

County of El Dorado

BOARD OF SUPERVISORS

WILLIAM S. BRADLEY DISTRICT I
RAYMOND J. NUTTING DISTRICT II
J. MARK NIELSEN DISTRICT III
WALTER L. SHULTZ DISTRICT IV
JOHN E. UPTON DISTRICT V
DIXIE L. FOOTE CLERK OF THE BOARD

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C O N F O R M E D

A G E N D A

Regular Meeting of the Board of Supervisors

March 18, 1997

8:00 A.M.

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

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 three minutes per person. The Board reserves the right to waive said rules by a majority vote.

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

BOARD ACTION - Agenda and Addendum No. 1 thereto adopted with the addition of one new business item (refer item 27). UNBNuS

Closed Session (refer Closed Session Roster attached)

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

INVOCATION

PRESENTATION of Proclamation to Elna Norman for 33 years of dedicated service as a Social Worker in Children's Protective Services. 12001

PRESENTATION by Andrea Hicks on new program components and upcoming events within El Dorado County 4-H Youth Development Program. 12001

PRESENTATION by Lanny Langston of Golden Sierra Job Training Agency. 12001

OPEN FORUM

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 Agenda (Minutes) of March 11, 1997. ✓
RECOMMENDED ACTION: Approve.
2. Assessment Roll Changes.
RECOMMENDED ACTION: Approve, and authorize Chairman to sign. 11977
3. Release of Lien.
RECOMMENDED ACTION: Approve, and authorize Chairman to sign. 11976
4. County Counsel reporting claims that have been paid: 11978
 - a. Mary Jane Conway in the amount of \$1,983.39;
 - b. Don A. Songey in the amount of \$89.55;
 - c. Jonathan Keating in the amount of \$96.96;
 - d. Douglas A. Walker in the amount of \$701.71; and
 - e. Daniel J. Lewand.RECOMMENDED ACTION: Approve.
5. County Counsel recommending Chairman be authorized to sign Deed of Reconveyance to Sarah J. Hadlock. 12063
RECOMMENDED ACTION: Approve.
6. County Counsel recommending staff be directed to work with applicant for Courtside Manor Townhouses (TM86-1093E) to process eminent domain reimbursement agreement; and authorize applicant to hire an outside attorney for all necessary eminent domain proceedings for the drainage easement on behalf of the County. 12064
RECOMMENDED ACTION: Approve.
7. County Counsel recommending ratification of Agreement with Remy, Thomas and Moose for legal services pertaining to litigation challenging approval of the Carson Creek Project. 11281
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
8. Public Health Department recommending April 7 - 13, 1997, be proclaimed "Public Health Week" in El Dorado County. 12001
RECOMMENDED ACTION: Adopt Proclamation.

9. Public Health Department recommending Amendment No. 3 to Agreement (No. NNA09-94) with the State Department of Alcohol and Drug Programs in the amount of \$1,223,941 for term July 1, 1996 through June 30, 1997, for alcohol/drug related services; and Director of said Department be authorized to execute subsequent documents relating to same. **11134**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
10. Community Services Department recommending April 13 - 19, 1997, be proclaimed National Volunteer Week. **12001**
RECOMMENDED ACTION: Adopt Proclamation.
11. General Services Department recommending Facility Use Agreement (No. 228-09711) with the El Dorado Chapter of the California Native Plant Society for use of the parking lot and walkways of Building "C" for a plant sale on Saturday, April 5, 1997, from 6:00 a.m. to 5:00 p.m. **11178**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
12. General Services Department recommending Amendment No. 1 to Agreement (No. 038-S9711) with Ward Wolstenholm Architects for term to expire January 1, 1998, for architectural services for repair/replacement of the roof at the South Lake Tahoe Jail. **11783**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
13. Probation Department recommending the following for Juvenile Crime Enforcement and Accountability Challenge Demonstration Project Grant: **11937**
- a. Approve in concept application to the State Board of Corrections for \$2,552,651 to support juvenile justice services; and
- b. Adopt Resolution authorizing the Chief Probation Officer to execute documents relating to same; identifying said Officer as the Chair and naming members of the County Juvenile Justice Coordinating Council; and assuring if said grant is awarded that the County will comply with requirements and terms of contract.
RECOMMENDED ACTION: Approve, and adopt Resolution No. 49-97.
14. District Attorney recommending approval of Budget Transfer No. 1475 in the amount of \$9,000 modifying the budget for the Citizens Option for Public Safety (COPPS) Program. **11994**
RECOMMENDED ACTION: Approve.

