



County of El Dorado

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Minutes - Final Board of Supervisors

Ron Briggs, Chair, District IV
Norma Santiago, First Vice Chair, District V
Ray Nutting, Second Vice Chair, District II
Ron Mikulaco, District I
Brian K. Veerkamp, District III

James S. Mitrising, Clerk of the Board of Supervisors
Terri Daly, Chief Administrative Officer Edward Knapp, County Counsel

Monday, September 30, 2013

9:00 AM

Board of Supervisors Meeting Room

Special Meeting

9:04 A.M. CALLED TO ORDER AND RECESS TO CLOSED SESSIONS

Present: 5 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

10:02 A.M. RECONVENED TO OPEN SESSION AND CLOSED SEESION REPORTS

ADOPTION OF THE AGENDA AND PLEDGE OF ALLEGIANCE TO THE FLAG

Present: 5 - Supervisor Briggs, Supervisor Santiago, Supervisor Mikulaco, Supervisor Veerkamp and Supervisor Nutting

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp to adopt the agenda.

Yes: Mikulaco, Nutting, Veerkamp, Briggs, Santiago

Supervisor Santiago led the Pledge of Allegiance to the Flag.

DEPARTMENT MATTERS

1. 12-0267 Chief Administrative Office providing the Board with an update on the Land Use Policy Programmatic Update.

FUNDING: General Fund.

Public Comment: E. Van Dyke, E. Lowery, S. Staddy, P. Chelseth, K. Payne, M. Lane, S. Taylor, B. Staddy, L. Stroud, F. DuChamp, B. Welty, V. Zentner, T. Costello, N. Briel

No Formal Action Taken.

- 2. [13-1219](#) Community Development Agency, Long Range Planning Division recommending the Board receive additional information as a follow up to the presentation provided by the Measure Y Committee on August 26, 2013. The discussion provides information on the following topics:
 - 1) Level of Service on State Highway 50 and Measure Y Interpretation
 - 2) Land Development Projections
 - 3) Land Use Policy Programmatic Update (LUPPU)
 - 4) Traffic Impact Mitigation (TIM) Fee Program
 - 5) Next Steps

Public Comment: T. Costello, L. Parlin, D. VanDyke, K. Payne, K. Bone, L. Price, D. Crosariol, S. Taylor, F. DuChamp, M. Ranalli, A. Marinaccio, B. Staddy, K. Garcia, J. Garcia, J. Williams

No Formal Action Taken.

- 3. [13-0889](#) Community Development Agency, Long Range Planning Division, recommending the Board consider the following:
 - 1) Approve the draft scope of work, schedule, and cost to complete a Corridor Analysis for Green Valley Road;
 - 2) Authorize use of the General Fund to begin the Corridor Analysis and purchase Synchro Software; and
 - 3) Direct staff to hold a public meeting in El Dorado Hills to solicit input on the draft scope of work.

FUNDING: General Fund.

Public Comment: K. Payne, A. Marinaccio, E. VanDyke, N. Rowett, Diane, N. Briel

A motion was made by Supervisor Veerkamp, seconded by Supervisor Mikulaco to approve staff recommendations, amending the scope of work to extend the Corridor Analysis from the County line to Lotus Road, and direct staff to report back to the Board with the cost analysis and results of the Corridor Analysis.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

4. [13-0331](#) Community Development Agency, Development Services Division, recommending the Board consider the following related to the public notification of land development applications and hearings:
- 1) Direct staff to return with a final draft Resolution of Intent to start the process to change the County Code;
 - 2) Direct staff to initiate adoption process for an amendment to Resolution 61-87;
 - 3) Direct staff to develop a policy for early notification for large residential subdivisions; and
 - 4) Direct Development Services Division to expand new County development project information on the County website.

FUNDING: General Fund.

Public Comment: N. Kemp, Bob, K. Garcia, M. Ranalli, L. Price, K. Payne, A. Marinaccio, K. Bone, Susan, V. Zentner, S. White, K. Beal, N. Rowett, J. Garcia, S. Schultz, C. Langley, J. Williams, F. DuChamp, D. White

A motion was made by Supervisor Santiago, seconded by Supervisor Veerkamp to move staff recommendations with particular attention being paid to adding flexibility with regards to feet versus number of residences versus number of parcels. In addition, the posting of the upcoming projects have consistent information, and the policy for early notification be not limited to large residential subdivisions, but also looking at notification of our Capital Improvement Projects.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

5. [13-0510](#) Community Development Agency, Long Range Planning Division, recommending the Board defer initiation of a new process to amend the General Plan relative to Community Region Boundaries until completion of the Targeted General Plan Amendment-Zoning Ordinance Update Environmental Impact Report. Staff also recommends continuing to concurrently support the development of local Community Visioning and Implementation Plans.

FUNDING: General Fund.

Public Comment: S. Taylor, A. Marinaccio, F. DuChamp, D. Morello, L. Parlin, J. Chelseth, V. Chelseth, J. Williams, S. Harlan, Sue, R. Pimentel, V. Zentner, S. Wylie, P. Chelseth, K. Beal, K. Garcia, B. Staddy, B. Smart, K. Payne, D. VanDyke, E. VanDyke, B. Center

A motion was made by Supervisor Briggs, seconded by Supervisor Veerkamp, to:

- 1) Direct staff to return to the Board in January or February 2014 in line with the Targeted General Plan Amendment Zoning Ordinance Update Environmental Impact Report (EIR) with examples and/or options for moving the Shingle Springs and El Dorado Hills Community Region Boundary lines.
- 2) Change the Pollock Pines / Camino boundary lines to a rural center and take whatever steps are necessary to affect such at the earliest possible time.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

6. [13-0793](#)

Community Development Agency, Long Range Planning Division recommending the Board discuss the merits of the draft General Plan Amendment Initiation Policy and either:

- 1) Provide specific direction to staff regarding any necessary changes to the draft policy; or
- 2) Determine that the draft policy is not necessary at this time.

