



County of El Dorado

330 Fair Lane, Building A
Placerville, California
530-621-5390
FAX 530-622-3645
www.edcgov.us/bos

Minutes

Board of Supervisors

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

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

Tuesday, March 6, 2012

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.

Live Web Streaming of the Board of Supervisors Meetings, Agendas, Supplemental Materials and Minutes of the Board of Supervisors are available on the internet at: <http://eldorado.legistar.com/Calendar.aspx>

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 Knight, Supervisor Nutting, Supervisor Sweeney and Supervisor Briggs

Absent: 1 - Supervisor Santiago

9:02 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS

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

Absent: 1 - Supervisor Santiago

INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

Pastor Dave Cooke from Cold Springs Community Church provided the invocation.

Supervisor Nutting led the Pledge of Allegiance.

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

Approval of the Consent Calendar

A motion was made by Supervisor Briggs, seconded by Supervisor Nutting, to adopt the Agenda and approve the Consent Calendar with an amendment to Item 1 of the Meeting Minutes from Tuesday, February 28, 2012.

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

12-0003

OPEN FORUM

M. Charlton RE: Special Election for Many Oaks Lane Zone of Benefit.

12-0009

BUDGET UPDATE

None

CONSENT CALENDAR

1. [12-0002](#) Clerk of the Board of Supervisors recommending the Board approve the meeting minutes from the Special Meeting of Monday, February 27, 2012 and the Regular Meeting of Tuesday, February 28, 2012.
This matter was Approved as amended on the consent calendar.

2. [12-0264](#) Chief Administrative Office recommending the Board authorize the Chair to sign a budget transfer in the amount of \$35,000 for the purchase an equipment trailer to be used by the Department of Transportation for maintenance work in support of the 125th Anniversary of the Rubicon trail.

FUNDING: OHV In-Lieu Special Revenue Account.
This matter was Approved on the consent calendar.

3. [12-0172](#) Environmental Management Department recommending the Board:
1) Authorize the Chair to sign Contract No. 011E-A-11/12-BOS with Global Labs Inc. dba California Laboratory Services (CLS) in an amount not to exceed \$300,000 for a three-year term to provide analysis of groundwater, surface water, storm water, wastewater, soil, hazardous materials and hazardous waste sample testing for the Union Mine Disposal Site, Meyers Landfill, Solid Waste and Hazardous Materials Division, Environmental Health Division and the River Management Program; and
2) Find that an independent contractor can more economically and feasibly perform work in accordance with County Ordinance Chapter 3.13, Section 3.13.030.

FUNDING: County Service Area (CSA) No. 10 and River Management Program.
This matter was Approved on the consent calendar.

4. [12-0256](#) Health and Human Services Agency, Community Services Division, recommending the Board conceptually approve the submittal of a Community Development Block Grant application to the California Department of Housing and Community Development in an amount up to \$410,000 to provide additional funding resources for the County's ongoing Housing Rehabilitation and Homeownership Assistance Loan Programs, and up to \$35,000 for Planning and Technical Assistance activities.

FUNDING: Federal CDBG Grant Funds.
This matter was Approved on the consent calendar.

5. [10-1202](#) Health and Human Services Agency, Public Health Division, recommending the Board authorize the Chair to sign Amendment A01 to Agreement 228-162C-P-R2010 (10-95256) with the California Department of Public Health, reducing the total not-to-exceed amount from \$44,028 to \$42,090, with no change to the original term of July 1, 2010 through June 30, 2013.

FUNDING: California Department of Public Health - Office of AIDS.

This matter was Approved on the consent calendar.

6. [11-0091](#) Health and Human Services Agency, Social Services Division, recommending the Board authorize continuing payments for a perpetual Lease 348-L1111 in the amount of \$1020 per month with Russell M. Hitomi, Trustee of the Russell M. Hitomi Revocable Family Trust, for thirty-four designated parking spaces located at 3360 Sandy Way in South Lake Tahoe.

FUNDING: Federal and State funds with County share of cost met primarily with realignment funds.

This matter was Approved on the consent calendar.

