County of El Dorado

BOARD OF SUPERVISORS

WILLIAM S. BRADLEY DISTRICT I
RAYMOND J. NUTTING DISTRICT II

J. MARK NIELSEN DISTRICT II
WALTER L. SHULTZ DISTRICT IV
JOHN E. UPTON DISTRICT V
DIXIE L. FOOTE CLERK OF THE BOARD

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



CONFORMED

AGENDA

Regular Meeting of the Board of Supervisors

June 6, 1995

8:00 A.M.

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

J. MARK NIELSEN, Chairman Dixie L. Foote, Board Clerk
SUPERVISORS: BRADLEY, NUTTING, NIELSEN, SHULTZ AND UPTON
All Supervisors present

Persons wishing to speak on a Consent Calendar item are requested to so advise the Chairman or Clerk prior to 9:00 a.m. Public testimony will be received on each agenda item as it is called. Principal party on each side of an issue (where applicable) is allocated 10 minutes to speak, individual comments are limited to 3 minutes, and individuals representing a group are allocated 5 minutes. (Adptd 8/10/93) Matters not on the agenda may be addressed by the general public during the Open Forum at 9:00 a.m. Public comments during Open Forum are limited to five minutes per person. The Board reserves the right to waive said rules by a majority vote.

HEARING ASSISTANCE DEVICES ARE AVAILABLE FOR PUBLIC USE INQUIRE WITHIN THE BOARD OF SUPERVISORS OFFICE

8:00 A.M. - CALL TO ORDER AND ADOPTION OF AGENDA

BOARD ACTION - Agenda adopted with the following modifications:

- a. one closed session added, pursuant to Government Code Section 54956.9, existing litigation, "Bernard Carlson v. County of El Dorado, Board of Supervisors" (PV94-0161);
- b. Agenda item 55 removed and continued to June 20, 1995;
- c. Department Matters 51 and 54 added to Consent Calendar (though when acting to approve the Consent Calendar, the Board removed these items for separate action);
- d. Consent Calendar Matter 42 pulled off Consent for separate action. UBNuNS

Closed Session (refer Closed Session Roster attached)

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

PRESENTATION by the El Dorado County Farm Trails Association

OPEN FORUM

Bob Alexander re: enforcement of codes regulating design of

refuse containers at South Lake Tahoe

Steven Proe re: Brown Act compliance

10395

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 Agenda (Minutes) of May 23, 1995. RECOMMENDED ACTION: Approve
- 2. Community Services Department recommending approval of Budget Transfer No. 738 decreasing revenues by \$23,172 with corresponding changes in appropriations for budget revisions for fiscal year 1994/95 for Senior Services; and approval of the 1994/95 Area Plan Budget, Revision No. 2 with the California Department of Aging.

 RECOMMENDED ACTION: Approve
- 3. Community Services Department recommending approval of Budget
 Transfer No. 734 increasing Estimated Revenues and Expenditure
 Appropriations to allocate \$21,000 in Community Development
 Block Grant Planning & Technical Assistance funds.
 RECOMMENDED ACTION: Approve
- Community Services Department recommending Resolution be adopted authorizing Chairman to sign Contract (No. 95C-8015) with the State Department of Economic Opportunity in the amount of \$38,950 for the term April 1, 1995 through March 31, 1996 for weatherization services; and further recommending the Director of said Department be authorized to execute any further documents relating to same.
 RECOMMENDED ACTION: Adopt Resolution No. 123-95
- 5. Community Services Department recommending approval of the 1995/96 Area Plan Budget for Senior Services in the amount of \$1,409,636; and further recommending Chairman be authorized to 135| sign the 1995/96 Area Plan Update Transmittal Letter for submission to the State Department of Aging.

