

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, October 10, 2006, in the County Administrative Center, 175 Fulweiler Avenue, Auburn. Supervisors Santucci, Weygandt, Holmes, Gaines and Kranz present. Chairman Santucci presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and Chief Deputy County Counsel Gerald Carden.

PUBLIC COMMENT – Nancyjo Riekse, Agricultural Marketing Director, reported on the agricultural marketing program. Dr. Michael Mulligan provided flu vaccination information.

SUPERVISOR'S COMMITTEE REPORTS – None.

CONSENT AGENDA – Consent agenda approved with action as indicated.

MOTION Holmes/Weygandt/Unanimous VOTE 4:0 (Gaines temporarily absent)

1. **ORDINANCES** – Second reading:

- a. County Executive - Ordinance 5432-B adopted amending Chapter 3, amending the personnel allocations of various departments to reflect position changes approved for the FY 2006/07 Final Budget.

2. **BOARD OF SUPERVISORS:**

- a. Proclamation declaring October 2006 as National Breast Cancer Awareness Month and October 20th as National Mammography Day in Placer County.
- b. Resolution 2006-291 adopted honoring United States Congressman John T. Doolittle for his efforts, on behalf of Placer County.
- c. Approved Special Meetings for Monday, October 16 and Monday, October 23, 2006.
- d. Approved minutes of September 12 and 19, 2006.

3. **COMMITTEES & COMMISSIONS:**

- a. Kings Beach Area Design Review Committee - Approved reappointment of Pam Jahnke to Seat 5 and Leah Kaufman to Seat 7, as requested by Supervisor Kranz.
- b. Loomis Veterans Memorial Hall Board – Approved appointment of Geray M. Bressie, as requested by Supervisor Holmes.
- c. Solid Waste Local Task Force – Approved appointment of Sue Ingle to Seat 12 (At-Large).

4. **COMMUNITY DEVELOPMENT RESOURCE AGENCY:**

- a. Engineering & Surveying/Granite Bay Woods, Tract #929, Project #FF1125 (Auburn Folsom Road) – Accepted the improvements as complete; reduced the Faithful Performance to 25% and Labor and Materials to 50%, holding for six months or longer if claims exist.
- b. Planning/Design Site Review/Bushwackers Tree Service Appeal, (PDSDT20050306) - Extended the 90 day appeal time limit and hear the item at the Tahoe meeting scheduled October 23, or 24, 2006, as requested by staff.

5. **COUNTY CLERK/ELECTIONS.**

- a. Resolution 2006-292 adopted approving an increase in Election Day wages and training pay for County of Placer poll workers and other elected officials.
- b. Approved contract addendum with AtPac, in the amount of \$13,299, for an upgrade to the latest version of Clerk-Recorder Imaging Information System software, maintenance and support, and approved budget revision for reimbursement of increased costs from Automation Trust.

6. **COUNTY EXECUTIVE** - Approved second amendment to contract with Clark-Heidrich Group, Inc., in the amount of \$30,000, for a total contract amount of \$79,500, for consultant services to assist the County with labor negotiations.

7. **COUNTY EXECUTIVE/EMERGENCY SERVICES:**

- a. Resolution 2006-293 adopted approving the North Tahoe Fire Protection District 2006 Capital Facilities and Mitigation Fee Expenditure Plan with a 5.234% mitigation fee increase.
- b. Resolution 2006-294 adopted approving the Truckee Fire Protection District 2006 Capital Facilities Plan and Mitigation Fee Expenditure Plan, which maintains the current mitigation fee structure.

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- c. Ratified Ordinance 8-2006 "Proposed Amendments to the Fire Prevention Code of the Alpine Springs County Water District & Alpine Meadows Fire Department," and directed staff to transmit determination within 15 days.
8. HEALTH & HUMAN SERVICES/ADULT SYSTEM OF CARE - Approved amendment to Contract Employee Agreement #12110 with Donna L. Schindler, MD, increasing the contract by \$54,045, for a revised total contract amount of \$262,191, for the provision of psychiatric services and extending the current contract period to January 15, 2007.
9. PROCUREMENT SERVICES - Authorized the Purchasing Manager to sign the following:
 - a. Bid #9602, Septic Pumping & Vactor Truck Services/Facility Services - Awarded to APS Environmental, Inc., and Chuck's & Auburn Septic, in the maximum aggregate amount of \$115,000.
 - b. Bid #9609, Hewlett-Packard Printer Maintenance/Countywide - Awarded to Golden State Business Systems, in the maximum amount of \$90,000.
 - c. Bid #9614, Trucks/Public Works - Awarded four (4) one-ton trucks to Future Ford, in the amount of \$109,290.72.
 - d. Blanket Purchase Order #13005, Office Supplies/Countywide - Approved Change Order #3 to blanket purchase order with Corporate Express, in the amount of \$100,000.
 - e. Blanket Purchase Order #13697, Asphalt Concrete/Public Works - Approved Change Order #2 to blanket purchase order with Vulcan Materials, in the amount of \$150,000.
 - f. Blanket Purchase Order #13769, Road Paving Services/Public Works - Approved Change Order #1 to blanket purchase order with Baldoni Construction Service, Inc., in the amount of \$50,000.
 - g. Purchase Order, CalWIN Printing & Mailing Services/Health & Human Services - Renewed blanket purchase order with Document Fulfillment Services, in the maximum amount of \$64,000.
10. PUBLIC WORKS:
 - a. Brockway Erosion Control Project - Resolution 2006-295 adopted authorizing the Chairman to sign Agreement #73261, with the Regents of the University of California, in the amount of \$118,344, to address soil erosion control and water quality improvement needs, upon County Counsel review and approval of necessary bonds and insurance.
 - b. Kings Beach Watershed Improvement Project - Resolution 2006-296 adopted authorizing the Chairman to sign Agreement #73218, Amendment #2, with ENTRIX, Inc., in the amount of \$43,287, for erosion control improvements on Beaver Street and authorizing the Public Works Director to approve up to \$1,713 in additional funds under this amendment for engineering services not covered by the scope of work. The original agreement amount, including Amendment #1, is \$514,456.
 - c. Tahoe Area Regional Transit (TART) - Approved budget revision to increase the appropriation for the TART 2006/07 Budget by \$40,904, for the purchase of a compressed natural gas pickup truck.
 - d. Town of Loomis - Authorized the Chairman to execute an ongoing agreement with the Town of Loomis for FY 2006/07, to pay Placer County \$32,833 for transit services.
11. REVENUE SHARING - In approving the following appropriations, the Placer County Board of Supervisors makes the finding that each and every approved contribution serves a public purpose by promoting the general welfare of the County and its inhabitants; therefore, the County benefits
 - a. Approved appropriation, in the amount of \$500 in Revenue Sharing monies to Del Oro High School Golden Eagle Marching Band for the 28th Annual Spectacular Event, as requested by Supervisor Holmes and Supervisor Gaines (\$250 each).
 - b. Approved appropriation, in the amount of \$500 in Revenue Sharing monies to the Lincoln High School Sober Grad Night 2007, as requested by Supervisor Weygandt.
 - c. Approved appropriation, in the amount of \$500 in Revenue Sharing monies to the Loomis Basin Chamber of Commerce for the new Chamber Office, as requested by Supervisor Holmes and Supervisor Gaines (\$250 each)

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- d. Approved appropriation, in the amount of \$500 in Revenue Sharing monies to the Riding High Equestrian Program, Annual Blue Jean Ball Fundraising Event, as requested by Supervisor Holmes and Supervisor Gaines (\$250 each).
 - e. Approved appropriation, in the amount of \$200 in Revenue Sharing monies to the Salvation Army of Auburn, Feed the Hungry Program, as requested by Supervisor Weygandt.
12. **TREASURER/TAX COLLECTOR** - Approved the transfer of unclaimed monies to the general fund #100, in the amount of \$17,948.27.

