



County of El Dorado

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Minutes - Final Board of Supervisors

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

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

Tuesday, January 19, 2010

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 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. - OPENED MEETING AND CONTINUED TO 9:00 A.M. DUE TO THE WEATHER CONDITIONS.

9:00 A.M. - CALLED TO ORDER AT 9:00 A.M.

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

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 Nutting, seconded by Supervisor Knight, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 13 and 14 were continued to January 26, 2010, Item 19 was continued to February 2, 2010, and Item 4 was amended.

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

OPEN FORUM

PUBLIC COMMENT

J. Wallaby RE: Son receives IHSS services. The Board and IHSS need to work together to finalize the IHSS contact.

BUDGET UPDATE

CONSENT CALENDAR

- 1. [10-0024](#) Approval of Board of Supervisors Meeting Minutes from the Regular Meeting of Tuesday, January 12, 2010.

This matter was Approved on the consent calendar.

2. [09-1364](#) Chief Administrative Office recommending the Board authorize the Chair to sign Agreement 233-S1011 with the City of Placerville, Marshall Medical Center and Buxton Company in the total amount of \$90,000 for a targeted retail retention and expansion development tool, noting the original Buxton Agreement 233-S1011 has been modified to reflect a cost sharing between the County of El Dorado, City of Placerville and Marshall Medical Center.

Fiscal Impact FY 2009/2010

Targeted Retail Retention and Development Tool (Buxton): \$35,000; \$17,500 paid by the City of Placerville, and \$17,500 paid by Marshall Medical Center

Fiscal Impact FY 2010/2011

Targeted Retail Retention and Development Tool (Buxton): \$55,000. Paid by the County of El Dorado, Economic Development.

This matter was Approved on the consent calendar.

3. [09-1512](#) Chief Administrative Office recommending adoption of a Resolution accepting the exchange of property tax increment for the annexation of one parcel (APN 126-100-19) to the El Dorado Irrigation District and the El Dorado Hills County Water District (EDH Fire Department), Local Agency Formation Commission (LAFCO) Project No. 2009-10.

Resolution 004-2010

Resolution 004-2010 was adopted on the consent calendar.

4. [09-1488](#) Chief Administrative Office recommending the Board authorize the Chair to sign an agreement pertaining to the collection of park and recreation fees for the Georgetown Divide Recreation District. (Cont'd 1/12/10, Item 22)

Authorized the Chair to sign agreement pertaining to the collection of park and recreation fees for the Georgetown Divide Recreation District pending minor modifications and approval by County Counsel upon approval of the consent calendar.

5. [09-1545](#) Health Services Department recommending Chair be authorized to sign Grant Agreement SDF 07-15 with the State of California, Health and Human Services Agency, Department of Alcohol and Drug Programs (CDADP) for the third year of funding in the amount of \$220,000 for the Safe and Drug Free Schools and Communities grant, also known as "Las Decisiones Seguras" or "Safe Choices" grant.

FUNDING: Federal Funds administered by California Department of Alcohol and Drug Programs for the Safe and Drug Free Schools and Communities grant.

This matter was Approved on the consent calendar.

6. [09-1538](#) Health Services Director requesting the Board ratify her signature on an application to the California Emergency Management Agency for Recovery Act - Justice Assistance Grant (JAG) Program in the amount of \$290,151 to allow continuation and enhancement of the Offender Treatment Program in the current drug court model.

FUNDING: American Recovery and Reinvestment Act of 2009 funds via Cal EMA and the California Alcohol and Drug Program.

This matter was Approved on the consent calendar.

7. [09-1539](#) Sheriff's Office recommending the Chair be authorized to sign Agreement 208-S1011 with Lexipol, LLC in the amount of \$9,000 for the period February 1, 2010 through January 31, 2012 for services to update the Sheriff Department's Policy Manual.

FUNDING: General Fund.

This matter was Approved on the consent calendar.

8. [09-1520](#) Transportation Department recommending adoption of Resolution summarily vacating a portion of the front ten-foot wide public utility easement for Lot 44, APN 329-342-06, in the Diamond Development Subdivision.

Resolution 005-2010

Resolution 005-2010 was adopted on the consent calendar.

- 9. [09-1509](#) Transportation Department requesting authorization to proceed with ordering and payment of title reports and certified appraisals to commence the acquisition process for the Silva Valley Parkway Widening Project No. 72370 affecting portions of the following parcels: APN 121-120-22, Serrano Associates, LLC, a Delaware Limited Liability Company, and APN 122-040-35, Buckeye Union Elementary School District. (4/5 vote required)

FUNDING: Funding for this acquisition will be provided by the 2004 General Plan El Dorado Hills Traffic Impact Mitigation Fee Program.

This matter was Approved on the consent calendar.

- 10. [09-1507](#) Transportation recommending Chair be authorized to sign Budget Transfer increasing revenue and expenditure appropriations in the amount of \$5,050,199 in a new special revenue fund for the purposes of tracking of restricted casino revenue. (4/5 vote required)

FUNDING: Shingle Springs Rancheria Casino Revenue.

