



County of El Dorado

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Minutes - Final Board of Supervisors

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

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

Tuesday, October 13, 2009

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 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. - CALL TO ORDER AND RECESS TO CLOSED SESSIONS

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

9:00 A.M. - RECONVENE TO OPEN SESSION AND CLOSED SESSION REPORTS

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 Knight, seconded by Supervisor Santiago, to approve the Agenda and adopt the Consent Calendar with the following exceptions: Items 19, 22, and 30 were amended to the Consent Calendar, Items 3 and 13 were pulled from the Consent Calendar, and Item 24 was continued off calendar.

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

OPEN FORUM

A. Marinaccio RE: Transportation Commission and the amount of misinformation.

PRESENTATION

- 1. [09-1283](#) Feli Ortega and Kevin Pressey, representing HMR Architects of Sacramento, to present a certificate to the Board of Supervisors from the California Preservation Foundation to acknowledge HMR's successful restoration and preservation of the historic Bayley House in Pilot Hill. (Est. Time: 5-10 Min)

This matter was Received and Filed.

BUDGET UPDATE

CONSENT CALENDAR

- 2. [09-1279](#) Approval of Board of Supervisors Meeting Minutes for the Special Meeting of Monday, October 5, 2009 and the Regular Meeting of Tuesday, October 6, 2009.

This matter was Approved on the consent calendar.

3. [09-1281](#) Auditor-Controller recommending the Board approve Amendment II to Agreement for Services 260-S0711 with Calfee and Konwinski increasing the hourly rate from \$210 to \$225 to a total amount not to exceed \$60,000 to provide legal services related to the preparation of legal proceedings regarding the collections of delinquent special taxes for special assessment districts.

NO PUBLIC COMMENT

A motion was made by Supervisor Nutting, seconded by Supervisor Briggs, to disapprove the amendment and maintain the hourly rate at \$210.00. The motion FAILED.

Yes: 2 - Nutting and Briggs

Noes: 3 - Knight, Sweeney and Santiago

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight, to approve this matter increasing the hourly rate to \$225.00.

Yes: 3 - Knight, Sweeney and Santiago

Noes: 2 - Nutting and Briggs

4. [09-1234](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board:
- 1) Award Bid No. 10-680-001 for the purchase of Ammunition to the low qualified bidders, Adamson Police Products of Hayward, CA in the amount of \$6,600; San Diego Police Equipment Company, Inc. of San Diego, CA in the amount of \$78,547.76; and Botach Tactical of Los Angeles, CA. in the amount of \$8,140;
 - 2) Authorize the Purchasing Agent to issue multiple blanket purchase orders to same in the total amount of \$93,287.76 for a twelve (12) month period following Board approval; and
 - 3) Authorize the Purchasing Agent to increase the blanket purchase orders on an "as needed" basis during the awarded period as long as funding is available within the requesting Department's budget.

FUNDING: General Fund.

This matter was Approved on the consent calendar.

5. [08-1462](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board of Supervisors:
- 1) Extend Bid 09-393-028 for food products and kitchen supplies for use County-wide for an additional three months pending the outcome of a new bid solicitation;
 - 2) Authorize extension of blanket purchase orders with Strauss Food Service of Placerville; Mad Butcher Meat Company of Sacramento, and Crystal Dairy Foods of South Lake Tahoe; and
 - 3) Authorize the Purchasing Agent to increase the blanket purchase orders on an "as needed" basis during the awarded period if funding is available within the requesting Department's budget.

FUNDING: General Fund.

This matter was Approved on the consent calendar.

6. [09-1217](#) Chief Administrative Office recommending Chairman be authorized to sign the following retroactive agreements pertaining to Title III funding:
- 1) Amendment I to Agreement 1013-O0810 with the Cameron Park Community Services District, extending the term through June 30, 2010;
 - 2) Amendment II to Agreement 1012-O0811 with the El Dorado County Fire Safe Council, extending the term through June 30, 2010;
 - 3) Amendment I to Agreement 1011-O0810 with the Regents of the University of California, extending the term through June 30, 2010 and expanding the scope of services to include development of up to three defensible space demonstration lots.

FUNDING: Title III Federal Forest Reserve.

This matter was Approved on the consent calendar.

7. [09-1232](#) Chief Administrative Office recommending Chairman be authorized to sign Amendments to Agreements for services with the following indigent defense/conflict panel Attorneys:
- 1) Adam Weiner
 - 2) Acton Law Corporation
 - 3) John Castellanos
 - 4) James Stillman Clark
 - 5) Dain Weiner
 - 6) Erik Davenport
 - 7) Lori London
 - 8) Gilbert Maines
 - 9) Paul Palant
 - 10) Erik Schlueter

FUNDING: General Fund.

