



# County of El Dorado

## MEETING AGENDA

### Board of Supervisors

Board of Supervisors  
Department  
330 Fair Lane, Building A  
Placerville, California  
530-621-5390  
FAX 530-622-3645  
[www.edcgov.us/bos](http://www.edcgov.us/bos)

*Michael Ranalli, Chair, District IV*  
*Sue Novasel, Vice Chair, District V*  
*Brian K. Veerkamp, Second Vice Chair, District III*  
*John Hidahl, District I*  
*Shiva Frentzen, District II*

*James S. Mitrisin, Clerk of the Board of Supervisors*  
*Don Ashton, Chief Administrative Officer*  
*Michael J. Ciccozzi, County Counsel*

---

Tuesday, July 24, 2018

8:00 AM

330 Fair Lane, Placerville, CA

---

### ADDENDUM

**Item 36 is hereby added to the Consent Calendar**

**Items 37 and 38 are hereby added to Department Matters**

#### **Vision Statement**

**Safe, healthy and vibrant communities, respecting our natural resources  
and historical heritage**

**This institution is an equal opportunity provider and employer.**

Live Web Streaming and archiving of most Board of Supervisors meeting videos, all meeting agendas, supplemental materials and meeting minutes are available on the internet at:  
<http://eldorado.legistar.com/Calendar.aspx>

To listen to open session portions of the meeting in real time, dial (530) 621-7603. This specialized dial in number is programmed for listening only and is operable when the audio system inside the meeting room is activated. Please be advised that callers will experience silence anytime the Board is not actively meeting, such as during Closed Session or break periods.

The County of El Dorado is committed to ensuring that persons with disabilities are provided the resources to participate in its public meetings. Please contact the office of the Clerk of the Board if you require accommodation at 530-621-5390 or via email, [edc.cob@edcgov.us](mailto:edc.cob@edcgov.us).

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.

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 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.

### **PROTOCOLS FOR PUBLIC COMMENT**

Public comment will be received at designated periods as called by the Board Chair.

Public comment on items scheduled for Closed Session will be received before the Board recesses to Closed Session.

Except with the consent of the Board, individuals shall be allowed to speak to an item only once.

On December 5, 2017 the Board adopted the following protocol relative to public comment periods:

Time for public input will be provided at every Board of Supervisors meeting. Individuals will have three minutes to address the Board. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. At the discretion of the Board, time to speak by any individual may be extended.

A total of 20 minutes will be allocated for public comment during Open Forum and for each agenda item to be discussed. Public comment on certain agenda items designated and approved by the Board may be treated differently with specific time limits per speaker or a limit on the total amount of time designated for public comment. It is the intent of the Board that quasi-judicial matters have additional flexibility depending upon the nature of the issue.

Individual Board members may ask clarifying questions but will not engage in substantive dialogue with persons providing input to the Board.

If a person providing input to the Board creates a disruption by refusing to follow Board guidelines, the Chair of the Board may take the following actions.

Step 1. Request the person adhere to Board guidelines. If the person refuses, the Chair may ask the Clerk to turn off the speaker's microphone.

Step 2. If the disruption continues, the Chair may order a recess of the Board meeting.

Step 3. If the disruption continues, the Chair may order the removal of the person from the Board meeting.

**8:00 A.M. - CALL TO ORDER AND RECESS TO CLOSED SESSION****9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS****INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG****ADOPTION OF THE AGENDA AND APPROVAL OF CONSENT CALENDAR**

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 and the Consent Calendar with one single vote. A Board member may request an item be removed from the Consent Calendar for discussion and separate Board action. At the appropriate time as called by the Board Chair, members of the public may make a comment on matters on the Consent Calendar prior to Board action.

**OPEN FORUM**

Open Forum is an opportunity for members of the public to address the Board of Supervisors on subject matter that is not on their meeting agenda and within their jurisdiction. Public comments during Open Forum are limited to three minutes per person. Individuals authorized by organizations will have three minutes to present organizational positions and perspectives and may request additional time, up to five minutes. The total amount of time reserved for Open Forum is 20 Minutes.

**CONSENT CALENDAR**

1. [18-1134](#) Clerk of the Board recommending the Board approve the Minutes from the regular meeting of the Board on July 17, 2018.

