

C O N F O R M E D A G E N D A
Regular Meeting of the Board of Supervisors
El Dorado County, California

Tuesday, November 4, 1997

BOARD OF SUPERVISORS MEETING ROOM
330 Fair Lane, Building A
Placerville, California
530 621-5390
FAX 622-3645

WALTER L. SHULTZ
Chairman
Fourth District

JOHN E. UPTON
Vice Chairman
Fifth District

J. MARK NIELSEN
2nd Vice Chairman
Third District

WILLIAM S. BRADLEY
First District

RAYMOND J. NUTTING
Second District

Clerk of the Board
Dixie L. Foote

Chief Administrative Officer
Michael B. Hanford

County Counsel
Louis B. Green

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 speaking for a group are allocated 5 minutes. (Adopted 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.

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

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

9:00 A.M. - OPEN SESSION

PLEDGE OF ALLEGIANCE TO THE FLAG

INVOCATION

Determination of matters to be added to or removed from the Consent Calendar and Board action on the Consent Calendar. (Discussion and action on items removed from the Consent Calendar will be after Presentations and Open Forum.)

OPEN FORUM

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

1. Approval of Board of Supervisors Conformed Agenda (**Minutes**) of October 28, 1997. ✓
RECOMMENDED ACTION: Approve.
2. **Assessment Roll Changes.** 11977
RECOMMENDED ACTION: Authorize Chairman to sign.
3. Public Health Department recommending Proclamation supporting the **Great American Smokeout** on November 20, 1997. 12001
RECOMMENDED ACTION: Adopt Proclamation.
4. Mental Health Department requesting **advanced step hiring** for a Program Coordinator at Step 5 of the salary range for the Western Slope Day Rehabilitation Program. 10182
RECOMMENDED ACTION: Approve.
5. General Services Department recommending **surplus property declaration** outlined in Agenda Transmittal dated October 23, 1997. 11342
RECOMMENDED ACTION: Authorize Purchasing Agent to dispose of same at public auction.
6. General Services Department recommending Bid No. 070-004 for 42 various vehicles to be used County-wide by Fleet Management. 12190
RECOMMENDED ACTION: Authorize purchase orders to the five low bidders in an aggregate amount of \$922,347 including applicable sales tax.
7. General Services Department recommending Bid No. 863-005 for tires and related products and services to be used County-wide. 12283
RECOMMENDED ACTION: Authorize blanket purchase orders to the sole bidders, Toms Sierra Company, Inc., of Placerville (West Slope) in the amount of \$87,000 including applicable sales tax, and Lilly's Tire Service, Inc., of South Lake Tahoe (East Slope) in the amount of \$13,000 including applicable sales tax.
8. General Services Department recommending purchase of 14 **Softdesk upgrades** for the Engineering Division of the Department of Transportation. 12284
RECOMMENDED ACTION: Authorize purchase order to Softdesk in the amount of \$11,042, including applicable sales tax.

9. General Services Department recommending Agreement (No. 162-S9811) with **Criminal Justice Research Foundation** in an amount not to exceed \$35,290 for a term to expire March 10, 1998, for a Juvenile Hall needs assessment and Board of Correction Violent Offender Incarceration Grant application for the Probation Department. **12285**
RECOMMENDED ACTION: Authorize Chairman to sign.
10. General Services Department recommending Amendment No. 1 to Agreement (No. 094-S9810) with Franklin Gumpert, dba **Barkett, Gumpert & Reiner** increasing the amount to \$30,000 for investigative services and other specialized personnel services on an "as needed" basis for the Human Resources Department. **12286**
RECOMMENDED ACTION: Authorize Chairman to sign.
11. General Services Department recommending the following for development and implementation of **Family Law Facilitator** offices: **12287**
- a. Agreement (No. 142-S9811) with Lisa **Lipelt** in an amount not to exceed \$25,000 for a term to expire June 30, 1998 for said Office in South Lake Tahoe;
- b. Agreement (No. 156-S9811) with William H. **Bradley** in an amount not to exceed \$25,000 for a term to expire June 30, 1998 for said Office in Placerville; and
- c. **Budget Transfer No. 1745** increasing Estimated Revenue by \$82,617 for same. (4/5 vote required) **12267**
RECOMMENDED ACTION: Approve, and authorize Chairman to sign.
12. Recorder-Clerk requesting authorization to purchase computer hardware and peripheral equipment for the **computerized cashiering and indexing system**. **12170**
RECOMMENDED ACTION: Approve.
13. Recorder-Clerk requesting authorization to extend actual **"recording"** time for one hour on December 31, 1997. **8980**
RECOMMENDED ACTION: Approve.
14. County Counsel recommending the following **claims** be rejected: **12239**
- a. L. Scott **Emmons** in the amount of \$330.38;
- b. John **Haverty** in the amount of \$881.19; and
- c. Ann **Wilder** in the amount of \$215.26.
RECOMMENDED ACTION: Reject claims.