End of Consent Agenda

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING – Resolution 2006-297 adopted authorizing the Planning Director to sign a grant application for a California River Parkways grant for monies to be dedicated to the Spears Ranch Park site.

MOTION Kranz/Holmes/Unanimous VOTE 4:0 (Gaines temporarily absent)

Michael Johnson, Planning Director, said the Planning Department is seeking authorization to submit a \$1,968,830 grant to the California River Parkway Grant Program to assist with the development of the 960 acre Spears Ranch Park. In 2005, the County was awarded a \$324,000 California River Parkways grant and used to assist with phase one improvements of the park. The current grant request would assist with additional phase one improvements and elements of phase two. There is no match requirement for the grant although the County will be matching this application with \$1 million in park improvement funds that have already been allocated in the Open Space Trust Fund. If the County is successful in receiving this grant application, there will be ongoing operation and maintenance costs for park improvements. There is funding in place for these costs which are anticipated to be \$107,000 annually.

Supervisor Kranz asked if this was a reasonable amount to be requesting. Mr. Johnson responded it is a reasonable request with the monies available.

COUNTY EXECUTIVE/ECONOMIC DEVELOPMENT/SUNSET INDUSTRIAL AREA MARKETING PLAN & ADVERTISING CAMPAIGN – Reviewed the programs and provided guidance as appropriate.

Rich Colwell, Chief Assistant County Executive Officer, said staff is going through a detailed review of all aspects of the Economic Development Division to improve productivity. A primary goal is development of the Sunset Industrial Area.

David Snyder, Economic Development Director, presented a PowerPoint that covered existing land use, land use and development, existing employment, existing firms, current projects, current prospects, and marketing and outreach for the Sunset Industrial Area. He reviewed the South Placer and Sunset Industrial Area Specific Ad Campaigns including potential advertisements, outreach, incentives, and teamwork to create new jobs in those areas.

Supervisor Weygandt congratulated staff on accomplishments and requested more updates in the future.

COUNTY EXECUTIVE/ECONOMIC DEVELOPMENT/PLACER COUNTY'S BUSINESS ADVANTAGE NETWORK PROGRAM - Review the program and provided guidance as appropriate.

Rich Colwell stated the Business Advantage Network segment of the presentation would be brought back before the Board at a later date.

PLACER COUNTY 4-H ALL STARS – Presentation of Honorary 4-H Leadership Cards to the Board.

BOARD OF SUPERVISORS – Presentation of a Proclamation declaring October 2006 as National Breast Cancer Awareness Month and October 20th as National Mammography Day in Placer County.

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FACILITY SERVICES/ANIMAL SERVICES/PRE-ENGINEERED METAL BARN, PROJECT #4782 (AUBURN) - Approved Plans and Specifications and authorized staff to solicit bids for the Shelter located in the Placer County Government Center in North Auburn; Resolution 2006-298 adopted authorizing the Facility Services Director to execute the resulting construction contract, in an amount not-to-exceed \$60,000, upon review and approval by County Counsel, and provide authority to approve any required change orders consistent with the County Purchasing Manual; and approved a budget revision transferring \$86,000 from the Animal Services Operating Budget to a project account in the Capital Improvement Projects Fund. MOTION Holmes/Weygandt/Unanimous

Mary Dietrich, Facility Services, explained that during the presentation of the comprehensive plan for design and construction of Animal Shelter Facilities in South Placer and Auburn, the Board reviewed and approved a livestock barn. \$114,000 was approved for specific projects identified during the Fiscal Year. The Director of Health and Human Services recommended that \$86,000 be directed toward the pre-engineered metal barn project.

BOARD OF SUPERVISORS/PROPOSITION 90 - Denied request of Supervisor Gaines and Kranz that the Board approve a resolution in support of Proposition 90 entitled, "Government Acquisition, Regulation of Private Property. Initiative constitutional Amendment" that will appear on the November 7, 2006 Statewide ballot. MOTION Gaines/Kranz to approve a resolution in support of Proposition 90. VOTE 2:3 (Weygandt/Holmes/Santucci No) Motion Failed

Supervisor Gaines said he and Supervisor Kranz requested this resolution be brought before the Board. Proposition 90 clarifies the Kelo decision to say that eminent domain can only be used for public benefit. He reviewed the proposed resolution of support.

Supervisor Kranz noted that on August 23, 2005 the Board of Supervisors voted unanimously in support for Assembly Constitutional Amendments, known as "The Homeowner & Property Protection Act". Proposition 90 is essentially the same as those amendments.

Doug LaMalfa, 2nd District Assemblyman, spoke in support of Proposition 90 and discussed the support it has received.

Richard Mercero, Assembly Republican Caucus Policy Director/Proposition 90 Advisor, directed the Board to section 6 of the handout and said the important aspect of Proposition 90 is that it is prospective not retroactive. The power that the Board, Planning Commission and General Plan have would remain unchanged. The language provides for amendments to all existing documents without compensation. He said eminent domain has not been abused in Placer County and gave examples of eminent domain abuse in other counties.

Supervisor Weygandt agreed that a greater taxpayer value could be created from reform, both in California Environmental Quality Act (CEQA) and the Endangered Species Act, but expressed concern with Proposition 90. The main issue is that the "takings" has been dramatically broadened. Taxpayers could essentially be required to compensate property owners for down zoning when a community plan is implemented or changed.

Gerald Carden, County Counsel, replied General Plans and Community Plans adopted by the Board could cause substantial economic loss to a property owner and they would have cause to take action. There could be an increase in litigations as a result. He said the Board must agree with eminent domain issues and regulatory language to support Proposition 90.

Richard Mercero responded that County Counsel correctly pointed out the Community Plan amendment. He referred to Section 6 of the handout that states "Any statute, charter provision, ordinance, resolution, law, rule or regulation in effect on the date of enactment that is amended after the date of enactment shall continue to be exempt from the provisions added to this section provided that the amendment both serves to promote the original policy of the statute, charter provision, ordinance, resolution, law, rule or regulation and does not significantly broaden the scope of application of the statute, charter provision, ordinance, resolution, law, rule or regulation being amended." What is a requirement is that the governmental entity making the amendment shall make a declaration that the amendment promotes the original policy and does not significantly broaden the scope. It does place a burden on elected and non-elected boards to make that declaration, to declare to the public, what we are doing is an amendment to an existing body of authority which we possess and we are taking it. If there is a lawsuit, the weight of government will say that this comes within our scope of power.