**GENERAL GOVERNMENT - CONSENT ITEMS**

2. [18-1138](#) Community Development Services, Administration and Finance Division, recommending the Board approve and authorize the Chair to sign the First Amendment to a perpetual agreement with Cardknox (Agreement 2709 - Attachments A & B) for the following:
  - 1) Credit and debit card convenience fee rates charged directly to the public at 2.89% for internet transactions and 2.69% for transactions in Community Development Services card readers; and
  - 2) Administrative payments made annually no greater than \$1,000.

**FUNDING:** Technology Fees (credit card processing fees are paid by cardholders).

3. [18-1126](#) Chief Administrative Office recommending the Board:
  - 1) Approve and authorize the Chair to sign a letter of endorsement supporting the El Dorado County Transportation Commission's grant application for Caltrans State Planning and Research funds for the development of a Community Transportation Plan for the El Dorado Hills Business Park; and
  - 2) Adopt and authorize the Chair to sign Resolution **160-2018** authorizing the allocation of \$18,000 and 155 hours of County staff time in support of such efforts.

**FUNDING:** Economic Development - Transient Occupancy Tax.

4. [18-1132](#) Chief Administrative Office recommending the Board receive and file an update relative to implementation of the objectives identified in the Good Governance strategic plan goal, and approve the definition of 'Succession Planning' as "A deliberate strategic process that sources talents and identifies potential new leaders by developing motivated staff to meet the needs of the community and organization to ensure functional continuity."

**FUNDING:** N/A

5. [18-1153](#) Chief Administrative Officer and Director of Human Resources recommending the Board approve and authorize the Chair to sign Resolution **159-2018** to increase the Director of Planning and Building base salary and align it with the Director of Transportation salary.

**FUNDING:** General Fund.

6. [18-1144](#) Clerk of the Board recommending the Board adopt and authorize the Chair to sign Resolution **158-2018** to schedule a regular meeting of the Board on August 21, 2018 in lieu of the recently cancelled regular meeting of August 7, 2018.

7. [18-1050](#) County Counsel recommending the Board authorize the Chair to execute Amendment 1 to Agreement for Legal Services Between El Dorado County and Abbott & Kindermann, Inc., Agreement 431-S1711 (Lunsmann litigation) to increase the not to exceed amount from \$50,000 to \$125,000.

**FUNDING:** General Fund and Non-General Fund.

8. [18-0671](#) Treasurer-Tax Collector recommending the Board approve the continuation of the following perpetual agreements for an estimated total of \$78,338.00 for the Fiscal Year 2018/19 for ongoing maintenance and support for equipment, software licensing and treasury services as follows:

- 1) Bloomberg Finance LP;
- 2) Bank of New York Mellon Trust Co;
- 3) Diebold Inc;
- 4) HP Enterprises Services LLC;
- 5) Professional Consultancy International (PCI LLC);
- 6) SymPro Inc; and
- 7) Columbia Ultimate Business Systems.

**FUNDING:** General Fund.

**HEALTH AND HUMAN SERVICES - CONSENT ITEMS****9. [18-1023](#)**

Health and Human Services Agency recommending the Board:

- 1) Approve Agreement for Services 3096, with Ancestry.com for the provision of website membership subscription with a perpetual term that commences upon execution;
- 2) Authorize the Purchasing Agent to execute Agreement for Services 3096 with Ancestry.com for the provision of website membership subscription in the amount of \$99 for the U.S Discovery, six-month membership plan, with automatic renewal; and
- 3) Authorize the Purchasing Agent to execute future documents for the Health and Human Services Agency's Ancestry.com website membership subscription, upon term expiration, contingent upon approval by County Counsel and sufficient appropriation are included in the department's budget.

**FUNDING:** General Fund.

**10. [18-1032](#)**

Health and Human Services Agency recommending the Board:

- 1) Approve and authorize the Chair to sign Amendment 1 to Agreement for Services 366 with Shared Vision Consultants, Inc., for the provision of consultant services, expanding the Scope of Services to include providing guidance and direction to the Health and Human Services Agency Strategic Plan Goal #5 "Service Integration: To develop and implement a continuum of care model for individuals, families and community partners that integrates access, assessment, referral, and efficient delivery of programs and services," thereby increasing the maximum obligation by \$26,000 effective upon execution of Amendment 1, for a new total obligation of \$78,471; with no change to the term of August 31, 2017 through August 30, 2020; and
- 2) Authorize the Purchasing Agent, or designee, to execute further documents relating to Agreement for Services 366, including amendments which do not increase the maximum dollar amount or term of the Agreement, and contingent upon approval by County Counsel and Risk Management.

