



# County of El Dorado

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## 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*

*Terri Daly, Acting Clerk of the Board of Supervisors*  
*Terri Daly, Chief Administrative Officer*    *Louis B. Green, County Counsel*

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Tuesday, September 18, 2012

8:00 AM

Board of Supervisors Meeting Room

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#### 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](http://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.

#### **8:01 A.M. - CALLED TO ORDER AND RECESSED TO CLOSED SESSIONS**

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

#### **9:16 A.M. - RECONVENED TO OPEN SESSION AND CLOSED SESSION REPORTS**

#### **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

Pastor Mark Cowles from the Highway Bible Church provided the Invocation. Supervisor Briggs 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 changes: Item No. 3 was pulled from the consent calendar and acted upon separately; Item No. 4 was continued one week to September 25, 2012; and Item No. 13 was continued off calendar.

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

#### **12-0003**

#### **OPEN FORUM**

**M. Smith RE:** Expressed support for the Board of Supervisors actions pertaining to the State of California Fire Fee.

**M. Smith RE:** State Fire Fee.

**M. Drobesh RE:** State Fire Fee. Safe Streets to School for the area near the Department of Motor Vehicles (DMV) and Combellaack.

**S. Mean RE:** Zoning - Animal Permits.

#### **12-0009**

#### **BUDGET UPDATE**

**None.**

**CONSENT CALENDAR**

1. [12-0002](#) Acting Clerk of the Board recommending the Board approve the Meeting Minutes from the Regular Meeting on Tuesday, September 11, 2012.  
**This matter was Approved on the consent calendar.**
  
2. [12-1156](#) Auditor-Controller recommending the Board consider the following:  
1) Receive and file the Reports of Special Tax Delinquencies for Community Facilities District No. 1992-1 (CFD 1992-1 Serrano), Community Facilities District 2001-1 (CFD 2001 1 Promontory), and Community Facilities District 2005-2 (Laurel Oaks); and  
2) Adopt Resolutions **129-2012**, **130-2012** and **131-2012** authorizing judicial foreclosure of delinquent special tax installments pursuant to the CFD 1992-1, CFD 2001-1, and CFD 2005-2 respectively.  
**Resolutions 129-2012, 130-2012 and 131-2012 were adopted upon approval of the consent calendar.**
  
3. [12-1163](#) Chief Administrative Office recommending the Board consider the following in accordance with Board of Supervisors Policy B-14:  
1) Make a finding that specific projects will provide significant community benefit by providing housing that is affordable to very low-, low-and/or moderate-income households; and,  
2) Award Traffic Impact Mitigation (TIM) Fee Offsets totaling \$125,120.

**FUNDING:** Traffic Impact Mitigation Fees.

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

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

- 4. [12-1090](#) Chief Administrative Office recommending the Board consider the following:
  - 1) Authorize a \$2,000,000 loan out of the Department of Transportation (DOT) Road Fund to the City of Placerville to advance the initial outlay for the Western Placerville Interchange Phase 1A improvements contingent upon an agreement between the County and City that ensures repayment and minimizes the County's risk on the project;
  - 2) Authorize the Chief Administrative Office to work with County Counsel, the County Auditor and other departments on the appropriate loan agreement and safeguards; and
  - 3) Authorize the Chair to sign the loan agreement once completed, contingent upon County Counsel review and approval. (Cont'd. 9/11/2012, Item 3)

**This matter was continued to September 25, 2012 upon approval of the consent calendar.**

- 5. [12-1110](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board declare a duty weapon as surplus and approve the sale of the weapon to retiring Sheriff Officer, Deputy Rick Fitzgerald.

**This matter was Approved on the consent calendar.**

- 6. [12-1133](#) Chief Administrative Office, Procurement and Contracts Division, recommending the Board consider the following:
  - 1) Approve lease of Pitney Bowes postage meter for Health and Human Services, Social Services Division (HHSA/SSD) in the amount of \$24,464.40 (\$407.74 per month) for a term of sixty (60) months; plus applicable sales tax; and
  - 2) Authorize the Purchasing Agent to execute the lease agreement for same.

