

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 12 19 80

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

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12-7 The Invocation was offered by Supervisor Joseph V. Flynn.

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

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The Agenda was adopted, on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present, with the addition of a request by the Chief Probation Officer for funds to implement juvenile traffic hearing services through the Probation Department.

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The Minutes of November 4, 1980, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present.

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On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, 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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83-13
(117) Budget Transfer No. 28 was approved for the Planning Department, transferring \$25,200.00 from the County Treasury (800) to Other Trusts (224) Shingle Springs Plaza Park (78-0171) to cover construction costs to complete the Shingle Springs Plaza Park, until the money is received from the State.

119 Budget Transfer No. 29 was approved for the Public Works Department, transferring Revenue Sharing Funds from Fixed Assets (dump trucks) to Fixed Assets (used snow plow blades), in the amount of \$1500.00, which was saved on purchase of the dump trucks and will be used to purchase used snow plow blades from the City of South Lake Tahoe.

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294A The Board approved Assessment Roll Changes numbered: 2561, 2567, 2568, and 2569.

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151-13 RESOLUTIONS NOS. 320-80 and 321-80 were adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Mental Health; Hospital; Welfare; Library; Probation; and Public Defender.

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53-1
At the recommendation of County Counsel, the Board denied the claim submitted by Judith Garig of Restoration Services, for property damage in an undetermined amount.

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58
At the recommendation of County Counsel, the Board denied the claim submitted by Attorney Luis F. Magdaleno, on behalf of Carl Davis, for personal injury, in the amount of approximately \$50,000.00.

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30-13
At the request of the Airports Department, the Chairman was authorized to sign an Assignment of Agreement, assigning the Land/Use Lease with Manfred Stumpp, for a portable hangar at the Placerville Airport, to Robert D. Picard.

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46-230
The Board set a public hearing for December 9, 1980, at 2:00 p.m., to consider the request of Howard L. and Carolyn Neilsen to establish Agricultural Preserve No. 230, in the vicinity of Golden West Paradise Subdivision, Diamond Springs area, consisting of 120 acres.

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74-27
(74-27)
At the recommendation of the County Administrative Office, the Chairman was authorized to sign a three-year Agreement with G. W. Mavrinac, dba Gold Country Vending Company, for vending machines at the County Office Center, at a commission of 10½% of gross sales from each vending unit.

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A.D.
The Board approved for payment, statements submitted by Inter-County Title Company, in the amount of \$2,100.00 and \$25.00, for Assessment District Foreclosure Proceedings.

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On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board took the following actions relating to Capital Outlay Matters:

- 74-7
74-22
74-24
1. Approved the request of Mr. Jack Nopp, architect, to give appropriate notice and approve the change of subcontractor, from Architectural Building Systems to California Builders Supply, for finish hardware and toilet room accessories for the addition and remodeling of Juvenile Hall;
 2. Approved Change Orders Nos. 7 and 8 for the Superior Court at South Lake Tahoe, increasing the cost by \$457 and \$591 respectively; and the Chairman was authorized to sign said Change Orders;
 3. Approved acceptance and filing of the Notice of Completion for the Cultural-Educational Center (Library) at South Lake Tahoe.

(74-22)
74-22
Further, on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Board authorized the Chairman to sign an Addendum to Purchase Order with M & G General Services Company (Matt Lopez proprietor) for janitorial services at County facilities at South Lake Tahoe, to exclude the old Superior Court facility, and add the new Superior Court facility, at a cost of \$1400 per month, figured at 8¢ per square foot for approximately 17,000 square feet, as requested by the Purchasing Agent.

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On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present, the Board set the following two Policy Review Sessions:

- 2.17
(12-14)
74-80
132
1. Friday, November 21, 1980, at 2:00 p.m., regarding parking at the Government Center at South Lake Tahoe; and
 2. Friday, November 21, 1980, at 2:30 p.m., with the Building Department and representatives of Dick Smith & Associates, Inc., regarding its newly constructed office on Coach Lane in Cameron Park and a fire alarm system for same.

74-36
132
Later in the day, on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present, the Board included for discussion at the Policy Review Session of November 21, 1980, at 2:00 p.m., the establishment of a policy regarding use of the second courtroom space at the new Superior Court facility at South Lake Tahoe (which will not be used as a courtroom at this time), and determination of who will be responsible for maintaining a calendar on the use of said space.

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74-
132
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board cancelled its regular meeting of December 23, 1980, due to the Christmas holiday that week.

