

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES September 11 19 79

The Board convened in regular meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. Walker, Joseph V. Flynn, and Thomas L. Stewart. Dixie L. Foote, Assistant Board of Supervisors Clerk was also present. Chairman Walker presided.

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12-7 The Invocation was offered by Reverend Jim Upshaw, Federated Church.

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The Pledge of Allegiance to the Flag was led by Mrs. Amelia McAnnally, Auditor/Controller.

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214-1 On motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried, the Agenda was adopted with the removal of Item 8, a request that the Chairman be authorized to sign a contract with Ms. Esther Gust for shelter care and crisis resolution home child placement services, as the Chief Probation Officer requested that said Item be removed from the Agenda at this time.

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The Minutes of September 4, 1979, were approved as submitted on motion of Supervisor Flynn, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Todd, Johnson, Flynn, and Walker; Abstain: Supervisor Stewart.

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On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Consent Calendar matters were considered and acted upon as follows:

50-1 The Community Action Council Claims were approved and allowed for payment.

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2982 The Board approved Assessment Roll Changes numbered: 2023, 2037, 2038, 2039, and 7749.

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The Chairman was authorized to execute Releases of Lien, discharging all property encumbered by the Agreements to Reimburse the County for Public Assistance, as recorded in the Official Records of El Dorado County as follows:

<u>Name</u>	<u>Volume and Page</u>	
Christiana A. Haynes	1721	454
Diane Peariso	1645	730
Diane Peariso	1269	552
247 Michael D. Pardo	1291	406
Alberta Skaggs	1248	23
Alberta Skaggs	1248	22
James M. & Bonnie Jean Pittman	1060	101
Jane E. Simpson	1615	339
Norman B. Peterson	1720	487
Tony R. Hall	1194	210
David Torres	1543	147

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145 ✓  
RESOLUTION NO. 231-79 was adopted authorizing the District Attorney's Office to destroy misdemeanor records over two years old, pursuant to Government Code Section 26202.

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21-82  
As recommended by the Airports Director, the Chairman was authorized to sign a one-year Lease with Alpine Meadows for advertising space at the Lake Tahoe Airport at a cost of \$600 per year.

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151-2  
At the recommendation of the Welfare Director, the Board approved placement of a male juvenile in the Stockton Children's Home, in Stockton, California, at a cost of \$1,092.00 per month; said placement estimated to be for a minimum of one year.

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(75)  
233  
52  
At the recommendation of the Sheriff, the Chairman was authorized to sign an Agreement with the Department of California Highway Patrol for Abandoned Vehicle Abatement Program Funds in an amount not to exceed \$18,000.00, for Fiscal Year 1979-80, and RESOLUTION NO. 232-79 was adopted accordingly.

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247  
At the recommendation of County Counsel's Office, the Chairman was authorized to sign a Release of Lien and Settlement of Account for John J. Pearson, Jr., as the full amount of his settled debt has been fully paid. At its meeting on September 4, 1979, the Board reduced the amount owed by Mr. Pearson to \$923.39.

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2-46  
As recommended by the architectural firm for construction of the new Superior Court facility at South Lake Tahoe, the Board directed the County Administrative Officer to contract with the engineering firm of Hardy and Lawson of Reno to conduct soil tests at the construction site. Mr. Dick Zeiner, representing the architectural firm for the project, estimates the cost will not exceed \$2,000.00. The aforementioned action was taken on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried.

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3-26  
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board expressed its support of Senate Bill 4 which will require returnable deposits on beverage containers; as Senator Rains, author of the Bill, requests that Counties forward letters of support to their Senators. The Board felt that this type of "anti-litter" legislation would benefit a recreational County such as ours.

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12-14  
On motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried, the Board set a Policy Review Session with the Building Department, Building Trades, County Counsel, and the County Administrative Officer for Tuesday, October 2, 1979, at 7:30 p.m., regarding the operation of the Building Department and the distribution of fees it collects.

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(115)  
43  
43b  
On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, RESOLUTION NO. 233-79 was adopted amending the Authorized Personnel Resolution, and RESOLUTION NO. 234-79 was adopted, amending Section 4111 of the Personnel and Salary Ordinance; said amendments to implement approved budget allocations for Fiscal Year 1979-80.

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82-76  
RESOLUTION NO. 235-79 was adopted, on motion of Supervisor Stewart, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Todd, Flynn, Stewart, and Walker; No: Supervisor Johnson, amending Resolution No. 167-79, which established a Department Heads Committee for Fiscal Planning.

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(100)  
189  
On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board denied the request of the State Controller's Office, which was submitted by the Deputy Executive Officer of the Local Agency Formation Commission, to initiate proceedings for the dissolution of the inactive El Dorado County Toll Tunnel Special District, as the Board wishes to reserve the right to re-activate said District in the future if deemed necessary.

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# STATE OF CALIFORNIA, COUNTY OF EL DORADO

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406-4  
Deed  
#43-79  
At the recommendation of County Counsel, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to sign a Certificate of Acceptance of Gift Deed for property located in the Georgetown Divide Justice Court which is being given to the County by retired Judge Amy Horn Drysdale. The Board also directed that a letter of thanks be forwarded to Mrs. Drysdale.