7. [11-1432](#) Department of Transportation recommending the Board authorize the Chair to sign Agreement for Services 11-53361 (370-S1211) with Frank's Body Shop, Inc., for a two year period in an amount not-to-exceed \$180,000 to provide on-call truck, equipment and automotive body work and painting services for the Department's Fleet Services Unit.

FUNDING: Fleet Operations Internal Service Fund.

This matter was Approved on the consent calendar.

8. [11-1358](#) Department of Transportation recommending the Board authorize the Chair to sign the First Amendment to Agreement AGMT 11-53142 (389-S1110) with Neff Rental, LLC increasing compensation by \$100,000 to an amount not to exceed \$150,000 for a term through April 10, 2014 to provide road maintenance equipment rentals for said Department.

FUNDING: Road Fund.

This matter was Approved on the consent calendar.

9. [11-0314](#) Supervisor Knight recommending the Board consider the following:
1) Authorize the Chair to sign the 2012 California State Fair Exhibits Entry Form designating the El Dorado County Chamber of Commerce as the official representative for the County's exhibit to the Fair; and
2) Authorize all award money for the exhibit to be paid by the California Exposition and State Fair to the El Dorado County Chamber of Commerce.
This matter was Approved on the consent calendar.
10. [12-0286](#) Chairman Knight recommending the Board appoint Roberta Rimbault to serve as the Member-at-Large on the Commission on Aging Advisory Council for a term to expire January 1, 2014.
This matter was Approved on the consent calendar.
11. [12-0285](#) Supervisor Santiago recommending the Board adopt a **Resolution 025-2012** acknowledging road restrictions during the 21st Annual America's Most Beautiful Bike Ride at Lake Tahoe on June 3, 2012.
Adopted Resolution 025-2012 upon approval of the consent calendar.

END CONSENT CALENDAR

DEPARTMENT MATTERS

12. [11-1446](#) Department of Transportation recommending the following pertaining to the U.S. 50 HOV Lanes (Phase 2A) - Bass Lake Road Undercrossing to Cameron Park Drive Project, Contract No. PW 09-30408, CIP No. 53113:
- 1) Award the Construction Contract to the lowest responsive, responsible bidder; said bidder to be determined after the bid opening scheduled for February 15, 2012;
 - 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
 - 3) Authorize the Interim Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds;
 - 4) Authorize the Interim Director of Transportation to execute Contract Change Orders with an individual value up to \$210,000, provided the cumulative total of all Contract Change Orders is within the funding limits for the Project;
 - 5) Authorize the Chair to sign a Contract Change Order in the total amount of \$300,000 for the Water Pollution Control supplemental item of work (4/5 vote required per Public Contract Code 20137);
 - 6) Authorize the Interim Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the Dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims; and
 - 7) Authorize the Chair to sign the attached Budget Transfer (4/5 vote required). (Est. Time: 5 Min.)

FUNDING: State Corridor Mobility Improvement Account Funds, Federal Congestion Mitigation and Air Quality Improvement Program Funds, and Shingle Springs Band of Miwok Indians Tribal Agreement Funds.

A motion was made by Supervisor Sweeney, seconded by Supervisor Knight to approve this matter as follows:

- 1) Award the Construction Contract to DeSilva Gates Construction, L.P. who submitted the lowest responsive, responsible bid of \$9,797,745;
- 2) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management;
- 3) Authorize the Interim Director of Transportation to sign an Escrow Agreement, if requested by the Contractor and in accordance with Public Contract Code Section 22300, for the purpose of holding Contract retention funds;

- 4) Authorize the Interim Director of Transportation to execute Contract Change Orders with an individual value up to \$210,000, provided the cumulative total of all Contract Change orders is within the funding limits for the Project;
- 5) Authorize the Chair to sign a Contract Change Order in the total amount of \$300,000 for the Water Pollution Control supplemental item of work;
- 6) Authorize the Interim Director of Transportation to sign the Dispute Review Board Agreement with the Contractor, the County, and the dispute Review Board Members for the purpose of assisting in the resolution of disputes and/or potential claims; and
- 7) Authorize the Chair to sign the Budget Transfer.

