

Minutes of the Board of Supervisors Meeting of August 24, 2004,
attached hereto and approved by the Board on August 31, 2004.

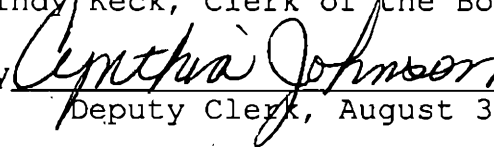
APPROVED:



Rusty Dupray, Chairman
August 31, 2004

ATTEST:

Cindy Keck, Clerk of the Board

By 
Deputy Clerk, August 31, 2004

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

**Regular Meeting of the Board of Supervisors
County of El Dorado**

August 24, 2004

**10:00 A.M. - Closed Session
BOARD OF SUPERVISORS MEETING ROOM**

**2:00 P.M. - Open Session
CAMERON PARK LIBRARY CONFERENCE ROOM**

CLOSED SESSIONS

Section 54956.9(b), Anticipated Litigation:

- Significant exposure to litigation. Title: El Dorado County Employees Association Local #1 Grievance-Temporary Lay-Offs 2003-04.

No action reported.

Section 54956.9(a), Existing Litigation:

- El Dorado County Taxpayers for Quality Growth, et al. v. El Dorado County, Sacramento County Superior Court Case #96-CS-01290.

BOARD ACTION - On an unanimous vote, the Board authorized the retention of the firm Shute, Mihaly, and Weinberger to provide defense and advice relating to General Plan implementation matters on the objections filed to the General Plan adopted pursuant to Writ procedures; and authorized work to commence on that defense immediately with the appropriate contract to be brought back to the Board on August 31, 2004.

Section 54956.9(b), Anticipated Litigation:

- Significant exposure to litigation. Title: Potential litigation regarding adoption of 2004 General Plan.

No action reported.

Section 54957, **Public Employment:**

- Public Employee Performance Evaluation
Title: Library Services Director
Building Official
Veterans Service Officer
No action reported.

DEPARTMENT MATTERS

60. General Services Department recommending the following pertaining to the South Lake Tahoe Community Play Fields (Ballfields), Phase I, Project 04-03:

(1) Find that it is more economical and feasible to contract out the services in accordance with County Ordinance Chapter 3.13, Section 3.13.030;

2) Award bid to the lowest, qualified bidder, Thomas Haen Company, Inc. of South Lake Tahoe, CA with a base bid of \$1,619,500;

(3) Authorize General Services to proceed with Agreement 167-C0599 with Thomas Haen Company, Inc. in the amount of \$1,624,300, inclusive of Add Alternate No. 2 for a backstop in the amount of \$4,800; and

(4) Authorize Chairman to execute said Agreement contingent upon County Counsel and Risk Management approval. (Funding: Non-General Fund)

ADDED TO CONSENT CALENDAR: Approved. 54123

61. Transportation Department recommending Chairman be authorized to sign Federal Exchange/State Match Program Agreement X04-5925(041) with the State Department of Transportation (Caltrans) to allow the direct exchange of \$359,164 in fiscal year 2003/2004 Regional Surface Transportation Program (RSTP) Exchange Funds and disbursement of \$100,000 in State Match Funds. (Funding: RSTP Exchange Fund)
BOARD ACTION - Approved. 35124

62. Supervisor Dupray recommending appointment of John Knight to the El Dorado County Planning Commission representing District I for a term to expire January 1, 2005.
ADDED TO CONSENT CALENDAR: Approved. 54123

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, August 24, 2004

10:00 A.M. - BOARD OF SUPERVISORS MEETING ROOM

330 Fair Lane, Building A
Placerville, California

2:00 P.M. - CAMERON PARK LIBRARY CONFERENCE ROOM

2500 County Club Drive
Cameron Park, California

530 621-5390

FAX 622-3645

Co.el-dorado.ca.us/bos

RUSTY DUPRAY

First District
Chairman

HELEN K. BAUMANN

Second District

JAMES R. SWEENEY

Third District

CHARLIE PAINE

Fourth District
First Vice Chairman

DAVID A. SOLARO

Fifth District
Second Vice Chairman

Clerk of the Board
Cindy Keck

Chief Administrative Officer
Laura S. Gill

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. 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.

