



County of El Dorado

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Minutes - Final Board of Supervisors

Tuesday, August 22, 2006

8:00 AM

Board of Supervisors Meeting Room

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.

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

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE

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. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

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

Present: 2 - Supervisor Sweeney and Supervisor Santiago

9:00 A.M. - CLOSED SESSION REPORTS

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the Consent Calendar.

The Board adopted the Agenda and approved the Consent Calendar with the following exceptions: Item 16 and 29 pulled from the Consent Calendar for separate action; Items 42 and 43 added to the Consent Calendar and approved.

Additionally, a motion was made by Supervisor Baumann, seconded by Supervisor Santiago to add one New Business item (#55) to the Agenda.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

PRESENTATIONS

1. [06-1332](#) **PRESENTATION** by Mary Carrera of the El Dorado Arts Council on the success of the 1st Annual Coloma Blues Live! festival.

No action required.

OPEN FORUM**CONSENT CALENDAR**

2. [06-1365](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting Tuesday, August 15, 2006.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

3. [06-1328](#) Releases of lien.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

4. [06-1337](#) Public Health Department recommending Chairman be authorized to sign Agreement 538-PHD0706 with Marshall Medical Center for laboratory testing services to be performed by the Public Health Lab on an "as-requested" basis.

FUNDING: Fee for service.

This matter was Approved on the consent calendar

5. [06-1338](#) Human Services Department, Social Services Division, recommending Chairman be authorized to sign Agmendment 01 to Agreement 141-S0611 with Judy Knapp dba Judy Knapp Consulting increasing compensation from \$37,000 to \$64,000 and extending the term through June 15, 2007 to provide coordinator services to the Child Abuse Prevention Council (CAPC) for said Division.

RECOMMENDED ACTION: Approve.

FUNDING: Federal, State and County General Fund.

This matter was Approved on the consent calendar

6. [06-1339](#) Human Services Department, Community Services Division, recommending Chairman be authorized to sign Contract 760321-01 with Golden Sierra Job Training Agency in the amount of \$720,510 for the term July 1, 2006 through June 30, 2007 to create a One-Stop Operator Consortium as prescribed in the Workforce Investment Act of 1998 as the Area Partner Consortium Operator; and authorize the Director of said Department to execute subsequent documents relating to same that do not affect the dollar amount or term.

RECOMMENDING ACTION: Approve.

FUNDING: Workforce Investment Act Allocation.

This matter was Approved on the consent calendar

7. [06-1340](#) Development Services Department, Planning Services Division, recommending Chairman be authorized to sign Avigation and Noise Easements and Certificates of Acceptance from Maliska & Sons, Inc./Erik J. Maliska; James F. Mueller; Linda J. Mueller; Lisa Purze; Vivian A. Seifert and Bradley J. Kosco and John A. Schue for property in the vicinity of the Lake Tahoe Airport.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

8. [06-1341](#) Development Services Department, Planning Services Division, recommending Chairman be authorized to sign Avigation and Noise Easements and Certificates of Acceptance from Brian Brandon; William H. Anderson and Cynthia T. Anderson; Ken Blomsterberg and Rosalind Blomsterberg; Keith R. Bryant and Mary A. Bryant; Ralph Crenshaw and Nancy Crenshaw; Alfred J. Fereria and Mary A. Fereria; Jon C. Davis and Lora K. Knippers-Davis; Frank A. Droogmans and Angela C. Droogmans; Matthew Duane and Andrea Duane; Joseph B.C. Fuller, Jr. and Katherine F. Fuller; Leslie Ganz; Raymond Ginsberg and Rose Gingsberg; Green Valley Station, LLC/Brian Norwood; Kris Harris and Janice Harris; Buenaventura Lustan and Shirley Lustan; Kerry King and Wendy Ackerly and Theodore R. McGregor and Victoria E. McGregor for property in the vicinity of the Cameron Park Airport.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