**FUNDING:** State, Federal and Realignment.

**LAND USE AND DEVELOPMENT - CONSENT ITEMS**

11. [18-1097](#) Air Quality Management District recommending the Board, acting as the El Dorado County Air Quality Management District Board of Directors, adopt and authorize the Chair to sign Resolution **156-2018** approving the Authorized Personnel Allocation Resolution, with the personnel allocation schedule included as Resolution Exhibit 1, based on the Board approved Fiscal Year 2018-19 District Budget.

**FUNDING:** N/A

12. [18-0729](#) Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign the Second Amendment to Agreement for Services 323-S1711 with Black Fox Timber Management Group, Inc. increasing the not-to-exceed by \$200,000 for a total amount not-to-exceed amount of \$375,000, increasing hourly billing rates by 8%, and extending the term one additional year for a total of three years, expiring on November 28, 2019.

**FUNDING:** California Disaster Assistance Act Funds (75%) and CALFIRE (25%).

13. [18-0902](#) Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign Consent to Common Use Agreement between the County and Pacific Gas and Electric Company, recognizing the prior easement and rights of Pacific Gas and Electric Company to a portion of County-owned APN 076-133-17.

**FUNDING:** N/A

14. [18-1041](#) Community Development Services, Department of Transportation, recommending the Board consider the following:
- 1) Accept the off-site road improvements for Wilson Estates, TM 14-1515 as complete as of March 1, 2018;
  - 2) Reduce Performance Bond SUR23100098 from \$623,951.88 to \$62,395.19, which is ten percent of the total cost of the road improvements. This amount guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one year if no claims are made;
  - 3) Hold Laborers & Materialmens Bond SUR23100098 in the amount of \$623,951.88 for six months to guarantee payments to persons furnishing labor, materials, or equipment; and
  - 4) Authorize the Clerk of the Board to release the respective Bonds after the required time periods.

**FUNDING:** Developer Funded.



15. [18-1046](#) Community Development Services, Department of Transportation, recommending the Board consider the following:
- 1) Accept the subdivision improvements for Wilson Estates, TM 14-1515 as complete as of March 1, 2018;
  - 2) Hold Performance Bond SUR23100121 in the amount of \$246,534.14, which is ten percent of the total improvements. This amount guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one year if no claims are made;
  - 3) Hold Laborers & Materialmens Bond SUR23100121 in the amount of \$1,232,670.72 for six (6) months to guarantee payments to persons furnishing labor, materials, or equipment; and
  - 4) Authorize the Clerk of the Board to release the respective Bonds after the required time periods.

**FUNDING:** Developer Funded.

16. [18-1051](#) Community Development Services, Department of Transportation, recommending the Board:
- 1) Accept the subdivision improvements for Serrano Village K5, Phase 2, Unit 4, TM 10-1496-R, as complete;
  - 2) Reduce Performance Bond 0701845 from \$176,900.10 to \$149,117.10, which is ten percent of the total cost of the subdivision improvements. This amount guarantees against any defective work, labor done, or defective materials furnished, which is to be released after one year if no claims are made;
  - 3) Hold Laborers & Materialmens Bond 0701845 in the amount of \$745,585.51 for six months to guarantee payments to persons furnishing labor, materials, or equipment; and
  - 4) Authorize the Clerk of the Board to release the respective Bonds after the required time periods.

**FUNDING:** Developer Funded. (No Federal Funds)

17. [18-1078](#) Community Development Services, Department of Transportation, recommending the Board approve and authorize the Chair to sign Agreement for Funding of Right of Way Acquisition Costs 18-54835 with Lennar Winncrest, LLC pertaining to the Country Club Drive Realignment - Bass Lake Road to Tierra de Dios Drive Project, CIP 71360.

