



County of El Dorado

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Minutes - Final Board of Supervisors

Helen K. Baumann, Chairman, District II
Rusty Dupray, First Vice Chairman, District I
Ron Briggs, Second Vice Chairman, District IV
James R. Sweeney, District III
Norma Santiago, District V

Cindy Keck, Clerk of the Board of Supervisors
Laura S. Gill, Chief Administrative Officer *Louis B. Green,*
County Counsel

Tuesday, April 17, 2007

10:00 AM

Board of Supervisors Meeting Room

The Vision Statement adopted by the Board of Supervisors on November 7, 2006, states "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."

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.

10:00 A.M. - CALL TO ORDER

Present: 3 - Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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.

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Dupray to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 3, 4, 9, 11, 14 and 19 pulled from the Consent Calendar for separate action; Item 21 continued to May 1, 2007; and Items 22, 25 and 26 added to the Consent Calendar and approved.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

OPEN FORUM

PRESENTATION

1. [07-587](#) **PRESENTATION** proclaiming May 2007 as Bike Commute Month.

A motion was made by Supervisor Dupray, seconded by Supervisor Sweeney to adopt the Proclamation.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

CONSENT CALENDAR

2. [07-616](#) Approval of Board of Supervisors Conformed Agenda (Minutes) of the Regular Meeting of Tuesday, April 10, 2007.

RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

3. [07-521](#) Public Health Department recommending Chairman be authorized to sign Agreement 566-PHD0207 with Barton Healthcare System for a term through September 29, 2008 to participate in the development and implementation of a health information technology system to support the El Dorado County Safety Net Technology Project.

RECOMMENDED ACTION: Approve.

FUNDING: Agency for Healthcare Research and Quality, Blue Shield Foundation of California, and First 5 of El Dorado Grants

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

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

4. [07-550](#) Public Health Department recommending Chairman be authorized to sign Budget Transfers for reimbursement to California Forensic Medical Group (CFMG) and payment to other medical professionals and facilities for emergency medical services provided to County Inmates; and recommending funding in the amount of \$41,667 for excess insurance coverage and an adjustment in the amount of \$23,298 to Probation's Juvenile Hall budget. (4/5 vote required)
RECOMMENDED ACTION: Approve.

FUNDING: General Fund.

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

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

5. [07-595](#) Human Services Department, Community Services Division, recommending Chairman be authorized to sign Contract No. R760321-04/526 with Golden Sierra Job Training Agency in the amount of \$60,000 for the term January 1, 2007 through December 31, 2007 for California Rapid Response Special Project Services by El Dorado County as Area Partner Consortium Operator of the Golden Sierra Job Training Agency Consortium; and authorize the Director of said Department to execute subsequent documents relating to said Agreement, including amendments thereto, contingent upon approval by Risk Management and County Counsel, that do not affect the dollar amount or the term and required fiscal and programmatic reports; and recommending Budget Transfer 27196 increasing estimated revenue and appropriations by \$6,000 to incorporate new California Rapid Response revenues and corresponding appropriations. (4/5 vote required)
RECOMMENDED ACTION: Approve.

FUNDING: California Rapid Response Special Project Funds.

This matter was Approved on the consent calendar

6. [07-596](#) Human Services Department, Social Services Division, recommending Chairman be authorized to sign Memorandum of Understanding and Joint Exercise of Powers Agreement with the California Statewide Automated Welfare System Consortium IV for a term of one year to design, develop, operate and maintain an automated system to support the business requirements for the administration of certain public assistance programs for Consortium counties.
RECOMMENDED ACTION: Approve.