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42-1
The Public Works Department submitted the request of Pat Griffin of Dunmore Development Company for variances to County Ordinance requirements, to allow grades of up to 26% on driveways, instead of the required 10% grade, for lots in Cameron Park Unit No. 12 Subdivision. Mr. John Morrison, superintendent on the job for the last eight months, was present to speak to the request.

Supervisor Stewart moved, and Supervisor Walker seconded the motion, to reluctantly grant the waiver and that County Counsel write to the State Contractors Board as to the total disregard of County Ordinances that this construction firm has neglected to carry out in its pursuits; and, as a condition of approval for each dwelling, the applicant will submit a letter from the owner of the dwelling indicating he is satisfied and does not object to the grade of the driveway. The motion did not carry by the following vote: Ayes: Supervisors Walker and Stewart; Noes: Supervisors Johnson and Flynn; Absent: Supervisor Todd.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the matter was referred to County Counsel, Public Works, and Building Department to determine what alternatives are available to the County at this point, and report back to the Board regarding same.

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42-1
At the recommendation of Public Works, and on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present, the Board denied the request of Mr. Frederick Berry for a variance to the Policy adopted August 29, 1978, to allow him to place a fence within the County road right of way at 3814 Los Santos Drive, Cameron Park Unit No. 1 Subdivision.

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22-7
At the request of the Health Department, the Chairman was authorized to sign an Addendum to the Agreement with Dr. Walworth R. Slenger, for an increase in psychiatric services to the County Mental Health Program, from one day to three days per week, increasing the maximum compensation from \$17,000.00 to \$39,400.00, on motion of Supervisor Stewart, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Walker, Stewart, and Flynn; No: Supervisor Johnson; and Absent: Supervisor Todd.

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69
County Counsel submitted for Chairman's signature, an Amendment to the Lease between El Dorado County and the El Dorado County Fair Association (Lessor) and the Los Rios Community College District (Lessee), designating the College District as responsible for maintaining paved parking areas at the Fairgrounds; said Amendment having been requested by the Board on September 23, 1980.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign the Amendment, with the deletion of the words "maintenance to the standard of the Los Rios College District", and word "maintenance" to be defined as "to maintain to the standard to which it was constructed."

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298
On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present, the Board approved Abatement of Penalties for failure to file Change in Ownership Statements with the County Assessor for the following:

- a. Ardith Lee Harris; Harold A. and Leandra M. Vahle (APN 323-431-16)
- b. Sea Ferr Enterprises (APN 323-250-30)

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The Board considered for adoption, an Ordinance amending Section 7651 "Through Highways" of the County Ordinance Code to include Main Street (County Road No. 1893) in Georgetown, and Section 7633 "Angle Parking Permitted" to include designated angle parking on same. (Sponsor: Supervisor Flynn/Introduced October 28, 1980)

(296-4)
11-0
124
Supervisor Flynn noted that a letter had circulated in the Georgetown area, wherein people were requested to mail a "ballot" type card on which they could check one of three preferences in the matter; and he wanted those present to know that, while it is the right of any individual to circulate such a letter, he disclaimed any responsibility for this particular letter. In response to said letter, Supervisor Flynn advised he has received 99 post cards: 51 in favor of truck and trailer parking only in the center of the street; 32 in favor of eliminating center street parking; 18 in favor of leaving the situation as it is; and 2 in favor of either truck and trailer parking only or elimination of center street parking altogether.

The following residents of the area were present and spoke against the elimination of center street parking: Ronald Lara, Michael Ramon, Dr. (name unclear), and Tom Daly.

Roberta Long, representing the Georgetown Advisory Committee, and Captain Rengstorf of the California Highway Patrol, were present to speak in favor of the elimination of center street parking on Main Street in Georgetown.

Continued next page

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Supervisor Flynn and the Director of Public Works, Mr. Art Cort, explained that the Ordinance before the Board this date only does two things: (1) It will designate Main Street in Georgetown as a "through highway" which will make "stop" signs on same enforceable; and (2) It will legalize "angle" parking on Main Street, and the Public Works Department will then paint the necessary markings for same on the street. This Ordinance does not speak to center-of-the-street parking; however, if the matter is not spoken to it still will not be legal, and Public Works will not re-paint the center-of-the-street markings. Mr. Cort requested the Board to add a section to the Ordinance to either legalize the center-of-the-street parking or abolish it, so the matter will be settled right now. Mr. Cort also restated his position of opposition to center-of-the-street parking, pointing out County liability in case of accidents, and the fact that this practice of parking in the center of the street creates a visual hazard which is particularly hazardous to pedestrians. Mr. Jene Leslie, County Risk Manager, had spoken to the liability problem when the Ordinance was introduced on October 28, 1980.