 RECOMMENDED ACTION: Approve

- Community Services Department recommending Chairman be 6. authorized to sign the 1996 Community Services Block Grant 11352 Local Plan for submission to the State Department of Economic 11352 Opportunity. RECOMMENDED ACTION: Approve
- Public Health Department recommending Resolution be adopted amending Authorized Personnel Allocation Resolution No. 246-94 deleting one Deputy Public Health Director/Admin position and 11353 one Admin Analyst I/II position and adding one Fiscal Admin Manager position and one Accountant I/II position. RECOMMENDED ACTION: Adopt Resolution No. 124-95
- Social Services Department recommending approval of the Family Preservation and Support Program Five-Year Plan Summary. RECOMMENDED ACTION: Approve
- County Counsel recommending Chairman be authorized to sign 9. Releases of Lien (4). RECOMMENDED ACTION: Approve
- County Counsel recommending Resolution be adopted authorizing 10. an action for the recovery of County funds paid out. RECOMMENDED ACTION: Adopt Resolution No. 125-95
- County Counsel recommending the following claims be rejected: 11.
 - Woodrow and Roberta Biggs in an amount in excess of \$25,000;
 - Gary Wayne Nance in an amount in excess of \$25,000;
 - Tammi Renee Nance in an amount in excess of \$25,000; and
 - d. William J. Gyorgy, Jr. in an amount in excess of \$10,000. RECOMMENDED ACTION: Reject claims
- County Counsel reporting the following claims have been paid:
 - Tammy K. Green in the amount of \$1,347.55; and

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- Shannon and Thomas Norman in the amount of \$700.99. **RECOMMENDED ACTION:** Approve
- 13. Agricultural Commission recommends the Board receive and file the Notice of Non-Renewal of the Williamson Act Contract for 9411 Agricultural Preserve No. 264 for Bruce Wirtanen. RECOMMENDED ACTION: Receive and file

- Adoption of Ordinance amending Chapter 3.28 of Title 3 of the Ordinance Code to permit the collection of 10 percent per 9760 annum interest on delinquent transient occupancy tax. (Introduced 5/23/95, Item 52) RECOMMENDED ACTION: Adopt Ordinance No. 4368 NuSBNU
- Auditor/Controller requesting authorization to establish a Trial Court Operation Fund pursuant to Government Code Section 10803 77203.5. RECOMMENDED ACTION: Approve
- Chamber of Commerce recommending Chairman be authorized to sign the official entry form for a County Exhibit at the Los Angeles County Fair, and appointment of the Chamber of 096 Commerce as the official representative responsible for said exhibit. RECOMMENDED ACTION: Approve
- General Services Department recommending Chairman be authorized to sign Amendment No. 5 to the Contract with Peter 827 Wolfe for architectural and construction administration services for the Cameron Park Library. RECOMMENDED ACTION: Approve
- 18. Services Department recommending General Chairman authorized to sign Certificate of Substantial Completion for 8271 the Cameron Park Branch Library (Project No. 91-11). RECOMMENDED ACTION: Approve
- Transportation Department recommending Resolution be adopted summarily vacating (AOE 95-009) the public utility easements along the boundary line common to Lots 35 and 36 of Bridlewood 11294 Canyon, Unit No. 1 in the Bass Lake Area. RECOMMENDED ACTION: Adopt Resolution No. 126-95
- 20. Transportation Department recommending Resolution be adopted amending Resolution No. 252-81 sanctioning a "No Parking" zone along the easterly side of Arrowhead Drive. RECOMMENDED ACTION: Adopt Resolution No. 127-95
- 21. Transportation Department recommending Resolution be adopted amending Resolution No. 17-94 extending the existing 40 mile per hour speed limit on Green Valley Road from a point .71 15 mile west of Deer Valley Road easterly to the intersection of Green Valley Road at North Shingle Road. RECOMMENDED ACTION: Adopt Resolution No. 128-95

