



County of El Dorado

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Minutes - Final Board of Supervisors

Norma Santiago, Chair, District V
Ray Nutting, First Vice Chair, District II
Brian K. Veerkamp, Second Vice Chair, District III
Ron Mikulaco, District I
Ron Briggs, District IV

James S. Mitrisin, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer Edward Knapp, County Counsel

Tuesday, March 18, 2014

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.

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Public Testimony will be received on each agenda item listed under Department Matters 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) Except with the consent of the Board, individuals shall be allowed to speak to an item only once. Upon completion of public comment the matter shall be returned to the Board for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Board for a point of clarification or question by the Board. 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' Meeting Agenda webpage subject to staff's ability to post the documents before the meeting.

The Board of Supervisors is concerned that 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.

8:01 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

Present: 4 - Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

Absent: 1 - Supervisor Briggs

9:02 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

Present: 5 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Phillip Flaming of the Highway Bible Church gave the Invocation. Supervisor Mikulaco led the Pledge of Allegiance to the Flag.

ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR

APPROVAL OF CONSENT CALENDAR 1

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp to Adopt the Agenda and Approve Consent Calendar 1 with the following change:

Pull item 6.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

APPROVAL OF CONSENT CALENDAR 2

A motion was made by Supervisor Mikulaco, seconded by Supervisor Veerkamp to Approve Consent Calendar 2 with no changes.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

The Board may make any necessary additions, deletions or corrections to the agenda including moving items to or from the Consent Calendar and adopt the agenda with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and possible action, and the item will be moved from Consent and heard as a separate item with Department Matters. Any member of the public may ask to address an item on the Consent Calendar prior to Board action.

14-0447 OPEN FORUM

Public Comment: J. Baraden, R. Nylander, L. Parlin, K. Payne, E. Veerkamp, S. Taylor, M. Lane, W. Nagle

14-0448 CAO UPDATE

CONSENT CALENDAR 1

- 1. **10-0130** Acting as the Board of Directors of the El Dorado County Air Quality Management District:

Air Quality Management District recommending the Board approve and authorize the Chair to sign Amendment I to Funding Agreement 138-F1411 with Lake Tahoe Unified School District pertaining to AB923 DMV Fees funding for Fiscal Year 2012/2013 School Bus Retrofit Projects.

FUNDING: AQMD Special Revenue Fund (No Federal Funding).

This matter was Approved on Consent Calendar 1.

- 2. **14-0109** Chief Administrative Office, Procurement and Contracts Division, recommending the Board authorize the Chair to sign Agreement No. 490-S1411 with Hangtown Fire Control, Inc. for routine maintenance, inspection, testing, certification and on-call maintenance and emergency repair services for automatic fire suppression equipment at various County-operated facilities for the Chief Administrative Office, Facilities Division for a not to exceed amount of \$125,000 for the term of March 19, 2014 through March 18, 2016.

FUNDING: General Fund and Non-General Fund.

This matter was Approved on Consent Calendar 1.

- 3. **13-0221** Chief Administrative Office recommending the Board receive and file the 2013 Annual Housing Element Implementation Progress Report following public comment for submittal to the State Department of Housing and Community Development.

This matter was Approved on Consent Calendar 1.

4. 14-0333 Chief Administrative Office, Procurement and Contracts on behalf of Community Development Agency, Transportation Division, recommending the Board consider the following:
- 1) Award Bid No. 14-289-048 for the purchase of Waterborne Traffic Paint and Thermoplastic Resin Binder to the low qualified bidder, Ennis Paint, Inc. of Thomasville, NC;
 - 2) Authorize the Purchasing Agent to issue a blanket purchase order in the amount of \$435,000 for a 36-month term following Board approval; and
 - 3) Authorize the Purchasing Agent to increase the blanket purchase order on an "as needed" basis during the awarded period as long as funding is available within the requesting department's budget.

FUNDING: Road Fund - Discretionary (No Federal Funds).

This matter was Approved on Consent Calendar 1.