Supervisor Weygandt said he is not only concerned with existing community plans but its impact on future plans. Gerald Carden gave an example of the Martis Valley Community Plan that you would have to determine that the 2003 amendment did not broaden the scope of the application or serve to promote the same purpose as the 1974 Plan. Supervisor Weygandt pointed out that could have been a potential cost to the taxpayers of \$250 million in arguable takings. Supervisor Gaines questioned

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that example because it was never argued by the taxpayers. Richard Mercero said if you have a negotiated agreement there is no regulatory taking. It is clearly in the scope of the original Plan. Gerald Carden said he was just indicating there would be litigation; however, it would be up to a court to decide the issue. The two subjects in Proposition 90 are difficult to discuss. Eminent Domain is very simple to see; but, regulatory takings are in the eye of the holder. There have been many litigations over regulatory takings and it does not always get decided the same.

Supervisor Holmes agreed that there have been eminent domain abuses but he did not believe Proposition 90 would be the correct method to address such abuses. He listed major groups that oppose the proposition. He said we have tremendous growth challenges in Placer County and Proposition 90 would place further constraints on the Board's ability to govern and make proper decisions. Doug LaMalfa said the intent is not to take the ability of local government to make these decisions, but to seek the proper compensation for an individual's loss. This type of taking is not used very much and it should cost taxpayers the value of what is being taken.

Terry Davis, Sierra Club, was opposed to Proposition 90. He said proposition goes beyond protecting the homeowner from government's eminent domain and could under mind the authority of local land use decision makers. No one knows the extent of compensation if this were approved. It could apply to a host of land use regulations. He agreed with the basic intent but opposed the compensation component.

Chairman Santucci said Placer County has been careful with the use of eminent domain and mindful of property owner's rights. He was concerned this could affect an approved project if the height of the building was reduced or the number of units in a housing project was reduced. He said property rights are important and there are aspects of Proposition 90 that he agreed with but he questioned some of the variables.

Supervisor Kranz said that the opposition has clouded the issues and that it is evident there are problems with Kelo. He said if we do not stand up for the private property owners, it is a miscarriage of justice and that property values have been devalued because of government decisions. He said the Tahoe Conservancy purchased property for pennies on the dollar because Tahoe Regional Planning Agency (TRPA) did not certify a California Environmental Quality Act (CEQA) document.

Supervisor Gaines said property rights are a fundamental right and there has been an overreach by the government in the Kelo decision. He said Placer County is conservative and has not abused development of land but abuse is occurring all over the state. The fundamental issues of concern have been addressed by Proposition 90.

Supervisor Weygandt agreed there is a problem, but based on the answers given today, he opposed support of Proposition 90. A one-size-fits-all solution constricts local government.

Chairman Santucci thanked the speakers for their presentation and answering questions. He said there are many things good about Proposition 90 but there are a few that raise concern. Richard Mercero agreed that eminent domain needs to be fixed. He said when it comes to a legislative solution, it becomes a partisan stoppage of efforts and progress and this is the best tool available.

BOARD OF SUPERVISORS – Presentation of Resolution 2006-291 honoring United States Congressman John T. Doolittle for his efforts to secure federal funding for multiple projects in Placer County.

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/CANO REZONING (PREAT-0051177) MITIGATED NEGATIVE DECLARATION – Public hearing closed. Denied a request from Lindi Cano to rezone the project site from RA-B-100 (Residential-Agricultural combining minimum building site size of 100,000 square feet) to RS-AG-B-20 (Residential Single Family – Agricultural combining minimum building site size of 20,000 square feet). The property (APN 037-103-024) is located at 3871 Peach Drive, Loomis. The Planning Commission recommended denial of the rezoning. MOTION Holmes/Weygandt/Unanimous VOTE 4:0 (Gaines temporarily absent)

Michael Johnson, Planning Director, presented a PowerPoint and explained the applicant had a previous variance request denied by the Zoning Administrator and Planning Commission. Their finding was that there were no special circumstances to allow for reduction in lot size. The current rezone request would allow a reduction in the minimum lot size for the development of three lots on the property. This would result in "spot zoning" and be inconsistent with the programs and policies of the Horseshoe Bar/Penryn Community Plan (HBPCP) and would also be a president setting.

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Attorney Chuck Farrar, representing Lindi Cano, explained the applicant would like to split the land consistent with existing general plan designated zoning. The rezone would create two .75 acre parcels. A majority of surrounding parcels are zoned LDR (Low Density Residential), one unit per 0.4 – 2.3 acres and 75% of the parcels within 1,500 feet of the area are 1.5 acres or less. The current rezone request is consistent with the neighborhood and consistent with the provision of the land zoning designations in the general plan. Staff admits the inconsistencies and argues that somehow there is an inconsistency with the general plan, citing a generalized goal of the plan to maintain the rural character of the area. It is not apparent why the zoning was not made to conform to the designations in the general plan. Implementation section of the HBPCP states the goals and policies are implemented in several ways, with the use of different types of planning tools. The land use section identifies various categories of land use as the first step of implementing the plan. This parcel was designated LDR. The general plan designations are then more specifically divided through the adoption of precise zoning of each parcel in the plan area. That zoning never took place for this parcel. Now is the time to make this right and adopt the specific zoning for this portion of the parcel. Leaving the parcel the way it is, is in violation of the general plan and the government code.

Jim Paclik, neighboring parcel owner, opposed rezoning this parcel and said it would be inconsistent with the neighborhood. Most of the surrounding small parcels were created in the 1950s and he has purchased a number of the small parcels to maintain the rural neighborhood. The neighborhood relies on the community plan to retain the 2.3 acre minimum.

Susan Mullarky and Glen Hooper, adjoining parcel owners, opposed the rezone. They fear two large houses being built and setting precedence for others to rezone and change the country neighborhood.

Supervisor Holmes supported staff's request stating a rezone would be precedence setting and detract from the integrity of the community plan.

PUBLIC WORKS/COUNTY SERVICE AREA 28, ZONE OF BENEFIT 203, VILLAGE AT NORTHSTAR, PHASES 3 & 4 - Public hearing closed. Resolution 2006-299 adopted creating Zone of Benefit 203, setting charges to operate transit service in Martis Valley.
MOTION Kranz/Holmes/Unanimous VOTE 4:0 (Gaines temporarily absent)

Michael Johnson, Planning Director, explained the Zone of Benefit was property owner approved, by way of this ballot, an annual charge per parcel based on the estimated residential dwelling units created by this map and future final maps. The estimated assessment for each future dwelling unit equivalent is \$14.37.