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

13. [12-0295](#) Supervisor Sweeney recommending the Board approve a process to streamline when information is distributed for board agenda items. (Est. Time: 20 Min.)

A motion was made by Supervisor Sweeney, seconded by Supervisor Briggs to approve this matter as follows: Any matters not posted to the public agenda by Thursday at 12:00 noon, before the Tuesday meeting, will be continued to the next Board of Supervisors' meeting.

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

10:00 A.M. - TIME ALLOCATION

14. [12-0249](#) Presentation to the Board by Vicki Ludwig, Chair, of the Commission on Aging, regarding the Commission on Aging 2011 Annual Report. (Est. Time: 10 min)

Received and Filed

2:00 P.M. - TIME ALLOCATION

15. [12-0254](#) Hearing to consider the recommendation of the Planning Commission on Rezone Z11-0001/Planned Development PD11-0001/Tentative Map TM11-1502/Treviso II on property identified by APN 120-700-07, consisting of 6.98 acres, in the El Dorado Hills area, submitted by Ridgeview Homes West, LLC; and recommending the Board take the following actions:
- 1) Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
 - 2) Adopt the Mitigation Monitoring Reporting Program in accordance with CEQA Guidelines Section 15074(d) incorporated as Conditions of Approval listed in Attachment 1;
 - 3) Approve Z11-0001 rezoning APN 120-700-07 from One-Acre Residential-Planned Development (R1A-PD) to One-Family Residential-Planned Development (R1-PD) and Open Space-Planned Development (OS-PD) based on the Findings listed in Attachment 1;
 - 4) Approve Planned Development PD11-0001, approving the Development Plan as the official Development Plan, based on the Findings and subject to the Conditions of Approval listed in Attachment 1;
 - 5) Approve Tentative Map TM11-1502 based on the Findings and subject to Conditions of Approval listed in Attachment 1;
 - 6) Approve the following Design Waivers based on the Findings listed in Attachment 1:
 - (a) Reduction of right-of-way from 50 feet to 31 feet for private road (Lot R) Via Treviso;
 - (b) Reduction of sidewalk width from 6 feet to 4 feet and placement of sidewalk on one side of private road Lot R;
 - (c) Reduction of off-site road pavement width (Via Barlogio) from 36 feet to 24 feet wide without standard sidewalk and curb and gutters; and
 - (d) Increase the maximum driveway gradient from 16% to 20% serving Lot 20;
 - 7) Approve a reduction of wetland setback from 50 feet to 25 feet based on the Findings as presented and in accordance with Interim Interpretive Guidelines for General Plan Policy 7.3.3.4 (Wetland Buffers and Setbacks); and
 - 8) Adopt Ordinance **4974** for said rezone. (Supervisory District 1)
(Est. Time: 15 Min.)

A motion was made by Supervisor Knight, seconded by Supervisor Briggs to approve this matter as follows:

- 1) Adopt the Mitigated Negative Declaration;**
- 2) Adopt the Mitigation Monitoring Reporting Program;**
- 3) Approve Rezone Z11-0001;**
- 4) Approve Planned Development PD11-0001;**
- 5) Approve Tentative Map TM11-1502;**

6) Approve the following Design Waivers:

(a) Reduction of right-of-way from 50 feet to 31 feet for private road (Lot R) Via Treviso;

(b) Reduction of sidewalk width from 6 feet to 4 feet and placement of sidewalk on one side of private road Lot R;

(c) Reduction of off-site road pavement width (Via Barlogio) from 36 feet to 24 feet wide without standard sidewalk, curb and gutters; and

(d) Increase the maximum driveway gradient from 16% to 20% serving Lot 20;

7) Approve a reduction of wetland setback; and

8) Adopt Ordinance 4974 for said rezone.

Yes: 4 - Knight, Nutting, Sweeney and Briggs

Absent: 1 - Santiago

12-0006

CAO REPORTS

None

12-0005

ITEMS TO/FROM SUPERVISORS

None

CLOSED SESSION

- 16. 12-0288 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: *Operating Engineers Local Union No. 3 and Jeffrey B. Engelage v. John D'Agostini, County of El Dorado, et al.*, El Dorado County Superior Court Case No. PC20120005. (Est. Time: 15 Min.)