For purposes of the Brown Act (Government Code Section 54954.2(a), the numbered items on this Agenda give a brief general description of each item of business to be transacted or discussed. The recommendations of the staff, as shown, do not prevent the Board of Supervisors from taking other action.

The Board of Supervisors is concerned that large amounts of written information submitted to the Board the day of the Board meeting may not receive the attention it deserves. To ensure timely delivery, written information from the public must be received by the Board Clerk by Monday prior to the meeting. The Board Clerk cannot guarantee that any FAX or mail received the day of the meeting will be delivered to the Board prior to action on the subject matter.

10:00 A.M. - BOARD OF SUPERVISORS MEETING ROOM

CALL TO ORDER AND CLOSED SESSIONS

2:00 P.M. - CAMERON PARK LIBRARY CONFERENCE ROOM

PLEDGE OF ALLEGIANCE TO THE FLAG
CLOSED SESSION REPORTS

ADOPTION OF AGENDA AND APPROVAL OF CONSENT CALENDAR

At this time the Board will make any necessary additions, deletions, or corrections to the Agenda; determine matters to be added to or removed from the Consent Calendar; and with one motion adopt the Agenda and approve the Consent Calendar.

BOARD ACTION - Agenda adopted with items 14 and 21 pulled from the Consent Calendar for separate action; items 60 and 62 added to the Consent Calendar for approval; items 15, 16, 51 and 55 continued to August 31, 2004. Consent Calendar approved as modified. 54123

OPEN FORUM

CONSENT CALENDAR

1. Approval of Board of Supervisors Agenda (Minutes) of Regular Meeting of August 17, 2004.

RECOMMENDED ACTION: Approve.

2. Public Health Department recommending Chairman be authorized to sign Amendment 001 to Agreement with California Shock/Trauma Air Rescue, dba CALSTAR extending the term to August 30, 2006 for emergency medical air ambulance advanced life support services from the South Lake Tahoe helicopter base. (Funding: No remuneration associated, authorizes services to critically ill and injured, and satisfies regulatory conditions)

RECOMMENDED ACTION: Approve.

3. Human Services Department recommending Chairman be authorized to sign Agreement 442-S0411 with Marshall Medical Center in an amount not to exceed \$65,000 for the term July 1, 2004 through June 30, 2006 for one on-site County Medical Services Program (CMSP) eligibility worker from the Department of Human Services to Marshall Medical Center for processing Medi-Cal/CMSP applications. (Funding: Marshall Medical Center will reimburse County for all costs of one eligibility worker)
RECOMMENDED ACTION: Approve, noting retroactive as to term, due to late submission caused by delay cost negotiations by the vendor.
4. General Services Department recommending Chairman be authorized to sign Grant of Easement from the County to El Dorado Irrigation District for a waterline through El Dorado Hills Library property to satisfy the requirements of the local fire district.
RECOMMENDED ACTION: Approve.
5. Transportation Department recommending award of bid for the Cameron Park Drive Intersection Improvements at Meder Road Contract 73127 be continued to **September 14, 2004.**
RECOMMENDED ACTION: Approve.
6. Building Department recommending Resolution amending Authorized Personnel Allocation Resolution No. 203-2004 by **adding** 3.00 FTE Development Aides and **deleting** 3.00 FTE Office Assistant I/II positions in said Department. (Funding: General-Fund)
RECOMMENDED ACTION: Adopt Resolution **263-2004.**
7. Transportation Department recommending Chairman be authorized to sign Standard Agreement CTA-03016 and Contractor Certification with the California Tahoe Conservancy (CTA) accepting the transfer of CTA private lease revenue to the County in the amount of \$6,800 for the term May 1, 2004 through April 30, 2005 for soil erosion control projects in the Lake Tahoe region. (Funding: California Tahoe Conservancy)
RECOMMENDED ACTION: Approve.