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING – Received an update on the status of Affordable Housing Stakeholder's Group discussions and confirmed future actions.
MOTION Kranz/Weygandt/Unanimous VOTE 4:0 (Gaines temporarily absent)

Michael Johnson, Planning Director, explained the stakeholder's group convened in June 2005. The housing element was approved May 2003 and numerous programs and policies were identified to address the ongoing issue of affordable housing. The group was given the task of preparing a draft Inclusionary Housing Ordinance to apply to all areas of the County outside of Redevelopment Areas. County staff does not operate as a negotiating party in this process.

Mr. Johnson said in an effort to meet the interests of the stakeholder group, and to continue with ongoing implementation of existing County housing policy, staff requested direction to:

- Work up to an additional four months with the affordable housing stakeholder group in an effort to reach consensus and prepare a final recommendation/report to be considered by the Board of Supervisors.
- Develop an "affordable housing team", including members from the Planning Department, Engineering and Surveying Department, and Redevelopment Agency, to assure staff resources are available to:
 - Review any affordable housing project proposal in a timely manner.
 - Maintain a high level of technical working knowledge about affordable housing issues to assist in problem-solving for and with applicants.

As needed, staff will advise the Board of ongoing implementation issues and needs pertaining to affordable housing.

- Consider the opportunities for a series of Zoning Text Amendments to allow affordable housing projects that are consistent with the underlying zoning to be heard by a lower-level hearing body (i.e., the Zoning Administrator).
- Retain the services of a consultant to analyze the benefits and liabilities associated with various funding options to further County affordable housing goals.
- Retain the services of a consultant to analyze the benefits and liabilities associated with the use of non-profit partners to further County affordable housing goals.

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Michael Johnson said staff will keep the Board of Supervisors apprised of the status of the ongoing stakeholder group meetings.

Herb Whitaker, Legal Services of Northern California/participant in the stakeholder process, represented the stakeholder group and thanked staff for their help and the Board for the opportunity to work on affordable housing in Placer County. He said the group has made progress and worked through difficult issues and is committed to working on the remaining issues with Board approval.

Supervisor Kranz confirmed affordable housing is only directed at the Tahoe area.

Susan Vergne, Attorney, Brigit S. Barnes & Associates representing California Association of Business Property and Resource Owners (CABPRO), said she was a participant in the stakeholder's group. She supported the group's efforts, particularly on incentives, menu of options, and funding sources that the County should provide to developers for production of affordable housing. However, she withdrew from the process because the group cannot accomplish their goals until the County commits to, proposes, and implements a comprehensive affordable housing program incorporating existing State law to encourage the voluntary production of affordable housing. Without the County implementing existing State mandated incentives to offset the costs of affordable housing, the costs will continue to be spread to the buyers of market-rate housing or to the landowners in lower prices for their land, if developers choose to build in Placer County at all. This will continue to aggravate the affordable housing situation. Only the County can remedy the problem. State law mandates that the County, identify properly zoned land with infrastructure for affordable housing, identify County constraints on development of housing, provide regulatory concessions and incentives for affordable housing, and utilize financing and subsidy programs for the development of affordable housing. State law does not mandate the counties to have an inclusionary housing ordinance or policy. Other successful programs have included funding through incentives or subsidies. Placer County has the means and ability through existing incentive programs, if they were implemented, to offset the cost for developers to voluntarily produce affordable housing. These include density bonuses, zoning, and process changes. The obstacles for Placer County are: the lack of a comprehensive affordable housing plan, lack of properly-zoned land, lack of infrastructure in the areas addressed by the stakeholder's group, the County's regulatory constraints and design guidelines, the permit processing time and high development fees. She said if and when the County fully implements the existing County housing element and State law, the building industry will voluntarily build affordable housing.

Supervisor Kranz said if we do not have incentives, the market-rate homes are subsidizing affordable housing. If someone purchases subsidized housing, there needs to be a way to gain value and eventually purchase a market rate home. Michael Johnson explained staff is starting to review options for subsidized housing to gain equity. The County does have active incentive programs in place, consistent with State law. The Board has adopted a density bonus ordinance and an update to the second-unit ordinance. The challenge is to gain the density bonus as State law requires that the units be set aside as affordable housing units. Most builders do not want that encumbrance on their property.

Chairman Santucci said he wanted to make sure affordable housing is not purchased to sell for profit but does not want to regulate affordable housing without a means to afford market rate housing. He suggested staff research Roseville's affordable housing records. The motion approved staff's recommendations listed by Michael Johnson.

FACILITY SERVICES/COUNTY SERVICE AREA (CSA) 28, ZONE 24 (APPLEGATE SEWER) -
Authorized the Facility Services Director to sign agreement with the California Regional Water Quality Control Board (RWQCB), establishing terms and conditions for settlement of Administrative Civil Liability Complaint #R5-2005-0510; to take actions to comply with the settlement agreement, including, but not limited to, spending up to \$40,000 from CSA 28, Zone 24 funds to construct improvements on private property, and payment of \$16,000 to the RWQCB, as compensation for their staff time to pursue the complaint; and to sign agreements with two Applegate area sewer service customers providing for construction of sewer improvements on their property for the purpose of diverting flows away from the Applegate Sewage Treatment Ponds. Resolution 2006-300 adopted authorizing a loan, in the amount of \$95,000, from the General Fund via the CSA Revolving Fund to CSA 28, Zone 24, and approved a budget revision appropriating the loan proceeds in FY 2006/07. Authorized staff to file a Notice of Exemption. MOTION Kranz/Weygand/Unanimous. VOTE 4:0 (Gaines temporarily absent)

Jim Durfee, Facility Services Director, said the wastewater treatment ponds were constructed in the early 1970s as a result of CalTrans widening Interstate 80 and constructing the overpass at Applegate. Through that construction process a number of privately owned leach fields in the Applegate area were either taken out of service or diminished to the point of being inoperable. As a result, the County, through a Clean Water Grant, constructed a small pond system in Applegate. The small system serves 27 connections with a total of 32 equivalent dwelling units. It became apparent in the late 1970s that the system was under designed. There has been a voluntary holding on the permits for that

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system and no new connections have been allowed. In the winter it is difficult to contain all of the water in the ponds. As a result of the large amounts of rainfall in 2005/2006, the sewer district was forced to release approximately 2.2 million gallons of treated wastewater and rain water into a nearby creek. This was treated and tested for public safety before being released. Staff took measures to avoid these discharges including transferring water between the ponds and trucking 1.8 million gallons of water to Auburn. On June 23, 2006 the RWQCB issued an Administrative Civil Liability Complaint (ACLC) that included a fine of \$300,000 to the sewer district and called for other action to prevent future occurrences of the discharge. After discussion with the RWQCB, a revised ACLC was issued that included the following conditions:

1. The County will pay \$16,000 in RWQCB staff costs within 10 days of signing a settlement agreement.
2. Between 15 October and 15 May of each year, the County will collect and truck all wastewater generated from all 27 connections in the Applegate service area. The hauling program shall continue each year until the pipeline to SMD 1 is fully operational.
3. By 1 September 2007, the County will provide proof that the \$66,000 suspended portion of the liability has been used in the design of the pipeline to transfer wastewater from Applegate to the SMD 1 collection system.
4. By 1 September 2008, the County will provide proof that construction of the pipeline has begun.