5. 14-0387 Chief Administrative Office recommending the Board approve and authorize the Chair to sign a letter of support for Assembly Bill 1537 (Levine) to be sent to author, respective legislators, and respective committees.

This matter was Approved on Consent Calendar 1.

6. 11-1441 Community Development Agency, Long Range Planning, recommending the Board approve and authorize the Purchasing Agent to sign Amendment III to Agreement for Services No. 396-S1211 with Kimley-Horn and Associates, Inc. for Travel Demand Model creation and update services, expanding the scope of work and increasing the not-to-exceed amount of the Agreement by \$16,000 for a new not-to-exceed total amount of \$501,477, and extending the term of the Agreement to December 31, 2015, contingent upon review and approval of the Amendment by County Counsel and Risk Management.

FUNDING: The total contract is funded by a combination of Traffic Impact Mitigation Fees, Road Fund, and General Fund. Amendment III is specifically funded by the General Fund (no Federal Funding).

Public Comment: K. Payne, S. Taylor

A motion was made by Supervisor Santiago, seconded by Supervisor Nutting to Approve this matter.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

7. 13-0889 Community Development Agency, Long Range Planning, recommending the Board consider the following:
- 1) Make findings in accordance with Chapter 3.13, Section 3.13.030 of the County ordinance that there are specialty skills required for this work that are not expressly identified in County classifications, and that the work required is not sufficient to warrant the addition of permanent staff; therefore, engage an independent contractor in preparing the Corridor Analysis to analyze current conditions and provide potential mitigations for the Green Valley Road Corridor; and
 - 2) Approve and authorize the Chair to sign Agreement for Services 443-S1411 with Kittelson & Associates, Inc. in the amount of \$100,266 for a term of two years to provide assistance to the Community Development Agency to analyze current conditions on Green Valley Road and to provide recommendations for potential mitigations.

FUNDING: General Fund Contingency (No Federal Funds).

This matter was Approved on Consent Calendar 1.

8. 14-0266 Community Development Agency, Transportation Division, recommending the Board adopt Resolution **020-2014** sanctioning a road closure to be in effect for Jacquier Road to Smith Flat Road to Smith Flat School Road and then onto El Dorado Trail. The return route will be the same, only in reverse. This permit is not for the El Dorado Trail, however, a trail permit has been issued through the CAO's Office. Additionally, El Dorado County Explorers and CHP Officer Advisors will provide crossing guards for each major cross street. This event is scheduled for Saturday, March 29, 2014 from 7:00 a.m. to 12:00 p.m., for the "Sugarloaf Stampede Run," subject to conditions set forth in Resolution No. 110-79 dated May 1, 1979, and conditions set forth in the "Application for Road Closure" submitted for this event.

Resolution 020-2014 was Adopted upon Approval of Consent Calendar 1.

9. 13-0532 Community Development Agency, Transportation Division, recommending the Board consider the following:
1) Approve and authorize the Chair to sign the Possession and Use Agreement with Patricia Harrington, an unmarried woman, and Michael Quigley, an unmarried man, as Tenants In Common, for Assessor's Parcel Numbers 329-280-09 and 329-280-16; and
2) Authorize the Community Development Agency Director, or designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees, for the Pleasant Valley Road (SR49)/Patterson Drive Intersection Signalization Project, CIP No. 73320.

FUNDING: 2004 General Plan Traffic Impact Mitigation Fees, State Highway Operations and Protection Program, Special Revenue, State Transportation Impact Mitigation Fee, State-Local Partnership Program, and Traffic Impact Mitigation Fees (No Federal Funds).

This matter was Approved on Consent Calendar 1.

10. 14-0265 County Counsel recommending the Board approve and authorize the Chair to sign the Third Amendment to its existing legal services contract No. 524-S0811 with the law firm of Ebbin, Moser & Skaggs LLP. This amendment revises Section 4, Compensation for Services, to clarify the compensation terms for travel and adjust the hourly rates, and revises other terms to reflect standard County contract provisions that have changed since the execution of the original agreement.