15. County Counsel recommending Resolution certifying the administrative record for use in pending litigation pertaining to the **Carson Creek Development Project**. **11281**
RECOMMENDED ACTION: Adopt Resolution No. 249-97. UNuBNS
16. Risk Management recommending the following pertaining to 1998 health benefit changes: **10895**
- a. Authorize Chairman to sign Amendment No. 3 to the El Dorado Employer Health Care Plan Amended and Restated April 1, 1996 to be effective January 1, 1998;
- b. Authorize Chief Administrative Officer (CAO) to sign a letter to the Health Care Finance Administration;
- c. Adopt staff recommendations for health benefits contribution rates for the 1998 calendar year; and
- d. Approve in concept and authorize CAO to execute contracts with **Kaiser Foundation Health Plan and PacifiCare** to provide two County-sponsored employee options for health benefits during 1998.
RECOMMENDED ACTION: Approve.
17. Human Resources Department recommending Resolution amending the salary range for the **Executive Officer of the Local Agency Formation Commission** effective September 13, 1997. **12288**
RECOMMENDED ACTION: Adopt Resolution No. 250-97.
18. Supervisor Bradley submitting a request by **Serrano Partners** for an appeal of a determination by the County Surveyor renaming Moreau Way to **Moreau Court**. **12289**
RECOMMENDED ACTION: Approve.
19. Supervisor Nutting recommending Memorandum of Understanding with **Regional Council of Rural Counties** for the Watershed Project as directed by the Board of Supervisors on October 7, 1997, Item No. 51b. **11590**
RECOMMENDED ACTION: Authorize Chairman to sign.
20. Supervisor Nutting recommending Supervisor Nielsen be authorized to act as a temporary representative to the California Association of Counties (CSAC) Board of Directors annual conference to be held November 19 - 21, 1997. **10646**
RECOMMENDED ACTION: Approve.
21. County Service Area No. 9 consideration of appointments to the **Meadowview Acres Road Zone Advisory Committee**, (CSA 9, Zone 25) as outlined in Agenda Transmittal dated October 23, 1997. **10904**
RECOMMENDED ACTION: Approve appointments.

22. County Service Area No. 10 consideration of Agreement with **Philip (Burlington) Environmental Inc.** in an amount not to exceed \$100,000 for a term to expire June 30, 1999, for hazardous waste processing, transportation, recycling and disposal services. **8291**
RECOMMENDED ACTION: Authorize Chairman to sign.
23. County Service Area No. 10 consideration of Agreement with **Western El Dorado Recovery Systems, Inc.** in an amount not to exceed \$20,000 for a term to expire June 30, 1998, for personnel and services necessary to provide latex paint and spent lead acid battery collection and processing services for the County. **11187**
RECOMMENDED ACTION: Authorize Chairman to sign.
24. County Service Area No. 10 consideration of three service agreements with Tahoe Quik Lube, Tahoe Keys Marina and Emerald Bay Chevron for the **Used Oil Collection Program** in South Lake Tahoe. **12290**
RECOMMENDED ACTION: Authorize Chairman to sign.
25. Mental Health Department recommending Agreement with **The Gables** in the amount of \$25,500 for the term July 1, 1997 through June 30, 1998 for supplemental residential care services for mentally disordered adults. **11654**
RECOMMENDED ACTION: Authorize Chairman to sign.
26. Refer Agenda Addendum No. 1
27. Refer Agenda Addendum No. 1
28. (New Business) Department of Transportation recommending Chairman be authorized to sign the following: letter to request disaster-related federal assistance from the United States Department of Agriculture Natural Resources Conservation Service (**USDA-NRCS**); Project Agreement with the **USDA-NRCS** for emergency repair work along the **Silverfork of the American River**; Assurances Relating to Real Property Acquisition; Agreement with **William Ashton**, the affected property owner, indemnifying the county from any legal and financial responsibilities; and the Damage Survey Report prepared by the **USDA-NRCS**. **12291**
RECOMMENDED ACTION: Authorize Chairman to sign.