Staff anticipates meeting Conditions 3 and 4 with financial assistance from Federal grants already secured. In order to meet Condition 2, staff must enter into agreements with two current customers and spend district funds for improvements to private property. Staff will return to the Board during the process to approve spending. Currently the pipeline project is in environmental review. The Board had a choice of accepting the original ACLC with a \$300,000 fine. In that case staff would need to return to the Board with a different action, request a hearing with the Regional Board in order to contest the civil liability complaint, or accept the revised ACLC as presented. This process is exempt from California Environmental Quality Act (CEQA) review.

Supervisor Weygandt clarified that today's action does not authorize any spending. Jim Durfee replied he would be returning to the Board over the next few months with contracts for preliminary design work with the intention of using EPA grant funds for the first portion of work. Mr. Durfee said the general fund loan would be paid back by the sewer district. A long term payment plan for the sewer users will be drafted after the connection to SMD 1 is completed.

Supervisor Kranz asked if the County would be reimbursed from the State. Jim Durfee replied staff is attempting to find legislative assistance. There is no direct process for reimbursement.

HEALTH & HUMAN SERVICES/ADULT SYSTEM OF CARE - Approved agreements with Placer Independent Resource Services, Inc. (\$119,475), Child Abuse Prevention Council of Placer County, Inc. (\$139,725), Health for All, Inc., (\$155,925) and Whole Person Learning (\$109,350), from October 10, 2006 through October 9, 2008, for participation in the Mental Health Services Act Full-Service Partnership, in an aggregate amount of \$524,475 for the 2 year contract term, and authorized the Director of Health & Human Services to sign the agreements and subsequent amendments.
MOTION Weygandt/Holmes/Unanimous VOTE 4:0 (Gaines temporarily absent)

Maureen Bauman, Adult System of Care, explained the four contracts will help implement the Mental Health Services Act (MHSA). The purpose of MHSA is to expand county mental health services to children, adults and seniors with severe mental illnesses who cannot obtain services through other funds, and to fund prevention and early intervention services, innovative programs, human resource development, and capital facilities and technology improvements. This would include partnerships with community based organizations. These are two year agreements and were approved by the Mental Health Alcohol and Drug Advisory Board.

HEALTH & HUMAN SERVICES/CHILDREN'S SYSTEM OF CARE - Approved agreement with Sierra Family Services, Inc., for FY 2006/07, in the amount of \$1,604,099, for mental health and substance abuse treatment services. **MOTION** Weygandt/Holmes/Unanimous VOTE 4:0 (Gaines temporarily absent)

Bud Bautista, Children System of Care, explained Sierra Family Services is a long-standing and important community agency partner that provides a variety of out-client substance abuse, mental health and emergency crisis services. Last year they provided mental health services to 976 individuals, substance abuse treatment to 278 individuals and mental health crisis evaluation to 1,158 individuals. He said a 1997 U. S. Department of Health and Human Services study established that for every dollar spent on substance abuse services, it avoids seven dollars in medical, law enforcement and other social services costs.

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PROBATION - Approved agreement with Koinonia Foster Homes Incorporated, in an amount not to exceed \$500,000, for comprehensive services provided to at-risk minors and their families under the Juvenile Justice Crime Prevention Act. MOTION Holmes/Weygandt/Unanimous VOTE 4.0 (Gaines temporarily absent)

Michael Cholerton, Probation, said the Probation Department has used Koinonia for its Crisis Resolution Center (CRC) since 2001. All of Probation's partner agencies have expressed satisfaction with their services. Koinonia provides up to six beds for emergency shelter and a crisis hotline. He said due to the complexity of services offered, the excellent working relationship and because there are no other known providers in Placer County, staff is requesting the contract be renewed.

Supervisor Holmes said that one of the speakers the Board heard in the methamphetamine update had received services from Koinonia.

COUNTY COUNSEL/CLOSED SESSION REPORT:

(A) §54956.9 - CONFERENCE WITH LEGAL COUNSEL

(1) Existing Litigation:

- (a) Sanchez, Angelic vs. Placer County, et al., U.S.D.C. Eastern District Case No. 2:05-CV-02231 - *The Board received a report and gave direction to Counsel.*
- (b) Tahoe Tavern Property Owners Association vs. County of Placer, et al., U.S.D.C. Eastern District Case No. 2:06-CV-00407 LKK-GGH - *The Board heard a status report and authorized an increase in the contract for outside counsel from \$25,000 to \$75,000.*
- (c) Bickford Ranch Heritage Coalition of WPCARE vs. County of Placer, Placer County Superior Court Case Number: SCV12793, Court of Appeal, Third Appellate District Case No.: C047630 - *The Board heard a status report.*
- (d) Town of Loomis vs. Placer County, Placer County Superior Court Case No.: SCV14231 - *The Board heard a status report.*

(B) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - *The Board was given a report and gave direction to its negotiator.*

- (a) Agency negotiator: CEO/Personnel Director
Employee organization: PPEO/DSA/Management

ITEMS FOR INFORMATION:

PLACER COUNTY LAW LIBRARY - 2005/06 Annual Report.

TREASURER/TAX COLLECTOR - Treasurer's Statement for the month of August 2006.

ADJOURNMENT - There being no further business, the Board adjourned to special meetings, October 16, and 23, 2006. Next regular meeting is Tuesday, October 24, 2006.

ATTEST:

Ann Holman
Clerk of the Board

Bill Santucci, Chairman
Placer County Board of Supervisors

Melinda Harrell
Senior Board Clerk

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a special session at 10:00 a.m., Monday, October 16, 2006, at the Children's Emergency Shelter construction site, 11080 B Avenue, Placer County Government Center, Auburn. Supervisors Santucci, Holmes, and Gaines present. Supervisors Weygandt and Kranz absent. Chairman Santucci presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

BOARD OF SUPERVISORS/FACILITY SERVICES – Ground breaking ceremony at the Children's Emergency Shelter construction site.

ADJOURNMENT - There being no further business, the Board adjourned. Next meeting is Monday, October 23, 2006. Next regular meeting is Tuesday, October 24, 2006.

ATTEST:

Ann Holman
Clerk of the Board

Bill Santucci, Chairman
Placer County Board of Supervisors

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a special session at 9:30 a.m., Monday, October 23, 2006, at the Granlibakken Conference Center & Lodge, 725 Granlibakken Road, Tahoe City. Supervisors Santucci, Weygandt, Holmes, Gaines and Kranz present. Chairman Santucci presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

FACILITY SERVICES - Dedication of Cisco Grove-Gould Park, located between I-80 and Hampshire Rocks Road.

REDEVELOPMENT - Ribbon cutting - Jackpine Street Public Parking Lot, corner of Jackpine Street and Tahoe Street, Tahoe City.

PUBLIC COMMENT - Battalion Chief Dave Ruben of the North Tahoe Fire District thanked the Board for its fuels reduction and biomass efforts.

COUNTY EXECUTIVE OFFICE/WOODY BIOMASS PROGRAM - Staff update of the program.