FUNDING: Rare Plant Mitigation Fund (No Federal Funds).

This matter was Approved on Consent Calendar 1.

11. 14-0351 Health and Human Services Agency recommending the Board approve and authorize the Chair to sign the following two (2) non-financial Operational Agreements that will be submitted by Drug Free Divide as part of their application for a Drug-Free Communities Support Program grant through the Substance Abuse and Mental Health Services Administration, due March 24, 2014. The Agreements shall commence on September 30, 2014, be re-evaluated annually, and continue in perpetuity until terminated by a mutual accord:
- 1) Operational Agreement 010-M1511 to establish collaborative roles and responsibilities between Drug Free Divide and the Mental Health Division, Alcohol and Drug Program in community efforts to prevent alcohol and drug usage in the area of the County known as “the Divide”; and
 - 2) Operational Agreement 012-M1511 to establish collaborative roles and responsibilities between Drug Free Divide and the Public Health Division, Public Health Nursing Program in community efforts to prevent public health issues such as smoking in the area of the County known as “the Divide”.

FUNDING: Non-financial operational agreements (No Federal Funds).

This matter was Approved on Consent Calendar 1.

12. 14-0331 Probation Department and Sheriff’s Office in conjunction with the Chief Administrative Office recommending the Board approve and authorize the Chair to sign retroactive Agreement No.411-S1411 with El Dorado County Office of Education, Adult Education Program, in an amount not to exceed \$735,357 for the term of July 1, 2013 through June 30, 2016.

FUNDING: AB 109 Public Safety Realignment Funds.

This matter was Approved on Consent Calendar 1.

13. 14-0400 Supervisor Veerkamp recommending the Board recognize Zachariah Raymond Power for successfully achieving the rank of Eagle Scout, Boy Scouts of America, Troop 658, Camino, California.

This matter was Approved on Consent Calendar 1.

14. 14-0411 Supervisor Santiago requesting the Board approve approximately \$1,000 from the Clerk of the Board's travel budget for her participation in the Lake Tahoe Chamber Trek to Park City, Utah, April 2nd through 5th, 2014.

This matter was Approved on Consent Calendar 1.

15. 12-1174 Supervisors Briggs and Mikulaco recommending the Board authorize the Chair's signature on a letter to the County of Sacramento, Environmental Coordinator to request an extension of the comment period on the Draft Environmental Impact Report (DEIR) for the Revised Mather Airport Master Plan by an additional 120 days beyond the April 8, 2014, deadline.

This matter was Approved on Consent Calendar 1.

CONSENT CALENDAR 2 (Supervisor Nutting did not participate)

16. **14-0413** Clerk of the Board recommending the Board approve the Minutes from the regular meeting of the Board of Supervisors on March 11, 2014.

This matter was Approved on Consent Calendar 2.

END CONSENT CALENDAR

DEPARTMENT MATTERS 1

17. 14-0219 Chief Administrative Office recommending the Board receive and file the Fiscal Year 2013-14 Mid-Year report and take action on any related recommendations or discussion associated with the Mid-Year report relative to managing the County budget in the current or future fiscal year. (Est. Time: 30 Min.) (Cont. 3/11/14, Item 25)

Received and Filed.

18. 13-1563 Chief Administrative Office recommending the Board receive an update from the Economic Development Strategic Investment Team and staff providing a report on current approaches, challenges, questions, data collection and options to reducing the Traffic Impact Mitigation Fee to stimulate business activity. (Est. Time: 10 Min.) (Cont. 2/4/14, Item 21)

FUNDING: Except for staff time, there is no funding associated with the cost of the report at this time.

Public Comment: K. Payne, M. Muller, B. Center, S. Taylor, P. Chelseth, W. Nagle, F. DuChamp

Received and Filed.

