

County of El Dorado

BOARD OF SUPERVISORS

WILLIAM S. BRADLEY.....DISTRICT I
 RAYMOND J. NUTTING.....DISTRICT II
 J. MARK NIELSEN.....DISTRICT III
 WILLIAM N. CENTER.....DISTRICT IV
 JOHN E. UPTON.....DISTRICT V

DIXIE L. FOOTE.....CLERK OF THE BOARD

330 Fair Lane • Placerville, CA 95667
 Telephone (916) 621-5390



C O N F O R M E D
A G E N D A

BOARD OF SUPERVISORS AND MEYERS TOWN PLANNING COUNCIL
JOINT MEETING

May 24, 1994

7:00 P.M.

South Lake Tahoe City Council Chambers
 1900 Lake Tahoe Boulevard, South Lake Tahoe

JOHN E. UPTON, Chairman Dixie L. Foote, Board Clerk
 SUPERVISORS: BRADLEY, NUTTING, NIELSEN, CENTER AND UPTON
 Supervisors Center and Nielsen absent at 7 p.m. meeting

 HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE

CALL TO ORDER AND ADOPTION OF AGENDA
BOARD ACTION - Adopted at beginning of morning session of Board of Supervisors this date. NCBNuU

Hearing to consider zoning boundary amendment Z94-03 to rezone approximately 155 acres, which includes approximately 175 parcels, from a variety of residential, commercial and industrial zones [Tahoe Residential Tourist (TRT), Tahoe Commercial (TC), Tahoe Industrial (TI) and Tahoe Limited Multifamily Residential (TR2)] to five newly created mixed use zones [Meyers Community Plan-1/Design Control (MCP-1/DC), Meyers Community Plan-2/Design Control (MCP-2/DC), Meyers Community Plan-3/Design Control (MCP-3/DC), Meyers Community Plan-4/Design Control (MCP-4/DC), and Meyers Community Plan-5/Design Control (MCP-5/DC)] accommodating the land use concepts of the Meyers Community Plan recently adopted by the Board of Supervisors.

BOARD ACTION - Board waived reading, read by title only, and introduced the ordinance rezoning said lands, with amendments as directed by the Board to exclude those parcels described this date. (Ordinance scheduled for adoption on June 7, 1994.)

NuBU N(a) C(a)

Item continued on page 2...

10612

Continued from page 1:

In a separate motion, the Board directed staff to work with the Meyers Town Council to assess public criticism of the Meyers Community Plan; and, if needed, develop minor modifications which will be considered at the General Plan hearings later this year.

NuBU N(a) C(a)

10612

PUBLIC COMMENT

BOARD OF SUPERVISORS ADJOURNED

APPROVED:

John E. Upton
JOHN E. UPTON, Chairman

ATTEST:

Dixie L. Foote
DIXIE L. FOOTE, Clerk of the Board

8:00 A.M. - **Closed Sessions (5)** pursuant to Government code Section 54956.9 regarding the following existing litigation:

- a. Leesa Robb vs County, SV91-0095; (10 min)
- b. Hrbacek, et al. vs County, SV91-0350; (10 min)
- c. Leathem vs Claerbout, et al., CIVS-94-0643; (10 min)
- d. Claybrook v State, et al., PV92-0197; (10 min)
and
- e. Wilson vs County, PV92-C00563. (10 min)

BOARD ACTION - County Counsel reported out that authority and direction was given to individual outside Counsel on individual cases regarding the settlement conferences and trials: the specifics of which are not to be disclosed at this particular time, for the following: "a"-Leesa Robb vs County, SV91-0095; "b"- Hrbacek, et al. vs County, SV91-0350; and "d"-Claybrook v State, et al., PV92-0197

CNBNUU

In a separate action, County Counsel reported out that in regard to "c"-Leathem vs Claerbout, et al, CIVS-94-0643, the Board referred said matter to the legal firm of Barkett, Gumpert and Reiner.