Brett Storey, County Executive Office, provided a PowerPoint presentation on the wildfire protection, Biomass Program. He advised the vision is to maintain a healthy forest to cultivate healthy communities and the mission is to be proactive in reducing the threat of catastrophic wildfires and provide collaborative leadership in the field of biomass utilization. The current tools are not adequate to address the scope of the problem and there is a need to increase biomass utilization. He stated Placer County promotes biomass utilization with a comprehensive vision using county and federal funding to support the process. Placer County has rapid growth with high property values, large forested areas and poor air quality. A strategic plan is being developed and will come before the Board later this year. The plan will look at research, program definition, partnerships, technology demonstrations, and funding solutions. He provided an overview of current, completed and projected projects.

Tom Christofk, Air Pollution Control, explained that Placer County is in a poor air quality region of northern California. He provided an economic process model showing the benefits of biomass and how biomass can be converted to a useable product.

Supervisor Kranz said we have come a long way in a short period of time with a small investment, using Secure Rural Schools funding. He introduced Patrick Wright, Executive Director of the Tahoe Conservancy, and Rochelle Mason, from the League to Save Lake Tahoe. He said there will be definite environmental improvement as a result of what we are doing.

COUNTY EXECUTIVE/SECURE RURAL SCHOOLS & COMMUNITY SELF-DETERMINATION ACT OF 2000 (HR 2389) - Approved the County's planned use of HR 2389, Title III Discretionary Funds in Federal FY 2006/07 for hazard mitigation and wildfire protection activities costing a total of \$325,000; approved a budget revision increasing expenditures and revenues in the Community & Agency Support appropriation, in the amount of \$325,000, and allocating \$170,000 to other appropriations through interfund transfers (County Executive Administration \$120,000; Emergency Services \$15,000; County Fire \$35,000). MOTION Kranz/Holmes/Unanimous

Brett Storey, County Executive Office, listed projects and activities for funding. There is no impact to the General Fund.

COUNTY COUNSEL/CLOSED SESSION REPORT - *There was no Closed Session.*

(A) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR

(a) Agency negotiator: CEO/Personnel Director

Employee organization: PPEO/DSA/Management

RECEPTION - At Sunnyside Resort, 11850 West Lake Boulevard, Tahoe City, CA

ADJOURNMENT - Next regular meeting is Tuesday, October 24, 2006/

ATTEST:

Ann Holman
Clerk of the Board

Bill Santucci, Chairman
Placer County Board of Supervisors

PLACER COUNTY BOARD OF SUPERVISORS

MINUTES

The Placer County Board of Supervisors met in a regular session at 9:00 a.m., Tuesday, October 24, 2006, at Granlibakken Conference Center & Lodge, 725 Granlibakken Road, Tahoe City, CA 96145. Supervisors Santucci, Weygandt, Holmes, Gaines and Kranz present. Chairman Santucci presiding; Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

PUBLIC COMMENT – Bruce Dear, Placer County Assessor, introduced Debbie Nicholas, new manager of the Tahoe facility. Gail Tondetta, Program Manager for Health & Human Service, provided an update of the Tahoe flu clinic program. Al Turner, a builder in North Lake Tahoe, said he appreciated the efforts of John Marin and Bob Martino in keeping the local building community informed on issues, specifically unused allocations that Tahoe Area Regional Planning Agency has held from Placer County over the last planning period. Supervisor Kranz suggested he attend the Tahoe Regional Planning Agency meetings.

SUPERVISOR'S COMMITTEE REPORTS - None.

CONSENT AGENDA – Consent approved as presented with action as indicated. The Board convened as the Redevelopment Agency Board for Items #17. MOTION Holmes/Weygandt/Unanimous

- 1 WARRANT REGISTERS – Week ending September 8, 15, 22 and 29, 2006.
- 2 AGRICULTURE COMMISSIONER:
 - a. Resolution 2006-301 adopted authorizing the Agricultural Commissioner/Sealer to sign Contract #06-0028C with the State Department of Food and Agriculture, in an amount up to \$4,672, for reimbursement for enforcing mandated programs for Pesticide Application Reporting.
 - b. Resolution 2006-302 adopted authorizing the Agricultural Commissioner/Sealer to sign Contract #06-0411 with the State Department of Food and Agriculture, in an amount up to \$41,102, for reimbursement for enforcing mandated programs for Pest Detection/Trapping and Emergency Reports.
3. BOARD OF SUPERVISORS:
 - a. Commendation honoring Alex Cushing for his contribution to the development of Squaw Valley USA Resort.
 - b. Approved Special Meetings to be held on Monday, October 30, and Monday, November 20, 2006.
 - c. Approved minutes of September 26, 2006.
4. CLAIMS AGAINST THE COUNTY – Rejected the following claims as recommended by County Counsel:
 - a. 06-097, Cummings, Maureen, \$1,000 (Property Damage).
 - b. 06-101, Dragotta, Carla, \$1,000 (Personal Injury).
 - c. 06-102, Snider, George, Not Stated (Bodily Injury).
 - d. 06-108, Hoover, Barry, Not Stated, (Bodily Injury).
5. CLAIMS AGAINST THE COUNTY – Rejected the following Application for Leave to Present a Late Claim and its claim against Placer County as recommended by County Counsel:
 - a. 06-099, Wetterhahn, Sue, \$2,000,000 (Personal Injury).
6. COMMITTEES & COMMISSIONS:
 - a. Fish and Game Commission - Approved appointment of John E. Maxwell to Seat #7 (Foresthill), as requested by Supervisor Kranz.
 - b. Mental Health, Alcohol and Drug Advisory Board – Approved appointment of Mary E. Ascargorta to Seat #2 (Consumer District #1) and Supervisor Holmes to Seat #16.
 - c. Placer County Resource Conservation District - Approved reappointment of Chris Paul to Seat #1 (At Large).
 - d. Wastewater Advisory Committee - Approved reappointment of Mark Navo to Seat #5, Guy Ostenson to Seat #6, Bill Carpenter Jr. to Seat #7, Mike Broyer to Seat #9, Marc Lindbloom to Seat #10, Cathy Spence-Wells to Seat #11 and James McKeivitt to Seat #12.