15. Unified Courts recommending Agreements (2) with Melvin E. Beverly and Gregory S. Emery for Superior Court Commissioner services for term February 1, 1997 through January 31, 1998, with compensation equivalent to salary paid Municipal Court Judges. **11620**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
16. Auditor/Controller requesting authorization to remove fixed assets, set forth in Agenda Transmittal dated 3/11/97, from the fixed asset records schedule. **12065**
RECOMMENDED ACTION: Approve.
17. Transportation Department recommending Addendum to Sponsor Agreement (No. CCC-96) with the California Conservation Corps in an amount not to exceed \$70,500 for revegetation and drainage improvement work. **10134**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
18. Transportation Department recommending Agreement (No. PSS 38) with County of Placer, as operator of the Tahoe Area Regional Transit (TART) system, in an amount not to exceed \$26,199 for term May 15, 1995, through September 15, 1997, for transit services in the Meeks Bay Community. **10479**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
19. Transportation Department recommending Resolution summarily vacating (AOE 97-003) existing 5' side lot line and 10' rear lot line public utility easements on Lots 1 through 142 of Village D, El Dorado Hills, Unit No. 1; and authorization to record a Certificate of Correction pertaining to same. **11971**
RECOMMENDED ACTION: Adopt Resolution No. 50-97.
20. Transportation Department recommending Board approve as to form the Offer of Dedication to the County from Sierra Pacific Industries (SPI) for the Wentworth Springs Road right-of-way; and Chairman be authorized to execute Certificate of Acceptance at such time that SPI submits an executed offer. **12066**
RECOMMENDED ACTION: Approve. NuUBNS
21. Transportation Department recommending Resolution authorizing said Department to claim \$64,521.61 of Transportation Development Act (TDA) Article 8 Funds for fiscal year 1996/97. **10479**
RECOMMENDED ACTION: Adopt Resolution No. 51-97.
22. Transportation Department recommending Resolution authorizing Director of said Department to execute documents for funding projects under the Clean Air and Transportation Improvement Act (CATIA) and Transit Capital Improvement Programs. **12067**
RECOMMENDED ACTION: Adopt Resolution No. 52-97.

23. Risk Management recommending Chairman be authorized to sign the FHP Health Plan Renewal Confirmation and Kaiser Foundation Health Plan, Inc. Group Medical and Hospital Service Agreement for term April 1, 1997, through December 31, 1997. **10895**
RECOMMENDED ACTION: Approve.
24. Supervisor Nutting recommending Board reinstate Plan Check Application No. 96650 for Catherine Arena-Marchive due to an error of the United States Post Office. **12068**
RECOMMENDED ACTION: Approve.
25. Supervisor Shultz recommending County Surveyor be authorized to issue a "clear" Certificate of Compliance (No. 90-141) for a 10-acre parcel (APN 088-430-06) located on Mt. Murphy Road in Garden Valley owned by Mrs. Luz Ornelas. **12069**
RECOMMENDED ACTION: Approve, subject to the condition that primary access to subject parcels be from Mt. Murphy Road.
BNUNSU
26. Supervisor Shultz recommending County Surveyor be authorized to issue a "clear" Certificate of Compliance (No. 96-141) for one-third to one-half acre sites (APNs 089-210-09, -10, -11, and -12) located on the north side of Sundown Court owned by Jack Hart and Donna Reap. **12070**
RECOMMENDED ACTION: Approve, subject to the following: "As a condition of building permit issuance, Sundown Court shall be improved with an 18 foot wide road surface capable of supporting a 40,000 pound load. Said improvement shall commence at the end of the existing pavement and continue across the full frontage of the site requesting the building permit. The Department of Transportation shall find conformance with this condition prior to approving final building occupancy."
NNuBSU
27. NEW BUSINESS: RESOLUTION NO. 55-97 adopted amending Resolutions Nos. 47-97 and 48-97 to modify references to "Meeks Bay" to more accurately refer to the "Tahoe West Shore" area of County Service Area No. 3. **11989**
NNuBSU

BOARD ACTION - Consent Calendar items approved as recommended (items 20 and 25 acted upon separately).
NNuBSU

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. Unified Courts recommending, pursuant to Welfare and Institutions Code Section 603.5, approval of traffic infraction tickets issued to minors 16 years old and older being handled in the same manner as adult infractions. (Continued 3/4/97, Item 8) 12048

BOARD ACTION - Board determined to make no change in the current system for processing traffic infraction tickets issued to minors 16 years old and older, i.e., "to leave it as it is".
NuBSU N(n)

51. Planning Department requesting authorization to proceed with development of the financial feasibility studies for the Ecological Preserve Program. 12071

BOARD ACTION - Board authorized the following: UBN Nu(n)S(n)

- (1) Planning Department to return to the Board at a future date with Memorandum of Understanding for the finding and completion of the Economic Feasibility Study for the El Dorado County Ecological Preserves;
- (2) Planning Department to negotiate professional services agreement with EPS (Economic and Planning Systems, Inc.,) and return to the Board for approval of said agreement;
- (3) Planning Department to negotiate funding agreement with RCR Investments for the contribution, not to exceed \$17,000 and return to the Board for approval of said agreement; and
- (4) Planning Director to work with the Chief Administrative Officer to determine a source of funds required to complete the above study; said source of funds to be some combination of funding from the El Dorado Irrigation District (EID) and County Water Agency.