9. [06-1343](#) Development Services Department, Planning Services Division, recommending Chairman be authorized to sign Avigation and Noise Easements and Certificates of Acceptance from Barry J. Batchelor and Rita L. Batchelor; James D. Campini and Mary Lu Campini (2); Lavonne Cola; William F. Leger and Rosemarie Leger; Larry Pfost and Patricia Pfost; Ronald T. Sargis and M. Denise Sargis; and Fred Wilkinson for property in the vicinity of Placerville Airport.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

10. [06-1344](#) Development Services Department, Planning Services Division, recommending Chairman be authorized to sign Avigation and Noise Easements and Certificates of Acceptance from Herman S. Babst; Roy Malone and Trisha Malone and Dennis N. Wing and Patricia D. Wing for property located in the vicinity of the Georgetown Airport.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

11. [06-1345](#) Development Services Department, Planning Services Division, submitting final map (TM98-1356F) for The Promontory, Village 5, Unit 3; and recommending Chairman be authorized to sign Agreement to Make Subdivision Improvements with Toll Land XXIII Limited Partnership.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

12. [06-1346](#) Development Services Department recommending the Board find that it is more economical and feasible to obtain an outside contractors for the provision of plan review services for commercial grading permit applications; and Chairman be authorized to sign Agreement 154-S0711 with R.E.Y. Engineers, Inc.; Agreement 155-S0711 with Interwest Consulting Group, Inc.; and Agreement 156-S0711 with Dokken Engineering in the amount of \$30,000 each for a one year term to provide plan review services on an "as-requested" basis, noting said Department assumed commercial grading functions from Department of Transportation effective July 1, 2006; recruitments for qualified engineers have been unsuccessful to date; Development Services will reduce the amount of contract services as the positions are filled.
RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

This matter was Approved on the consent calendar

13. [06-1349](#) General Services Department recommending Chairman be authorized to sign Assignment and Amendment of Airport Land Use Lease Agreement 498-L0611 with James Robinson (Assignor) and James Robinson and Tim Sullivan (Assignee) for a five year term with two (2) five (5) year options for hangar space H-33 at the Placerville Airport.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

14. [06-1351](#) General Services Department recommending Chairman be authorized to sign Amendment 01 to Fixed Based Operator Agreement Lease 560-L0311 with Steven P. Bonak, dba Placerville Aviation reducing the monthly lease rate from \$672 to \$504 and reducing the original lease area of 9,600 square feet to 7,200 square feet for commercial hangar space 16, located at the Placerville Airport.
RECOMMENDED ACTION: Approve.

FUNDING: Airport Enterprise Fund.

This matter was Approved on the consent calendar

15. [06-1352](#) General Services Department recommending award of bid to the lowest qualified bidder, Towne Communications Inc., dba Synectic Technologies, in the amount of \$99,000 for "as needed" cabling services; and Director of General Services be authorized to sign Contract subject to approval of the contract, bonds and insurance by County Counsel and Risk Management.

RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

This matter was Approved on the consent calendar

16. [06-1364](#) Transportation Department recommending Chairman be authorized to sign Agreement for Services AGMT 06-1018 with Nichols Consulting Engineers, Chtd. in an amount not to exceed \$500,000 for a term to expire January 31, 2009 to provide planning, design, and project support services for erosion control/water quality projects in the Tahoe Basin.

RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy, United States Forest Service, United States Bureau of Reclamation and Tahoe Regional Planning Agency.

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

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

17. [06-1347](#) Transportation Department recommending the following pertaining to the Pleasant Valley Road Two-Way Left-Turn Lane Project 73318:
- (1) Set Disadvantaged Business Enterprise (DBE) Availability Advisory percentage at 3%;
 - (2) Approve Plans and contract documents and authorize Chairman to sign the Plans; and
 - (3) Authorize said Department to advertise for construction bids.

RECOMMENDED ACTION: Approve.

FUNDING: Hazard Elimination and Safety, Traffic Impact Mitigation Fees and El Dorado Irrigation Reimbursement.