Supervisor Flynn stated that he feels that if the center-of-the-street parking is not written into the Ordinance as legal, it will automatically become illegal, and the present markings for center-of-the-street parking will be sand-blasted out, in accordance with a State law which speaks to this sort of thing. Mr. Cort stated he was not certain that the State law would cover this case, as he does not think the State law even speaks to center-of-the-street parking.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present, the Board directed County Counsel to add necessary wording to the proposed Ordinance, to legalize center-of-the-street parking on that portion of Main Street in Georgetown which is currently marked for same, and submit the revised Ordinance to the Board on November 18, 1980, at 11:00 a.m., for introduction.

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(80-4)
A public hearing was advertised for this time to consider the request of South Tahoe Refuse Company, Inc., for an increase in rates for collection and disposal of refuse in the Lake Valley portion of the El Dorado County franchise area; and to extend the Agreements of South Tahoe Refuse, Sierra Disposal Service and American River Disposal Service for fifteen years with two five-year extension options.

80-3
80-4
Supervisor Stewart stated he feels this matter should be heard at South Lake Tahoe, to be more convenient for residents of that area who wish to be heard.

Mr. Patrick Riley, Attorney, was present to speak on behalf of South Tahoe Refuse Company. There was no one else present to speak to the matter.

The Board agreed that a Hearing Committee could meet at South Lake Tahoe to take public testimony regarding this matter and report back to the Board; said Committee to consist of Supervisor Stewart, Supervisor-Elect Pat Lowe, Mr. Larry Ames of the County Auditor-Controller's Office, and Mr. Ron Duncan of the County Environmental Health Department.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present, the matter was continued to November 18, 1980, at which time the Board will set a date and time for the Hearing Committee to take public testimony at a public hearing at South Lake Tahoe regarding this matter.

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233-9
(82-3)
At the recommendation of the County Administrative Office, and on motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board adopted RESOLUTION NO. 322-80, a Resolution of Intention to approve an Amendment to the Contract with the Board of Administration of the Public Employees' Retirement System regarding miscellaneous members and safety members, subject to ratification by County employees and the Sheriff's Association.

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349
At the recommendation of the County Treasurer-Tax Collector, and on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried by those present, the Board denied the request of Dr. Lukas Konandreas for waiver of penalties for late payment of the 1980 taxes on his property in the Pollock Pines area (APN 289-293-19) as the tax bill was sent to an incorrect address.

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A.D.
Ranch
At Jones, Hall, Hill & White, Bond Counsel, submitted a statement, in the amount of \$14,996.35, for Rosebud Drive-Buena Vista Drive-Hilton Way Assessment District proceedings; and requested they be advised of the Board's preferred method of payment of Statement of Charges submitted by Inter-County Title Company for obtaining rights of way for said Project.

Board members expressed concern over the fact that the project has not even gone to bid yet, therefore the billing seems premature.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board directed that a letter be sent to Mr. Stephen Cassaleggio of Jones, Hall, Hill and White, wherein the Board's concerns in this matter are expressed, and request he advise the Board of the legal authority under which this payment is requested.

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(326)
178-1
The Humboldt County Board of Supervisors requested the Board take a position on the possibility Governor Brown may set a special Statewide election, regarding the Peripheral Canal, to coincide with the municipal elections of Los Angeles. On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried by those present, the Board expressed its support of Humboldt County's position in this matter, that it would prefer the matter of the Peripheral Canal be on the ballot in a Statewide General Election, the next such election to be held in June of 1982, and not combined with the municipal elections of Los Angeles.

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(198-1)
185-13
In response to the request of the 1980-81 Grand Jury that the Board respond to specific questions regarding the County Dump Section of the 1979-80 Grand Jury Report, the Board directed that a letter be forwarded to the 1980-81 Grand Jury advising that the Board of Supervisors is willing to meet with the full 1980-81 Grand Jury to respond to its concerns, on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present.

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SPECIAL ORDERS

PLANNING MATTERS

Hearing was held as duly advertised to consider adoption of the proposed zoning in the Greenstone area to comply with the Land Use Plan for said area, which was adopted by the Board on August 2, 1979.

