



County of El Dorado

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Minutes

Board of Supervisors

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

Suzanne Allen de Sanchez, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer *Louis B. Green, County Counsel*

Tuesday, October 18, 2011

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) Except with the consent of the Board, individuals shall be allowed to speak to an item only once. Upon completion of public comment the matter shall be returned to the Board for deliberation. Members of the public shall not be entitled to participate in that deliberation, or be present at the podium during such deliberation, except at the invitation of the Board for a point of clarification or question by the Board. 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. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS

Present: 4 - Supervisor Nutting, Supervisor Sweeney, Supervisor Briggs and Supervisor Santiago

Absent: 1 - Supervisor Knight

9:42 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

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

Absent: 2 - Supervisor Knight and Supervisor Nutting

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Cowles from Highway Bible Church gave the invocation.
Supervisor Santiago led the Pledge of Allegiance.

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to adopt the Agenda and approve the Consent Calendar with the following exceptions: Items 9 and 14 were pulled from the Consent Calendar and Items 10 and 13 were continued one week.

Yes: 3 - Sweeney, Briggs and Santiago

Absent: 2 - Knight and Nutting

OPEN FORUM

PUBLIC COMMENT

J. Able handed out his Vehicle Abatement Appeal Form.

BUDGET UPDATE

None.

CONSENT CALENDAR

1. [11-1177](#) Clerk of the Board of Supervisors recommending the Board approve the Regular Meeting Minutes from Tuesday, October 11, 2011.
This matter was Approved on the consent calendar.

2. [11-1152](#) Auditor-Controller recommending the Board consider the following:
1) Receive and file Reports of Special Tax Delinquencies for Community Facilities District (CFD) No. 1992-1 (Serrano) and Community Facilities District (CFD) 2001-1 (Promontory);
2) Adopt **Resolution 173-2011** authorizing judicial foreclosure of delinquent special tax installments pursuant to the CFD 1992-1; and
3) Adopt **Resolution 174-2011** authorizing judicial foreclosure of delinquent special tax installments pursuant to the CFD 2001-1.
Adopted Resolutions 173-2011 and 174-2011 upon approval of the consent calendar.

3. [10-0380](#) Chief Administrative Office recommending the Board approve the second amendment to the contract 267-S0911 (A) with Whitney Environmental Consulting, Inc. dba Foothill Associates extending the contract to March 21, 2012.

FUNDING: Accumulated Capital Outlay fund.
This matter was Approved on the consent calendar.

4. [10-1057](#) Chief Administrative Office recommending the Board authorize the Purchasing Agent to sign Amendment II to Agreement 246-F1111 with the El Dorado Lake Tahoe Film and Media Office increasing compensation by \$15,000 per year for Fiscal Years 2011-2012 and 2012-2013. (Refer 4/26/11, Item 22)
This matter was Approved on the consent calendar.

5. [11-1182](#) Chief Administrative Office recommending the Board authorize the Purchasing Agent to sign amendments to remove the specific reference to the Recommended Budget from the following agreements for promotional services:
- 1) Amendment I to Agreement 245-F1111 with the El Dorado County Chamber of Commerce-Visitors Authority Council;
 - 2) Amendment I to Agreement 247-F1111 with the El Dorado Hills Chamber of Commerce; and
 - 3) Amendment I to Agreement 305-F1111 with the El Dorado County Arts Council.

FUNDING: County Promotions (Transient Occupancy Tax).

This matter was Approved on the consent calendar.

6. [11-1120](#) County Counsel recommending the Board authorize the Chair to sign Agreement 242-S1211 with Brady and Vinding for a term commencing April 26, 2011 for legal services in regard to all legal aspects related to the relationship between the County and the Shingle Springs Rancheria, and any related administrative proceedings or other matters.

This matter was Approved on the consent calendar.

7. [11-1103](#) County Counsel recommending the board review and approve the revised conflict of interest code received from the Cameron Estates Community Services District.

This matter was Approved on the consent calendar.

8. [11-1173](#) Health Services Department, Mental Health Division, recommending the Board authorize the Chair to sign Agreement 190-S1210 with Black Oak Mine Unified School District in the amount of \$73,000 for the term of date of execution through June 30, 2012 to provide personnel and facilities to conduct the Primary Intervention Program for elementary school children in the Georgetown area.

FUNDING: State Mental Health Services Act (MHSA), Prevention and Early Intervention (PEI) component.

This matter was Approved on the consent calendar.