CBNUU

In a separate action, County Counsel reported out that in regard to "e"-Wilson vs County, PV92-C00563, the arbitrator ruled that the injuries deserved a judgement of \$10,000; however that the Plaintiff was also negligent and reduced the award by the plaintiff's comparative negligence of 75%, thus rendering a new recovery of \$2,500; neither side rejected the judgement. Board authorized payment to plaintiff, Richard Wilson, of funds in the amount of \$2,500, plus accrued statutory interest to satisfy this case.

BNNUCU

Closed Sessions pursuant to Government Code Section 54957 regarding the following:

- a. Public employee performance evaluation of the Chief Administrative Officer; and
- b. Public employee discipline/release.

BOARD ACTION - Removed from the Agenda by action of the Board at 8:00 a.m., this date (with the understanding that said closed session may be placed on a future agenda).

BCU Nu(n) N(n)

10797

10890

10561

Closed Session pursuant to Government Code Section 54956.9 regarding existing litigation for the following: Terry Trent vs CSA No. 9, et al., Case No. PV91-0580; Charles Savoca vs County of El Dorado, Case No. PV92-0160; Linda York vs County of El Dorado, U.S. Dist Court Eastern Div Case No. CIVS-90-0833 WBS-PAN; Arlan Reynoldson vs County of El Dorado, Case No. PV92-0494. (15 min) ✓

BOARD ACTION - County Counsel reported out that these matters were referred to the Third Party Administrator, with no action of the Board to be reported out of Closed Session

Closed Session pursuant to Government Code Section 54956.9 regarding existing litigation for the following: Akemon/Hall vs Becker, PV92-0030; Lowe vs El Dorado Co., PV91-0244; El Dorado Council vs BOS, PV91-0736; El Dorado Co vs Travel Communications, Inc., et al., PV94-0007; Hanson vs El Dorado Co, PV91-0718; Kerr vs El Dorado Co, SV92-0041; Townzen vs El Dorado Co, USDC CV-S-91-122-WBS-GGH; Skarry vs El Dorado Co, #531216; Ron Rich vs El Dorado Co, USDC CIVS-91-604; Carol Thomas vs El Dorado Co, PV93-3538; Spears vs El Dorado Co, PV91-0430; Blaine Wilson vs El Dorado Co, PV92-C00563; Kimzey vs Neasham, PV93-3751; Kimzey vs McIntosh, PV93-3146; CountyWatch vs McCutchen, PV93-3090; Robb vs El Dorado Co, SV91-0095; Claybrook vs El Dorado Co, PV92-0197; Hrbacek, et al. vs County of El Dorado, SV91-0350. ✓

BOARD ACTION - County Counsel reported out that these matters were referred to the Third Party Administrator, with no action of the Board to be reported out of Closed Session.

9:00 A.M. - PLEDGE OF ALLEGIANCE TO THE FLAG

PRESENTATION OF THE EMPLOYEE EXCELLENCE AWARDS.

10319

CLOSED SESSION REPORTS

CONSENT CALENDAR (All Matters on the Consent Calendar are to be approved by one motion unless a Board member requests separate action on a specific item.)

- 1. Approval of Conformed Agendas (Minutes) of May 16 and 17, 1994 (on file with Clerk of the Board). ✓

RECOMMENDED ACTION: Approve (Minutes of May 16, 1994 approved.) CBNUU N(ab)

In a separate motion, Minutes of May 17, 1994 were approved. NBNUCU

- 2. Release of Lien submitted by County Counsel (on file with Clerk of the Board). 10736

RECOMMENDED ACTION: Approve

- 3. Approval of Assessment Roll Changes submitted by the Assessor (on file with Clerk of the Board). 10737

RECOMMENDED ACTION: Approve

- 4. County Counsel submitting the recommendation of the George Hills Company that the following claims be paid:

- a. Atlantic Mutual (South Hills Community Church) in the amount of \$2,633.07; and 10926

- b. Gail Saville in the amount of \$422.10.

RECOMMENDED ACTION: Approve payment

- 5. County Counsel recommending the following claims be rejected:

- a. John C. Pilatti in the amount of \$729; and 10926

- b. Norman W. Karr, Jr. in the amount of \$716.70.