This matter was Approved on the consent calendar

7. [07-540](#) Transportation Department recommending Resolution sanctioning the closure of South Shingle Road from Millers Hill School to the end of the pavement on South Shingle Road, Settlers Trail and Coulter Lane, on Saturday, April 28, 2007, between 7:00 a.m. and 11:00 a.m. for the "Latrobe Country Fun Run/Walk" event.
RECOMMENDED ACTION: Adopt Resolution **085-2007**.
This matter was Approved on the consent calendar
8. [07-539](#) Transportation Department recommending adoption of Resolution acknowledging, but rejecting at this time, Irrevocable Offer of Dedication 2007-07 from Nikolay and Susanne Demidoff for road right of way and public utilities easements (APN 048-471-28) necessary to meet a condition of approval for Design Review DR05-0024.
RECOMMENDED ACTION: Adopt Resolution **084-2007**.
This matter was Adopted on the consent calendar
9. [07-468](#) Transportation Department recommending Chairman be authorized to sign Agreement for Services AGMT 06-1341 with MACTEC Engineering and Consulting, Inc. in the amount of \$500,000 for the term of April 17, 2007 through April 16, 2009 to provide geotechnical, design, environmental and construction support services for erosion control and water quality projects in the Tahoe Basin.
RECOMMENDED ACTION: Approve.

FUNDING: California Tahoe Conservancy, United States Forest Service, United States Bureau of Reclamation, Tahoe Regional Planning Agency Mitigation Funds
A motion was made by Supervisor Baumann, seconded by Supervisor Briggs to approve this matter.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago
10. [07-516](#) Transportation Department recommending Chairman be authorized to sign Road Improvement Project Funding Agreement 07-1377 with Mitchell McAllister in the amount of \$51,288 to provide funding for road improvements on Fairover Court in the Texas Hill Estates Road Zone of Benefit No. 12 as required under the conditions of approval of Certificate of Compliance 97-205; and recommending Budget Transfer 27198 in the amount of \$51,288 increasing revenue and expenditures for said improvements. (4/5 vote required)
RECOMMENDED ACTION: Approve.

FUNDING: Donation by Property Owner.
This matter was Approved on the consent calendar

11. [07-546](#) Transportation Department recommending Chairman be authorized to sign Agreement 07-1421 with PSOMAS in the amount of \$2,450,000 for a term commencing April 17, 2007 to provide construction engineering and construction support services for the Missouri Flat Road / U.S. Highway 50 Interchange Project.
- RECOMMENDED ACTION:** Approve.

FUNDING: State Traffic Impact Mitigation Fee.

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

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

12. [07-517](#) Transportation Department recommending Chairman be authorized to sign Amendment 2 to Agreement for Services AGMT 05-789 with Stantec Consulting Inc. increasing compensation amount by \$30,000 to \$90,000 and extending the term through April 18, 2008 to provide assistance with continued planning and design services necessary for project development.
- RECOMMENDED ACTION:** Approve.

This matter was Approved on the consent calendar

13. [06-1588](#) Sheriff's Office and General Services Department recommending the following pertaining to the emergency replacement of security system at the South Lake Tahoe Jail:
- (1) Find that a state of emergency exists at the South Lake Tahoe Jail as a result of the failure of the closed circuit television and intercom communication systems;
 - (2) Find that in accordance with County Ordinance Code 3.14.060, the County may dispense with competitive bidding requirements to immediately secure assistance from an outside vendor to perform the necessary emergency work; and
 - (3) Authorize Purchasing Agent to issue a purchase order for the "like" replacement of equipment and installation. (4/5 vote required)
- (Continued 4/10/07, Item 16)
- RECOMMENDED ACTION:** Approve.

FUNDING: Accumulated Capital Outlay Fund and Criminal Justice Special Revenue Fund.