This matter was Approved on the consent calendar

18. [06-0125](#) Transportation Department recommending the following:
- (1) Find that a state of emergency continues to exist and authorize said Department to proceed under Public Contract Code Sections 20395, 22035 and 22050 to immediately stabilize and repair roads severely damaged by recent storms including Mosquito Road, Church Mine Road, and Cosumnes Mine Road;
 - (2) Find based upon the substantial evidence in the record regarding the conditions of the road and bridge approach facilities at said roads, that the emergency will not permit a delay resulting from competitive solicitation for bids, and that immediate action is necessary to stabilize and repair the roads and bridge approach to prevent further damage to, or failure of, the facilities, and to provide for access for public services to populated areas served by these roads;
 - (3) Authorize the Department to dispense with competitive bidding requirements to immediately secure assistance from outside contractors and consultants to perform the necessary emergency repairs pursuant to written contract and authorize the Chairman of the Board to execute those contracts; and
 - (4) Continue to the **August 29, 2006** Board Meeting for status review.
(Continued 8/9/06, Item 1) (4/5 vote required)
- RECOMMENDED ACTION:** Approve.

FUNDING: Road Fund, seeking OES funds for 75% of costs. FEMA funding unknown, funding plan to be presented.

This matter was Approved on the consent calendar

19. [06-0234](#) Sheriff's Department recommending adoption of Resolution continuing the state and local emergency declared on December 31, 2005 if it is found that conditions of extreme peril to the safety of persons and property exists. (4/5 vote required) (Refer 8/9/06, Item 2)
- RECOMMENDED ACTION:** Adopt Resolution **258-2006**.

This matter was Approved on the consent calendar

20. [06-0611](#) Sheriff's Department recommending adoption of Resolution continuing the state of emergency declared on April 12, 2006 if it is found that conditions of extreme peril to the safety of persons and property exists. (4/5 vote required) (Refer 8/9/06, Item 3)
- RECOMMENDED ACTION:** Adopt Resolution **259-2006**.

This matter was Approved on the consent calendar

21. [06-0814](#) Environmental Management recommending the following:
- (1) Find that a state of emergency continues to exist at the Union Mine Wastewater Treatment Plant as a result of the 2005/2006 wet weather season;
 - (2) Find that, based on substantial evidence, immediate action is still necessary to stabilize said Plant;
 - (3) Authorize said Department to continue to dispense with competitive bidding requirements to immediately secure assistance from outside contractors and consultants to perform the necessary emergency work pursuant to written contracts and to authorize the Chairman to execute same; and
 - (4) Continue this matter to **August 29, 2006** for review of the emergency action. (Continued 8/9/06, Item 4)(4/5 vote required)
- RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

22. [06-1248](#) Probation Department recommending Chairman be authorized to sign Agreement 032-S0711 with Bar-O Boys Ranch for the term July 1, 2006 through June 30, 2007 for the placement of juveniles who are court-ordered wards on an "as-needed" basis for said Department.
- RECOMMENDED ACTION:** Approve.

FUNDING: General Fund/ \$25,000 budgeted.

This matter was Approved on the consent calendar

23. [06-1361](#) Sheriff's Department recommending introduction of Ordinance amending Chapter 10.12 of Title 10 of the Ordinance Code restricting public parking at the Cameron Park Courthouse during business hours, excluding weekends and holidays, to employees and persons engaged in court business. (4/5 vote required)
- RECOMMENDED ACTION:** Waive reading, read by title only, and continue to August 29, 2006 for adoption.

This matter was Approved on the consent calendar

24. [06-1354](#) County Service Area 10 recommending Chairman be authorized to sign Agreement 006-A-06/07-11 with R3 Consulting Group, Incorporated in an amount not to exceed \$29,870 for a sixty day term to provide rate review study of the Sierra Disposal Service fees for the Environmental Management Department.
- RECOMMENDED ACTION:** Approve.

FUNDING: County Service Area 10 Special Revenue Funds.