52. Appointment of District II, III, and V Alternates to the Charter Review Commission. (Continued 3/4/97, Item 52) 10721

BOARD ACTION - Continued to April 15, 1997, at which time the Board can make these appointments and ratify or reconsider any other appointments to said Commission (public notice of same to be posted in the interim).
NUBNU S

53. Adoption of Ordinance amending Section 2.18.020 of Chapter 2.18 of Title 2 regarding composition of Agricultural Commission. (Introduced 3/11/97, Item 8) **12057**
BOARD ACTION - Board waived reading, read by title only, and adopted ORDINANCE NO. 4444. UNuBNS

54. Supervisor Nielsen recommending proposed legislation adding provisions to the National Indian Gaming Act to recognize and protect interests of surrounding residents and affected agencies of local government. **12072**
BOARD ACTION - Board requested County Counsel to prepare the appropriate form of a proposed amendment to the National Indian Gaming Act (NIGA), authorized the Chairman to convey the necessary communication and materials to our federal legislators and, as a companion feature to the legislative prospects discussed, authorized request to be made of Senators Diane Feinstein and Barbara Boxer and Congressman John Doolittle to seek appointment of one or more persons on the newly forming National Gambling Impact Study Commission who will be able to represent the interests of local government and local residents. NBNU SU

55. Supervisor Upton recommending Board approve proposal for the Development Issues Consensus Process, and Chief Administrative Officer be directed to fund \$35,000 from Contingency for said Process. (4/5 vote required) **11972**
BOARD ACTION - Continued to April 15, 1997. BNSU Nu(n)

TIME ALLOCATION - 11:00 A.M.

70. Hearing to review and approve the \$500,000 Community Development Block Grant application for a Georgetown Divide Community Center; adoption of Resolution documenting local match in the form of property, fee waivers and services, authorizing submission to the State Department of Housing and Community Development, and authorizing Chairman to sign Statement of Assurances and Community Services Director to sign all documents relating to same. **12073**
BOARD ACTION - Approved, and RESOLUTION NO. 54-97 adopted accordingly. UNuBNS

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

Board of Equalization Meeting (refer to separate agenda)

LUNCH RECESS

TIME ALLOCATIONS - 2:00 P.M.

80. Hearing to consider Appeal filed by Chris Bosio on the Planning Commission's denial of his request for modification of Condition 5 imposed on the development plan (PD95-16R) for Sport's Central on 5 acres (APN 070-280-13) in the Shingle Springs Area, (District III), requested modification to allow temporary use of a septic system until a sewer can be installed. **11539**

BOARD ACTION - Board denied the Appeal based on the finding that the requested modification to condition 5 is inconsistent with Policy 5.3.1.1 of the General Plan as stated by the Planning Commission on 2/3/97. NSBNUU

81. Hearing to consider request of Jericho/Village Partners to develop a new commercial building (PD95-17 - Chief Auto Parts) on 0.685 acre (APN 327-130-37) in the Diamond Springs/El Dorado area (District III). (Continued 3/4/97, Item 81) **11947**

BOARD ACTION - Hearing continued off calendar. BUNUNS

82. Planning Commission recommending adoption of Resolution of Intention to amend the County General Plan directing staff to prepare and set for hearing the "Hot Bucket" requests (requests the Board, during its deliberations on the County General Plan in January, 1996, referred back to the Planning Commission for further review and consideration). (Continued 3/11/97, Item 81) **9399**

BOARD ACTION - Board acted as follows on requests for amendment of the County General Plan:

continued next page . . .

GENERAL PLAN TEXT CHANGES

Note: Conrad Montgomery, Planning Director, stated for the record that these policies will not affect the Marble Valley planned development.

9399

"Hot Bucket" Item No. 9 Consideration of the following proposed policy regarding separation of communities: "To retain separation of communities between Diamond Springs/El Dorado and Placerville, zoning shall be maintained at the lowest density ranges: Medium Density Residential (MDR) at U.S. Highway 50 and Weber Creek, Low Density Residential (LDR) at State Route 49 and Weber Creek, and Rural Residential (RR) at the future Texas Hill Reservoir site and Weber Creek."

9399

BOARD OF SUPERVISORS ACTION: At the recommendation of the Planning Commission the request was continued to such time as the City Council has time to review further, and to be considered with the two-year review of the General Plan.