- Transportation Department recommending Resolution be adopted amending Resolution No. 176-90 extending the existing 40 mile per hour speed zone on Lotus Road from 400 feet south of its 1135 intersection with Bassi Road to 3,100 feet north of said intersection. RECOMMENDED ACTION: Adopt Resolution No. 129-95
- Transportation Department recommending Resolution be adopted amending Resolution No. 76-83 sanctioning the increased weight limit on the bridge on Breedlove Road over Canyon Creek. RECOMMENDED ACTION: Adopt Resolution No. 130-95
- Transportation Department recommending Resolution be adopted amending Resolution No. 245-81 sanctioning the installation of "STOP" signs at various intersections specified. RECOMMENDED ACTION: Adopt Resolution No. 131-95
- Transportation Department recommending Chairman be authorized to sign Amendment No. 5 to the Contract with Counihan Consulting Engineering for consulting services on various \$206 projects, increasing the amount payable by \$75,000 and extending the term to May 31, 1996. RECOMMENDED ACTION: Approve SNuNU B(n)
- 26. Transportation Department recommending Resolution be adopted summarily vacating (AOE95-008) public utility easements along the boundary line common to Parcels 11 and 12 of 41 PM 115 in 1355 the El Dorado Hills Business Park. RECOMMENDED ACTION: Adopt Resolution No. 132-95
- Transportation Department recommending Resolution be adopted sanctioning the closure of Pleasant Valley Road between Leisure Lane and Mt. Aukum Road from 11:00 a.m. to 11:45 a.m., 11254 Tuesday, July 4, 1995 for the 6th Annual Pleasant Valley Day. RECOMMENDED ACTION: Adopt Resolution No. 133-95
- Transportation Department recommending release of securities associated with Agreements with Home Capital Corporation for Marina Woods Units Nos. 1 and 2, and replacement of same with @970 new Subdivision Improvement Agreements and related securities with the Presley Companies with improvements to be complete two years from the date of the new Agreements. RECOMMENDED ACTION: Approve **BUNUNS**
- Transportation Department recommending Chairman be authorized to sign a Joint Exercise of Powers Agreement with the City of Placerville establishing El Dorado County Transportation 0553 Commission. RECOMMENDED ACTION: Approve

- 30. County Counsel recommending support of Senate Bill 896 (Leslie) which extends the tort immunity provisions for public entity liability until January 1, 2000 and delete obsolete 132 provisions to certain real property acquired by the California Tahoe Conservancy in the Lake Tahoe Region. RECOMMENDED ACTION: Approve
- Planning Department recommending Chairman be authorized to 31. sign the following Agreements with El Dorado Hills Development Company pertaining to final map for Village H, Phase I (TM91-1239) in the El Dorado Hills Area:
 - Agreement to Make Subdivision Improvements for Class 1 Subdivisions;
 - Agreement on Conditions for Acceptance of Roads; and
 - Agreement on Conditions for Acceptance of Drainage Easements. RECOMMENDED ACTION: Approve
- 32. Planning Department recommending Chairman be authorized to sign the following Agreements with El Dorado Hills Development Company pertaining to final map for Village H, Phase II (TM91-1239) in the El Dorado Hills Area:
 - Agreement to Make Subdivision Improvements for Class 1, Subdivisions;
 - Agreement on Conditions for Acceptance of Roads; and
 - Agreement on Conditions for Acceptance of Drainage Easements.

RECOMMENDED ACTION: Approve

- Planning Department recommending Chairman be authorized to 33. sign the following Agreements with El Dorado Hills Development Company pertaining to final map for Villages I & L, Phase I (TM92-1251) in the El Dorado Hills Area:
 - Agreement to Make Subdivision Improvements for Class 1 Subdivisions;
 - Agreement on Conditions for Acceptance of Roads; and
 - Agreement on Conditions for Acceptance of Drainage Easements.