This matter was Approved on the consent calendar.

8. [09-1226](#) Development Services Department recommending the Board make the following appointments to the Building Industry Advisory Committee for terms to expire January 2011:
- 1) Steven P. Johnson as a Member-at-Large; and
 - 2) Matt Hedges as a Member representing the Sacramento Regional Builders' Exchange.
- This matter was Approved on the consent calendar.**
9. [09-1240](#) District Attorney recommending the Chairman be authorized to sign a grant application to be submitted to California Emergency Management Agency, Law Enforcement and Victim Services Division (CalEMA 2-101) for the Fiscal Year 2009-2010 Recovery Act- VAWA Stimulus funding in the amount of \$16,308 for the period July 1, 2009 through June 30, 2010 to be used to enhance the existing Victim Witness Assistance program.
- This matter was Approved on the consent calendar.**
10. [09-1223](#) Human Services Department recommending Chairman be authorized to sign Amendment I to Agreement for Services 510-S0811 with Progress House, Inc. modifying Article I, Scope of Services, to clarify requirements for written authorization of services and update Department address and contact information; modifying Article III, Compensation, to increase the compensation by \$650,000 for a total not-to-exceed compensation of \$1,250,000; and adding Article XXVIII to specify the fingerprinting requirements of the contractor, with no change to the original term of February 29, 2008 through June 30, 2011, for the provision of therapeutic counseling and other related services on an "as requested" basis.
- FUNDING:** 85% Federal/State via Social Services allocations with a 15% County match, primarily from realignment sources.
- This matter was Approved on the consent calendar.**
11. [09-1228](#) Human Services Department (DHS) recommending authorization for the Chairman to sign a required Community Services Block Grant (CSBG) Risk Assessment Certification for submittal to the California Department of Community Services and Development by October 15, 2009. (Refer 10/6/09, Item 10)
- This matter was Approved on the consent calendar.**

12. [09-1261](#) Sheriff's Department recommending Chairman be authorized to sign Agreement 083-S1011 with Progress House, Inc. in the amount of \$70,200 for the term October 10, 2009 through October 9, 2012 to provide Domestic Violence/Anger Management classes for Jail Inmates.

FUNDING: Sheriff's Department - Inmate Welfare Fund.

This matter was Approved on the consent calendar.

13. [09-1263](#) Sheriff's Department recommending Chairman be authorized to sign Agreement 153-S1011 with In-Custody Transportation, Inc. for the term October 20, 2009 thru October 19, 2012 in the amount of \$99,000 to provide prisoner extradition and transportation on an "as requested" basis.

FUNDING: Sheriff's Department - General Fund.

NO PUBLIC COMMENT

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

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

14. [09-1166](#) Transportation Department recommending Chairman be authorized to sign the Notice of Acceptance with Delta Construction Company, Inc. for the Asphalt Concrete Overlay 2009 - Forni Road and Pony Express Trail Project, Contract No. PW 09-30415 (CIP Project 72181 and 72166) in El Dorado County.

FUNDING: This Project was funded with American Recovery and Reinvestment Act of 2009 funds. The requested Board action has no associated fiscal impact.

This matter was Approved on the consent calendar.

15. [09-0978](#) Transportation Department: Consider recommendations regarding the U.S. 50/Missouri Flat Road Interchange Improvements - Phase 1B Project (JN 71336), as follows:
- 1) Award Agreement for Services 09-52748 to the most qualified prospective consultant, Vali Cooper & Associates, Inc., to augment the Department's construction management resources; and,
 - 2) Authorize the Chairman to sign Agreement for Services 09-52748 with Vali Cooper & Associates, Inc. in an amount not to exceed \$2,465,000 for a term commencing October 13, 2009 to the later of County's recordation of the Notice of Acceptance for the Project or the resolution of all construction claims, if any, associated with the Project, to provide construction support services.

FUNDING: Traffic Impact Mitigation Fee Program funds, Master Circulation & Funding Plan Financing, State Transportation Improvement Program Proposition 1B, Federal American Recovery and Reinvestment Act Transportation Enhancement (State and Local) and Federal Congestion Mitigation and Air Quality Improvement Program funds.

This matter was Approved on the consent calendar.