UNBNuS

"Hot Bucket Item No. 10 Consideration of modification to following policies listed on the comments received from the El Dorado County Taxpayers Association dated January 20, 1996: Policies 7.2.1.3, 7.2.2.1, 2.1.4.8, 2.6.1.4.

9399

BOARD OF SUPERVISORS ACTION: Board initiated hearings on amendment of the County General Plan to modify the following policies as iterated:

UNBNuS

Policy 7.2.1.3 The County shall request the State Department of Conservation to conduct a County-wide study to assess the location and value of non-metallic mineral materials. Once completed, the County may recognize them in the General Plan and rezone them and the surroundings to allow for mineral resource management. The County shall recognize existing deposits which are producing non-metallic resources as suitable for protection.

9399

Policy 7.2.2.1 The minimum parcel size within, or adjacent to, areas subject to the -MR (Mineral Resource) overlay shall be ten (10) acres unless the applicant can demonstrate to the approving authority that there are no economically significant mineral deposits on or adjacent to the project site and that the proposed project will have no adverse effect on existing or potential mining operations. If a finding can be made that due to pre-existing incompatible adjacent land uses or other environmental reasons, mining operations are precluded in the area, an assessment of the mineral resources may be waived, due to the fact that no economical significance can be found on deposits that are not minable. The minimum parcel size adjacent to active mining operations which are outside of the -MR overlay shall also be ten (10) acres. 9399

Policy 2.1.4.8 The County, except where the proponent of a particular project has already received one or more discretionary approvals (other than approval of this General Plan) and has committed to fully participate in any funding mechanism to fund infrastructure within the Missouri Flat Area Planned Community, shall not approve any discretionary land use applications within the Missouri Flat Area Planned Community until September 1996 or such time as a specific plan, redevelopment plan, or a master circulation and funding plan is adopted by the County, at which time the Planned Community restriction shall cease to exist and the Missouri Flat (PC5) financial plan and road system will be part of the General Plan circulation plan. The underlying land use designation shall be as specified on the General Plan land use map. The Board of Supervisors in September 1996 may elect to continue this policy or modify it through a General Plan amendment. 9399

LAND USE CHANGES

"Hot Bucket" Item No. 7 Modification of the east boundary of the Garden Valley Agricultural District adjacent to BLM (Bureau of Land Management) property and the Baer Ranch property (80 acres/APN 060-031-33). 9399
BOARD OF SUPERVISORS ACTION: Board elected not to initiate hearings on the proposed change. NuBNSU

continued next page . . .

"Hot Bucket" Item No. 8 Change of land use designation on the following parcels from Low Density Residential (LDR)/Rural Region to Medium Density Residential (MDR) and include within the Rescue Rural Center: APN 069-040-11 (15.092 acres); APN 069-040-20 (5.14 acres); APN 069-040-33 (5.00 acres); APN 069-040-36 (5.01 acres); APN 069-040-37 (5.05 acres); APN 069-040-38 (6.18 acres); APN 069-040-54 (5.07 acres); and APN 069-040-55 (5.00 acres).

9399

BOARD OF SUPERVISORS ACTION: Board initiated hearings on the requested amendment of the County General Plan. BNS Nu(n)U(n)

Planning Department directed to draft appropriate Resolution for adoption by the Board (on a Consent Calendar) formally initiating hearings on amendments to the County General Plan as recommended by the Board March 11 and March 18, 1997.

UNBNuS

MEETING ADJOURNED

APPROVED:



WALTER L. SHULTZ, Chairman

ATTEST:



Dixie L. Foote, Clerk of the Board

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.

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

March 18, 1997

8:00 A.M.

CLOSED SESSIONS pursuant to Government Codes cited:

Existing litigation pursuant to Government Code Section 54956.9 regarding the following:

- a. **Stephen R. Townzen vs County of El Dorado, et al, 11263**
Case No. CIV-S-97-0208 GEB JFM;
BOARD ACTION - Board authorized utilization of the services of the law firm of **Barkett Gumpert and Reiner**.

- b. **El Dorado County Taxpayers for Quality Growth, et al, vs El Dorado County Board of Supervisors, et al; Sacramento County Superior Court Case No. 96CS01290. (General Plan Lawsuit)** ✓
BOARD ACTION - No action reported.

Conference with Labor Negotiator pursuant to Government Code Section 54957.6; County Negotiator: Director of Human Resources; Employee Organization: **Deputy Sheriff's Association.** ✓
BOARD ACTION - No action reported.

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March 18, 1997

8:00 A.M.

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

CLOSED SESSION

Anticipated litigation pursuant to Government Code Section 54956.9(b) regarding significant exposure to litigation. Anticipated Litigation Title: Claim Regarding Union Mine Landfill. **BOARD ACTION** - No action reported. ✓