PUBLIC COMMENT

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to adopt Resolution 174-2009.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

28. [09-0760](#) Hearing to consider adoption of Resolution establishing delinquent mandatory refuse collection fees as special assessments and providing for collection in the same manner as ad valorem property taxes for South Tahoe Refuse Co., Inc.

Resolution 175-2009

PUBLIC COMMENT:

B. Davis RE: Paid fee today but wanted the Borad to understand that he is paying a fee for a service he has never received. Cost to residents on the South Shore is greater than those on the North Shore where it is not mandatory.

A motion was made by Supervisor Santiago, seconded by Supervisor Briggs, to adopt Resolution 175-2009 with the removal of Davis from list.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

DEPARTMENT MATTERS

29. [09-0891](#) District Attorney recommending Chairman be authorized to sign an Agreement with LexisNexis for a period of one year to provide public and commercial data base searches retroactive back to November 21, 2008, noting this agreement will automatically renew for successive one year periods unless either party provides written notice of termination at least sixty day prior to the expiration of the initial term.

FUNDING: General Fund.

NO PUBLIC COMMENT

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve this matter.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

30. [09-0893](#) District Attorney recommending Chairman be authorized to sign an Agreement with LexisNexis to provide public and commercial data base searches retroactive back to April 1, 2009.

FUNDING: General Fund.

NO PUBLIC COMMENT

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to approve this matter.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

31. [09-0922](#) Human Resources Department recommending the Board authorize the Chair to sign Resolution - **2009** and the Modified Last, Best, and Final Offer covering employees in the Trades & Crafts Bargaining unit represented by Operating Engineers, Local No 3 and take such action in regard to the impasse process as the Board, in its discretion, deems appropriate as in the public interest. Any legislative action by the Board of Supervisors on the impasse shall be final and binding.

This matter was continued off calendar upon approval of the consent calendar.

32. [09-0927](#) Chief Administrative Office recommending adoption of Resolution directing Mandatory Temporary Layoff for various departments for Fiscal Year 2009-2010.

Resolution 176-2009

NO PUBLIC COMMENT

A motion was made by Supervisor Nutting, seconded by Supervisor Santiago, to adopt Resolution 176-2009.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

33. [09-0920](#) Supervisor Knight recommending the Board discuss the possibility of a payment plan for building permit fees.

PUBLIC COMMENT:

B. Johnson RE: Current fees are too high.

K. Bowen RE: Need to stimulate growth. Review fee levels with housing inputs.

C. Shafer RE: Good Discussion. Look at when to require payment of fees.

A motion was made by Supervisor Sweeney, seconded by Supervisor Nutting, to direct Supervisor Knight to work with appropriate staff, review current waivers, and return with options.

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

34. [09-0506](#) Supervisor Santiago requesting the Board approve and authorize the Chairman to sign a Memorandum of Understanding with the City of South Lake Tahoe for cooperative construction of improvements for Lakeview Commons Project. (Cont'd 6/30/09, Item 58)

PUBLIC COMMENT:

B. Johnson RE: How many amendments to the lease. Original intent of the citizens. Name of recreation area. Does not agree with extending the agreement.

A motion was made by Supervisor Santiago, seconded by Supervisor Knight, as follows:

- 1) Continue this matter off calendar; and**
- 2) Direct Supervisors to submit their concerns to Supervisor Santiago.**

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

2:00 P.M. - TIME ALLOCATION

35. [09-0843](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z98-0017 on property identified by APN's 070-101-65 and -66, consisting of 5.62 acres, in the Shingle Springs area, submitted by Hernan Castro; and recommending the Board take the following actions:
- 1) Adopt the Initial Study/Negative Declaration;
 - 2) Approve Z98-0017 rezoning APNs 070-101-65 and -66 from Estate Residential Five-Acre Zone District (RE-5) to One-Acre Residential District (R1A) based on findings listed in Attachment 1; and
 - 3) Adopt Ordinance for said rezone. (Supervisory District IV)

Ordinance 4824*PUBLIC COMMENT:*

J. Mulsen RE: Represents applicant

M. Torenson RE: Existing subdivision in area that is not selling. No need for more units. Meeter Road traffic is bad. Special soils in the area.

A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, as follows:

- 1) Adopt the Initial Study/Negative Declaration;**
- 2) Approve Z98-0017 rezoning APNs 070-101-65 and -66 from Estate Residential Five-Acre Zone District (RE-5) to One-Acre Residential District (R1A) based on findings listed in Attachment 1; and**
- 3) Adopt Ordinance 4824.**

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

36. [09-0825](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z07-0027/Planned Development PD07-0017/Tentative Map TM08-1473/Cameron Hills Subdivision on property identified by APN 116-010-04, consisting of 20.13 acres, in the Cameron Park area, submitted by Douglas Hanzlick; and recommending the Board take the following actions:
- 1) Adopt the Mitigated Negative Declaration based on the Initial Study reviewed by staff;
 - 2) Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures listed in Attachment 1;
 - 3) Approve Z07-0027 rezoning APN 116-010-04 from One Family Residential (R1) to One Family Residential-Planned Development (R1-PD) based on the findings listed in Attachment 1;
 - 4) Approve Planned Development application PD07-0017, adopting the Development Plan as the official development plan, based on the findings and subject to the conditions listed in Attachment 1;
 - 5) Approve Tentative Map application TM08-1473 based on the findings and subject to the conditions listed in Attachment 1;
 - 6) Approve Design Waiver request to reduce the required sidewalk width of 6 feet to 4 feet; and
 - 7) Adopt Ordinance for said rezone. (Supervisorial District I)

Ordinance 4825

PUBLIC COMMENT:

G. Thorne RE: Map that shows this to be an "infill"

C. Sanborg RE: Plant mitigation being done onsite and will pay fees.

A motion was made by Supervisor Knight, seconded by Supervisor Sweeney, as follows:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d), as incorporated in the conditions of approval and mitigation measures listed in Attachment 1;
- 3) Approve Z07-0027 rezoning APN 116-010-04 from One Family Residential (R1) to One Family Residential-Planned Development (R1-PD) based on the findings listed in Attachment 1;
- 4) Approve Planned Development application PD07-0017, adopting the Development Plan as the official development plan, based on the findings and subject to the conditions listed in Attachment 1;
- 5) Approve Tentative Map application TM08-1473 based on the findings and subject to the conditions listed in Attachment 1;
- 6) Approve Design Waiver request to reduce the required sidewalk width of 6 feet to 4 feet; and
- 7) Adopt Ordinance 4825 as amended;
- 8) Modify the Conditions of Approval as stated in the letter dated June 4, 2009;
- 9) Further modify the Conditions of Approval as stated in the letter dated July 17, 2009; and
- 10) Further modify the Condition of Approval No. 15 by striking "and verified as a note on the map." and replace it with "as part of the approved Development Plan."

Yes: 5 - Knight, Sweeney, Nutting, Briggs and Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

37. [09-0903](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Director of Human Resources and/or designee.
Employee Organization: El Dorado County Employees Association Local No.1, representing employees in the General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3 representing employees in the Trades & Crafts, Probation, and Corrections Bargaining Units; Deputy Sheriff's Association representing employees in the Law Enforcement unit.
No Action Reported
38. [09-0921](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:** Title: Chief Administrative Officer.
No Action Reported
39. [09-0950](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:** Significant Exposure to Litigation, one (1) potential case.
No Action Reported
40. [09-0949](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: Richard Kniesel v. County of El Dorado, et al., El Dorado County Superior Court Case No. PC20080259.
Action Reported