This matter was Approved on the consent calendar

14. [07-518](#) General Services Department recommending award of Bid for the South Lake Tahoe Animal Shelter remodel in the amount of \$1,505,720 to the lowest qualified bidder Thomas Haen Company; and recommending Chairman be authorized to execute said agreement contingent upon County Counsel and Risk Management approval.
RECOMMENDED ACTION: Approve.
- FUNDING:** Health Department Special Revenue Fund & Accumulated Capital Outlay (ACO Fund).
- A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve this matter based on information provided by the Chief Administrative Officer in her memorandum to the Board dated April 13, 2007.
- Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago
15. [07-545](#) Information Technologies Department recommending Chairman be authorized to sign Amendment I to Agreement 102-S0711 with AT&T Datacomm increasing compensation amount by \$60,000 to \$160,000 for the purchase of Cisco Network Equipment for the County.
RECOMMENDED ACTION: Approve.
- FUNDING:** The funding for purchases are included in the FY 06/07 budgets of Information Technologies and other various departments, and will be included in FY 07/08 budgets.
- This matter was Approved on the consent calendar
16. [07-578](#) Human Resources Department recommending Chairman be authorized to sign Amendment 2 to Agreement 073-S0611 with Meyers, Nave, Riback, Silver, & Wilson increasing compensation amount by \$25,000 to \$75,000 and extending the term one additional year to provide professional legal services to the Civil Service Commission on an "as requested" basis.
RECOMMENDED ACTION: Approve.
- FUNDING: General Fund.**
- This matter was Approved on the consent calendar
17. [07-220](#) County Service Area 10 consideration of Amendment 1 to Agreement 045-A-05/06-11 with Nick J. Farros, Sr. dba NJF Engineering increasing compensation amount by \$43,750 to \$127,410 and extending the term through December 6, 2007 to provide assistance with the final closure and postclosure of the Union Mine Landfill.
RECOMMENDED ACTION: Approve and authorize Chairman to sign.
- This matter was Approved on the consent calendar

18. [07-476](#) County Service Area 3 consideration of Memorandum of Understanding 029-M-06/07 between the County of El Dorado Environmental Management and County of El Dorado General Services Departments in the amount of \$66,000 for the term of July 1, 2007 through June 30, 2008 for reimbursement of the cost of providing snow removal services at the County facilities in the South Lake Tahoe Basin.

RECOMMENDED ACTION: Approve and authorize Chairman to sign.

FUNDING: Funding for the MOU is provided by the General Services Department Facilities Maintenance Division (General Fund) and has been included in the General Services FY 2007-08 budget request.

This matter was Approved on the consent calendar

19. [07-547](#) Supervisors Sweeney and Briggs recommending the Chief Administrative Officer be directed to allocate, in the fiscal year 2007-2008 budget, the sum of \$400,000 and in the fiscal year 2008-2009 budget, and each year thereafter, the sum of \$200,000 as the County's share of the El Dorado Water and Power Authority's cost sharing agreement. (Cont'd 4/10/07, Item 32)

RECOMMENDED ACTION: Approve.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve the allocation for fiscal year 2007/2008 in the not to exceed sum of \$400,000 and for fiscal year 2008/2009, and each year thereafter, the not to exceed sum of \$200,000; said funds to be appropriated as the County's share of the El Dorado Water and Power Authority's cost sharing agreement with no expenditures to be made of such funds until an agreement is reached between all of the parties of the El Dorado Water and Power Authority as to the source and use of such funds.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

END CONSENT CALENDAR

DEPARTMENT MATTERS/NOTICED HEARINGS

20. [07-490](#) Environmental Management Department recommending adoption of Resolution **089-2007** declaring the week of April 23 through April 29, 2007 as "West Nile Virus and Mosquito and Vector Control Awareness Week" in El Dorado County.

A motion was made by Supervisor Santiago, seconded by Supervisor Sweeney to adopt Resolution **089-2007**.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

21. [07-638](#) District Attorney and staff presenting an update regarding the Elder Protection Unit.

This matter was continued to May 1, 2007 upon adoption of the Agenda.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

22. [07-631](#) Supervisor Baumann, on behalf of the El Dorado County Water Agency, recommending review of its Conflict of Interest Code, per Government Code Sections 87303 and 87306.5(a), contained within Resolution WA-4-2007.

This matter was added to the Consent Calendar and approved.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

11:00 A.M. - TIME ALLOCATION

23. [07-626](#) Supervisor Baumann, in coordination with Elizabeth Blakemore, Chairwoman, El Dorado County Child Abuse Prevention Council, presenting the 2007 "Champions for Children" Award to Carol Martin and Sheila Silan.

No action required.

24. [07-594](#) Hearing to consider adoption of Resolution **087-2007** authorizing the submittal of an application to the California State Housing Finance Agency (CalHFA) to allow El Dorado County to participate in the Housing Enabled by Local Partnerships (HELP) Program to obtain a \$1,500,000 loan allocation to lend to Mercy Housing California for the acquisition of property and for predevelopment and construction activities for a 70-unit affordable family rental housing development (Runnymede Terrance); and the Director of Human Services to execute said application, and if application is funded, to execute documents pertaining to same, contingent upon approval by County Counsel and Risk Management.