9. [09-0998](#) Department of Transportation recommending the Board consider the following:
- 1) Approve the continuation of five current perpetual contracts and one current perpetual purchase order:
 - a) No. 428-S0110 with the State of California, Department of Transportation to provide signal maintenance service;
 - b) No. 821-S0710 with Squarerigger, Inc. to provide annual software support and maintenance;
 - c) No. 541-F0111 for the Sacramento-Placerville Transportation Corridor Joint Powers Authority to provide for contributions from member agencies;
 - d) No. 427-M0810 for the Elk Grove - Rancho Cordova - El Dorado Connector Authority for the acquisition of real property;
 - e) No. 098-O1111 with the State of California Board of Equalization for electronic filing of reporting sales tax collected; and
 - f) No. PO201001238 with Viathor, Inc. to provide annual software support and maintenance; and
 - 2) Authorize the Purchasing Agent to establish blanket purchase orders as necessary to process associated payments for Fiscal Year 2011/2012.

FUNDING: Road Fund.

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

Yes: 3 - Sweeney, Briggs and Santiago

Absent: 2 - Knight and Nutting

10. [11-0930](#) Department of Transportation recommending the Board consider the following:
- 1) Approve the termination of the County of El Dorado Airport Land Use Agreement for Portable Hangars Lease dated March 22, 1988 with John D. Emigh; and
 - 2) Authorize the Chair to sign the County of El Dorado Airport Ground Lease for Portable Hangars No. 11-53290 for Hangar Space No. TP-13 with Anthony F. Sica in the amount of \$720 per year for ten years with additional two ten-year lease options, located at the Placerville Airport. (4/5 vote required)

FUNDING: Placerville Airport Enterprise Fund - Fee Revenue.

This matter was continued to October 25, 2011 upon approval of the consent calendar.

11. [11-0974](#) Department of Transportation recommending the Board receive and file the Annual Report of Special Taxes for County Service Area Nos. 3 and 9, Zones of Benefit for Fiscal Year 2010-2011.
This matter was Approved on the consent calendar.
12. [11-1000](#) Department of Transportation recommending the Board authorize the Chair to sign the First Amendment to Agreement for Services 425-S1011 (AGMT 10-52947) with BST Services, Inc., dba Blain Stumpf Trucking, increasing the not-to-exceed amount by \$250,000 to a total of \$590,000 and extending the term of the agreement for one more year through June 29, 2013 to continue to provide trucking services to transport road materials for various maintenance projects for said Department.

FUNDING: Road Fund.
This matter was Approved on the consent calendar.
13. [11-1183](#) Supervisor Nutting recommending the Board adopt Resolution in support of grant application for National Infrastructure Investments under the 2011 Full-Year Continuing Appropriations Act (Transportation Infrastructure Generating Economic Recovery - TIGER III) for the El Dorado County Government and Justice Center Multi-Modal Access Project.

This matter was continued to October 25, 2011 upon approval of the consent calendar.
14. [11-1184](#) Supervisor Nutting recommending the Board adopt a Proclamation recognizing October 16 - 22, 2011, as "Freedom from Workplace Bullies Week" in the County of El Dorado.

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to adopt the proclamation and by consensus direct staff to look into a County policy regarding workplace bullying.
Yes: 3 - Sweeney, Briggs and Santiago
Absent: 2 - Knight and Nutting

END CONSENT CALENDAR

10:00 A.M. - TIME ALLOCATION

15. [11-1180](#) Supervisor Briggs recommending the Board:
- 1) Receive a presentation by El Dorado County Water Agency General Manager, David Eggerton, regarding the Agency's efforts to promote regional cooperation on water issues through a collaborative and comprehensive solution to the issues facing the Sacramento-San Joaquin Delta; and,
 - 2) Consider the adoption of **Resolution 167-2011** in support of a regional coalition that promotes regional cooperation on water issues and a collaborative and comprehensive solution to the issues facing the Sacramento-San Joaquin Delta.

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago, to adopt Resolution 167-2011.

Yes: 3 - Sweeney, Briggs and Santiago

Absent: 2 - Knight and Nutting

2:00 P.M. - TIME ALLOCATION

16. [11-1094](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z11-0006/Barnett Business Park on property identified by APNs 109-401-02, 109-401-03, and 109-401-04, consisting of 5.55 acres, in the Shingle Springs area, submitted by El Dorado County; and recommending the Board take the following actions:
- 1) Adopt the Negative Declaration for Z11-0006 based on the Initial Study prepared by staff;
 - 2) Approve Z11-0006 rezoning APNs 109-401-02, 109-401-03, and 109-401-04 from Professional Office Commercial-Design Community (CPO-DC) to General Commercial-Design Community (CG-DC) based on the Findings listed in Attachment 1; and
 - 3) Adopt **Ordinance 4965** for said rezone. (Supervisory District 2) (Est. Time: 10 Min.)