**FUNDING:** General Fund.

**This matter was Approved on the consent calendar.**

7. [12-1128](#) Health and Human Services Agency, Community Services Division, recommending the Board:
- 1) Adopt Resolution **133-2012** to supersede Resolution 287-95, authorizing the assignment of the County of El Dorado's California Debt Limit Allocation Committee Single-Family Housing Bond Allocation to the California Rural Home Mortgage Finance Authority Homebuyers Fund; and
  - 2) Authorize the Director of the Health and Human Services Agency, or successor, to determine the appropriate level of the assignment of the California Debt Limit Allocation Committee bond allocation to the California Rural Home Mortgage Finance Authority Homebuyers Fund, and to execute related documents.

**FUNDING:** California Debt Limit Allocation Committee Single-Family Housing Bond Allocation.

**Resolution 133-2012 was adopted upon approval of the consent calendar.**

8. [12-1154](#) Department of Transportation recommending the Board authorize the acquisition of one vehicle (fixed asset) prior to the adoption of the Fiscal Year 2012-2013 Budget.

**This matter was Approved on the consent calendar.**

9. [12-1073](#) Department of Transportation recommending the Board consider the following:
- 1) Authorize the Chair to sign the Easement Acquisition Agreement and the Certificates of Acceptance for the related documents from Matthew M. Mikkelsen and Karen I. Mikkelsen, Husband and Wife and Tyler M. Mikkelsen, All As Joint Tenants, for Assessor's Parcel Number 033-180-35; and
  - 2) Authorize the Interim Director of Transportation, or her designee, to execute the escrow instructions and any other related escrow documents pertaining to the transaction, including the payment of title and escrow fees, for the Sawmill 2B Bike Path and Erosion Control Project, CIP No. 95192.

**FUNDING:** California Tahoe Conservancy Grant Funds and Tahoe Regional Planning Agency Mitigation. Funds.

**This matter was Approved on the consent calendar.**

10. [12-0815](#) Transportation Department recommending the following pertaining to Serrano Village K6, Unit 2:
- 1) Accept subdivision improvements as complete;
  - 2) Reduce Performance Bond 782783S to \$215,409.06 to guarantee against any defective work, labor done, or defective materials furnished and release one year after acceptance if no claims are made; and
  - 3) Hold previously posted Laborers and Materialmens Bond No. 782783S in the amount of \$1,077,045.32 to guarantee payment to persons furnishing labor, materials or equipment and release six months after acceptance if no claims are made.

**This matter was Approved on the consent calendar.**

11. [12-1160](#) Supervisor Knight recommending the Board approve a Certificate of Commendation for Brandon Dishno acknowledging the hard work and community commitment needed to complete the requirements for the rank of Eagle Scout. Brandon will be honored at his Eagle ceremony on November 3, 2012.

**This matter was Approved on the consent calendar.**

12. [12-1167](#) Supervisor Knight recommending the Board adopt a Proclamation recognizing International Mountain Bicycling Association's (IMBA) 8th Annual "Take a Kid Mountain Biking Day" on Saturday, October 6, 2012, celebrating the joy of riding on trails. The Friends of El Dorado Trail and El Dorado Western Railroad join together in supporting this event in our community.

**This matter was Approved on the consent calendar.**

13. [12-0624](#) Supervisor Briggs recommending the Board authorize the Auditor-Controller to pay the Local Agency Formation Commission \$5,000 out of the remaining funds associated with the Grassy Run Community Services dissolution, thereby correcting a clerical mathematical error. (Cont'd 9/11/12, Item 27)

**FUNDING:** Grassy Run Community Services District (CSD) fund balance.

**This matter was continued off calendar upon approval of the consent calendar.**

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS**

14. [12-0837](#) Chief Administrative Office recommending the Board receive a progress report on the Zoning Ordinance update and provide direction regarding same. (Refer 8/20/12, Item 2) (Est. Time: 3 Hrs.)