FUNDING: CalHFA Allocation.

Hearing no protests, a motion was made by Supervisor Dupray, seconded by Supervisor Santiago to adopt Resolution 087-2007.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

25. [07-605](#) Chief Administrative Office recommending that the Board receive and file the Initial Draft Response to the 2006-2007 Grand Jury Second Mid-term report and provide feedback to the CAO regarding changes to incorporate in the Final Draft Response.

This matter was added to the Consent Calendar and approved.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

26. [07-599](#) Chief Administrative Office recommending the Board of Supervisors receive and file status report on the recommendations made by the Grand Jury in its 2003-04 Final, 2004-05 Final, 2005-06 Mid-session, 2005-06 Final and 2006-07 First Mid-session report.

This matter was approved on the Consent Calendar.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

11:15 A.M. - TIME ALLOCATION

BOARD OF SUPERVISORS CONVENED AS THE EL DORADO COUNTY PUBLIC HOUSING AUTHORITY TO CONSIDER THE FOLLOWING:

27. [07-600](#) Hearing to consider adoption of Resolution **086-2007** to approve the El Dorado County Public Housing Authority Year 2007/08 Annual Agency Plan for submission to the Department of Housing and Urban Development.

Hearing no protests, a motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to adopt Resolution 086-2007.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

PUBLIC HOUSING AUTHORITY ADJOURNED

2:00 P.M. - TIME ALLOCATION

28. [07-022](#) Development Services Department, Planning Services Division, recommending Resolution **079-2007** adopting the Criteria and Procedures for Administrative Relief from Agricultural Setbacks. (Con'd 4/10/2007, Item 46)

A motion was made by Supervisor Baumann, seconded by Supervisor Dupray to adopt Resolution 079-2007 with the following changes:

1) Additional language as suggested by Supervisor Sweeney to be added after the 7th Whereas to read: "WHEREAS, individual property rights are deemed to be co-equal regardless of the uses of adjacent lands;" and the last Whereas of said Resolution be amended and added to the 6th Whereas to read: "WHEREAS, the Board of Supervisors adopted, in 1996 and again in 2004, Policy 8.1.3.2 which provided that a minimum 200-foot setback would be placed on adjacent land for incompatible uses but also provided for administrative relief from these setbacks; the most important asset to agricultural operations is the use of the land for agricultural production; and"

Exhibit A of said Resolution amended as follows:

1) Last paragraph in (A) Procedure to read: "If the requested reduction cannot meet the administrative criteria in either 3 or 4 above, an application may be made to the Board of Supervisors for administrative relief, such relief may be granted by the Board of Supervisors upon a determination by the Board taking all relevant facts into consideration that the public interest is served by the granting of the relief. Such applications shall be made to the Development Services Department and a recommendation made to the Board of Supervisors."

2) (B) Criteria 2(d) amended to read: "The non-compatible use/structure involves the addition, re-model or re-building of a current structure or demolished structure that was lawfully placed. Under this criterion, a reduction in the agricultural setback may only be granted when the non-compatible use/structure does not encroach closer to the agricultural property. If the proposed non-compatible use/structure would further encroach into the agricultural setback, Agricultural Commission review shall be required pursuant to 3 below;"

3) (B) Criteria 4 amended to read: "Board of Supervisors Administrative Relief: The Board of Supervisors may approve a reduction of up to one hundred percent (100%) of the special agricultural setback (not less than 30 feet from the agriculturally zoned parcel) on adjacent parcels concurrently with the approval of any parcel rezone to any agricultural designation. Whenever a rezone to an agricultural designation is recommended by the Planning Commission, the recommendation shall also include an analysis and recommendation for the setback for each surrounding parcel that would be affected by the new setback." (Noting: "using the applicable criteria from B.1, B.2, and/or B.3 above or any other criteria deemed appropriate by the Board." was removed from this paragraph.)