**FUNDING:** Developer Funded.

18. [18-1096](#) Community Development Services, Department of Transportation, recommending the Board authorize an exception to Policy D-4, Vehicle Use, Standards, Procurement and Disposal, to allow for overnight retention of two (2) County vehicles for the duration of construction of the Silva Valley Parkway Class 1 and Class 2 Bike Lanes (Harvard to Green Valley Road) Project, CIP 72310/36105037 and the New York Creek Trail East - Phase 2 Project, CIP 72308/36109008.

**FUNDING:** NA

19. [18-1022](#) Community Development Services, Department of Transportation, recommending the Board adopt and authorize the Chair to sign Resolution **153-2018** sanctioning the revision to the financial assurance for the Somerset Mine:
- 1) Increase the Pledge of Revenue amount to between \$150,000 and \$210,000; and
  - 2) Make the financial assurance mechanism effective for five (5) years from the signed date of this Resolution.

**FUNDING:** Road Fund. (Local - 100%)

20. [18-1079](#) Community Development Services, Department of Transportation, recommending the Board consider the following pertaining to the 2018 Grizzly Flats Section 1 Pavement Rehabilitation Project, PW 18-31222, Project No 49324, and Contract 3183:
- 1) Award the Construction Contract to Martin Brothers Construction, who was the lowest responsive, responsible bidder after the bid opening on July 13, 2018;
  - 2) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval by County Counsel and Risk Management; and
  - 3) Authorize the Director of Transportation 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.

**FUNDING:** Senate Bill 1. (100% - State)

21. [18-1118](#) Surveyor's Office recommending the Board adopt and authorize the Chair to sign Resolution **152-2018** for Abandonment of Easement 18-012 to abandon a Light and Air easement on Lot 30 of "Tahoe Paradise Unit No. 58", recorded at Book E of Subdivisions at Page 18, identified as Assessor's Parcel 036-611-19.

**LAW AND JUSTICE - CONSENT ITEMS**

22. [18-1062](#) District Attorney recommending the Board receive and file the Thirteenth Annual Report on Real Estate Fraud for Fiscal Year 2017-18.

**FUNDING:** Real Estate Fraud Prosecution Trust.

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS (Items in this category may be called at any time)**

23. [18-1049](#) County Counsel recommending the Board authorize the Chair to execute Amendment 1 to Agreement for Legal Services Between El Dorado County and Abbott & Kindermann, Inc., Agreement 552-S1711 (Sheetz litigation) to increase the not-to-exceed amount from \$50,000 to \$125,000 with an effective date retroactive to March 1, 2018. (Est. Time: 5 Min.)

**FUNDING:** General Fund and Non-General Fund.

24. [18-1148](#) Assessor, Auditor-Controller and Treasurer/Tax Collector recommending the Board receive and file an update relative to the implementation of the Megabyte Property Tax System. (Est. Time: 10 Min.)

25. [18-1068](#) Community & Economic Development Advisory Committee (CEDAC) recommending the Board:
- 1) Receive and file a presentation on CEDAC's recommended Action Plan; and
  - 2) Approve the recommended Action Plan. (Est. Time: 20 Min.)

**FUNDING:** N/A

26. [18-1040](#) Chief Administrative Office and County Counsel recommending the Board adopt and authorize the Chair to sign the following Resolutions to place ballot measure language on the November 2018 election ballot for the proposed amendments to the following two sections of the County Charter:
- 1) Resolution **154-2018** Charter Article II, Board of Supervisors, Section 202, "Term of Offices"; and
  - 2) Resolution **155-2018** Charter Article V, Personnel, Section 502.1, "Classified and Unclassified Employees." (Est. Time: 30 Min.)

**FUNDING:** General Fund.

**10:00 A.M. - TIME ALLOCATION**

27. [18-0992](#) Community Development Services, Department of Transportation, recommending the Board select one or more of the US 50/Cameron Park Drive Interchange alternatives to carry forward to preliminary design and environmental studies, as funding becomes available. (Est. Time: 1 Hr.)

**FUNDING:** Traffic Impact Mitigation Fee Program.

**11:00 A.M. - TIME ALLOCATION**

28. [18-1035](#) HEARING - Health and Human Services Agency recommending the Board:
- 1) Conduct a public hearing to consider public comment on the annual written report of benefit assessments for the Zone of Benefit within County Service Area 3 for emergency medical services; and
  - 2) Adopt and authorize the Chair to sign Resolution **151-2018** confirming the annual written report and authorizing the benefit assessments be collected in the same manner as the County's ad valorem real property taxes for Fiscal Year 2018-19, noting that the pre-existing benefit assessments have been in place and collected since prior to the effective date of Proposition 218, with no increases in the amounts and no change in the methodology for calculating said amounts. (Est. Time: 5 Min.)