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(165)  
104-B  
At the recommendation of the Chief Administrative Officer, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board authorized the Buildings and Grounds Department to build open file shelves for the District Attorney's Family Support Department, with building materials to be purchased by the District Attorney at a cost of \$420.00.

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20-10  
As requested by the Deputy Director of the Office of Emergency Services, and on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the following persons were appointed to the Emergency Medical Care Committee for the Tahoe area: Les Bush, Dr. Kenneth C. Smith, Annette Rhodes, R.N., Lt. John Sherman of the California Highway Patrol, Chief Marven Smiley of the South Lake Tahoe Fire Department, Assistant Chief Hugh Thomas of the Lake Valley Fire Department, Captain/Deputy Chief Don Johnson of the City of South Lake Tahoe Police Department, and Captain Daniel Patton of the County Sheriff's Department.

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56  
Continued from September 4, 1979, was the matter of Attorney Patrick Riley, on behalf of Mrs. Cecelia Hill, requesting the Board consider the El Dorado Rod and Gun Club's use of a roadway on Mrs. Hill's property, and her concern that the County may claim title to her property through continued use of said roadway. Also, Mrs. Hill is concerned about liability should someone be injured while using said roadway. Mrs. Hill was present and also voiced a complaint about the Club's construction of a fence on her property. County Counsel stated he had talked to Mr. Riley, and was under the impression that they would be able to solve the problem; however, Mr. Riley was not present to confirm this fact. On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the matter was continued to September 25, 1979, and referred to County Counsel to be resolved.

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(201)  
50  
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board acknowledged receipt of the annual audit report prepared by Tammi & Sanders, Certified Public Accountants, for certain grants administered by the El Dorado County Community Action Council, Inc., for year ending February 28, 1979; and requested Mr. Bob Amburn, Executive Director of the Community Action Council, to submit a written response to Item VI, 1 and 2, "Discussion of Auditors' Observations and Recommendations" on pages 19 and 20 of the audit report.

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355  
A request from the Commission on the Status of Women, for authorization to apply for Comprehensive Employment Training Act (CETA) funds to establish a Displaced Homemaker Program in El Dorado County, was referred to the County Administrative Officer on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried.

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(131)  
92  
303  
RESOLUTION NO. 236-79 was adopted, on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, to be forwarded to the State Department of Parks and Recreation, stating that this Board and the El Dorado Irrigation District have agreed to re-allocate funds that had been set aside for the Weber Creek recreation development, in the amount of \$52,612.00, to the construction of lighting the multi-use sports field at Bennett Park; and the State Department of Parks and Recreation is to be requested to reappropriate the funds, pending completion of the required paperwork. The aforementioned action taken at the request of the Bennett Park Steering Committee.

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283-6  
McFarlane Mortuary and Wilson Family Mortuary, serving the South Lake Tahoe area, requested an amendment on Line 15, Section C, Paragraph 6 of their contracts with the County to read, ". . . the sum of Fifty Dollars (\$50.00) for removal within a five (5) mile radius of the Tahoe Service Area or Fifty Dollars (\$50.00) plus \$1.50 per mile outside the five (5) mile radius only when actually transporting a decedent." In the past, the mortuaries have collected these fees from the families of the deceased; however, a recent ruling from the State Department of Consumer Affairs and the Board of Funeral Directors and Emblamers states that, under Section 27471 of the Government Code, mortuaries may charge the families for embalming, but any other services rendered on behalf of the county (such as removal and storage) must be charged to the county served and not the families.

Therefore, on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Board approved the contract amendment as requested.

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## SPECIAL ORDERS

### PLANNING MATTERS

245-57-19  
Hearing was held as duly advertised to consider rezoning of lands in the Placerville Periphery area from Single Family Residential zone to Commercial zone, consisting of 0.76 acre, petitioned by Glenda E. Warren. The Planning Commission recommended denial, and the Planning Director enumerated the following findings of the Commission:

1. There would be a severe traffic problem created at this intersection;
2. This is now a residential area with homes facing this property;
3. Parking would be a problem;
4. It would be detrimental to the public health, safety and welfare, and injurious to the neighborhood.

Mr. Edward Warren, applicant, was present and spoke on his own behalf. Mr. Warren pointed out mitigation measures he has taken to alleviate problems predicted by neighbors who were at the Planning Commission hearing.

Ms. Mary Colburn was present and spoke in favor of the rezoning.

Messrs. John Gable and Earl Weaver, residents of the area, were present and spoke in opposition to the rezoning.

There being no further comments from the audience, the Hearing was closed.

On motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried, the Board upheld the findings of the Planning Commission and accepted the Negative Declaration, and the rezoning was denied without prejudice.

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Hearing was held as duly advertised to consider an Amendment to the County General Plan from Medium Density Residential (1 to 5 dwelling units per acre) to Commercial, consisting of 5.84 acres, petitioned by Ironwood Development Company, Inc. (Hearing continued from September 4, 1979) The Planning Commission recommended denial, and the Planning Director enumerated the following findings of the Commission:

1. The project is adjacent to a developed low density residential area;
2. The access is over private subdivision roads, with the exception of 475 feet which is county maintained;
3. The proposal is detrimental to the neighborhood as testified by area residents;
4. The amendment is not necessary at the present time.