This matter was Approved on the consent calendar

25. [06-1355](#) Environmental Management Department recommending Resolution authorizing said Department to submit an application for Used Oil Recycling Block Grant Funding for Fiscal Year 2006-2007 in the amount of \$46,978 to the California Environmental Protection Agency, California Integrated Waste Management Board to assist local governments in establishing or enhancing permanent, sustainable used oil and oil filter collection programs.

RECOMMENDED ACTION: Adopt Resolution **262-2006**.

This matter was Approved on the consent calendar

26. [06-1356](#) Library Director recommending Auditor-Controller be authorized to sign the Claim Form for the California Library Literacy and English Acquisition Services Program Grant for Fiscal Year 2006-2007 in the amount of \$10,000 to be used in support of the adult literacy programs.

RECOMMENDED ACTION: Approve.

FUNDING: Grant funding.

This matter was Approved on the consent calendar

27. [06-1358](#) Library Director recommending Budget Transfer 27016 increasing estimated revenue by \$25,500 from the Bill and Melinda Gates Foundation for the purchase of 17 public access computers in the amount of \$1,500 each for the Placerville and South Lake Tahoe libraries. (4/5 vote required)

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

28. [06-1359](#) Library Director recommending Chairman be authorized to sign the Certification from the California State Library accepting \$2,970 in grant funding for reimbursement of tuition; Budget Transfer 27014 increasing Estimated Revenue by said amount; and Director of said Department be authorized to implement said grant. (4/5 vote required)

RECOMMENDED ACTION: Approve.

FUNDING: Grant funding.

This matter was Approved on the consent calendar

29. [06-1362](#) District Attorney recommending Resolution authorizing him to execute a Grant Award Agreement with the State of California, Governor's Office of Emergency Services for the Elder Abuse Program; and Chairman be authorized to sign the Certification document pertaining to same.

RECOMMENDED ACTION: Adopt Resolution **255-2006**.

A motion was made by Supervisor Baumann, seconded by Supervisor Dupray to approve this matter with direction to the Chief Administrative Officer to return to the Board on August 29, 2006 with responses to those issues raised this date; and staff directed to submit grant funding agenda items in a timely manner or at the very least, backup documentation with explanations to be provided with regard to same.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

30. [06-1366](#) Auditor-Controller recommending Chairman be authorized to sign Amendment 01 to Agreement 600-S0611 with MuniFinancial extending the term one month through September 22, 2006 to provide services relative to the preparation of a Public Safety Impact Fee Analysis for the Sheriff's Office.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

31. [06-1363](#) Recorder-Clerk/Registrar of Voters recommending Chairman be authorized to sign Agreement 296-S0611 with Data Information Management Systems, Inc., a subsidiary of Diebold, Inc., in the amount of \$55,439 for the term August 2, 2005 through July 31, 2009 to provide software license, software and hardware upgrades and support for the election management system for the Recorder-Clerk/Registrar of Voters.

RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

This matter was Approved on the consent calendar

32. [06-1278](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Request for Proposal 06-952-127 for support and services for the Mental Health Services Act (MHSA) Latino Engagement Program; and authorize Chairman to sign Agreement 162-S0711 with South Lake Tahoe Family Resource Center in an amount not to exceed \$105,625 and Agreement 176-S0711 with Family Connection in an amount not to exceed \$172,805 for a term to expire June 30, 2008 to provide bicultural and bilingual support and services to members of the El Dorado County Latino community who are in need of mental health services.

RECOMMENDED ACTION: Approve, upon review and approval by County Counsel and Risk Management.

FUNDING: Mental Health Services Act.

This matter was Approved on the consent calendar

33. [06-1236](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 07-920-001 for the purchase of printer repair services; and Chairman be authorized to sign Agreement 171-S0711 with Intratek Computer, Inc. in an amount not to exceed \$25,000 for a one year term to provide printer repair services for both the East and West Slopes of the County on an "as-requested" basis for the Information Technologies Department.

RECOMMENDED ACTION: Approve, upon review and approval by County Counsel and Risk Management.