No action reported.

- 17. 12-0270 Pursuant to Government Code Section 54957: **Public Employee Appointment**: Title: Agricultural Commissioner / Sealer of Weight & Measures. (Est. Time: 30 Min.)

The Board by a 4-0 vote with Supervisor Santiago absent, appointed Charlene Carveth as the Agricultural Commissioner Sealer of Weight and Measures at Step 1 of the salary range, effective immediately.

ADDENDUM**CONSENT CALENDAR**

18. [12-0293](#) Department of Transportation recommending the Board authorize the ordering of title reports and certified appraisals to commence the acquisition process for the US Hwy. 50/El Dorado Hills Boulevard-Latrobe Road Interchange Project #53124, Phase 2B, affecting portions of the following subject parcels:
- 1) APN 121-180-16, Sukhbir Singh Bhullar and Paramjit Kaur Bhullar;
 - 2) APN 121-180-08, MICNAN LLC;
 - 3) APN 120-690-08, Peter L. Navarra and Leslie Towns Navarra, Andrew Peter Navarra, John Towns Navarra, Margaret McNulty Navarra, and Kathleen Elizabeth Navarra;
 - 4) APN 121-180-09 & 14, County of El Dorado;
 - 5) APN 120-150-11, County of El Dorado;
 - 6) APN 120-690-03 & 05, County of El Dorado; and
 - 7) APN 121-180-10, Berle G. Crisp, Tr. and Carol Crisp, Tr.

FUNDING: Local Transportation Funds.

This matter was Approved on the consent calendar.

DEPARTMENT MATTERS

19. [12-0037](#) Acting as the Board of Directors for the El Dorado County Public Housing Authority:

The El Dorado County Public Housing Authority providing additional information to and requesting direction from the Board regarding the California Housing Finance Authority Loan HELP-022607-02 for the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California. (Refer 2/7/12, Item 17) (Est. Time: 15 Min.)

FUNDING: California Housing Finance Authority Housing Enabled by Local Partnerships funds.

A motion was made by Supervisor Knight, seconded by Supervisor Briggs to approve the CalHFA HELP, Home and CDBG loans subject to the final review and approval of all loan documents and Mercy Housing, Inc.'s Repayment Guaranty.

The motion failed by the following vote:

Yes: 2 - Knight and Briggs

Noes: 2 - Nutting and Sweeney

Absent: 1 - Santiago

20. [12-0045](#) Health and Human Services Agency, Community Services Division, providing additional information to and requesting direction from the Board regarding the Community Development Block Grant Loan 10-STBG-6711 and the Home Investment Partnership Grant Loan 11-HOME-6952 for the 40-unit affordable workforce rental housing project known as Sunset Lane Apartments, proposed by Mercy Housing California 55, a California Limited Partnership, division of Mercy Housing California. (Refer 2/7/12, Item 16) (Est. Time: 15 Min.)

FUNDING: Community Development Block Grant and Home Investment Partnership Grant Loan.

A motion was made by Supervisor Knight, seconded by Supervisor Briggs to approve the CalHFA HELP, Home and CDBG loans subject to the final review and approval of all loan documents and Mercy Housing, Inc.'s Repayment Guaranty.

The motion failed by the following vote:

Yes: 2 - Knight and Briggs

Noes: 2 - Nutting and Sweeney

Absent: 1 - Santiago

CLOSED SESSION

21. 12-0302 Pursuant to Government Code Section 54956.8, **Conference with Real Property Negotiator**: Instructions to its negotiator regarding the real property described as APN: 325-300-32. The person or persons with whom the negotiator may negotiate is Mary Bustamante, Administrative Office of the Courts. Instructions to negotiator will concern both price and terms of payment. Kelly Webb and James R. Sweeney will be the negotiators on behalf of El Dorado County. (Est. Time: 20 Min.)
No action reported.
22. 12-0303 Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Center for Sierra Nevada Conservation, et. al., v. County of El Dorado, et al., El Dorado County Superior Court Case #PC20080336. (Est. Time: 10 Min.)
No action reported.

ADJOURNMENT