RECOMMENDED ACTION: Reject claims

- 6. Community Services Department recommending Proclamation be adopted designating May, 1994 as Older Americans Month in El Dorado County. 10749

RECOMMENDED ACTION: Adopt Proclamation

- 7. General Services Department recommending approval of Budget Transfer No. 168 transferring \$1,020,378.06 from Estimated Revenue releasing the accumulated cash outlay project designations to appropriation accounts for the Cameron Park Library Project. 10968

RECOMMENDED ACTION: Approve

8. General Services Department recommending approval of Budget Transfer No. 167 transferring \$1,704,696.05 from Estimated Revenue releasing the accumulated cash outlay project designations to appropriation accounts for various projects. **RECOMMENDED ACTION:** Approve 10968
BNUNCU
9. General Services Department recommending approval of Budget Transfer No. 176 transferring \$100,000 from General Fund Contingency to replace the Building B atrium (skylight) roof. **RECOMMENDED ACTION:** Approve 10968
10. Auditor/Controller recommending the following:
 - a. Receive and file the "Comparison of Actual Tax Proceeds to Adopted Appropriate Limits" for prior fiscal years; and
 - b. Set a public hearing for 10:00 a.m., Tuesday, June 14, 1994, for discussion and adoption of Appropriation Limits for fiscal year 1994/95. **RECOMMENDED ACTION:** Approve 10491
11. Library Director recommending approval of Budget Transfer No. 165 increasing Estimated Revenue by \$11,435.44. **RECOMMENDED ACTION:** Approve 10968
12. Communications and Emergency Services Department recommending Chairman be authorized to sign an Hold Harmless Agreement with the City of South Lake Tahoe for emergency medical dispatch services. **RECOMMENDED ACTION:** Approve 11007
13. Transportation Department recommending approval of Budget Transfer No. 166 increasing Revenues wherein Fleet Management reimburses the Road Fund through recovery of fuel costs. **RECOMMENDED ACTION:** Approve 10968
14. Transportation Department recommending the following pertaining to Fairchild Village Unit No. 5 Subdivision (TM 88-1116):
 - a. Adopt Resolution accepting the streets into the County Maintained Road System; 8970
 - b. Release Performance Bond No. 1286884 in the amount of \$122,355;
 - c. Hold Laborers and Materialsmen Bond No. 1286884 for \$61,277.50 for six months; and

Item 14 continued from Page 5:

- d. Accept Maintenance Bond No. 1329345 for \$57,524 for one year. **8970**
RECOMMENDED ACTION: Adopt Resolution No. 116-94
15. Transportation Department recommending Resolution be adopted sanctioning the closure of Pleasant Valley Road between the intersections of Leisure Lane and Mt. Aukum Road between 11:00 a.m. and 11:45 a.m. on Monday, July 4, 1994 for the 5th Annual Pleasant Valley Day. **11008**
RECOMMENDED ACTION: Adopt Resolution No. 117-94
16. Transportation Department recommending Chairman be authorized to sign a Certificate of Acceptance from El Dorado Hills Development Company for drainage easements for the El Dorado Hills Boulevard Widening Project. **9554**
RECOMMENDED ACTION: Approve
17. Transportation Department recommending Chairman be authorized to sign Amendment No. 1 to the Professional Services Agreement with Cortright and Seibold for completion of the Master Plan for the Placerville Airport. **8535**
RECOMMENDED ACTION: Approve
18. Human Resources Department recommending Resolution be adopted amending the Salary and Benefits Resolution for Unrepresented Employees to include a Doctor of Medicine in on-call status for the County Correctional Facility. **11009**
RECOMMENDED ACTION: Adopt Resolution No. 118-94
19. Human Resources Department recommending Resolution be adopted determining that Karen Hofmeister is **not incapacitated** within the meaning of the Public Employees' Retirement Law for performance of her duties in the position of Correctional Officer II. **10792**
RECOMMENDED ACTION: Adopt Resolution No. 119-94
20. Human Resources Department recommending Chairman be authorized to sign a Contract with Risk Management Services, Inc. in the amount of \$156,975 for administration of worker's compensation claims. **11010**
RECOMMENDED ACTION: Approve (Chairman authorized to sign said Contract, with Risk Management and Personnel staff requested to meet with the Employees Association to discuss the issues brought forth this date by the Employees Association representative, Mr. Egbert, with a report to be brought back to the Board on June 21, 1994, regarding same.) NCBU Nu(ab)