FUNDING: General Fund

This matter was Approved on the consent calendar

34. [06-1289](#) Chief Administrative Office, Procurement and Contracts Division, recommending award of Bid 07-040-016 to the low qualified bidder for the purchase of ten modular kennels, sliding feed trays and kennel organizers; and authorize blanket purchase order to T Kennel Systems of Kansas City, KS in the amount of \$23,726, including sales tax, for same for the Public Health Department's Animal Control Division.

RECOMMENDED ACTION: Approve

FUNDING: General Fund

This matter was Approved on the consent calendar

35. [06-1367](#) Chief Administrative Office, Procurement and Contracts Division, requesting authorization to donate ten multi-purpose chairs (previously surplus 7/18/06, Item 57) to the El Dorado County Farm Bureau in Placerville; and authorize Purchasing Agent to sign Agreement for same.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

36. [06-1368](#) Chief Administrative Office, Procurement and Contracts Division, submitting list of property surplus to the needs of the County and recommending Board so declare and authorize disposal of same in accordance with the procedures outlined in the County's Purchasing Ordinance.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

37. [06-1369](#) Chief Administrative Office recommending ratification of the Chairman's signature on Budget Transfers approved on August 15, 2006 that required a four-fifths vote as outlined in the Board letter dated August 15, 2006.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

38. [06-1275](#) Chief Administrative Office, Procurement and Contracts Division, recommending Chairman be authorized to sign Amendment 02 to Agreement 591-S0411 with Stericycle, Inc. increasing compensation amount by \$5,000 to \$25,000 for a term to expire August 31, 2006 to provide collection and disposal of biohazardous medical and pharmaceutical waste for departments County-wide.

RECOMMENDATION ACTION: Approve.

FUNDING: General Fund (Each Department's Refuse Disposal Services Budget).

This matter was Approved on the consent calendar

39. [06-1357](#) Supervisor Baumann recommending the Board authorize \$3,000 from Department 15 Special Projects funding to be allocated to the American Legion Post 119 to assist with the sponsorship of the Second Annual American Legion Logging Show and Competition to be held at the County Fairgrounds in conjunction with the El Dorado County Home and Garden Show on October 7-8, 2006.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

Approval of the Consent Calendar

A motion was made by Supervisor Dupray, seconded by Supervisor Santiago, to Approve the Consent Calendar. The motion carried by the following vote

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

END CONSENT CALENDAR**NOTICED HEARING/DEPARTMENT MATTERS****DEPARTMENT MATTERS**

40. [06-1329](#) Hearing to consider adoption of Resolution **260-2006** increasing rates by a fuel surcharge equal to 3.24% effective October 1, 2006 for Amador Disposal Co., Inc. to compensate for rising fuel costs over the last three years.

Hearing no protests, a motion was made by Supervisor Dupray, seconded by Supervisor Santiago to adopt Resolution 260-2006.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

41. [06-1330](#) Hearing to consider adoption of Resolution **261-2006** increasing rates by a fuel surcharge equal to 3.78% effective October 1, 2006 for El Dorado Disposal Service, Inc. to compensate for rising fuel costs over the last three years.

Hearing no protests, a motion was made by Supervisor Dupray, seconded by Supervisor Baumann to adopt Resolution 261-2006.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

42. [06-1372](#) General Services Department recommending Chairman be authorized to sign Amendment 02 to Lease Agreement 159-L9911 with Ernest Fortino and Marie Fortino, Trustees of successors of the 1994 Ernest Fortino and Maria Fortino Revocable Trust increasing the monthly lease amount to \$3,112.70 for a one year period commencing July 1, 2006 through June 30, 2007 and increasing office space by 1,354 square feet to 1,831 square feet for property located at 1029 Takela, Suite 5, South Lake Tahoe, CA for the Human Services Department; and Auditor-Controller be authorized to pay retroactive rent payment in the amount of \$3,112.70 for July 2006.