RECOMMENDED ACTION: Approve

- Human Resources Department recommending Resolution be adopted regarding severance/re-employment provisions to be effective during organizational downsizing from May 23, 1995 through October 30, 1995. RECOMMENDED ACTION: Adopt Resolution No. 134-95 (continued to **USBNuN** June 13, 1995)
- 35. Human Resources Department recommending the following years additional Public pertaining to two Employees' Retirement Systems (PERS) credit:
 - Resolutions (3) be adopted granting an additional designated period for two years additional service credit for Building Inspector, Sr. Environmental Specialist, and Sr. Agriculture Biologist/Standards Inspector II positions;
 - Resolutions (3) be adopted authorizing PERS to grant an 11236 additional designated period from June 6, 1996 through September 4, 1995 for two years service credit for the County;
 - Personnel Policy No. 5 be rescinded for two years additional service credit; and
 - d. Certification of Compliance with Section 20818 Government Code be executed by the Chairman for each position. RECOMMENDED ACTION: Adopt Resolution Nos. 135-95 - 140-95
- 36. Supervisor Bradley recommending Chairman be authorized to sign a letter requesting Senator Tim Leslie add to Transportation Omnibus Bill SB726/727 an official scenic highways designation for Highway 50 from the Sacramento/El Dorado County line to Placerville as previously adopted by Board Resolution No. 343-

RECOMMENDED ACTION: Approve (continued to June 13, 1995) BUNUN S(n)

- 37. Supervisor Nielsen proposing Board sponsored legislation to extend, for El Dorado County, the protection and benefits of its current Office and Planning Research ("OPR") sanctioned "Public Review Draft General Plan". RECOMMENDED ACTION: Approve NUS B(n)Nu(n)
- Supervisor Shultz recommending Cheri Aspenleiter be appointed as the District IV representative to the Community Action 0146 Council for a term to expire January, 1999. RECOMMENDED ACTION: Appoint Ms. Aspenleiter

- 39. Supervisor Upton recommending ratification of Chairman's signature on a letter to the State Senate supporting Senate Bill 58 (Lewis) which addresses the need for available homeowners insurance in California.

 RECOMMENDED ACTION: Ratify signature NuUBNS
- 40. Supervisor Upton recommending ratification of Chairman's signature on a letter to the Assembly Appropriations Committee supporting Assembly Bill 135 which deletes the sunset clause | 132 | regarding funding for the Abandoned Vehicle Abatement Program.

 RECOMMENDED ACTION: Ratify signature
- 41. Community Services Department recommending Resolution be adopted increasing the petty cash fund for the Senior Nutrition program from \$140 to \$160.

 RECOMMENDED ACTION: Adopt Resolution No. 141-95
- Adoption of Ordinance adding Chapter 3.13 to Title 3 of the Ordinance Code specifying criteria for entering into contracts with independent contractors. (Introduced 5/23/95, Item 64) 10721

 RECOMMENDED ACTION: Adopt Ordinance No. 4369

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BOARD ACTION - Consent Calendar matters approved as recommended with the exception of items 34 and 36 as noted (items 14, 25, 28, 37, 39, and 42 also acted upon separately).

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END CONSENT CALENDAR

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.)

50. General Services Department requesting further direction regarding the surplus and sale of County-owned property in Cameron Park (APNs 109-230-09 and -10). (Continued 5/9/95, Item 51)

BOARD ACTION - Staff authorized to proceed with discussions with parties interested in the use of the property, and report back to the Board with a more definitive recommendation.NuBNSU

- Transportation Department recommending Chairman be authorized 51. to sign an Agreement with HDR Engineering, Inc. in the amount preparation of the El Dorado \$104,817 for Interchange Project Boulevard/Highway 50 Study Report. (Continued 5/23/95, Item 18) BOARD ACTION - Approved based on findings made by the Director of Transportation in his writings and testimony this date.
- Chief Administrative Officer submitting the request of Sun 52. Hills Community Church for a waiver of fees in the total amount of \$28,928 for construction of an 18,000 square foot building on property in the El Dorado Hills Business Park. **BOARD ACTION** - Board approved <u>deferral</u> of the traffic impact mitigation (TIM) fees as allowed in existing County policy. BNuNSU
- 53. Supervisor Nutting submitting the request of Andrew and Carolyn Hall that the Board grant the following fee deferral program exception relating to their supermarket in Mt. Aukum:
 - Defer 100% of the traffic impact mitigation fee; (1)
 - (2) Execute a deed of trust after issuance of the certificate of occupancy; and
 - Position County's lien to be subordinate to previously recorded construction, business and supplier liens. **BOARD ACTION** - Board approved recommendation (1), deferral of 100% of the traffic impact mitigation (TIM) fee, and staff directed to ensure that there is adequate security for recovery of said fee. NuNBU S(n)
- Supervisor Nielsen recommending waiver of Ordinance Code 54. Sections 17.14.130 and 17.28.380 to expedite authorization for the Diamond Springs Fire Protection Districts' construction and operation of a new fire station, hall, and training tower. (Continued 5/23/95, Item 65) BOARD ACTION - Board determined that this request of the Diamond Springs Fire Protection District is an appeal of the Planning Department's decision that a design review or special use permit is required for construction of a new fire station, hall and training tower; and the Board granted the appeal, approved the drawings and schematics submitted by the Fire District, and determined that a design review or special use permit is not required based on the finding these are replacement buildings for the existing uses on these sites. **NUBNuS**