21. Probation Department recommending Resolutions (2) be adopted authorizing the Chairman to sign applications with the Office of Criminal Justice Planning for renewal of Anti Drug Abuse Grants for the West Slope and Tahoe Basin. **10462**
RECOMMENDED ACTION: Adopt Resolution Nos. 120-94 and 121-94
22. Planning Department submitting revised Development Plan 91-08R and revised Tentative Subdivision Map 91-1244R for Village D-1/D-3 in the El Dorado Hills Specific Plan Area, Applicant: El Dorado Hills Investors, Inc. **7135**
RECOMMENDED ACTION: Receive and file
23. Planning Department submitting revised Development Plan 91-06R and revised Tentative Subdivision Map 91-1242R for Village A&B in the El Dorado Hills Specific Plan, Applicant: El Dorado Hills Investors, Inc. **7135**
RECOMMENDED ACTION: Receive and file **BNNuCU**
24. Administration recommending Ruben Marquez be allowed to operate the Antique Rose Card Room for 60 days while the re-permitting process takes place as a result of his purchase of same. **11011**
RECOMMENDED ACTION: Approve
25. Administration recommending adoption of Resolution regarding annexation of lands to El Dorado Irrigation District, Project No. 93-06, petitioned by David Dalzell, et al; negotiations involve transfer of the property tax increment only. **11012**
RECOMMENDED ACTION: Adopt Resolution No. 122-94
26. Supervisor Nutting recommending Proclamation be adopted honoring and commending Michael Draper of Western Council of Industrial Workers for his undying efforts to keep Michigan-Cal Lumber Company open. **10749**
RECOMMENDED ACTION: Adopt Proclamation (Proclamation adopted, with further direction that a copy of same be sent to the Western Council of Industrial Workers office, in addition to the copy presented to Mr. Draper this date.) **NuCBNU**

- 27. Supervisor Bradley recommending the Board waive any privileges and release to the public the Leidigh and Bell report discussed in Executive Session, May 9, 1994.
RECOMMENDED ACTION: Board directed that said Report be released to the public after the review of same by the three involved Counsel (Attys. Leidigh and Bell, Delehant, and Chief Assistant County Counsel Ed Knapp), said Counsel to redact any portion thereof as deemed necessary by Counsel pursuant to the Welfare and Institutions Government Code and disclosure of information relating to juveniles. (Supervisor Nielsen excused himself from participation in this matter at the beginning of the discussion regarding same.)

10561

BCNuU N(a)

BOARD ACTION - Consent Calendar matters approved as recommended with the exception of items 20, 26 and 27, as noted (items 1, 8, 23 and 30 acted upon separately); and the addition of Department matters Items No. 55 and 56, which were approved as recommended. NuBNCU

END MORNING CONSENT CALENDAR

TIME ALLOCATION - 10:00 A.M.

- 50. Transportation Department (DOT) recommending Chairman be authorized to certify the Negative Declaration/Environmental Assessment for the Ray Lawyer Drive Interchange Project, authorize the setting aside of funding for the Forni hardship acquisition, and direct DOT to accelerate the Phase I construction as much as is practical. (Continued 5/17/94, No. 50)

8304

BOARD ACTION - Approved as recommended. NuNBU C(n)

TIME ALLOCATIONS - 11:00 A.M.

County Service Area No. 3 Meeting (refer to separate agenda for same). ✓

County Service Area No. 7 Meeting (refer to separate agenda for same) after which Board of Supervisors will reconvene. ✓

DEPARTMENT MATTERS (At the time the Board acts upon the Consent Calendar, it may select individual Department Matters to be moved to the Consent Calendar for approval, absent objections and/or requests of staff or the public to speak to those matters.)

- 51. Supervisor Nutting recommending ratification of the El Dorado Hills County Water District Ordinance No. 30 regarding Class "A" and "B" roofing.