**FUNDING:** County Service Area 3 Benefit Assessments.

29. [18-0863](#) Health and Human Services Agency recommending the Board:
- 1) Receive a presentation by the Commission on Aging; and
  - 2) Receive and file the Commission on Aging 2017 Annual Report. (Est. time: 10 Min.)

**FUNDING:** N/A

30. [18-0948](#) HEARING - The Community Development Services, Environmental Management Department recommending the Board:
- 1) Conduct a hearing to consider the annual report of delinquent mandatory refuse collection fees; and
  - 2) Adopt and authorize the Chair to sign Resolution **149-2018** confirming the annual report of delinquent mandatory refuse collection fees for South Tahoe Refuse Company, Inc., establishing the delinquent amounts as special assessments for the 2018/2019 fiscal year, and providing for the collection thereof in the same manner as the County's ad valorem property taxes. (Est. Time: 20 Min.)

**FUNDING:** Community Development Services charges for service.

**1:30 P.M. - TIME ALLOCATION****31. [18-1091](#)**

HEARING - Community Development Services (CDS), Planning and Building Department, recommending the following seven actions in order to: (1) rescind the December 2, 2014 approvals of the 250-unit El Dorado Hills Apartments project, County file numbers A14-0001/Z14-0001/SP86-0002-R/PD94-0004R-2 on property identified as Assessor's Parcel Numbers 121-290-60, -61 and -62 located on the northwest corner of Town Center Blvd. and Vine Street in the El Dorado Hills area; and (2) approve General Plan text amendment to Policy 2.2.1.2 to clarify that Objective 2.2.6.6 provides an exception to the maximum density allowed by General Plan Policy 2.2.1.2:

- 1) Rescind adoption of the Subsequent Mitigated Negative Declaration (State Clearinghouse No. 201405281) and Mitigation Monitoring Report Program for the 250-unit El Dorado Hills Apartment project, effective upon entry of dismissal of the Case No. PC20180127 with prejudice;
- 2) Adopt and authorize the Chair to sign Resolution **162-2018** (Attachment B-Exhibit A) rescinding Resolution 208-2014 regarding General Plan Amendment A14-0001, effective upon entry of dismissal of Case PC20180127 with prejudice;
- 3) Adopt and authorize the Chair to sign Ordinance **5087** (Attachment C-Exhibit B) rescinding Ordinance 5015 regarding Rezone Z14-0001, effective upon entry of dismissal of the Case PC20180217 with prejudice;
- 4) Rescind approval of Specific Plan Amendment SP86-0002-R, effective upon entry of dismissal of the Case PC20180127 with prejudice;
- 5) Rescind approval of Planned Development Permit Revision PD94-0004R-2, effective upon entry of dismissal of the Case PC20180127 with prejudice;
- 6) Adopt and authorize the Chair to sign Resolution **163-2018** (Attachment D-Exhibit C) approving General Plan amendment of General Plan (Land Use Element) Policy 2.2.1.2; and
- 7) Continue the amendment to Policy 2.2.1.2 and rescission of Policy 2.2.6.6, resulting from the rescission of Resolution 208-201, for final action with the County's next "bundling" of amendments to the General Plan, consistent with Government Code section 65358(b). (Est. Time: 30 Min.)

**FUNDING:** N/A

**2:00 P.M. - TIME ALLOCATION****32. [18-1121](#)**

Vacation Home Rental Ad Hoc Committee, recommending the Board:

- 1) Conceptually approve amendments to Title 5 - County Business License Ordinance of the El Dorado County Ordinance Code, Chapter 5.56 - Vacation Home Rentals in the Lake Tahoe Basin;
- 2) Direct staff to work with the Vacation Home Rental (VHR) Ad Hoc Committee and return on August 28, 2018, for the first reading of the revised ordinance;
- 3) Direct staff to report to the Board one year following the effective date of the approved ordinance revisions with an evaluation of VHR regulation and enforcement; and
- 4) Adopt and authorize the Chair to sign Resolution **163-2018**, amending the FY 2018-19 Authorized Personnel Allocation to delete one vacant FTE Fiscal Assistant in the Treasurer-Tax Collector's Office and add one FTE Development Technician in the Planning and Building Department. (Est. Time: 1 Hr.)