BOARD ACTION - Consent Calendar items approved as recommended (item 15 acted upon separately). **UNuBNS**

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 recommending Board endorse current procedure of utilizing information quotation process as provided in Board of Supervisors Policy C-10, "**Selected Food Purchases**". (Referred 9/23/97, Item 22) **12258**
BOARD ACTION - Information received and filed. UNuBNS
51. General Services Department recommending staff be directed to initiate actions required to issue a **Request for Proposal** for the sale, lease, or joint development of **16 acres** of County-owned property located in **Cameron Park**, designated as APNs 109-230-09 and -10. **11335**
BOARD ACTION - Approved with clarification that criteria for the award will include consideration of which proposal offers the greatest economic return to the County. NBNuSU
52. Water Agency General Manager recommending the Public Water **Planning Ordinance** (Ordinance No. 4385) be amended by replacing Section 4 of same to specify **public notice requirements** in lieu of the annual mailing currently required. (Ordinance amendment requires 5/0 vote.) (Continued 8/26/97, Item 51) **10685**
BOARD ACTION - Continued to **December 2, 1997**. USBNuN
53. Board to consider acceptance of the **1996 Water Supply and Demand Report**, and upon acceptance of same, authorization for Board members to sign the **1996 Public Water Availability Evaluation**. (Continued 8/26/97, Item 52) **10685**
BOARD ACTION - Continued to **December 2, 1997**. USBNuN

10:00 A.M. - BOARD OF SUPERVISORS RECESSED AND CONVENED AS THE EL DORADO COUNTY BOND AUTHORITY TO CONSIDER THE FOLLOWING:

60. Chief Administrative Officer and Treasurer/Tax Collector *12208* recommending approval and execution of the following documents for refunding of the 1990 Lease Revenue Bonds:

(1) Resolution of the Authority authorizing the issuance and sale of not to exceed \$18,000,000 principal amount of the Authority's Lease Revenue Refunding Bonds (Capital Facilities Project) Series 1997;

(2) Preliminary Official Statement;

(3) Second Supplemental Indenture of Trust by and between First Trust of California, National Association;

(4) Second Amendment to Lease Agreement;

(5) Notice Inviting Bids;

(6) Notice of Intention to Sell Bonds;

(7) Escrow Agreement relating to the defeasance of \$22,325,000;

(8) Continuing Disclosure Agreement; and

(9) Second Amendment to Site and Facilities Lease.

BOARD ACTION - RESOLUTION NO. BA1-97 adopted, and Chairman authorized to sign documents iterated in subsections 1 - 9 above.
NuNBSU

BOND AUTHORITY ADJOURNED

BOARD OF SUPERVISORS RECONVENED

61. Chief Administrative Officer and Treasurer/Tax Collector recommending approval and execution of the following documents pertaining to the refunding of 1990 Lease Revenue Bonds: **12208**

(1) Resolution authorizing the execution of a second amendment to lease agreement and a continuing disclosure agreement pertaining to the issuance of not to exceed \$18,000,000 principal amount of El Dorado County Bond Authority Lease Revenue Refunding Bonds (Capital Facilities Project), Series 1997;

(2) Preliminary Official Statement;

(3) Second Amendment to Lease Agreement;

(4) Notice Inviting Bids;

(5) Notice of Intention to Sell;

(6) Continuing Disclosure Statement;

(7) Second Amendment to Site and Facilities Lease;

(8) Agreement (No. 158-S9811) with Howarth Montague and Associates in an amount not to exceed \$27,500 for a term to expire June 30, 2001, for financial consulting services for the County's Indebtedness and Borrowing Program; and

(9) Agreement (No. 193-S9811) with Brown and Wood LLP in an amount not to exceed \$41,500 for a term to expire June 30, 2001, for services of Bond Counsel for financial legal services for the County's Indebtedness and Borrowing Program.