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

29. [07-560](#) Hearing to consider an appeal requiring a special use permit for continued operation of the Olde Coloma Theatre, located at 380 Monument Road, Coloma, CA., identified by APN 006-290-04, is located on the south side of Monument Road, approximately 300 feet west of the intersection with Cold Springs Road, in the Coloma area. Appellant: Coloma Crescent Players, Inc. (District IV) (Cont'd 4/10/07, Item 45)

A motion was made by Supervisor Dupray, seconded by Supervisor Baumann to deny the Appeal, with direction that Mr. Moreno apply for a Special Use Permit, that staff be directed to waive the fee for said Permit, that attendance be limited to 120 people per show, that theatre buses be allowed to use the entrance of the theatre, and this issue to be brought back to the Board on May 22, 2007 at 2:00 p.m. with level of resolve.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

30. [06-1821](#) Transportation Department providing update to the Board with regard to contract processes. (Cont'd. 3/20/07, Item 29)

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to receive and file the Contract Status Report; and authorize said Department to negotiate new planning and design contracts with DMJM Harris for the Cameron Park Boulevard Interchange, Quincy Engineering, Inc. for the El Dorado Hills Boulevard Interchange and Highway 50 HOV/Mainline lanes, TY Lin International for the Bass Lake Road Interchange, and David Evans and Associates for the Ponderosa Road Interchange.

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

31. [07-276](#) Transportation Department recommending Chairman be authorized to sign Agreement 06-1326 with CALTROP Corporation, Agreement 06-1327 with PB Americas, Inc., Agreement 06-1328 with PSOMAS, and Agreement 06-1329 with Vali Cooper & Associates, Inc. in the amount of \$500,000 each for the term of April 10, 2007 through April 9, 2009 except PSOMAS, which will expire March 31, 2009, to provide construction engineering and construction support services, and adopt recommended findings for same. (Cont'd. 4/10/07, Item 23)

FUNDING: The funding source will vary dependent upon which capital project is supported by these Agreements. In general, the Capital Improvement Program is funded with the 2004 General Plan Traffic Impact Mitigation fee program, grants and developer funding.

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

Yes: 5 - Dupray, Baumann, Sweeney, Briggs and Santiago

CAO REPORTS

ITEMS TO/FROM SUPERVISORS**ADJOURNMENT****CLOSED SESSION**

32. [07-617](#) Pursuant to Government Code Section 54956.9(a), **Existing Litigation:**
Title: U.S.A. v. El Dorado County, City of South Lake Tahoe, et al., U.S.
District Court Case No. S-01-1520-MCE GGH (ED CA).
No action reported.
33. [07-629](#) Pursuant to Government Code Section 54956.8, **Conference with Real
Property Negotiator:**
Instructions to negotiator regarding real property described as APN
083-253-05. The persons with whom the negotiator may negotiate are
Beau Melgreen and Vicki Melgreen. Instructions to negotiator will
concern price and terms of payment. Negotiator on behalf of the
County will be Pete Feild, Right-of-Way Program Manager.
No action reported.
34. [07-633](#) Pursuant to Government Code Section 54956.8, **Conference with Real
Property Negotiator:**
Instructions to negotiator regarding real property described as APN
083-243-03. The persons with whom the negotiator may negotiate are
Robert E. Nixon, Trustee, and Janet D. Nixon, Trustee, of the Robert E.
Nixon and Janet D. Nixon Living Revocable Trust on June 15, 2005.
Instructions to negotiator will concern price and terms of payment.
Negotiator on behalf of the County will be Pete Feild, Right-of-Way
Program Manager.
No action reported.
35. [07-639](#) Pursuant to Government Code Section 54956.8, **Conference with Real
Property Negotiator:**
Instructions to negotiator regarding real property described as APN
083-243-02. The person with whom the negotiator may negotiate is
Maricela Morales. Instructions to negotiator will concern price and terms
of payment. Negotiator on behalf of the County will be Pete Feild,
Right-of-Way Program Manager.
No action reported.

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.

Notice of any Agenda ADDENDA will be recorded on the "AGENDA HOTLINE" (530) 621-6622 no later than 8:00 A.M. on Saturday preceding the Tuesday meeting.

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 on line) 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 2, Wednesday at 4:00 P.M.

South Lake Tahoe - Charter Cable 21, Daily - Time varies