8. Transportation Department recommending the following pertaining to asphalt concrete overlay for portions of Cameron Park Drive:

(1) Find that construction must be performed by an independent contractor;

(2) Set the Disadvantaged Business Enterprise (DBE) goal at 0%;

(3) Approve Contract documents;

(4) Authorize advertisement for construction bids with the bid opening to be held at 2:00 p.m., September 23, 2004; and

(5) Award of contract on **October 5, 2004.**

(Funding: Regional Surface Transportation Program and Road Fund)

RECOMMENDED ACTION: Approve.

9. Transportation Department recommending Resolution summarily vacating (AOE 2004-33) portions of two ten-foot wide public utilities easements located along the common boundary line of APNs 102-491-09-100 and 102-491-10-100, Lots 25 and 26 of Fremont's Peak Estates, requested by Tonya McElwee, Sean McElwee, Ralph M. Raetz and Julie L. Froines as a result of a boundary line adjustment to accommodate future construction of improvements.

RECOMMENDED ACTION: Adopt Resolution **264-2004.**

10. Transportation Department recommending Resolution accepting Irrevocable Offer of Dedication 2004-30 (APN 108-130-09-100) from Yew Ching Wong and Yick Yuen Wong for a road right of way, including the underlying fee, and a slope easement located on Bass Lake Road (APN 108-130-09-100) in El Dorado Hills to accommodate construction of the Bass Lake Road Interim Improvements Project 71353.

RECOMMENDED ACTION: Adopt Resolution **265-2004.**

11. Transportation Department recommending Resolutions accepting two Irrevocable Offers of Dedication (2004-29 and 2004-37) for road right of way, including the underlying fee, landscape and slope easements, which are being offered by the following pursuant to the terms and provisions contained in the Bass Lake Hills Specific Plan Development Agreement in order to accommodate construction of the Bass Lake Road Interim Improvements Project 71353:

(1) Russell Kwok and Linda Ling-Hui Kwok Trustees of the Kwok Trust dated May 28, 1996 - APN 108-130-08-100; and

(2) Marjorie Ruth Terry, Trustee of the Terry Family Trust created April 6, 1992 - APN 115-040-03-100. Said offers are necessary pursuant to the terms and provisions contained in the Bass Lake Hills Specific Plan Development Agreement and in order to accommodate construction of the Bass Lake Road Interim Improvements Project 71353.

RECOMMENDED ACTION: Adopt Resolutions **266-2004** and **267-2004**.

12. Transportation Department recommending Resolution accepting Irrevocable Offer of Dedication 2003-03 from the El Dorado County Farm Bureau for a road, in fee, and a public utilities easement, located along Headington Road (APN 327-130-11-100) in the unincorporated area of Placerville to accommodate construction of the Headington Road Widening Project which is a condition of approval for the El Dorado Villages Shopping Center (Safeway).

RECOMMENDED ACTION: Adopt Resolution **268-2004**.

13. Transportation Department recommending the Chairman be authorized to sign Actual Cost Contracts with Pacific Gas and Electric Company (PG&E) for the relocation of its gas and electric facilities to accommodate the Phase 1.2A Saratoga Way Realignment - El Dorado Hills Boulevard/Latrobe Road/U.S. Highway 50 Interchange Project for a total estimated cost of \$193,692, contingent upon receipt of a "side letter" stipulating that said company's facilities will be relocated within 60 days. (Funding: El Dorado Hills Road Impact Fee Program)

RECOMMENDED ACTION: Approve.

14. Transportation Department Director requesting authorization to hire extra-help Senior Engineering Technicians, Engineering Technicians and Engineering Aids at advanced salary steps, up to and including Step 5 of the Salary Range based on prior work experience. (Funding: Traffic impact mitigation fees and time and materials billing to developers)

RECOMMENDED ACTION: Approve, and direct Chief Administrative Officer and Department of Transportation to review this action in conjunction with possible implementation steps stemming from the total compensation study. **Approved, with direction that this issue be re-evaluated when the Compensation Study is done by the Chief Administrative Officer and the Department of Transportation.** 24135

15. Transportation Department recommending the following pertaining to the National Pollution Discharge Elimination System:

(1) Approve the Proposed Final August 2004 El Dorado County Western Slope Storm Water Management Plan; and

(2) Approve the submittal of said Plan to the Central Valley Regional Water Quality Control Board.