Supervisor Nielsen recommending approval, in principle, of 55. relocating the Public Guardian's Office and associated personnel and facilities from the Community Services Department to an independent department status. BOARD ACTION - Removed from the agenda upon its adoption, and continued to June 20, 1995. **UBNuNS**

Supervisor Nielsen recommending the Board engage the services 56. of an independent counsel to advise the Planning Commission during its deliberations/completion of the proposed General Plan and refinement of the related Environmental Impact Report.

BOARD ACTION - Board authorized retention of the firm Remy and Thomas, and Chairman authorized to sign a contract with said firm upon County Counsel's preparation and approval of same.

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County Counsel requested to report back to the Board on June 13, 1995, on the status of efforts to retain Remy and Thomas, and if said firm found to be unavailable, to provide names of alternate firms. BUNS Nu(n)

57. Supervisor Shultz recommending that the Veerkamp Ranch site be excluded as an alternate fairgrounds site. BOARD ACTION - Motion to exclude the Veerkamp Ranch site as a 8708 potential fairgrounds site failed. NS B(n)Nu(n)U(n)

TIME ALLOCATION - 10:30 A.M.

Adoption of Ordinance amending Chapter 9.34 of the Ordinance Code pertaining to loitering which currently applies only to juveniles and is effective after 11:00 p.m.; said amendment will apply current regulations to all persons without regard 13 to age or time of day. (Introduced 5/23/95, Item 53) BOARD ACTION - ORDINANCE NO. 4370 adopted. NUB Nu(n)S(n)

TIME ALLOCATIONS - 11:00 A.M.

71. Continuance of hearing to consider adoption of a Resolution dissolving the El Dorado Hills Business Park Landscaping and Lighting District No. 1 to June 13, 1995, at 11:00 a.m.. BOARD ACTION - Continued to June 13, 1995, at 11:00 a.m.

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Board of Equalization Meeting (refer to separate agenda)

JUNE 6, 1995

County Service Area No. 9 Meeting (refer to separate agenda) County Service Area No. 10 Meeting (refer to separate agenda) Water Agency Meeting (refer to separate agenda)

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.

UBNuNS

TIME ALLOCATIONS - 2:00 P.M.

80. Hearing to consider the Appeal filed by Bernard Carlson on the approval of 34 river use permits for the 1995 season. BOARD ACTION - Hearing continued to June 20, 1995, at 2:00 p.m., at the recommendation of County Counsel and concurrence C of Mr. Carlson, to allow an opportunity for the terms of a possible settlement which would eliminate the need for this

- Planning Department recommending the following pertaining to the status of General Plan Environmental Impact Report (EIR)/Options for Zoning Ordinance Update:
 - (1) Receive and file progress report;

Appeal to be reduced to writing.

- Direct that the certification of the final EIR be referred to the Board of Supervisors;
- (3) Adopt the proposed findings for contracting out services as outlined in the memorandum to the Board dated 5/31/95; and authorize Chairman to sign the professional services contract with Michael Brandman and Associates to respond to the conservation biology issues raised in the comments to the Draft EIR;
- (4) Identify hearing dates in July and August for the Board's 399 consideration of the General Plan and EIR;
- Direct the Clerk of the Board to schedule weekly General Plan EIR status reports through completion of this task; and
- Direct staff to work with the Planning Commission to establish a detailed work program and approach to update the Zoning Ordinance.