FUNDING: General Fund.

Public Comment: F. Duchamp, L. Parlin, B. Staddy, D. VanDyke, K. Payne, V. Zentner, K. Bone, B. Center, M. Cook, S. White, J. Wylie, D. Morello, M. McDougal, B. Shattuck, D. Coserian, J. Korotkin, K. Beal, J. Williams, S. Parlin, N. Briel, J. Garcia, S. Staddy, S. Taylor, Bob.

A motion was made by Supervisor Nutting, seconded by Supervisor Veerkamp, to direct staff to return to the Board with a revised draft General Plan Amendment Initiation Policy for future and retroactive projects to include the three policy criteria as presented by staff.

Motion Failed. 2-3

Yes: 2 - Veerkamp and Nutting

Noes: 3 - Briggs, Santiago and Mikulaco

A motion was made by Supervisor Briggs, seconded by Supervisor Santiago, to direct staff to return to the Board with a revised draft General Plan Amendment Initiation Policy to include the following:

- 1) The amendment request is consistent with the principal goals and objectives of the General Plan, and
- 2) Public infrastructure, facilities and services are available to serve the proposed project;
- 3) The proposed amendment meets one or more of the following goals and objectives:
 - a. Increases employment opportunities within El Dorado County;
 - b. Promotes the development of housing affordable to moderate income households;
 - c. Provides additional opportunities to retain retail sales and sales tax revenues within El Dorado County;
 - d. Protects and enhances the agricultural and natural resource industries;
 - e. Is necessary to comply with changes in state or federal law.
- 4) The proposed amendment is consistent with the community vision.

Yes: 4 - Briggs, Santiago, Mikulaco and Nutting

Noes: 1 - Veerkamp

7. [13-0677](#) Community Development Agency, Transportation Division, recommending the Board take the following actions pertaining to the U.S. 50 / Silva Valley Parkway Interchange - Phase 1 Project, Contract No. PW 12-30647, CIP No. 71328, P&C No. 078-C1499:
- 1) Conceptually award the Construction Contract to Myers and Sons Construction, L.P., who submitted the lowest responsive, responsible bid of \$29,715,154.70, subject only to receipt of the required shortfall funds in cash from Developer West Valley, LLC and continue the item for final award approval to no later than ~~November 5, 2013~~ October 22, 2013;
 - 2) Authorize the Chair to sign a final written request to West Valley, LLC for the required cash advance to fund the shortfall amount in total project costs, minus the existing Set-Aside Account funds;
 - 3) Authorize the Chair to sign the Construction Contract, subject to review and approval of the final Contract Documents by County Counsel and Risk Management, and subject to final award approval by the Board;
 - 4) Authorize the Acting Community Development Agency Director 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 upon final Board award approval;
 - 5) Authorize the Chair to sign a Contract Change Order in the amount of \$1,000,000 for the County's share of a supplemental item of work (4/5 vote required per Public Contract Code § 20137) upon final Board award approval; and
 - 6) Authorize the Acting Community Development Agency Director to sign the Dispute Resolution Board Agreement with the Contractor, the County, and the Dispute Resolution Board Members for the purpose of assisting in the resolution of disputes and/or potential claims upon final Board award approval. (Est. Time: 10 Min.) (Refer 6/25/13, Item 70)

FUNDING: State and Local Partnership Program (SLPP) Grant, 2004 General Plan Silva Valley Interchange Set-Aside, Silva Valley Interchange Set-Aside, Highway 50 TM99-1359 fees, El Dorado Irrigation District Reimbursement, and Developer advanced funds. Developer advanced funds shall be provided by West Valley, LLC, in accordance with the Conditions of Approval for West Valley Village Tentative Map TM99-1359, Condition of Approval No. 26 dated January 22, 2004.

In August 2013 the Community Development Agency, Transportation Division (Transportation) obtained an extension to the SLPP Grant from the California Transportation Commission.

Public Comment: S. Taylor

A motion was made by Supervisor Veerkamp, seconded by Supervisor Briggs to approve staff recommendations with the correction to the date in action item

one (1) for the final award approval no later than October 22, 2013.

Yes: 5 - Briggs, Santiago, Mikulaco, Veerkamp and Nutting

ADJOURNED AT 10:15 P.M.

CLOSED SESSION

- 8. 11-1362 **Conference with Legal Counsel - Initiation of Litigation** pursuant to Government Code Section 54956.9(d)(4): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: (1). (Est. Time: 15 Min.)

Supervisor Nutting did not participate.

No Action Reported.

- 9. 11-1363 **Conference with Legal Counsel - Significant Exposure to Litigation** pursuant to Government Code Section 54956.9(d)(2): Title: West Valley, LLC: Silva Valley Parkway Interchange Project. Number of potential cases: (1). (Est. Time: 15 Min.)

Supervisor Nutting did not participate.

No Action Reported.