**FUNDING:** General Fund.

**No formal action taken. Staff direction derived from comments of Board members during the discussion this date.**

**2:00 P.M. - TIME ALLOCATION**

15. [11-1020](#) HEARING: Consider extending the previously adopted Urgency Ordinance that imposed a 45-day moratorium on the processing and approval of any freestanding sign permits over certain size; the proposed extension reduces the scope of the previously adopted moratorium. This proposed moratorium would prohibit the approval of only those freestanding signs within one half mile of the edge of the right-of-way of U.S. Highway 50 and State Routes 49, 89, 153, and 193. The proposed extension to the moratorium would prohibit approval of signs: (A) In all unincorporated areas of the County; (B) Within one-half mile of the edge of the right-of-way of U.S. Highway 50 and State Routes 49, 89, 153, and 193; (C) Exceed 80 square feet in size or 15 feet in height; and (D) In all zoned districts. Planning Services recommends the Board take the following actions:
- 1) Adopt the Interim Ordinance, effective immediately and until August 7, 2014 or until repealed by the Board (4/5 vote required); and
  - 2) Direct staff to proceed with the Comprehensive Sign Ordinance Update using one of the following options:
    - (a) Process a Request for Proposals for the Comprehensive Sign Ordinance Update; or
    - (b) Include the Comprehensive Sign Ordinance Update to the Land Use Policy Programmatic Update process under a revised contract with ICF Jones & Stokes. (Refer 8/7/12, Item 18)

**A motion was made by Supervisor Knight to approve this matter as follows:**

- 1) **Adopt the Interim Ordinance, effective immediately and until August 7, 2014 or until repealed by the Board (4/5 vote required); and**
- 2) **Direct staff to proceed with the Comprehensive Sign Ordinance Update using one of the following options:**
  - (a) **Process a Request for Proposals for the Comprehensive Sign Ordinance Update; or**
  - (b) **Include the Comprehensive Sign Ordinance Update to the Land Use Policy Programmatic Update process.**

**The motion was withdrawn by Supervisor Knight.**

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

1) Adopt the Interim Ordinance, effective immediately and until August 7, 2014 or until repealed by the Board (4/5 vote required).

The motion failed.

Yes: 3 - Knight, Nutting and Santiago

Noes: 2 - Sweeney and Briggs

PUBLIC COMMENT

- D. Brazelton
- K. Wills
- T. DeVille
- J. Aran
- K. Greenwood

A motion was made by Supervisor Sweeney, seconded by Supervisor Santiago to approve Item 2 (a) as follows:

2) Direct staff to proceed with the Comprehensive Sign Ordinance Update using option A as follows:

(a) Process a Request for Proposals for the Comprehensive Sign Ordinance Update.

Yes: 4 - Nutting, Sweeney, Briggs and Santiago

Noes: 1 - Knight

16. [12-1174](#)

Development Services submitting a draft comment letter for Board approval on the Draft Environmental Impact Report (DEIR), prepared by Sacramento County, for the Mather Airport Master Plan; and recommending the Chairman be authorized to sign said letter.

PUBLIC COMMENT

- R. Stewart
- J. Kerhlikar

A motion was made by Supervisor Santiago, seconded by Supervisor Sweeney to authorize the Chair to sign the letter to Sacramento County Environmental Review and Assessment with revisions made to said letter regarding piecemealing and baseline changes. Noting: Said letter will be brought back to the Board on the consent calendar at a later date for ratification of the Chair's signature.

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

[12-0006](#)

CAO REPORTS

None.



[12-0005](#)

**ITEMS TO/FROM SUPERVISORS**

Supervisor Nutting reported that he will be going to Regional Council of Rural Counties (RCRC) and possibly voting on Statewide Propositions.

Supervisor Briggs reported that the Rubicon event on Friday, September 14, 2012 was a great success and was well attended. He also thanked Supervisor Sweeney for putting the event together.

**ADJOURNED AT 5:12 P.M.**

**CLOSED SESSION**

- 17.    **12-0388**           Conference with Legal Counsel - **Existing Litigation** pursuant to Government Code Section 54956.9(a): Title: Petition for Review of NPDES Permit (Order No. R6T-2011-0101) issued by Lahontan Regional Water Quality Control Board. (Est. Time: 15 Min.)  
  
          **No Action Reported.**

**NEW BUSINESS**

The following matter came to the Board's attention by Supervisor Sweeney and by a unanimous vote of the Board was added to the Agenda as Item No. 18 on the Consent Calendar.

**CONSENT CALENDAR:**

- 18.    [12-0506](#)           Supervisor Sweeney recommending the board authorize the Chief Administrative Officer to sign a contract with Erickson Air Crane for services on the Rubicon Trail.  
  
          **This matter was Approved on the consent calendar.**