FUNDING: State and Federal Funds

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

43. [06-1374](#) Library Director recommending approval of new operating hours for the Main Library in Placerville and the Pollock Pines Library effective September 5, 2006; said hours for the Main Library are Tuesday and Wednesday 1:00 p.m. to 8:00 p.m. and Thursday, Friday and Saturday 10:00 a.m. to 5:00 p.m., and the hours for the Pollock Pines Library are Tuesday, Wednesday and Friday 10:00 a.m. to 5:00 p.m.

This matter was added to the Consent Calendar and approved.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

44. [06-1370](#) Chief Administrative Office recommending the Board receive and file report detailing allocations of Community Enhancement Funding since creation of the fund.

No formal action required.

45. [06-1371](#) Chief Administrative Office recommending the Board receive and file the Initial Draft Response to the 2005-2006 Grand Jury final report and direct staff to coordinate any additional meetings, workshops, subcommittees or board meetings that may be required.

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

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

46. [06-1373](#) County Service Area 10 recommending award of Bid 005-PW-06/07-11 for the final closure of 13.6 acres at the Union Mine Landfill to the lowest responsible, qualified bidder.

A motion was made by Supervisor Santiago, seconded by Supervisor Baumann to award the bid to Doug Veerkamp General Engineering, Inc. in an amount not to exceed \$1,862,600 for a period of sixty calendar days; and Chairman authorized to sign the Contract upon final approval of the insurance, payment and performance bonds by County Counsel and Risk Management.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

TIME ALLOCATION - 10:00 A.M.

47. [06-1334](#) **PRESENTATION** by Harris & Associates updating the Board on the progress made in the site selection process of the proposed South Lake Tahoe Joint Use Facility between the County, City of South Lake Tahoe and the Lake Tahoe Unified School District.

A motion was made by Supervisor Dupray, seconded by Supervisor Sweeney to authorize Supervisor Santiago to continue working on this project and return to the Board at a future date for further discussion and direction with regard to same.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

TIME ALLOCATION 2:00 P.M.

48. [06-1375](#) Hearing to consider rezone (Z06-0004) of 10.14 acres (APN 094-130-05) from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10), and Site Plan Review (SPR06-0035) to allow the conversion of an existing agricultural building to a winery in the Fairplay area; and adoption of Ordinance **4696** for same. Applicants: Stan and Karen Van Spanje. (District II)

Hearing no protests, a motion was made by Supervisor Baumann, seconded by Supervisor Dupray to adopt the negative declaration as prepared; waive reading, read by title only and adopt Ordinance No. 4696 approving the rezone based on findings; and approve the site plan based on the findings and subject to conditions recommended by the Planning Commission.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

49. [06-1376](#) Hearing to consider rezone (Z01-0006) of 1.22 acres (APN 327-090-03) from One-acre Residential (R1A) to Commercial-Planned Development (D-PD) and Development Plan (PD02-0001) for a commercial card lock fueling facility in the El Dorado area; and adoption of Ordinance **4697** for same. Applicants: Luke and Debra Miller. (District III)

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt the mitigated negative declaration as prepared; adopt the Mitigation Monitoring Program in accordance with California Environmental Quality Act Guidelines, Section 15074(d) incorporated as conditions of approval; waive reading, read by title only and adopt Ordinance 4697 approving the rezone; and approve the Development Plan based on findings and subject to conditions.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

50. [06-1377](#) Hearing to consider adoption of Resolution Nos. **263-2006 and 264-2006** amending existing Agricultural Preserve No. 3 (APNs 093-032-52/118.14 acres and 094-060-25/35.05 acres) to establish two separate agricultural preserves (WAC06-0002/APN 094-060-25/Preserve No. 303 and WAC06-0003/APNs 093-032-52 and 094-060-07/Preserve 302); and adoption of Ordinance **4698** to rezone (Z06-000) 2.00 acres (APN 094-060-07) from Estate Residential Ten-acre (RE-10) to Exclusive Agricultural (AE) and adding said parcel to WAC06-0003 in the Fairplay area, requested by Michael Chazen. (District II)

Hearing no protests, a motion was made by Supervisor Dupray, seconded by Supervisor Santiago to find the project is exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15061(b)(3) and 15317 of the California Environmental Quality Act Guidelines; adopt Resolution Nos. 263-2006 and 264-2006 approving Williamson Act Contracts (WAC06-0002/WAC06-0003) to amend Agricultural Preserve No. 3 to establish two new separate agricultural preserves; and waive reading, read by title only, and adopt Ordinance 4698 to rezone APN 094-060-07 to be included in WAC06-0003, based on findings.