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

7. COMMUNITY DEVELOPMENT RESOURCE AGENCY/ENGINEERING & SURVEYING:
 - a. Contract - Authorized the Purchasing Manager to sign a contract with Parsons Brinckerhoff Construction Services, Inc., in an amount not to exceed \$125,000, to provide project inspection services for various land development projects in western Placer County.
 - b. Green Hills Estates, Tract #919 - Approved the final map, Subdivision Improvement Agreement, and authorized the recording of the project, located between Newcastle and Rattlesnake Road.
8. COUNTY EXECUTIVE:
 - a. Approved a change in the Specification for Senior Deputy County Counsel.
 - b. Approved participation in the Salvation Army's Auburn Community Thanksgiving Day Dinner by matching Placer County employee contributions dollar for dollar, up to a maximum of \$1,500.
 - c. Approved the North Lake Tahoe Resort Association's proposed expenditure of budgeted infrastructure funds for Heritage Plaza Improvements and Regional Wayfinding Signage Request for Proposal, in an amount not to exceed \$87,255.
 - d. Introduction of an ordinance creating the Deputy Director of Facility Services, Environmental Engineering and Utility classification specification, deleting the Deputy Director of Facility Services, Solid Waste and Special Districts, and amending Chapter 3, Section 3.08.070 and 3.12.010, Appendix 1 and 3.12.030 relating to the Facility Services Department.
 - e. Resolution 2006-303 adopted authorizing the Chairman to sign the Memorandum of Understanding formalizing the relationship between the County and Placer County Air Pollution Control District.
 - f. Approved merit increase for Janet Fogarty, Managing Accountant Auditor, from Grade 454 Step 1 to Grade 454, Step 2, retroactive to August 5, 2006.
9. COUNTY EXECUTIVE/EMERGENCY SERVICES - Resolution 2006-304 adopting the National Incident Management System as official regulatory guidance for emergency incident and disaster preparedness, response, recovery and mitigation within Placer County.
10. COUNTY EXECUTIVE/REDEVELOPMENT - Adopt Resolution 2006-305 and findings in order to provide \$15,000, to finance the construction of public improvements for the Heritage Plaza Project located in the North Lake Tahoe Redevelopment Project area.
11. FACILITY SERVICES:
 - a. Air Pollution Control District Lease Agreement - Approved agreement with the Air Pollution Control District for a portion of the County's Community Development Resource Center, located at 3091 County Center Drive, Auburn.
 - b. Purchase of Sewer Inspection Truck - Approved budget revision to the FY 2006/07 Special Districts Budget, transferring \$15,000 from the "Appropriation for Contingencies" Account to the "Fixed Asset, Equipment" Account, to allow an expenditure of up to \$185,000 for the purchase of one Sewer Inspection Truck and authorized the Purchasing Manager to sign the contract documents for a used 2006 inspection truck from WECO Industries, in an amount not to exceed \$185,000.
 - c. Recreation Area #3, Colfax Area - Approved the use of Park Dedication Fees, in the amount of \$75,000, for restrooms at Colfax's Downtown Park and authorized the Chairman to execute the use agreement.
 - d. Sewer Assessment District 90 Fees - Adopted Minute Order 2006-02, regarding the Sewer Assessment District 90 Fee applied to density increases which directs staff to cease collection of the fee; freeze the reimbursement payment per lot at the current level, \$4.881; and terminate the reimbursement program when specific conditions are met.
 - e. Trenchless Technology Sewer Rehabilitation, Project #40203/FY 2006/07 - Approved plans and specifications and authorized staff to solicit bids; Resolution 2006-306 adopted authorizing the Facility Services Director to execute the resulting construction contract, in an amount not to exceed \$126,500, upon County Counsel's review and approval, and approve any required change orders.

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

12. HEALTH & HUMAN SERVICES:
 - a. Community Clinics - Approved agreement with North Lake Tahoe La Comunidad Unida, dba Kings Beach Family Resource Center, from July 1, 2006 through June 30, 2007, in the amount not to exceed \$45,000, for participation in the Healthy Families Rural Health Demonstration Project administered by Delta Dental and authorized the Health & Human Services Director to sign the agreement and subsequent amendments.
 - b. Human Services - Approved addendum to the Community Services Block Grant Contract with the Salvation Army (CN005399) for Calendar Year 2006, increasing the award from \$30,356 to \$45,356, for the emergency shelter, transitional housing and emergency services, and authorized the Health & Human Services Director to sign the amendment.
13. PERSONNEL - Approved Resolution 2006-307 through Resolution 2006-310 for the California Public Employees Retirement System, Health Benefits Division, which adopts the 2007 employer health insurance contribution levels effective January 1, 2007 for all Placer County employees and retirees.
14. PERSONNEL/CIVIL SERVICE COMMISSION – Ordinance introduced, first reading waived, amending Placer County Code to approve classification revisions and reclassification of positions in the Office of Emergency Services, Sheriff's Department and Facility Services Department to establish the probationary period for Deputy Sheriff Trainee at one year.
15. PROCUREMENT SERVICES -Authorized the Purchasing Manager to sign the following:
 - a. Purchase Order, Pre-printed Envelopes/Central Services – Renewed blanket purchase order with Cerveo, in the maximum amount of \$65,000.
 - b. Purchase Order #13238, Professional Voice & Data Cabling Services/Telecommunications – Renewed blanket purchase order with Sierra West Communications, in the maximum amount of \$210,000.
16. PUBLIC WORKS:
 - a. California Tahoe Conservancy Site Improvement/Acquisition Grant Application – Resolution 2006-311 adopted approving preparation of the grant application for the West Sunnyside Erosion Control Project and authorizing the Public Works Director to execute the document for FY2006/07 grant funding cycle.
 - b. City of Rocklin Transit Service Memorandum of Understanding (MOU) – Authorized the Board to execute a MOU for FY2006/07 with the City of Rocklin to pay \$530,111, for the County to provide transit service to the City of Rocklin.
 - c. Federal Transit Administration (FTA) Authorization – Resolution 2006-312 adopted authorizing the Public Works Director or his designee to execute and file applications for Federal assistance on behalf of the Placer County Public Works Department (the Applicant); execute and file the required certifications, assurances and agreements on behalf of the Applicant binding the Applicant; and execute grant agreements and cooperative agreements with FTA on behalf of the Applicant.
 - d. Road Maintenance Division Budget/Fixed Asset Revision – Approved budget revision to appropriate \$17,000 within existing Road Maintenance budget, moving it from Account 2481 (PC Acquisition) to Account 4451 (Fixed Assets) and approve the addition of a new computer server to the Master Fixed Asset List.
17. REDEVELOPMENT AGENCY:
 - a. Adopted Resolution 2006-313 and Findings authorizing the execution of a memorandum of understanding with the Tahoe City Public Utility District, in order to provide \$15,000 to finance the construction of public improvements for the Heritage Plaza Project, and authorized the Chief Assistant CEO-Redevelopment Director or designee to execute all agreements subject to Agency Counsel review.
 - b. Approved a services agreement between the Placer County Redevelopment Agency and the North Tahoe Business Association, in the amount of \$60,000, for implementation of the Main Street Program, and authorized the Chief Assistant CEO-Redevelopment Director or Designee, to execute the contract, subject to the review of Agency Counsel.
 - c. Approved a services agreement between the Placer County Redevelopment Agency and the Tahoe City Downtown Association, in the amount of \$60,000, for implementation of the Main Street Program, and authorized the Chief Assistant CEO-Redevelopment Director or Designee, to execute the contract subject to the review of Agency Counsel.