(Funding: General Fund and Road Fund - included in the fiscal year 2004/2005 budget)

RECOMMENDED ACTION: Approve. **Continued to August 31, 2004 upon adoption of the Agenda.** 54123

16. Planning Department recommending the Chairman be authorized to sign the Trail Easement Deed and Agreement between The Trust for Public Land and Georgetown Divide Recreation District transferring interest in easements (APN 061-560-67-100, 061-560-66-100, 061-560-65-100 and 061-560-68-100) to said District to ensure long-term care and maintenance of trails on property located near the Georgetown Airport, however; in the event that the District is unable to perform the obligations of the agreement, it may convey interest in the easements to the County.
- RECOMMENDED ACTION:** Approve. **Continued to August 31, 2004 upon adoption of the Agenda.** 54123

17. Chief Administrative Office recommending the following:

(1) Find that it is more economical and feasible to contract out for services in accordance with County Ordinance 3.13, Section 3.13.030;

(2) Award Request for Proposal 05-918-002 to New Morning Youth and Family Services of Placerville, CA;

(3) Authorize the Chairman to sign Agreement with New Morning Youth and Family Services in an amount not to exceed \$75,000 for a one year term for child abuse prevention and treatment services. (Funding: Non-General Fund/Promoting Safe and Stable Families Grant/Federal)

RECOMMENDED ACTION: Approve and Chairman be authorized to sign Agreement upon approval by County Counsel and Risk Management.

18. Chief Administrative Office recommending the following:

(1) Find that it is more economical and feasible to contract out for services in accordance with County Ordinance 3.13, Section 3.13.030;

(2) Waive an irregularity in the proposal response from New Morning Youth and Family Services; and

(3) Award Request for Proposal 04-918-126 to New Morning Youth and Family Services of Placerville, CA; and

(4) Authorize Chairman to sign an Agreement in an amount not to exceed \$90,000 for a one year term for child abuse prevention, intervention and treatment services and community based family resource and support services. (Funding: Non-General Fund/Child Abuse and Neglect, Prevention, Intervention and Treatment Services and Community Based Family Resource and Support Services/State of California and Federal Funding Grants)

RECOMMENDED ACTION: Approve and Chairman be authorized to sign Agreement upon approval by County Counsel and Risk Management.

19. Chief Administrative Office recommending Chairman be authorized to sign Amendment 002 to Agreement 027-S0311 with Aramark Uniform and Career Apparel, Inc. increasing compensation by an additional \$10,000 to an amount not to exceed \$40,000 for the term January 7, 2003 through January 6, 2005 for laundry and linen services on an "as-requested" basis County-wide.

RECOMMENDED ACTION: Approve.

20. County Service Area 010 recommending the Board find that an independent contractor can more economically and feasibly perform work in accordance with County Ordinance Chapter 3.13, Section 3.13.030; and authorize Chairman to sign Contract 032-03/04 with Waste Recovery West, Inc., dba WRW Inc. in an amount not to exceed \$31,000 for a term to expire April 15, 2006 for collection and proper disposal of waste tires for said Department. (Funding: California Integrated Waste Management Board)
RECOMMENDED ACTION: Approve.
21. Funding Agreement with KFOK-LP FM Radio for the purchase of emergency alert system equipment previously authorized under the Community Enhancement Program.
RECOMMENDED ACTION: Approve. 45123
22. Supervisor Dupray recommending Certificate of Recognition to Charlie Wiglesworth on the occasion of his retirement from El Dorado County.
RECOMMENDED ACTION: Approve.
23. Supervisor Dupray recommending Certificate of Recognition to Bruce Peet for his service to the County of El Dorado as Principal Administrative Analyst in the Chief Administrative Office.
RECOMMENDED ACTION: Approve.
24. Transportation Department recommending the following pertaining to the El Dorado Hills Boulevard/Saratoga Way Realignment Project 71318:
- (1) Authorize Chairman to sign the Possession and Use Agreement with Serrano Associates, LLC.;
- (2) Authorize staff to process payment of funds in the amount of \$3,280,802 into escrow. (Funding: El Dorado Hills/ Salmon Falls Road Impact Funds)
RECOMMENDED ACTION: Approve.