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

- 1) **Adopt the Negative Declaration;**
- 2) **Approve Rezone Z11-0006 based on the Findings listed in Attachment 1; and**
- 3) **Adopt Ordinance 4965.**

Yes: 3 - Sweeney, Briggs and Santiago

Absent: 2 - Knight and Nutting

17. [11-1125](#)

Hearing to consider a request on Parcel Map Revision P07-0025-R on property identified by APN 104-100-67, consisting of 129.43 acres, in the Pilot Hill area, submitted by Wesley Hagstrom; and staff recommending the Board take the following actions:

- 1) Find the project revision is covered by the scope of the previous Mitigated Negative Declaration and pursuant to Section 15162(b) of the CEQA Guidelines, no further documentation is necessary;
- 2) Approve the modifications to Conditions of Approval Nos. 1, 16, 25 and 47 for Parcel Map Revision P07-0025-R as revised by staff and listed in Attachment 1; and
- 3) Approve the Fire Safe Plan dated December 1, 2010, shown as Exhibit K. (Supervisory District 4) (Est. Time: 30 Min.)

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

- 1) Find the project revision is covered by the scope of the previous Mitigated Negative Declaration and pursuant to Section 15162(b) of the CEQA Guidelines, no further documentation is necessary;
- 2) Approve the modifications to Conditions of Approval Nos. 1, 16, 25 and 47 for Parcel Map Revision P07-0025-R as revised by staff and listed in Attachment 1, and further amending Number 25 and Number 47 as corrected by County Counsel;
 - a) Condition 25 shall read "Pursuant to the Design and Improvement Standards Manual [Section 3 A) 9) & 12)] the applicant shall be required to submit a Fire Safe Plan prepared by a Licensed Professional Forester to the County. The Department of Transportation shall have the authority to approve said Fire Safe Plan. The Fire Safe Plan, shall be subject to the satisfaction of all applicable DISM and Fire Safe Regulations for improvements related to Burkett Lane. Required improvements for Burkett Lane shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to the filing of the parcel map"; and
 - b) Condition 47 shall read "A notice of restriction shall be filed with the final map notifying owners and future owners of the restrictions contained in the final fire safe plan and that the owners will have ongoing obligations to comply with the requirements contained in the Fire Safe Plan. Said Fire Safe Plan shall be submitted to the County, and shall be subject to satisfaction of all applicable DISM"; and
- 3) Direct staff to place an unredacted copy of the fire safe plan in the original public record.

Yes: 3 - Sweeney, Briggs and Santiago

Absent: 2 - Knight and Nutting

[11-0270](#)

CAO REPORTS

None

[11-0280](#)

ITEMS TO/FROM SUPERVISORS

None

CLOSED SESSION

18. 11-1118 **Conference with Legal Counsel - Existing Litigation** pursuant to Government Code Section 54956.9(a): United States of America (USA) v. El Dorado County and City of South Lake Tahoe. Civil Action No. S-01-1520 x-ref: (Meyers Landfill Site)(Cont'd 10/4/11, Item 20) (Est. Time: 30 Min.)
No Action Reported.
19. 11-1169 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (1).

Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code section 54956.9(b). (Est. Time: 10 Min.)

On a 3-0 vote, with Supervisors Nutting and Knight, absent, the Board authorized the filing of one piece of litigation. The particulars of the litigation, once formally commenced, will be disclosed upon request.
20. 11-1186 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(c): Number of potential cases: (5). (Est. Time: 30 Min.)
No Action Reported.
21. 11-1185 **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(b). (Est. Time: 30 Min.)
No Action Reported.
22. 11-1178 **Pursuant to Government Code Section 54957: Public Employee Appointment:** Title: Air Pollution Control Officer. (Est. Time: 30 Min.)
No Action Reported.
23. 11-1187 Pursuant to Government Code Section 54957: **Public Employee Performance Evaluation:** Title: Chief Administrative Officer. (Est. Time: 30 Min.)
No Action Reported.

ADJOURNED AT 3:05 P.M.