BOARD ACTION - Board directed the Planning Commission's tentative agenda for July 20, 1995, be "cleared" and that date be set aside for General Plan related issues only; and requested the Commission's agenda for July 27 or some subsequent dates also be "cleared" and set aside for hearing General Plan related issues only. SUBNUN

Progress report received and filed.

BNuNSU

TIME ALLOCATION - 7:00 P.M.

- Hearing to consider the following for the Gramercy Heights 82. Subdivision on 27.4 acres in the Placerville Periphery Area (District IV), Applicant: Springlake Associates/Placerville Development Company:
 - (1) Rezoning (293-19) from RE-5, Estate Residential Five-Acre zone to R1A/PD, One-acre Residential/Planned Development zone;
 - Development Plan (PD93-10) to allow parcels less than one-acre in size and to reduce front yard setbacks for Parcels 2-5 and 12-16;
 - Tentative subdivision map (TM93-1285) proposing to creating 25 residential parcels ranging in size from 0.41 to 1.20 acres with 13.85 acres reserved in open space on three separate parcels;
 - Phasing plan to allow the project to be constructed in (4) two phases;
 - (5) Design waivers;
 - Abandonment of all existing on-site road and public utility easements; and
 - (7) Waive reading, read by title only, and adopt Ordinance to effect said rezoning.

BOARD ACTION - Board adopted the Negative Declaration; approved the rezoning, waiving reading, reading by title only, and adopting ORDINANCE NO. 4371 effecting said rezoning; approved Development Plan 93-10 as the official development plan; approved Tentative Map 93-1285 subject to conditions proposed by the Planning Commission and modified by the Board this date amending Condition 10 to delete the requirement for a gate at the entrance to the emergency access road located at the end of Road "A", amending Condition 18 to add a requirement for double chip seal road surface, and adding a condition limiting the number of lots to 20 with perimeter lots being reconfigured to accommodate this lot reduction; approved the Phasing Plan; approved Design Waivers "a" - "f" subject to the condition that on-street parking is prohibited and there is signage advising of said prohibition; and RESOLUTION NO. 152-95 adopted summarily vacating all existing on-site road and public utilities easements. UNuNS B(n)

BOARD OF SUPERVISORS AGENDA PAGE 14

JUNE 6, 1995

MEETING ADJOURNED

APPROVED:

ATTEST:

MARK NIELSEN, Chairman

DIXIE L. FOOTE, Clerk of the Board

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

June 6, 1995

8:00 A.M.

Closed Session have been scheduled to discuss the following pursuant to Government Codes cited:

- 1. Conference with Real Property Negotiator pursuant to Government Code Section 54956.8: This body will hold a closed session to give instructions to its negotiator regarding real property described as beginning at Mile Post 98.9 (Mayhew-Sac. Ct.) and ending at Mile Post 149.7 (Placerville-El Dorado County). The person or persons with whom the negotiator may negotiate is Southern Pacific. Instructions to negotiator will concern price and terms of payment. (Closed Session continued from 5/23/95) **BOARD ACTION** - No action reported.
- Existing litigation pursuant to Government Code Section 54956.9 regarding the following:
 - Kevin McGee vs County of El Dorado, WCAB No. SAC 211467, Risk Management Claim No. 1001016;
 - Kathy Horn vs County of El Dorado, WCAB No. SAC 216575, Risk Management Claim No. 1000698;
 - Marcos Rojas Barragon vs El Dorado County, South Lake Tahoe Superior Court No. SV 0363;
 - Walter Copeland vs State of California, et al, Sacramento Superior Court No. 95AS02013;
 - Mary Ann Brennan vs Sam P. Eisenhower, et al, El Dorado County Superior Court No. PV000958; and
 - June Daniels vs County of El Dorado, et al, El Dorado County Superior Court No. PV000854. **BOARD ACTION** - No action reported.
- Anticipated litigation pursuant to Government Code Section 54956.9(b) regarding significant exposure to litigation. BOARD ACTION - No action reported.