BOARD ACTION - RESOLUTION NO. 251-97 adopted, and Chairman authorized to sign documents iterated in subsections 1 - 9 above.

NNuBSU

TIME ALLOCATION - 11:00 A.M.

62. Hearing to consider Resolution forming **Cambridge Oaks Zone** of **Benefit (CSA 9, Zone 91)** to provide drainage improvement and maintenance services. **12292**
BOARD ACTION - RESOLUTION NO. 252-97 adopted. UBNuS

TIME ALLOCATIONS - 2:00 P.M.

80. Hearing to consider adoption of an Ordinance amending Chapter **8.36** of the Ordinance Code to meet provisions of the **Surface Mining and Reclamation Act (SMARA)**. **12293**
BOARD ACTION - Board found the amendments exempt pursuant to Section 15061(b)(3) of California Environmental Quality Act (CEQA) Guidelines; waived reading, read by title only, and adopted **ORDINANCE NO. 4467** approving the amendments to County Ordinance Code Chapter 8.36 as modified by the Planning Commission on 10/9/97 and with further modification of Section 8.36.110(A) as recommended by County Counsel this date, based on the findings of the Planning Commission on 10/9/97.
BUNuS N(a)
81. Hearing to consider **rezoning (Z97-10)** of 3.2 acres in the **Barnett Ranch Area** from Estate Residential Five-acre Zone to General Commercial Zone, Applicant: **Gary Kniesel**. **12294**
BOARD ACTION - Board adopted the Negative Declaration as prepared; waived reading read by title only and adopted **ORDINANCE NO. 4468** approving the requested rezoning; based on the findings of the Planning Commission on 10/9/97. UNuBS N(a)
82. Hearing to consider **rezoning (Z97-09)** of 17 acres in the **Rescue Area** from Exclusive Agricultural Zone to Estate Residential Five-acre Zone, Applicant: **P&T Spinardi, Inv.** **12295**
BOARD ACTION - Board adopted the Negative Declaration as prepared; waived reading, read by title only, and adopted **ORDINANCE NO. 4469** approving the requested rezoning; based on the findings of the Planning Commission on 10/9/97. NUNuS B(n)
83. Hearing to consider **Appeal** of Condition 4 imposed on Tentative **Parcel Map 97-08** creating 3 parcels on a 17-acre site in the Rescue Area, Appellant: **P&T Spinardi**. **12295**
BOARD ACTION - Board granted the Appeal, deleting Condition 4 and accepted the applicant's offer to pay additional Traffic Impact Mitigation (TIM) Fees and to grant right of way for future widening of Ponderosa Road; based on the finding that "hourglass" road widening does not improve public safety.
NUNuS B(n)

84. Hearing to consider the following pertaining to **Promontory Specific Plan** consisting of 999 acres in the El Dorado Hills Area, Applicant: Russell Ranch Limited Partnership; AKT Development as Managing Partner; Angelo K. Tsakopoulos (District I): 11218

(1) Resolution certifying **Environmental Impact Report (EIR)**. **BOARD ACTION - RESOLUTION NO. 253-97** adopted based on Findings of Fact and Statement of Overriding Considerations set forth in Attachment 2 to the Planning Department's Agenda Transmittal dated 10/24/97; memorandum from Roger Trout, Senior Planner dated 11/4/97; and letter dated 11/3/97 from William M. Wright, Attorney at Law, representing the Buckeye Union School District, Rescue Union School District, and El Dorado Union High School District. UNNuS B(n)

(2) Resolution amending the County **General Plan (A97-07)** land use designation from HDR, High Density Residential to LDR-PC, Low Density Residential-Planned Community. **BOARD ACTION - RESOLUTION NO. 254-97** adopted based on findings set forth in Attachment 5 to the Planning Department's Agenda Transmittal dated 10/24/97. UNNuS B(n)

