

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES October 23 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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127 The Invocation was offered by Supervisor Walker.

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The Pledge of Allegiance to the Flag was led by Supervisor Arliene Todd.

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The Agenda was adopted on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried.

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The Minutes of October 16, 1979, were approved as submitted on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried.

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On motion of Supervisor Stewart, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Todd, Flynn, Stewart, and Walker; Abstain: Supervisor Johnson, the Consent Calendar matters were considered and acted upon as follows:

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

\* \* \* \*

117 Budget Transfer No. 9 was approved transferring funds, in the amount of \$222.60, from the Health Department's Special Departmental Expense Account (2-230) to Fixed Assets (3-370), to purchase a dry ice machine so dry ice will be available for shipping laboratory specimens which must remain in a frozen state.

\* \* \* \*

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:

247

<u>Name</u>	<u>Volume and Page</u>	
Carolyn Griswold	1783	706
Penelope McReynolds	1324	399
Delores M. McCullough	695	111
Delores M. McCullough	695	109

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58-3 The Board approved 145 Assignments to Northwest Creditors Service from the County Collection Department for claims against those persons named on the Assignments dated October 23, 1979; copies of which are on file in the Board of Supervisors Office, beginning with the name of Richard Sullivan and ending with the name of Cynthia Wood.

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2982 The Board approved Assessment Roll Changes numbered: 2189, 7765, and 7767.

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120 Property Transfer No. 521 was approved, transferring a 1953 Dodge pickup snow plow from the Sheriff's Department to the Lake Tahoe Airport.

\* \* \* \*

30-13 At the recommendation of the Airports Director, the Chairman was authorized to sign five-year Land Use Leases with Fast Draw Graphics, Mr. Joseph Newman, and Mr. A. Les Purves to allow each to erect a portable hangar at the Placerville Airport.

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(298-4 Sly Park Rd) At the recommendation of the Director of Public Works, the Chairman was authorized to sign Contract Change Order No. 1, decreasing the final contract price by \$6,046.01, for asphalt concrete overlays on Salmon Falls, Missouri Flat and Pleasant Valley Roads.

Salmon Falls Missouri Flat Pleasant Valley Also, at the recommendation of the Director of Public Works, the Board approved for payment, the Final Contract Estimate, in the amount of \$372,247.99, for asphalt concrete overlays on Salmon Falls, Missouri Flat, Pleasant Valley, and Sly Park Roads, with ten percent held for a period of 35 days after filing of the Notice of Completion, in accordance with the terms of the contract with Teichert Construction Company.

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220 At the recommendation of the Principal Analyst, the Chairman was authorized to sign a two-year lease plan with Xerox Corporation for use of a Xerox 3400 copier in Building A of the Government Center, at a cost of \$569.00 per month.

\* \* \* \*

50-6 At the recommendation of the County Training Programs Manager, the Chairman was authorized to sign a renewal of the Copier Maintenance Agreement with Sierra Business Systems for a Savin 770 copier, for period October 12, 1979 to October 11, 1980, at a cost of \$47.92 per month.

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58 As recommended by County Counsel, the Board denied a claim for personal injury filed by Attorney William Nolan, on behalf of Robin Oliver, Sonja Oliver, and Christian Oliver, in an amount estimated in excess of \$100,000.00.

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58 As recommended by Sounty Counsel, the Board denied a claim for personal injury filed by Attorney Geoffrey K. Hansen, on behalf of Julie Harris, in the amount of \$1,000,000.00.

\* \* \* \*

58 As recommended by County Counsel, the Board denied a claim for personal injury filed by Attorney Roger Cline, on behalf of Curt Krueger, in the amount of \$500,000.00.

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(429) On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board voted to support Stanislaus County's opposition to the staff recommendation of the U. S. Department of Agriculture and Interior to designate major portions of the Tuolumne River as "wild and scenic", which will prohibit future hydroelectric development; and the Board extended its opposition to include other rivers which might be so designated.

(326) Also, on motion of Supervisor Flynn, seconded by Supervisor Todd, and 420-4 429 unanimously carried, the Board voted to join with other counties, as requested by the Los Angeles Board of Supervisors and recommended by this County's Chief Administrative Officer, to seek legislative changes in the workers' compensation laws to alleviate the problem of the dramatic increase in costs to public agencies in California due to the liberal workers' compensation system; and the Board directed that a letter stating same be forwarded to the Regional Council of Rural Counties (RCRC), County Supervisors Association of California (CSAC), and Supervisor Pete Schabarum of Los Angeles County.