25. General Services Interim Director requesting authorization to sign Change Order 12 to Agreement 642-C0399 with United Construction Company increasing the scope of work and compensation by \$44,413 for a total amount of \$6,749,552 and extending the completion date to September 28, 2004, contingent upon approval by County Counsel for the South Lake Tahoe Juvenile Hall Facility. (Funding: ACO Fund)
RECOMMENDED ACTION: Approve, noting after change order 12 the Project contingency fund amount will be \$176,587.
26. Supervisor Solaro recommending Resolution consenting to the sale of the Tahoma/Meeks Bay cable television (CATV) franchise by USA Media Group to Cequel III Communications and extending the franchise term to April 10, 2005 in order to complete the renewal negotiations with the new owners and requirements to comply with all necessary terms of the franchise relating to said sale.
RECOMMENDED ACTION: Adopt Resolution 269-2004.
27. District Attorney recommending Resolution authorizing him to file a Grant Application and execute an Agreement with the Office of Emergency Services (OES) or any extension thereto for the fiscal year 2004/2005 Anti-Drug Abuse Task Force Program.
RECOMMENDED ACTION: Adopt Resolution 270-2004, noting there is no increase in County cost and new funding will be reflected in the addendum.
28. District Attorney recommending Resolution authorizing him to file a Grant Application and execute an Agreement with the State Board of Corrections for the Juvenile Accountability Incentive Block Grant Program. (Funding: State Board of Corrections)
RECOMMENDED ACTION: Adopt Resolution 271-2004.

29. Human Services Department recommending Resolution authorizing the submittal of an application to the State Department of Housing and Community Development for funding under the CalHome Program in the amount of \$500,000 for housing rehabilitation loans to approximately fifteen households in the unincorporated area of El Dorado County. (Funding: Grant)

RECOMMENDED ACTION: Adopt Resolution 272-2004 authorizing the Director of said Department to sign and submit said application and, if the application is funded, to execute standard Agreement and accompanying documents and all other documents as required for said Program.

END CONSENT CALENDAR

CAO REPORTS/COMMENTS

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

50. Chief Administrative Officer recommending the Board receive and file the Initial Draft Response to the 2003/2004 Grand Jury Report.

BOARD ACTION - Board received and filed the Initial Draft Response and continued to **September 14, 2004 at 11:00 a.m.** the review of the Final Draft Response to the 2003/2004 Grand Jury Report. 52134

51. Award of bid for the Silvertip Erosion Control Project (JN 95141). (Continued 8/17/2004 Item 56)

BOARD ACTION - Continued to **August 31, 2004** upon adoption of the Agenda. 54123

52. Chief Administrative Officer submitting County vehicle maintenance and fuel management package. (Referred 5/4/2004 Item 74)

BOARD ACTION - Continued to **September 14, 2004**. 34125

53. Chief Administrative Office reporting on development of the County Purchasing Ordinance. (Referred 6/8/04 Item 68)

BOARD ACTION - Continued to **November 2, 2004**. 23145

54. Chief Administrative Office recommending Resolution **261-2004** setting aside fifteen percent (15%) of the funds available to the County under the full payment option of Public Law 106-393 for fiscal year 2004/2005 and assigning one hundred (100%) percent of the set aside funds to Title III Projects in the Secure Rural Schools and Community Self-Determination Act of 2000 for fiscal year 2004/2005 allocating said funds for search, rescue and emergency services and fire prevention and County planning project categories. (Funding: Federal Forest Reserve Funds - Revenue to County for Title III Projects)

BOARD ACTION - Staff's recommendations approved and Resolution **261-2004** adopted accordingly. 23145

55. Supervisor Dupray recommending the Board approve the request of the Cameron Park Rotary Club for a waiver of fees associated with the construction of a community observatory in the Veerkamp Park.

BOARD ACTION - Continued to **August 31, 2004** upon adoption of the Agenda. 54123

56. Supervisor Dupray, on behalf of the Cameron Park Community Services District, recommending discussion and action, if appropriate on the Department of Transportation's proposal to mitigate traffic on Cameron Park Drive removing a large portion of the landscaped corner (Chardi Corner) at Cameron Park Drive and Country Club Drive.