16. [09-1275](#) Supervisor Santiago on behalf of the University of California Cooperative Extension Youth Development Program recommending the Board make the following appointments for the 2009-2010 El Dorado County Youth Commission:
- Reappoint:
- Ashish Nag-Mira Loma High School-District One Representative
 - Liana Novak-South Lake Tahoe High School-South Lake Tahoe Liaison
 - Grace Tillotson-El Dorado High School-District Three Representative
 - William Tillotson-El Dorado High School-District Five Representative
 - Sarah Walker-Golden Sierra High School-District Five Representative

Appoint:

- Erik Jordan-Oak Ridge High School-District One Representative
- Michael Wong-Union Mine High School-District Two Representative
- Veronica Yates-Union Mine High School-District Two Representative
- Robert Joice-El Dorado High School-District Three Representative
- Lola Cholewinski-Golden Sierra High School-District Four Representative
- Joy Zimmerman-Golden Sierra High School-District Four Representative
- Michele Renner-Golden Sierra High School-District Five Representative
- Stephanie Summers-Oak Ridge High School-Clerk of the Board

This matter was Approved on the consent calendar.

17. [08-1761](#) Clerk of the Board of Supervisors recommending the Board consider amending the 2009 meeting schedule of the Board of Supervisors to cancel the regular meeting on December 1, 2009.
- This matter was Approved on the consent calendar.
18. [09-1272](#) Chief Administrative Office, on behalf of Department of Human Services, Health Services Department, and the Department of Transportation, recommending the Auditor-Controller be directed to make cash advances from the General Fund to various funds within those Departments to prevent negative cash balances:
- 1) Accumulative Capital Outlay (ACO) Fund 13-200
 - 2) Community Services Fund 11-107
 - 3) El Dorado County IHSS Public Authority Fund 12-175
 - 4) El Dorado County Public Housing Authority Fund 12-176
 - 5) Mental Health Special Revenue Fund 11-110
 - 6) Public Health Special Revenue Fund 11-109
 - 7) Airport Capital Improvement Fund 31-414
 - 8) Erosion Control Fund 11-101
 - 9) South Lake Tahoe Transit Fund 31-405
 - 10) Road Fund 11-103
- Advanced funds will be reimbursed with interest as determined by the Auditor-Controller.
- FUNDING:** General Fund advances to be reimbursed from various non-General fund sources in each department.
- This matter was Approved on the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

19. [09-1284](#) Auditor -Controller recommending the Board receive and file reports of Special Tax Delinquencies for Community Facilities Districts No. 1992-1 (Serrano) **Resolution 224-2009**, District 2001-1 (Promontory) **Resolution 225-2009**, 2005-1 (Blackstone) **Resolution 226-2009** and 2005-2 (Laurel Oaks) **Resolution 227-2009**; and adoption of Resolutions authorizing judicial foreclosure of delinquent special tax installments pursuant to the CFD 1992-1, CFD 2001-1, CFD 2005-1 and CFD 2005-2 Bond Indenture.
- Adopted Resolutions 224-2009 (Serrano), 225-2009 (Promontory), 226-2009 (Blackstone), and 227-2009 (Laurel Oaks) upon approval of the consent calendar.

20. [09-0222](#) Human Resources Department recommending the Board of Supervisors take the following action:
- 1) Approve and adopt **Resolution 228-2009** creating new job specifications, bargaining unit designation and salary schedules for Fleet Services Manager, Buildings and Grounds Superintendent, Services Operation Coordinator, and Senior Fleet Services Technician; and
 - 2) Approve and adopt **Resolution 229-2009** amending the Authorized Personnel Allocation for the Department of Transportation, adding one (1) Fleet Services Manager, one (1) Buildings and Grounds Superintendent, three (3) Services Operation Coordinators, and one (1) Senior Fleet Services Technician, and deleting allocations in Support Services Manager (1 filled FTE), Equipment Superintendent (1 filled FTE), Parts Technician (1 vacant FTE), Senior Office Assistant (1 filled FTE), and Fleet Services Technician (1 filled FTE).

FUNDING: Fleet Fund, Road Fund, General Fund.

PUBLIC COMMENT:

G. Copeland RE: When General Services moved into the Department of Transportation, this was done to realize savings. Are the savings being tracked?

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, as follows:

- 1) **Adopted Resolution 228-2009; and**
- 2) **Adopted Resolution 229-2009.**

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

21. [09-0927](#) Chief Administrative Office recommending adoption of Resolution directing an additional 40 hours of Mandatory Temporary Layoff for the Development Services Department for Fiscal Year 2009-2010.

Resolution 230-2009

A motion was made by Supervisor Briggs, seconded by Supervisor Knight, to adopt Resolution 230-2009.

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

22. [09-1291](#) District Attorney's Office recommending adoption of Resolution authorizing him to execute a Grant Award Agreement Application with the California Department of Insurance for Fiscal Year 2009-2010 for the Automobile Insurance Fraud Program; and approval of Budget Transfer for same. (Economic Auto Theft Program).

Resolution 231-2009

Adopted Resolution 231-2009 upon approval of the consent calendar.