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12-14 A Policy Review Session was set for October 31, 1979, at 12:00 noon with the Director of Health Services, at his request, regarding the proposed Mental Health Supplemental Grant Application, on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried.

12-14 A Policy Review Session was set for October 31, 1979, at 2:00 p.m. regarding the ongoing status and development of the Building Department, as requested by said Department, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried.

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82-15 On motion of Supervisor Todd, seconded by Supervisor Johnson, and unanimously carried, the Board referred to the Chief Administrative Officer and County Counsel for response, a letter from the El Dorado County District Attorney Investigators Association, dated October 16, 1979, regarding wage and fringe benefit negotiations.

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(74-30)  
113 On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board directed the Chief Administrative Officer to study future housing needs for County facilities, relative to the Forni Road site, and report back to the Board no later than January 8, 1980.

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(82)  
82-7 After reviewing a formal offer by the Sacramento Savings and Loan Association, submitted by the Department Heads Association for approval, to implement a Deferred Compensation Program for County employees, the Board continued the matter to November 6, 1979, to allow County Counsel an opportunity to review the documents submitted by the Sacramento Savings and Loan Association and report to the Board on same, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried.

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(50-7)  
113-2  
353 At the request of the Community Programs Director, and on motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Flynn, Stewart, and Walker; Noes: Supervisors Todd and Johnson, the Board authorized assignment of a County vehicle with overnight retention for a part-time employee of the Georgetown Senior Nutrition Program who is responsible for picking up and delivering participants of the program, with the understanding that said authorization is only for the person presently filling the position, as that person lives within a mile of the Georgetown Senior Nutrition site.

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50 At the recommendation of the Community Programs Executive Director, the Chairman was authorized to sign the semi-annual Project Progress Review Report for the Special Conditions and regular work programs of the El Dorado County Community Action Agency, on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried.

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(82)  
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429  
390-4 As recommended by the Chief Administrative Officer, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board adopted RESOLUTION NO. 269-79 declaring Monday, November 12, 1979 a County holiday, pursuant to Government Code Sections 6700 and 6701 which provides that if November 11 (Veteran's Day) falls on a Sunday, the following Monday is a holiday.

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(22-112) At the recommendation of the Director of Health Services, an Ordinance to establish regulations and licensing procedures for operation of public whirlpools, spas, and hot tubs in a safe and sanitary manner to prevent disease transmission was introduced, the reading thereof waived, and it was continued to October 30, 1979 for adoption, on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried.

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RESOLUTION NO. 270-79 was adopted, on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, amending Resolutions Nos. 167-79 and 235-79 to provide that the Chairman of the Board of Supervisors shall serve as a member of the Department Head's Committee for Fiscal Planning.

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The Chief Administrative Officer advised the Board that no bids were received for the grading and drainage development for the Shingle Springs Plaza Park site (Bid No. 57), however, he had been advised by members of the Builders Exchange that if the project is re-bid in a couple of weeks, there would be contractors available to bid at that time. On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried, the Board directed that the project be re-bid at the appropriate time.

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## SPECIAL ORDERS

### PLANNING MATTERS

Attorney Patrick J. Riley was present, on behalf of Basic Minerals, Inc., to request that another hearing be held regarding the rezoning of 94 acres south of Quarry Road owned by Basic Minerals, from Industrial to RA-20, said rezoning approved by the Board when adopting the zoning map for the Pleasant Valley/Oak Hill Area on October 2, 1979. At that hearing, the Board also directed the Planning Commission to consider a General Plan Amendment to place the 94 acres in question under the new Mineral Resource Zone when said Zone is adopted. Mr. Riley felt his client should have an opportunity to speak to the matter, and stated that Basic Minerals, Inc., did not receive a notice of the hearing on October 2, 1979. It is the desire of Basic Minerals, Inc., to have the property zoned RE-5.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board directed that the Planning Commission, at the time the General Plan Amendments are considered, or as soon thereafter as the law allows, also consider rezoning the 94 acres south of Quarry Road from RA-20 to RE-5, pursuant to the request of Basic Minerals, Inc.; and the Board directed that this matter be heard by the Planning Commission as soon as possible.