BOARD ACTION - Staff directed to work in conjunction with the Cameron Park Community Services District, for a possible compromise to the current proposal to mitigate traffic on Cameron Park Drive, by testing fire trucks, school buses, and delivery trucks capabilities to negotiate the turning radius at said corner; and if a compromise is not reached, said Department will have the final decision in this regard.

12345

57. Supervisor Sweeney requesting the Board direct the Department of Transportation and Planning Department to report back by **September 28, 2004** with the following information to satisfy new requirements mandated under the 2004 General Plan:

(1) Prepare a check list of required items to be provided with a tentative parcel or subdivision map under the new General Plan;

(2) Prepare a summary of changes between the Writ constrained 1996 General Plan and the 2004 General Plan for standards and other requirements that are likely to be applied to land divisions and other discretionary projects, including the Level of Service (LOS) Standards and the Cross-Sectional Standards;

(3) Prepare a check list of submittal information for building permit applications necessary to comply with Policy 2.2.5.20, requiring a General Plan consistency finding for many ministerial permit applications; and

(4) Prepare a priority list of implementation measures and an implementation strategy for fiscal year 2004-2005, including the number of staff and hours to be allocated to specific implementation measures.

BOARD ACTION: Approved.

32145

58. County Counsel recommending adoption of Urgency Ordinance enacting a 45-day moratorium prohibiting the establishment of medical marijuana dispensaries pending the study and enactment of regulations relating to that use.

BOARD ACTION - Ordinance **4654** adopted as an urgency measure. 34125

Note: Supervisor Paine asked that a meeting be held with staff and citizen groups for input in this regard in order to best satisfy the law.

59. Environmental Management Department recommending the following pertaining to the possible formation of a West Slope Vector Control District for the unserved areas of El Dorado County:

(1) Find that an independent consultant can more economically and feasibly perform the work in accordance with County Ordinance Chapter 3.13, Section 3.13.020;

(2) Approve and authorize Chairman to sign Agreement 035-03/04 with Shilts Consultants, Incorporated in an amount not to exceed \$219,000 for a multi-year term for services required for the possible formation of said Vector Control District;

(3) Authorize the Director of Environmental Management or his successor to administer said Agreement; and

(4) Determine the funding source for same. (Noting, the County is only committed to authorizing \$130,000 until an election is held that could potentially authorize a District financing mechanism)(Continued 8/17/2004 Item ⁸⁵88)

BOARD ACTION - Staff directed to come back to the Board on **August 31, 2004** with a short term proposal for information dissemination and immediate efforts for mosquito abatement including a budget for same; and staff further directed to bring back in a timely manner, with the concurrence of County Counsel, a ballot measure to be placed on the March 8, 2004 ballot for the formation of a West Slope Vector Control District. 34125

TIME ALLOCATION - 3:00 P.M.

PRESENTATION of model and plans for Phase I of the Cameron Park Community Center.

PRESENTATION by the Youth Ambassadors for the "People to People" Program reporting on their visit to El Dorado County's sister city, Warabi, Japan and on their participation in the First International Youth Council.

ITEMS TO/FROM SUPERVISORS

ADJOURNMENT

CLOSED SESSION ROSTER

Regular Meeting of the Board of Supervisors

August 24, 2004 - 10:00 A.M.

Board to meet in Closed Session to confer with or receive advice from Counsel on the following pursuant to Government Code Section cited:

Section 54956.9(c), Existing Litigation:

- El Dorado County v. Gale A. Norton; et al.; United States District Court, Eastern District Case #CIV .S-02-1818 GEB DAD; and El Dorado County v. California Department of Transportation, et al. Superior Court of California-County of Sacramento. Case No. 03CS00003.
No action reported.

Section 54956.8, Conference with Real Property Negotiator:

- Instructions to negotiator regarding real property described as APNs 069-040-37 and -38. The person with whom the negotiator may negotiate Andre Capella. Instructions to negotiator will concern price and terms of payment.
No action reported.