285-83-80
340-9a
Mr. Jack (last name unclear) was present and read into the record, a letter from David and Myrna Bill of "Amity Acres Farm" who are very much opposed to Mr. Jack Sweeney's Greenstone Country Subdivision proposed in the Greenstone area. He was also interested in his own property, but was advised by the Planning staff that his property is not within the Greenstone Plan area.

Supervisor Johnson read into the record, a letter from the Environmental Planning and Information Council, Inc. (EPIC), dated November 12, 1980, wherein EPIC's Board of Directors reminds the Board that the Greenstone Area Plan is still in litigation, and if the appellate court upholds EPIC's challenge of the Plan, it is possible that the court would invalidate land use decisions made in the area of the Greenstone Plan since its adoption. Chief Assistant County Counsel, Mr. Bob Laurie, advised the Board that it is appropriate for the Board to pursue action on the zoning map this date.

Mr. Harold Hoffman, a resident of the Greenstone area, was present and stated he is very much in favor of the Zoning Map as presented this date.

There were no further written or verbal comments, and the hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present, the Board accepted the Negative Declaration on the project, and adopted ORDINANCE NO. 3056 approving the rezoning in the Greenstone area, as reflected on the map entitled "Greenstone Area Plan Zoning Map" presented before the Board this date, based on the Planning Commission's finding that this zoning is consistent with the General Plan.

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285-75-80
392-9a
Hearing was held as duly advertised to consider rezoning of lands in the Lotus/Coloma area from Industrial Zone to Planned Commercial Zone, consisting of 7 acres, petitioned by Margaret and Albert Nobell. The Planning Commission recommended approval based on the finding that the request is in compliance with the General Plan.

There were no written or verbal protests, and the hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried by those present, the Board concurred in the Planning Commission's finding; the rezoning was found to be in conformity with the General Plan; the Negative Declaration was accepted; and the rezoning was approved and adopted by ORDINANCE NO. 3057, which amends the County Zoning Ordinance accordingly.

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Hearing to consider rezoning of lands in the Pollock Pines area from Tourist Residential Zone to Commercial Zone, consisting of 2 acres, petitioned by Lloyd Smothers. The Planning Commission recommended denial based on the finding that surrounding zoning is currently RM, Multi-Family and RT, Tourist Residential, and the placement of a commercial zoning on this site may be considered spot zoning.

285-8470
Supervisor Flynn read into the record, a letter dated November 10, 1980, from Thomas N. and Barbara L. Lind, owners of Bonanza Mobilehome Park on Pony Express Trail in Pollock Pines, who are opposed to the requested rezoning. Supervisor Flynn also noted receipt of a petition, signed by 38 residents of the Bonanza Mobilehome Park who are also opposed to the rezoning. They feel the intrusion of "commercial" activity would interfere with their peace and quiet. The Linds stated they did not feel it is right to place commercial zoning in the middle of residential zoning.

Mr. Peterson was present and spoke on behalf of the applicant, noting that the requested zoning is within the General Plan Designation for the area, and pointed out many other commercial developments in the area. Mr. Peterson stated that the area in question is changing rapidly, creating a great need for additional commercial property. Mr. Peterson submitted letters in favor of the requested rezoning from the following: Chester A. Ansley, President of Pony Express Realty, Inc.; Mr. Dave Whelden, Broker, Century 21-Whelden Realty, Inc.; and C. Ray and Joani Muller, Homes by Sherlock in Pollock Pines.

There were no other written or verbal protests, and the hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Johnson, Stewart, and Flynn; No: Supervisor Walker; Absent: Supervisor Todd; the Board denied the rezoning based on the finding that introduction of commercial zone into the area would be inconsistent with surrounding present land uses.

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423
Buffalo
Hill
Subdiv.
At the request of the Planning Department, and on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign an Agreement with Mark A. Smith for paving of approximately 11,000 square feet of parking area at the Buffalo Hill Center in Georgetown.

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The Board considered adoption of an Ordinance to impose interim zoning in the American River Canyon area in order to allow Planning staff adequate time to study and prepare the Area Plan.

285-6570
390-95
Mr. Harvey Shean was present to request the Board to exclude from the interim zoning, his 14+ acres for which he has planned a subdivision for 25 summer homes in the Strawberry area. Mr. Shean stated he has been working on this project for eight months, and does not want to see the whole project lost because of interim zoning. Also present to speak on behalf of Mr. Shean's request was Jane Hamilton of Century 21 Realty; Don Tillokson, Mr. Shean's project director; Helen Olmstead, speaking on behalf of the owners of Strawberry Lodge; and Edward Mackey.