BOARD ACTION - Board ratified said District's Ordinance No. 30 (County Counsel advised he will be bringing a Countywide roofing ordinance to the Board as discussed this date).

NuBNCU

10625

- 52. Transportation Department reporting on the Sacramento-Placerville Transportation Corridor Joint Powers Authority cost sharing acquisition of the Southern Pacific corridor from Nimbus to Diamond Springs.

BOARD ACTION - Continued to June 7, 1994, at the request of the Director of Department of Transportation.

NuBNCU

8206

- 53. County Counsel submitting for Board consideration a policy regarding the confidentiality of bills for legal services submitted from outside counsel. (Continued 5/17/94, No. 51)

BOARD ACTION - Policy adopted as submitted by County Counsel this date, with modifications in wording on Page 2 of said document as discussed this date.

CBNuNU

10076

- 54. County Counsel submitting a request for Board authority and direction on method of payment of outside attorneys Legal Services Agreements for Ruiz & Schapiro and Hardy, Erich, Brown & Wilson.

BOARD ACTION - (Supervisor Nielsen left the room at approximately 12:30 p.m.) Board approved option one as recommended by County Counsel in his memorandum to the Board dated 5/18/94, which allows for payment through administration under the Third Party Administrator's Agreement with George Hills Company.

BCNuU N(a)

10942

In a separate motion, the Board, based on the testimony this date, authorized the replenishment of the Risk Management Fund on a regular basis in such a manner that the balance of fund does not exceed \$50,000 at any given time, as discussed this date.

CBNuU N(a)

11014

55. Supervisor Center recommending Resolution be adopted supporting the retention of fire engines presently located at the California Department of Forestry's El Dorado Fire Station.

11015

BOARD ACTION - Approved, and RESOLUTION NO. 125-94 adopted accordingly (acted upon under Consent Calendar items). NuBNCU

56. Supervisors Upton and Nielsen requesting an extension of the June 1, 1994 date for presentation of the County Charter Commission's proposed Charter to the Board of Supervisors.

10721

BOARD ACTION - Approved as requested (acted upon under Consent Calendar matters). NuBNCU

57. Chief Administrative Officer recommending Resolution be adopted authorizing and approving the borrowing of funds for fiscal year 1994/95, issuance and sale of a 1994/95 tax and revenue anticipation note, and participation in the California Communities Cash Flow Financing Program.

10776

BOARD ACTION - Approved as recommended, and RESOLUTION NO. 126-94 adopted accordingly; and further, the Board requested the Chief Administrative Officer, Treasurer-Tax Collector and Auditor-Controller work together to prepare a three-year plan to be brought back to the Board (preferably as part of the budget process) which would restore the fund balance to a level such that the cash balance will not be in the negative position at the end of the fiscal year within three years.

CBNuU N(n)

COMMITTEE REPORTS

LUNCH RECESS

PERSONS INTERESTED IN SERVING ON ANY BOARD OF SUPERVISORS ADVISORY COMMITTEE/COMMISSION ARE ENCOURAGED TO COMPLETE AN APPLICATION FORM (AVAILABLE IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS) AND SUBMIT SAME TO THE COMMITTEE, THE COUNTY DEPARTMENT WHICH SUPPORTS THE COMMITTEE, OR TO THE CLERK OF THE BOARD OF SUPERVISORS.

1:50 P.M. - PUBLIC FORUM/PUBLIC COMMENT - The two public forum requests received earlier this date were withdrawn by the requesting parties. ✓

AFTERNOON MATTERS - 2:00 P.M.

PRESENTATION of the Second Special Recognition Certificates for County Counsel Collections efforts.

BOARD ACTION - Chairman was authorized to sign Second Special Recognition Certificates for County Counsel Collections staff.

BNuNCU

11015

80. Hearing to consider the following pertaining to property located in the South County Area: (District II) (Applicant: Bob Martin):

a. Rezoning (Z93-22) of said lands from RA-80, Residential Agricultural Eighty-acre zone to RE-5, Estate Residential Five-acre zone; and

b. Waive reading, read by title only, and introduce Ordinance approving same.