19. 14-0129 Chief Administrative Office recommending the Board consider the following:
- 1) Direct staff to establish a Development Agreement Negotiating Team consisting of representatives from the Chief Administrative Office, County Counsel, and Community Development Agency;
 - 2) Authorize the Development Agreement Negotiating Team to negotiate the draft terms of a Development Agreement with each applicant; and
 - 3) Direct staff to return to the Board with a draft Development Agreement prior to, or as part of, hearings scheduled to consider approval or denial for each of the proposed projects. (Cont. 3/11/14, Item 26)

Public Comment: D. VanDyke, D. Shaoff, B. Center, E. VanDyke, C. Langley, P. Chelseth, E. Veerkamp, L. Pataone, S. Taylor, F. DuChamp, S. Scholtz, H. Hager, L. Parlin, S. Goodwhich, M. Lane, L. Makin, W. Nagle, V. Chelseth, D. Golin, J. Valay, S. Hadlock

A motion was made by Supervisor Mikulaco, seconded by Supervisor Veerkamp to deny staff recommendations as stated.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

14-0129 Chief Administrative Office recommending the Board consider the following:
1) Direct staff to establish a Development Agreement Negotiating Team consisting of representatives from the Chief Administrative Office, County Counsel, and Community Development Agency;
2) Authorize the Development Agreement Negotiating Team to negotiate the draft terms of a Development Agreement with each applicant; and
3) Direct staff to return to the Board with a draft Development Agreement prior to, or as part of, hearings scheduled to consider approval or denial for each of the proposed projects. (Cont. 3/11/14, Item 26)

A motion was made by Supervisor Santiago, seconded by Supervisor Veerkamp to direct staff to work with the Board of Supervisors, to include Supervisor Veerkamp, to establish a framework to define the County Benefit Community Agreement.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

20. 14-0408 County Counsel requesting the Board receive a brief presentation on the California Public Records Act, Government Code section 6252 et seq., as requested by Chair Santiago on March 11, 2014. (Est. Time: 15 Min.)

Public Comment: M. Lane

Received and Filed.

DEPARTMENT MATTERS 2

21. **13-0449** Community Development Agency, Transportation Division, recommending the following pertaining to the Northside School Class I Bike Path - Phases 1 and 2 Project, Contract No. PW 11-30628, CIP No. 72304 (Phase 1, SR193) and CIP No. 72306 (Phase 2, SR49), P&C No. 108-C1499:
- 1) Award the Construction Contract to Sierra Nevada Construction, Inc., who submitted the lowest responsive, responsible bid of \$1,495,007.00;
 - 2) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management; and
 - 3) Authorize the Community Development Agency Director to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds. (Est. Time: 5 Min.) (Refer 05/21/13, Item 17)

FUNDING: Federal Safe Routes to School Grant Funds, Public Land Highway Discretionary Fund, Federal Congestion Mitigation Air Quality Funds, State Safe Routes to School Grant Funds, Regional Surface Transportation Program Rural Exchange Funds, and Transportation Development Act Funds from the El Dorado County Transportation Commission (Federal Funds).

Public Comment: L. Price, K. Payne

A motion was made by Supervisor Briggs, seconded by Supervisor Veerkamp to Approve this matter.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

2:00 P.M. - TIME ALLOCATION 1

22. 14-0308 Chief Administrative Office, Parks Division, recommending the Board consider the following:
- 1) Receive an update on the Sacramento Placerville Transportation Corridor; and
 - 2) Request presentation from Museum Administrator on Federal Railroad Administration (FRA) Class I certification. (Est. Time: 30 Min.)

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp to:

- 1) Receive and file update on the Sacramento Placerville Transportation Corridor; and
- 2) Approve Federal Railroad Administration (FRA) Class I certification.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

2:00 P.M. - TIME ALLOCATION 2

23. 14-0141 Community Development Agency, Long Range Planning, recommending the Board receive information and provide direction on the proposed 2014 Capital Improvement Program and Transportation Work Plan.

FUNDING: Various Federal, State, Local and ACO Funding Sources (Federal Funds).