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At the recommendation of the Planning Director, the Board authorized release of sureties for construction of improvements for Huckleberry Estates Rural Subdivision, as said improvements have been completed, on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried.

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Hearing was held as duly advertised to consider the Appeal filed by Oxygen Service and Supply Company on the Planning Commission's action to modify condition number 8 of its Special Use Permit No. 75-46 for an acetylene manufacturing plant and facilities on the northeast side of China Garden Road, 200 feet east of Missouri Flat Road, in Diamond Springs; said modification to require the Company to cease operations between the hours of 10:00 p.m. and 6:00 a.m. (condition number 8 previously permitted operations inside the plant only between those hours).

Mrs. Karen Guthrie, attorney for the Oxygen Service and Supply Company, was present and spoke on its behalf. Mrs. Guthrie stated that her client feels the mobilehome park residents' complaints of noise during the night are unfounded. She submitted a letter, dated October 23, 1979, from Shinkle Engineering outlining noise level readings in the area at various times of the day and night under various circumstances, which she feels supports her client's case. Mrs. Guthrie argued that the Company is operating in an Industrial zone, and that all the surrounding property in the area, except the mobilehome park, is zoned either Industrial or Commercial.

82-8-79  
Mr. Russ Grove, owner of Oxygen Service and Supply Company, stated that his company has contractual agreements geared to a 24-hour operation, and if he must cease operations between 10:00 p.m. and 6:00 a.m., he will have to give up one third of his business which will result in an economic loss.

The Board noted that letters in support of Oxygen Service and Supply Company's opposition to the modification to condition number 8 were received from the following persons: Mr. Robert W. Gillett, President of Patterson Motors in Placerville; Mr. Ed Mathews; Dr. Steven K. Kirkpatrick, a dentist in Placerville; Mr. Michael Arnold, owner of Arnolds for Awards; Mr. Robert West of Placerville Lumber Company; Mr. Gordon D. Stangland, Contractor and owner of three parcels across the street and adjacent to the mobilehome park; and Mr. V. S. Lindgren, General Manager of Michigan-California Lumber Company in Camino.

Mr. Daryl McKinstry, attorney representing the mobilehome park residents, and Mrs. Kathleen Elliott, owner and manager of the park, were present and spoke in opposition to the appellant. Mr. McKinstry stated that his clients do not wish to "close down" the Oxygen Service and Supply Company, they only want it quiet enough to sleep at night.

Mr. Maurice Lund and Mr. Mitch Maddox, residents of the park, testified that they are unable to sleep at night because of the noises caused by operations at the Oxygen Service and Supply Company's plant.

Mr. Charles Curtis, who is in the process of developing an industrial park across the street from the mobilehome park stated that he feels the only solution is to have some type of sound barrier constructed between the mobilehome park and the plant, with the cost to be shared by both.

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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 matter was continued to November 6, 1979, and the Board requested that counsel representing the appellant, together with counsel representing the mobilehome park, confer during that two weeks and come back to the Board with a recommendation for a compromise solution to the problem.

At the request of the appellant, and on motion of Supervisor Johnson, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Todd, Johnson, and Stewart; Noes: Supervisors Flynn and Walker, the Board stayed the action of the Planning Commission until November 6, 1979, to allow the Oxygen Service and Supply Company to continue operations between the hours of 10:00 p.m. and 6:00 a.m. inside the plant only, including the expanded uses, and directed that the Environmental Health Department be requested to review the matter of noise levels at the site during the next two weeks.

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On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried, the Board rescheduled its hearing set for October 30, 1979, to consider the consistency of the approval of Arrowbee Woods Unit No. 2 Rural Subdivision with the Safety and Seismic Safety Elements of the County General Plan, to November 6, 1979 at 2:30 p.m., to allow staff to meet advertising requirements.

423  
Arrowbee  
Woods  
Unit #2

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There being no further business, the Board adjourned to Tuesday, October 30, 1979, at 10:00 a.m.

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APPROVED:

W. P. Walker  
W. P. WALKER, Chairman

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

By Dixie L. Foote  
Deputy Clerk