Continued next page . . . . .



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Mr. Robert Rodriguez, Agent, was present and spoke on behalf of the applicant. Mr. Rodriguez reiterated that the applicant hopes to have his request approved for an amendment to the County General Plan, so that he can then apply to have the property rezoned under the new Planned Use Development Zone and Procedures Ordinance. The applicant feels this is a good location for a commercial development because of the freeway exposure, 475 feet of county-maintained road leading to the property, and the contention that the property is not covered by the deed restrictions applied to lots within the Cameron Estates Subdivision.

The following residents of the area were present and spoke again in opposition to the request, high-lighting their testimony at the Hearing of September 4, 1979: Gale Guthrie, Karen Guthrie, and Bob Pepper.

In addition to his previously outlined objections to the request, Mr. Gale Guthrie stated that he felt an Environmental Impact Report would have been more appropriate for this proposed amendment to the General Plan and subsequent rezoning, rather than a Negative Declaration.

Mrs. Karen Guthrie emphasized the following two points: (1) The development of the property in question, as requested, would be of no benefit to the surrounding properties in Cameron Estates; and (2) Denial of the request would create no hardship on the applicant, as the property will retain its present value.

Supervisor Arliene Todd read into the record, a letter in opposition to the amendment from Mr. Lynn Fetch, Planning Commissioner for District I. Mr. Rodriguez objected to the reading of said letter, as conversations between various parties, which are referred to in the letter, are not confirmed, therefore constitute "heresay".

There being no further protests, the Hearing was closed.

57-6  
On motion of Supervisor Stewart, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Flynn, Stewart, and Walker; Noes: Supervisors Todd and Johnson, the Board declared its intent to approve the request for an Amendment to the County General Plan and accept the Negative Declaration based on the finding that the present General Plan Designation and Zoning would be more detrimental to the neighborhood if it is developed to its full impact -- ten to twenty individual residential lots -- and with the understanding that the applicant's rezoning request will come under the Planned Use Development Zone and Procedures Ordinance to limit the environmental impact and congestion which would take place with a commercial development; also, the Board directed that an Environmental Impact Report be completed at the time application is made under the Planned Use Development Zone to mitigate any adverse conditions to be created.

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282-5-79  
Attorney John R. Olson was present to request the Board reconsider Robert N. Baker's Appeal on the Planning Commission's denial of his request for a waiver of the encroachment permit for Parcel Map No. 79-173. Mr. Baker's Appeal was heard by the Board on July 24, 1979, and denied.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board approved reconsideration of the Appeal, and set the Hearing for September 25, 1979, at 2:15 p.m.

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## NEW BUSINESS

(104-14)  
141  
At the request of Supervisor Stewart, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board ratified County Counsel's letter to the Rubicon Tahoe Owners, Inc., enclosing an appraisal of \$750.00 for a small parcel at the end of North Lane in Rubicon Properties, and an offer to purchase said parcel at that price; and, if Rubicon Tahoe Owners, Inc. refuse the offer, County Counsel is authorized to proceed with condemnation. The County must obtain ownership to this parcel to facilitate the clearing of a barrier that prevents passage of emergency and fire protection vehicles from the Meeks Bay Fire Protection District between North Lane in the Rubicon Tract and Kellet Drive (Meeks Bay Avenue) in the Meeks Bay Vista, South Tract.

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(212)  
127  
151  
Supervisor Flynn directed the Board's attention to a letter from the California Enduro Riders Association in which it advises of an upcoming motorcycle endurance run to be held in the El Dorado National Forest on November 24, 1979. The Association advised it has obtained a Forest Service Use Permit and permission from all landowners whose property it will be using. Supervisor Flynn noted that people in the area have complained to him that, although the event is held on Forest Service property and roads, county-maintained roads are used to get to and from the event.

127  
151  
On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board directed the Public Works Department to contact the U.S. Forest Service to see if it can provide mitigation measures in permits issued for special events to be held within the National Forest, to alleviate damage to county roads used for access to said events.

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141  
At the request of Supervisor Walker, and on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board authorized the County Recorder to record acknowledgement of full satisfaction of judgment on the account of Dorothy Rogers, who used to live on Panorama Drive in Placerville, pursuant to Section 27361.3 of the Government Code.

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104-5  
On motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board authorized the Clerk of the Board of Supervisors to correct the legal description attached to Resolution No. 185-79, as Exhibit "A", setting the boundaries for the proposed Coloma-Lotus Fire Protection District; as a clerical error was made when transmitting the legal description from the Local Agency Formation Commission (LAFCO) to the Board of Supervisors, and it was the intent of the Board to set the boundaries as adopted by LAFCO.

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There being no further business, the Board adjourned to Tuesday, September 18, 1979, at 10:00 a.m.

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APPROVED:



W. P. WALKER, Chairman

ATTEST:

DOLORES BREDESON, County Clerk  
and ex officio Clerk of the Board

By   
Deputy Clerk