Mr. Noble of the Planning Department pointed out that Mr. Shean's property is currently zoned Agricultural, and he would have to apply for a rezoning of said property in order to develop the proposed subdivision.

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Mr. Mel Smothers was present and spoke on behalf of two attorneys who own a parcel of land in the area in question, which is zoned R1, and is currently on the market. The interim zoning would of course have an adverse effect on the sale of the property, so they are opposed to same.

The following persons were present and spoke in favor of the interim zoning: Rosemary Sheldon, Vice President of the Strawberry Improvement Association; Jim Wood a Riverton businessman; and Beverly Cola. Mrs. Sheldon read into the record, a letter dated August 4, 1980, from the Strawberry Improvement Association, expressing said Association's position in favor of the interim zoning until such time as the Area Plan is updated. Concerns expressed by those in favor of the interim zoning include: fire protection, water quality, and the fragile meadow area.

On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board introduced and adopted ORDINANCE NO. 3058, an Emergency Ordinance Relating to Interim Zoning in the American River Canyon Area, pursuant to California Government Code Section 65858, to be effective this date and expire March 12, 1981; adoption of said Ordinance based on the following findings:

1. The public safety, health and welfare is threatened by unplanned development of lands as zoned R1 (Single Family Residential), C (Commercial), U (Unclassified), RE5 (Estate Residential), A (Agricultural), R2A (Residential Two Acre) and RT (Tourist Residential), in that the lands as situated within this plan area are some of the most environmentally sensitive and fragile in the county; necessary public services such as police, fire protection and road maintenance is either non-existent or insufficient to allow further development. The provision of adequate supplies of potable water, either from a community or private source, will further overburden, impact or deplete these sources as they now exist and the utilization of additional septic systems for increased levels of development will cause the water quality in the American River watershed to deteriorate further.
2. The County will consider, and is contemplating, the development of a new General Plan and subsequent zoning and shall pursue such proposals in a diligent manner.
3. There are currently a number of development projects proposed in the American River Canyon Plan Area that are in accordance with the existing zoning and that to allow such parcels to be created will in many cases result in the above mentioned environmental and financial impacts.

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GENERAL ORDERS

(30)
2-1
At the request of Community Programs, and on motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Walker, Stewart, and Flynn; No: Supervisor Johnson; Absent: Supervisor Todd, RESOLUTION NO. 323-80 was adopted authorizing the Chairman to sign Statement of CSA Grant, offsetting travel costs for training on the implementation of CSA's new "Grantee Program Management System" and "non-service" program strategies.

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(2nd)
406

The Chief Probation Officer advised that the Superior Court has asked him to provide juvenile traffic hearing services in this County, effective November 21, 1980, due to the Justice Court Judges' inability to continue providing said service; and submitted a proposal for the staffing and funding of juvenile traffic hearings through the Probation Department, at a cost of \$6,348.00, for period November 21, 1980, through June 30, 1981, and requested the Board authorize said staffing and funding. On motion of Supervisor Stewart, seconded by Supervisor Johnson, and carried by the following vote: Ayes: Supervisors Johnson, Stewart, and Flynn; No: Supervisor Walker; Absent: Supervisor Todd, the Board denied the request.

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214

The Board considered for adoption, an Ordinance adding Section 25,703 to the County Ordinance Code to authorize the Probation Department's participation in the State-funded Corrections Training Commission to provide adequate training of local corrections personnel; said Ordinance was introduced on November 4, 1980.

A motion by Supervisor Walker, seconded by Supervisor Flynn, to adopt the Ordinance, did not carry by the following vote: Ayes: Supervisors Walker and Flynn; Noes: Supervisors Johnson and Stewart; Absent: Supervisor Todd.

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12-11

Supervisor Walker expressed his concerns regarding a letter from the California Energy Commission, dated October 30, 1980, wherein it advised it will be holding a series of public hearings before the Commission Committee on Building Standards regarding the Commission staff's proposed new energy conservation standards for new residential buildings.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board referred the correspondence to the County Energy Coordinator, Building Department, and Planning Department for their report back to the Board on the possible effects of the proposed standards on building costs.

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There being no further business, the Board adjourned to Tuesday, November 18, 1980, at 10:00 a.m.

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APPROVED:


JOSEPH V. FLYNN, Vice Chairman

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

By 
Deputy Clerk