**FUNDING:** N/A

**ITEMS TO/FROM SUPERVISORS****CAO UPDATE****ADJOURNMENT**



**CLOSED SESSION**

33. [18-1127](#)      **Conference with Legal Counsel - Existing Litigation pursuant to Government Code section 54956.9(d)(1).** Title: Friends of El Dorado County Oaks v. County of El Dorado; Serrano Associates LLC and El Dorado Hills Community Services District Real Parties in Interest (El Dorado County Superior Court Case PC20180310). Number of potential cases: (1). (Est. Time: 10 Min.)
34. [18-1160](#)      **Conference with Legal Counsel - Existing Litigation pursuant to Government Code section 54956.9(d)(1).** Title: Citizens for Sensible Development in El Dorado Hills and Sue Taylor v. County of El Dorado and El Dorado County Board of Supervisors; Spanos Corporation, Real Party in Interest (El Dorado County Superior Court Case No. PC20180127); Citizens for Sensible Development in El Dorado Hills v. County of El Dorado and El Dorado County Board of Supervisors; Spanos Corporation, Real Party in Interest (El Dorado County Superior Court Case No. PC20150001; California Courts of Appeal Case No. C081472). Number of potential cases: (2). (Est. Time: 10 Min.)
35. [18-1149](#)      **Pursuant to Government Code Section 54957- Public Employment.** Title: Director of Planning and Building Recruitment. (Est. Time: 20 Min.)

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 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.

**ADDENDUM****GENERAL GOVERNMENT - CONSENT ITEMS**

36. [16-0305](#) Supervisor Ranalli recommending the Board find that a state of emergency continues to exist in El Dorado County as a result of unprecedented tree mortality due to drought conditions and related bark beetle infestations. (Cont. 7/17/18, Item 10)

**DEPARTMENT MATTERS (Items in this category may be called at any time)**

37. [18-0976](#) Community Development Services, Department of Transportation, recommending the Board take the following actions pertaining to the Pony Express Trail Slipout, Contract 2726, PW 18-31214, CIP 78718:
- 1) Approve an additional \$200,802 of Road Fund/Discretionary funding for the Base Bid Schedule A FEMA match and Schedule B portion of the Project construction and delivery phase that is not eligible for FEMA funding;
  - 2) Reject the bid submitted by the lowest bidder, Schreder and Brandt MFG, Inc., as being non-responsive for failing to meet the Contract Disadvantaged Business Enterprise goal and failing to provide an adequate Good Faith Effort to meet the goal;
  - 3) Award the Construction Contract to the second lowest bidder, Steelhead Constructors, Inc., for being the lowest responsive, responsible Bidder that provided all required forms, documentation, and exceeded the Contract Disadvantaged Business Enterprise goal;
  - 4) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval by County Counsel and Risk Management; and
  - 5) Authorize the Director of Transportation 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: 20 Min.)

**FUNDING:** Schedule A - Local and State discretionary funding initially (100%), with Department of Transportation staff working with the Federal Emergency Management Agency and the California Office of Emergency Services to obtain reimbursement. Schedule B - Road Fund / Discretionary funding (Local, State, and Federal)

**38. [18-0983](#)**

Community Development Services, Department of Transportation, recommending the Board consider the following pertaining to the New York Creek Trail East - Phase 2 Project, Contract PW 15-31108, CIP 72308/36109008:

- 1) Reject the bid protest filed by McCuen Construction, Inc.;
- 2) Award the Construction Contract to Pacific Infrastructure Construction, LLC who submitted the lowest responsive, responsible bid;
- 2) Approve and authorize the Chair to sign the Construction Contract, subject to review and approval by County Counsel and Risk Management; and
- 3) Authorize the Community Development Services, Department of Transportation 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: 20 Min.)

**FUNDING:** Congestion Mitigation and Air Quality Program (99.79%) (Federal Funds), and Accumulative Capital Outlay (.21%) (ACO Funds).