Yes: 3 - Dupray, Sweeney and Santiago

Recused: 1 - Baumann

51. [06-0139](#) Hearing to consider the following pertaining to the 2004 General Plan Traffic Impact Mitigation (TIM) Fee Program:
- (1) Adopt Resolution certifying the Supplement to the 2004 General Plan Environmental Impact Report; issuing a supplemental statement of overriding considerations; and making supplemental findings of fact;
 - (2) Adopt Resolution setting the new traffic impact fees; and
 - (3) Authorize Chairman to sign Resolutions for California Environmental Quality Act (CEQA) review and adoption of the new Fee Program.
- (Refer 1/23/06, Special Meeting)

(1) A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 265-2006 certifying the Traffic Impact Mitigation Fee Program Supplement to the 2004 General Plan Environmental Impact Report; Issuing a Supplemental Statement of Overriding Considerations; and Making Supplemental Findings of Fact; and directed that the email commenting on the Draft Supplement to the General Plan Environmental Impact Report (EIR) which was inadvertently not included in the Final of the Supplement be added as a part of the Final Supplement to the General Plan EIR.

Yes: 4 - Dupray, Baumann, Sweeney and Santiago

(2) Board adopted Resolution 266-2006 adopting the 2004 General Plan Traffic Impact Mitigation Fee Program and New Traffic Impact Mitigation Fee Rates with the following change to No. 9: "The fees set forth above in this Exhibit "A" will be adjusted annually with any revised fees taking effect on, or about, July 1st of each year"; additionally, the Board directed that the first Monday afternoon in February 2007 be scheduled for discussion of the Capital Improvement Program and policies.

Yes: 3 - Baumann, Sweeney and Santiago

Noes: 1 - Dupray

(3) No action taken; above actions include this item.

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION

52. [06-1220](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: El Dorado County v. Gale A. Norton, et al., United States District Court, Eastern District Case CIV.S-02-1818 GEB DAD; and El Doardo County v. California Department of Transportation et al., Superior Court of California -County of Sacramento. Case No. 03CS0003.

No action reported.

53. [06-1350](#) Pursuant to Government Code Section 54956.9(b), **Anticipated Litigation:**
Significant exposure to litigation. Title: M & H Builders v. El Dorado County.

On an unanimous vote, the Board authorized the Chairman to sign Settlement Agreement and Release in the amount of \$21,725 to be paid through a contract change order to M&H Builders, Inc.

54. [06-1353](#) Pursuant to Government Code Section 54957.6, **Conference with Labor Negotiator:**
County Negotiator: Chief Administrative Officer and Senior Personnel Analyst;
Employee Organizations: El Dorado County Managment Association, El Dorado County Criminal Attorney Association and El Dorado County Employees Association, Local 1.

No action reported.

55. [06-1403](#) At the request of the Department of Transportation the Board added one New Business item to the Agenda: Department of Transportation authorized to execute Contract Change Order No. 30 with Hanford ARC in an amount not to exceed \$125,000 as full compensation for all labor, equipment, materials and supplies necessary for extra work associated with importing and placing County-supplied fill material within the old creek channel for the Angora Creek Stream Environment Zone Restoration Project 95147; and the Board made findings that authorization of same is in the best interest of the public to advance said project.

FUNDING: United States Forest Service Sierra Nevada Public Land Management Act Round 6 Grant Funds.

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

Yes: 4 - Dupray, Baumann, Sweeney and Santiago