2:00 P.M. - TIME ALLOCATION

23. [09-1197](#) Hearing to consider Tentative Map Amendment TM86-1051-C/Pioneer Place on property identified by APN 102-560-03, consisting of 1.0 acre, in the Rescue area, submitted by Darin and Diana Swart; and Planning Services staff recommending the Board take the following actions:
- 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15305(a); and
 - 2) Approve Final Map Amendment TM86-1051-C amending Map J-17-B subject to the conditions in Attachment 1, based on the findings in Attachment 2. (Supervisory District IV) (Est. Time: 10 Min.)

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

- 1) Find that the project is Categorical Exempt pursuant to CEQA Guidelines Section 15305(a); and
- 2) Approve Final Map Amendment TM86-1051-C amending Map J-17-B subject to the conditions in Attachment 1, based on the findings in Attachment 2.

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

24. [09-1039](#) Development Services Department, Planning Services Division, recommending the Board approve the final agreement with Farrell Ventures, LLC prior to issuance of the Certificate of Occupancy. Supervisory District 3 (Cont'd 9/22/09, Item 32) (Est. Time: 20 Min.)

This matter was continued off calendar upon adoption of the Agenda.

25. [09-0156](#) Development Services Department, Planning Services Division, recommending adoption of General Plan Amendment A08-0001/Ordinance OR08-0001/Mixed Use Development; and recommending the following:
- 1) Adopt the Negative Declaration based on the Initial Study prepared by staff;
 - 2) Approve A08-0001 amending General Plan Policies 2.1.1.3; 2.1.2.5; 2.2.1.2; and 2.2.1.3 Table 2-2 Land Use Densities and Residential Population Ranges; as shown in Attachment 2, based on the findings contained in Attachment 1;
 - 3) Approve OR08-0001 amending Zoning Ordinance Chapter 17.32 to include Mixed-Use Development as a permitted use in Commercial Districts (C), Professional Office Commercial Districts (CPO), and Planned Commercial Districts (CP) with a maximum residential density of 24 dwelling units per acre within Community Regions and a maximum residential density of 4 units per acre in Rural Centers as shown in Attachments 3 thru 5, based on the findings contained in Attachment 1;
 - 4) Approve regulations for Mixed-Use Development as set forth in Zoning Ordinance Chapter 17.14 with the addition of section .220 as shown in Attachment 6, based on the findings contained in Attachment 1. (Cont'd 6/30/09, Item 63)

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

- 1) Conceptually approve this matter with the following amendments:**
- i) Where referenced reduce the Maximum number of units from 24 to 16;**
 - ii) Make a clear description of code references;**
 - iii) No more than 4 units per acre without a public sewer connection;**
 - iv) Board has the authority to interpret the General Plan in reference to open space on a case by case basis under the Planned Development Ordinance; and**
- 2) Continue this matter to December 8, 2009.**

Yes: 4 - Knight, Sweeney, Nutting and Santiago

Noes: 1 - Briggs

CAO REPORTS

ITEMS TO/FROM SUPERVISORS

ADJOURNED AT 5:44 P.M.

CLOSED SESSION

26. [09-1277](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Troy Dean Williams v. Hans Juergen Roebbelen, et al., El Dorado County Superior Court Case PC20080049.
- No Action Reported.**
27. [09-1237](#) Pursuant to Government Code Section 54957.6; **Conference with Labor Negotiator.**
County Negotiator: Director of Human Resources and/or designee.
Employee Organization: El Dorado County Employees Association Local No. 1, representing employees in the General, Professional, and Supervisory Bargaining Units; Operating Engineers Local No. 3 representing employees in the Trades & Crafts, Probation, and Corrections Bargaining Units; Deputy Sheriff's Association representing employees in the Law Enforcement unit; El Dorado County Criminal Attorney Association; El Dorado County Deputy County Counsel Association; El Dorado County Managers Association; El Dorado County Law Enforcement Managers Association.
- No Action Reported.**
28. [09-1278](#) Pursuant to Government Code Section 54957, **Public Employee Performance Evaluation:**
Title: Clerk of the Board of Supervisors.
- By unanimous vote, the Board approved a satisfactory evaluation for Suzanne Allen de Sanchez, Clerk of the Board, resulting in a one step salary increase from step 3 to step 4.**
29. [09-1293](#) Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Center for Sierra Nevada Conservation, El Dorado County Taxpapers for Quality Growth and California Oak Foundation v. County of El Dorado, Board of Supervisors of El Dorado County, El Dorado County Superior Court Case No. PC20080336. (Est. Time: 20 Min.)
- No Action Reported.**

ADDENDUM

DEPARTMENT MATTERS:

30. [09-1230](#) Chief Administrative Office recommending the Board approve the employees eligible to receive the County's Early Retirement Incentive Plan. (Refer 10/6/09, Item 20)

This matter was Approved on the consent calendar