This matter was Approved on the consent calendar.

- 11. [09-0509](#) Transportation Department recommending Chair be authorized to sign Notice of Acceptance with White Rock Construction, Inc. for the Christmas Valley Phase 2A Erosion Control Project (JN 95159).

FUNDING: This Project was funded by the United States Forest Service. The requested Board action has no associated fiscal impact.

This matter was Approved on the consent calendar.

- 12. [10-0033](#) Supervisor Knight recommending Lori Shepherd be appointed to serve as a member on the Western Slope portion of the Mental Health Commission for a term to expire on January 1, 2012.

This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

- 13. [09-1543](#) Environmental Management Department recommending award of Bid for the construction of the Cap System, French Drain and Landfill Gas Emission Control System Operable Unit 1 Meyer's Landfill to the lowest responsive, responsible bidder, Sukut Construction Inc., subject to review and approval of the final contract documents by County Counsel and Risk Management.

FUNDING: Non-general fund insurance.

This matter was continued to January 26, 2010 upon approval of the consent calendar.

- 14. [09-1544](#) Environmental Management Department recommending award of Bid for the Meyers Landfill Cap Construction Quality Assurance Services to the lowest responsive, responsible bidder, Geosyntec Consultants Inc., subject to review and approval of the final contract documents by County Counsel and Risk Management.

FUNDING: Non General Fund - Insurance.

This matter was continued to January 26, 2010 upon approval of the consent calendar.

15. [09-1521](#) Development Services Department recommending the Board authorize the Chairman to sign the following Agreements:
- 1)
 - a) Agreement for Services 245-S2011 with Michael Brandman Associates in the amount of \$167,591 for a period of two years for the preparation of an Environmental Impact Report (EIR) for the proposed development of a 177-acre high-density, mixed-use subdivision (General Plan Amendment A08-0017, Rezone Z08-0041, Planned Development PD08-0027, Tentative Map TM08-1486) located north of Green Valley Road in El Dorado County; and
 - b) Reimbursement Agreement 246-O1011 for Funding of Consultant Services with GGV Greenwood, LLC for same; or
 - 2)
 - a) If the Board chooses not to approve, direct staff to take the project forward to the Planning Commission for a determination on whether the project cannot be approved based on policy reasons and, therefore, pursuant to CEQA Guideline 15270 (a) and (b) would not need to have an EIR prepared prior to quick action for denial. (Cont'd 1/12/10, Item 8)

PUBLIC COMMENT

L. Grado RE: Read letter requesting 120 days continuance.

T. Schwank RE: Choose Option #2. Water rates will go up.

A. Marinaccio RE: People may find this precedence setting. Conceptual reviews. How will the Board use the conceptual reviews.

L. Brent-Bomb RE: El Dorado County Chamber of Commerce supports Option #3.

A motion was made by Supervisor Briggs, seconded by Supervisor Sweeney, to accept the letter from Leonard Grado dated January 14, 2010.

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

16. [09-1295](#) Transportation Department requesting the Board reaffirm earlier direction on the Tahoe Environmental Improvement Program (Tahoe EIP), noting the Department will provide a presentation regarding the Board's concerns for the future maintenance costs of the Tahoe EIP.

Received and filed report.

17. [09-0506](#) Supervisor Santiago recommending the Board consider recommendations regarding the South Lake Tahoe Recreation Area, as follows:
- 1) Receive an update from the Transportation Department;
 - 2) Find that Board, as a responsible agency, has considered the Negative Declaration (2009042035) prepared and adopted by the City as lead agency (May 14, 2009), and has considered the environmental effects of the project shown in the Negative Declaration (CEQA Guidelines Section 15096 (f));
 - 3) Approve an amended Lease Agreement for the El Dorado Recreation Area with the City of South Lake Tahoe; and
 - 4) Approve and execute a Memorandum of Understanding with the City of South Lake Tahoe for the cooperative construction of improvements to a County-owned portion of the South Lake Tahoe Recreation Area commonly known as the "El Dorado Beach" (APN 026-050-06) (Cont'd 12/10/09, Item 62) (Est. Time: 15 Min.)

NO PUBLIC COMMENT

A motion was made by Supervisor Santiago, seconded by Supervisor Sweeney, to continue this matter to January 26, 2010.

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

2:00 P.M. - TIME ALLOCATION

18. [09-1402](#) **PRESENTATION** by Harold Singer, Director, Lahontan Water Quality Control Board, on Lake Tahoe Total Maximum Daily Load. (Est. Time: 30 Min.) (Cont'd 12/10/09, Item 4)

NO PUBLIC COMMENT

This matter was Received and Filed.

19. [09-1516](#) Hearing to consider the recommendation of the Planning Commission on Parcel Map P08-0030/Harris on property identified by APN 101-030-13, consisting of 150 acres, in the Pollock Pines area, submitted by Mary H. Nugent; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff; and
 - 2) Approve P08-0030 based on the findings and subject to the conditions listed in Attachment 1.
- (4/5 vote required, pursuant to CA Gov. Code Section 51119.5) (Est. Time: 30 Min.)
(Supervisory District II)

Hearing no public comment, a motion was made by Supervisor Sweeney, seconded by Supervisor Briggs, to continue this hearing to February 2, 2010.