Public Comment: K. Payne, M. Leal, E. Crimm, L. Price, S. Taylor, M. Lane

A motion was made by Supervisor Briggs, seconded by Supervisor Veerkamp to direct staff to:

- 1) Proceed as presented in Table 1 of the Staff Report (Attachment A); and
- 2) Make corrections to grants.

Yes: 4 - Briggs, Santiago, Mikulaco and Veerkamp

ITEMS TO/FROM SUPERVISORS

Supervisor Veerkamp attended the Water and Power Authority (WAPA) and the County Water Agency meetings last week where the drought was discussed. This Thursday is the monthly Sacramento Area Council of Governments (SACOG) meeting.

Supervisor Nutting was not able to attend, but his family attended the parade and met the Olympians at Sierra at Tahoe.

Supervisor Briggs attended the Sierra Nevada Conservancy and the Delta Nature Conservancy joint meeting last week. The meeting discussed cap and trade dollars. Also, discussed was the Rim Fire and the fact that the conditions that caused the fire were not unique. Three other major areas were identified with the same features as those of the Rim Fire. El Dorado County is one of those areas. A panel discussion took place regarding climate change and how it will affect the snow pack. A regional solution to water was discussed, where all the regions would meet. This would allow for more local input not only in how water is stored but also used.

Supervisor Santiago attended the Regional Leadership Forum last week of the Tahoe Regional Planning Agency (TRPA), which she is the Board representative of the California Association of Councils of Government (CALCOG). At the forum, cap and trade was discussed and a lot of the funds from cap and trade will be going to the high speed rail system. A discussion also took place regarding the gas tax and the transportation crisis. In regards to the transportation crisis, Cal Trans has been going through a self evaluation and what it needs to do to move forward into the 21st century.

The Tahoe Transportation District (TTD) met last Friday. During the meeting, it was recommended that the 2013 Federal Transportation Improvement Program be approved.

Supervisor Santiago participated in the parade procession for the Olympians.

ADJOURNED AT 5:39 P.M.

CLOSED SESSION

24. 14-0169 **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Friends of Green Valley and Amy L. Anders v. El Dorado County, et al., (El Dorado County Superior Court Case No. PC20140019) Number of potential cases: (1). (Est. Time: 10 Min.)
- No Action Reported. Supervisors Mikulaco, Nutting, Santiago and Veerkamp participated. Supervisor Briggs was absent.**
25. 14-0347 **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(d)(1). Title: Miki Templeton v. County of El Dorado et al., El Dorado County Superior Court Case Number PC20130619. (Est. Time: 15 Min.)
- No Action Reported. Supervisors Mikulaco, Nutting, Santiago and Veerkamp participated. Supervisor Briggs was absent.**
26. 14-0402 **Pursuant to Government Code Section 54956.9(d)(1)- Existing Litigation.** Title: Claim of Matt Reid v. County of El Dorado, Worker's Compensation Claim Settlement, York Risk Services Group, Inc., ELOV#332521. (Est. Time: 10 Min.)
- No Action Reported. Supervisors Mikulaco, Nutting, Santiago and Veerkamp participated. Supervisor Briggs was absent.**

On August 19, 2003, the Board adopted the following protocol: It is a requirement that all speakers, County staff and the public, when approaching the podium to make a visual, Power Point or transparencies presentation to the Board of Supervisors, must provide the Clerk with the appropriate number of hard copies of the presentation for Board members and the audience. Only those speakers that provide this required number of hard copies will be permitted to proceed with a visual presentation.

Persons interested in serving on any Board of Supervisors ADVISORY BOARD, COMMITTEE, OR COMMISSION are encouraged to complete an application form (available in the office of the Clerk of the Board of Supervisors, or online) and submit same to the board, committee or commission, to the County Department which supports the board, committee or commission, or to the Clerk of the Board of Supervisors.

VIDEO TAPES of regular, Tuesday Board of Supervisors meeting are BROADCAST ON CABLE TV as follows:

West Slope - Comcast - Channel 15, Wednesday at 1:00 P.M. (day after Tuesday meeting) and Tuesday at 7:00 A.M. (One week after previous Tuesday Meeting)