BOARD ACTION - Board approved the Negative Declaration; waived reading, read by title only, and introduced the Ordinance rezoning said lands as requested; based on the findings of the Planning Commission on 4/28/94. (Ordinance scheduled for adoption on June 7, 1994.) NuCBNU

11016

81. Hearing to consider the following pertaining to property located in the Mosquito Area: (District IV) (Applicants: Richard and Cheri Apenleiter/Tony and Andrea Colbert):

a. Rezoning (Z93-14) of said lands from U, Unclassified Zone to C, Commercial Zone; and

d. Waive reading, read by title only, and introduce Ordinance approving same.

BOARD ACTION - Board approved the Negative Declaration; waived reading, read by title only, and introduced the Ordinance rezoning said lands as requested; based on the findings of the Planning Commission on 4/28/94. (Ordinance scheduled for adoption on June 7, 1994.) CNuBU N(a)

11017

Closed Session pursuant to Government Code Section 54956.9 to give instruction to the Board's negotiator regarding real property described as FERC Project No. 184. The person or persons with whom the negotiator may negotiate is Pacific Gas and Electric Company. Instructions to negotiator will concern price and terms of payment. (Continued 5/17/94)

BOARD ACTION - County Counsel reported out of Closed Session, advising that the Board received and filed the report of its negotiator, Mr. Doolittle and Deputy County Counsel, Thomas Cumpston, giving directions as to negotiations: the party with whom the negotiator may negotiate is Pacific Gas and Electric; the special instructions to the negotiator may need not be disclosed at this time. The Board ratified said statement of its Counsel that a direction of authority was given to its negotiator. BCNUU

10777

BOARD OF SUPERVISORS RECESSED, TO RECONVENE AT 7:00 P.M. AT THE JOINT MEETING OF THE BOARD AND MEYERS TOWN PLANNING COUNCIL TO BE HELD AT THE SOUTH LAKE TAHOE CITY COUNCIL CHAMBERS, SOUTH LAKE TAHOE.

APPROVED:

John E. Upton
JOHN E. UPTON, Chairman

ATTEST:

Kathleen Ann Harrelson
KATHLEEN ANN HARRELSON, Asst. Clerk
of the Board

The Board of Supervisors regular meeting on Tuesday, May 31, 1994, has been cancelled due to the Memorial Day Holiday.

County of El Dorado

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A G E N D A A D D E N D U M N O . 1

May 24, 1994

8:00 A.M.

BOARD OF SUPERVISORS MEETING ROOM
330 Fair Lane, Building A, Placerville

CONSENT CALENDAR

28. Transportation Department recommending Resolution be adopted **rejecting** the Offers of Dedication by Lewis Homes for fourteen drainage easements in the Emerald Meadows Subdivision. **RECOMMENDED ACTION:** Adopt Resolution No. 123-94 NuBNCU 6734
29. Transportation Department recommending Resolution be adopted **accepting** the Offers of Dedication by Lewis Homes for two drainage easements along the easterly sides of Lots 82 and 85 in the Emerald Meadows Subdivision. **RECOMMENDED ACTION:** Adopt Resolution No. 124-94 NuBNCU 6734
30. Transportation Department recommending Chairman be authorized to sign Plans and Specifications for the Bassi Road Widening Project No. 73306; and requesting authorization to advertise for bids to be opened 2:00 p.m., Wednesday, June 15, 1994. **RECOMMENDED ACTION:** Approve NuBNU C(ab) 10654
31. Supervisor Upton recommending Tom Ross be appointed as the District V representative on the Veteran's Commission; and advising that a District V alternate vacancy exists on same. **RECOMMENDED ACTION:** Approve NuBNCU 10153

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A G E N D A A D D E N D U M N O . 2

May 24, 1994

8:00 a.m

BOARD OF SUPERVISORS MEETING ROOM
330 FAIR LANE, Building A, Placerville

CONSENT CALENDAR

32. Supervisor Upton recommending approval of a claim to the Tahoe Regional Transportation Agency for Transportation Development Act funds for the Transit Program in the County portion of the Tahoe area.

RECOMMENDED ACTION: Approve

NuBNCU

10479