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

20. [09-1518](#)

Hearing to consider the recommendation of the Planning Commission on Rezone Z08-0001/Planned Development PD08-0003/Tentative Map TM08-1463/La Canada Subdivision on property identified by APNs 126-100-18 and 110-020-12, consisting of 143 acres, in the El Dorado Hills area, submitted by Dan and Laura Parkes; and recommending the Board take the following actions:

- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared 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 Z08-0001 rezoning APNs 126-100-18 and 110-020-12 from Estate Residential Five-Acre (RE-5) to Estate Residential Five-Acre-Planned Development (RE-5-PD) based on the findings listed in Attachment 1;
- 4) Approve Planned Development application PD08-0003, adopting the Development Plan as the Official Development Plan, based on the findings and subject to the conditions listed in Attachment 1;
- 5) Approve Phased Tentative Map TM08-1463, based on the findings and subject to the conditions listed in Attachment 1; and
- 6) Adopt **Ordinance 4940** for said rezone. (Supervisory District IV)

PUBLIC COMMENT

J. Karatkin RE: Lot 13 building envelop be removed.

S. Neasham RE: Handouts

P. Asaia RE: Road needs to stay as planned. Water treatment plant capacity.

Cumulative effects of project.

A. Marinaccio RE: Road systems. Cumulative effects of projects.

B. Ballenger RE: Revised plan September 2008.

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

- 1) **Adopt the Mitigated Negative Declaration;**
- 2) **Adopt the mitigation monitoring program in accordance with CEQA Guidelines;**
- 3) **Approve Rezone Z08-0001;**
- 4) **Approve Planned Development application PD08-0003, based on the findings and subject to the conditions listed in Attachment 1, amended as follows:**
 - i) **Condition 1, Project Description, first sentence in parenthesis to read: " ...(two open space lots and two landscape lots)...";**
 - ii) **Condition 1, Table 2: "Open Space "C" and Open Space "D" to read: Landscape Lot "C" and Landscape Lot "D";**
 - iii) **Condition 14, 2nd sentence modified to read: "All open space and landscape lots..."; and**
 - iv) **A building envelope for Lot 13 shall not be required to be shown on the final map;**
- 5) **Approve Phased Tentative Map TM08-1463; and**
- 6) **Adopt Ordinance 4940.**

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

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNED

CLOSED SESSION

21. [09-1533](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Serrano Claim for CFD Tax Refund. Number of potential cases: (1).
No Action Reported.
22. [10-0008](#) Conference with Legal Counsel - **Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1).
The Board by a unanimous vote authorized staff to initiate litigation. Details will be available upon request as to the parties and the nature of the action, upon initiation of the action.
23. [10-0015](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN 069-241-14. The person or persons with whom the negotiator may negotiate are Mark K. Freeman and Christine Freeman, husband and wife as joint tenants as to an undivided 2/3 interest and Mark Freeman and Christine Freeman, husband and wife as joint tenants, as to an undivided 1/3 interest. Instructions to negotiator will concern price and terms of payment. Peter Feild will be the negotiator on behalf of El Dorado County.
No Action Reported.
24. [10-0026](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation**: Title: Chief Administrative Officer.
No Action Reported.
25. [10-0030](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Carter/Kelly Contract for El Dorado Center. Number of potential cases: (1).
The Board by a unanimous vote authorized the Department of Transportation to negotiate and enter into release of claims with Carter/Kelly construction relating to work preformed at the El Dorado Center in South Lake Tahoe for the following sums plus interest as applicable and less any amount already paid for a total of \$60,694 dollars.

26. [10-0012](#) Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APNs 070-261-77, 070-261-79, 070-261-80, and 070-261-81. The person or persons with whom the negotiator may negotiate are John Mecklenberg, Peter Fagrell, and Manny Cazares of First Citizens Bank. Instructions to negotiator will concern price and terms of payment. Louis B. Green, County Counsel, Peter Maurer, Principal Planner, and Pete Field, Right-of-Way Program Manager, will be the negotiators on behalf of El Dorado County.

No Action Reported.

27. [10-0046](#) Supervisor Briggs and Supervisor Sweeney requesting the Board approve and authorize the Chair to sign a letter to El Dorado Irrigation District regarding the proposed rate increase.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to authorize the Chair to sign.

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

28. [10-0048](#) Conference with Legal Counsel - **Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b): Title: Carnahan Electric Ltd., a Nevada Corporation Contract for El Dorado Center. Number of potential cases: (1).

The Board by a unanimous vote authorized the Department of Transportation to negotiate and enter into release of claims with Carnahan Electric Ltd. relating to work preformed at the El Dorado Center in South Lake Tahoe for the following sums plus interest as applicable and less any amount already paid for a total of \$34,585 dollars.