(3) Resolution adopting The **Promontory Specific Plan** and Mitigation Monitoring and Reporting Program. **BOARD ACTION - RESOLUTION NO. 255-97** adopted based on Findings of Fact and Statement of Overriding Considerations contained in the EIR certification Resolution and subject to the proposed conditions set forth in Attachment 6 to the Planning Department's Agenda Transmittal dated 10/24/97; memorandum from Roger Trout, Senior Planner dated 11/4/97; letter dated 11/3/97 from William M. Wright, Attorney at Law, representing the Buckeye Union School District, Rescue Union School District, and El Dorado Union High School District; and document entitled "Proposed Additional Condition" dated 11/4/97, submitted by Stefan Manolakas representing Palisades Properties, Inc. UNNuS B(n)

(4) Ordinance adopting the proposed zoning districts, including said zone districts in the Specific Plan rather than incorporating the zone districts in the codified zoning ordinance; and **rezoning** properties within said Plan to those zone districts specified in the Specific Plan. **BOARD ACTION - Board waived reading, read by title only, and adopted ORDINANCE NO. 4470.** UNNuS B(n)


85. Resolution amending the County **General Plan** pursuant to Amendment application approved on November 4, 1997. 12043
BOARD ACTION - RESOLUTION NO. 256-97 adopted. UNNuS B(n)

ADJOURNMENT

APPROVED:

ATTEST:


WALTER L. SHULTZ, Chairman


Dixie L. Foote, Clerk of the Board

THE NOVEMBER 11, 18 AND 25, 1997, REGULAR MEETINGS OF THE BOARD OF SUPERVISORS WERE CANCELED DUE TO THE VETERANS DAY HOLIDAY, ANNUAL MEETING OF THE CALIFORNIA STATE ASSOCIATION OF COUNTIES, AND THANKSGIVING HOLIDAYS, RESPECTIVELY.

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

November 4, 1997

8:00 A.M.

CLOSED SESSION pursuant to Government Codes cited:

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

a. County of El Dorado vs Robert I. Grant, et al (Mormon Island Eminent Domain) El Dorado County Superior Court Case No. PV-002739.

No action reported.

✓

b. El Dorado County Employees Association, Local No. 1 vs County of El Dorado, et al (Thresher Contract) El Dorado County Superior Court Case No. PV-003022.

BOARD ACTION - County Counsel authorized to defend the matter.

11615

c. Goldzband vs El Dorado County (RPI: Brunius, Weber Creek Quarry) El Dorado County Superior Court Case No. PV-002958.

No action reported.

✓

d. Goldzband vs El Dorado County (RPI: Brunius, Diamond Quarry) El Dorado County Superior Court Case No. PV-002959.

No action reported.

✓

e. El Dorado Taxpayers for Quality Growth vs El Dorado County et al (Cool Investments) El Dorado County Superior Court Case No. PV-002933.

No action reported.

✓

f. Joseph W. Sears and Marilyn Bell Sears vs County of El Dorado, et al, PV002372.

No action reported.

✓

Conference with Labor Negotiator pursuant to Government Code Section 54957.6: County negotiators are Director and Deputy Director of Human Resources and Employee Organizations are Operating Engineers Local Union No. 3 and El Dorado County Employees Association, Local No. 1.

No action reported.

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

Regular Meeting of the Board of Supervisors

November 4, 1997

8:00 A.M.

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

CLOSED SESSION

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

- a. Cimmarusti v. Janet Atwood, et al, Case No. PV-002178; *11263*
BOARD ACTION - Defense of Jim McKeehan authorized by a three-two vote (Bradley and Nutting voted "no").
- b. El Dorado County Taxpayers for Quality Growth, Steven *✓*
Proe v. County of El Dorado, et al, (Minnesota Methane) -
No. PV-002935.
No action reported.

CONSENT CALENDAR

- 26, Public Health Department recommending Agreement with County of Amador in amount of \$4,725 per month for term July 1, 1997, through June 30, 1999, to share the El Dorado County Public Health Officer two days per week for public health and primary care in Amador County; and Budget Transfer No. 1744 increasing Estimated Revenue by \$6,700 resulting from same. (4/5 vote required) *12296*
RECOMMENDED ACTION: Authorize Chairman to sign. *12267*
27. Supervisor Upton recommending County staff involvement in further discussions of a South Tahoe Authority for Recreation. *12297*
RECOMMENDED ACTION: Approve, and authorize General Services to return to the Board with a report on the progress of said concept.