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PLACER COUNTY BOARD OF SUPERVISORS

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18. **REVENUE SHARING** – In approving the following appropriations, the Placer County Board of Supervisors makes the finding that each and every approved contribution serves a public purpose by promoting the general welfare of the County and its inhabitants; therefore, the County benefits.
 - a. Approved appropriation, in the amount of \$1,000, in Revenue Sharing monies to the Roseville Chamber of Commerce, Annual Holiday Parade, as requested Supervisor Santucci and Supervisor Gaines, (\$500 each).
19. **SHERIFF** – Approved a grant from the U.S. Department of Justice, in the amount of \$246,807 for continuation Phase III of the Law Enforcement Radio Infrastructure and Upgrade and authorized the County Executive Officer and Sheriff-Coroner-Marshall to execute the grant documents and authorized the Purchasing Manager to execute all related purchasing documents, including three antenna tower and 28 digital trunking radios. The grant has been included in the Final 2006/07 Budget.
20. **TREASURER/TAX COLLECTOR** – Ratified temporary borrowing to date and approve continued temporary borrowing of Treasury funds in the estimated amount of \$5,500,000 for FY 2006/07, by the Western Placer Unified School District as prescribed by the California State Constitution and approved a variance from Resolution #96-22, which prohibits temporary borrowing while an agency has outstanding proceeds from the issuance of short-term debt.

End of Consent Agenda

PUBLIC WORKS/MCKINNEY RUBICON TRAIL – Resolution 2006-314 adopted declaring the "McKinney Rubicon Trail" as a non-maintained public four-wheel drive trail.

MOTION Kranz/Gaines/Unanimous

Ken Grehm, Public Works Director, stated the McKinney Rubicon Trail is one of the most famous four-wheel drive trails worldwide. It is located in Placer and El Dorado Counties. El Dorado County is adopting a master plan for management of the trail. Last year staff acquired an off-road grant to do improvements and upkeep. The County supplies materials and volunteers provide labor.

Supervisor Kranz recognized Supervisor Gaines for his efforts. Supervisor Gaines explained there were issues of abuse to the trail and El Dorado County's Memorandum of Understanding is a model to be considered by Placer County to help preserve the trail.

PUBLIC WORKS/TAHOE CITY TRANSIT CENTER, AGREEMENT #73257– Resolution 2006-315 adopted authorizing the Chairman to sign and approve an agreement with WRNS Studio, in the amount of \$350,580, for architectural and civil design services, and authorized the Public Works Director to approve and sign future amendments up to \$35,058. **MOTION** Kranz/Holmes/Unanimous

Brian Stewart, Public Works, explained the agreement would provide comprehensive architectural and civil design services for the Tahoe City Transit Center. The work involves project development including topographic surveying, geotechnical investigations, preliminary structural design, preliminary grading plans and preliminary drainage plans, along with associated maps, drawings and reports, for the project. Ten proposals were submitted and WRNS Studio was chosen as the highest rated firm. The Board has already adopted the Environmental Impact Report and Findings

PERSONNEL – Recognition and presentation of awards to employees with 20 or more years of County service.

COUNTY EXECUTIVE/REDEVELOPMENT (Swiss Mart/Service Station) – Resolution 2006-316 adopted making specific findings required by Health and Safety Code, Section 33445, for the purchase of 8797 North Lake Boulevard, Kings Beach, in the amount of \$520,000, subject to review by County Counsel. **MOTION** Kranz/Holmes/Unanimous

Rich Colwell, Chief Assistant County Executive/Redevelopment Director, explained that staff has worked on this project for over two years and the requested action allows for removal of blight and improvement to the community. The Redevelopment Agency requires Board consent to purchase this property.

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

ADJOURNED AS THE PLACER COUNTY BOARD OF SUPERVISORS AND CONVENED AS THE PLACER COUNTY REDEVELOPMENT AGENCY BOARD

REDEVELOPMENT AGENCY BOARD (Swiss Mart/Service Station) - Adopted Resolution 2006-317 and Findings authorizing the purchase of 8797 North Lake Boulevard, Kings Beach (Assessor Parcel Numbers 090-192-041 and 090-192-055), in the amount of \$520,000, plus closing costs, and authorizing the Chief Assistant CEO-Redevelopment Director or Designee to sign all documents subject to Agency Counsel review. MOTION Kranz/Holmes/Unanimous

Rae James, Deputy Director Redevelopment Agency, said the requested action will allow the Redevelopment Agency to finalize the purchase of the former Chevron/Swiss Mart site in Kings Beach. The purchase price is for an "As Is" condition of the contaminated site. Since 2005 staff has pursued authority under the Palanco Act to work with the owners to clean up the property. There are outstanding issues regarding clear ownership of the property. As a precaution, when escrow closes, the Agency will seek a court ordered Quiet Title Action to assure clear and irrevocable title. The Agency will secure the site, demolish the current structure and proceed with site clean up. Staff will pursue Federal Environmental Protection Agency Grants and the previous owner to offset the costs of cleanup. The site is ideal for a Kings Beach gateway sign. Staff anticipates bringing forward a construction contract during the summer of 2007.

Supervisor Kranz complemented staff for their efforts. Rich Colwell described area improvements as a result of Redevelopment Agency and private sector partnerships.

ADJOURNED AS THE PLACER COUNTY REDEVELOPMENT AGENCY BOARD AND RECONVENED AS THE PLACER COUNTY BOARD OF SUPERVISORS

SHERIFF - Approved the purchase of equipment from the Homeland Security Grant Program and HR 2389, in an amount not-to-exceed \$279,400, modification to the Master Fixed Asset List for equipment in excess of \$5,000 per unit, the resulting budget revision and authorized the Purchasing Manager to execute the purchase documents. MOTION Holmes/Weygandt/Unanimous

Barbara Besana, Sheriff Department, said the Homeland Security Grant Program workgroup has identified the need for this equipment and received State authorization. Some of the money being proposed is from the previous year and needs to be spent prior to the end of November 2006. This equipment is for the Special Teams and Interoperable Communications for the search and rescue van.

BOARD OF SUPERVISORS - Presentation of a Commendation honoring Alex Cushing for his contribution to the development of Squaw Valley USA Resort.

Supervisor Kranz presented the commendation to Alex Cushing's widow. He discussed the need for a museum in Squaw Valley that highlights the Olympics and a welcome center on the Interstate 80 corridor. Supervisor Gaines recognized Mr. Cushing for his efforts to have the Olympics at Squaw Valley and his technological advancements at the resort. There are efforts to have the 2018 winter Olympics at Squaw Valley.

PUBLIC WORKS/KINGS BEACH COMMERCIAL CORE IMPROVEMENT PROJECT - Received an update on the project including environmental document preparation, schedule and funding.

Ken Grehm, Public Works Director, presented a PowerPoint depicting options for the Kings Beach Commercial Core Improvement Project. The Kings Beach Commercial Core Improvement Project is proposing to construct curb, gutter, sidewalk, parking, water quality improvements and other pedestrian enhancements to revitalize the commercial corridor on State Route 26 to Chipmunk Street. This is a continuation of the Tahoe City Urban Improvement Project approved in 1990. Caltrans, Tahoe Regional Planning Agency, funding partners, the Federal Highway Administration, and all of the regulatory agencies in the basin are partners in this project. Over \$20 million has been secured and another \$3.3 million is being pursued. Environmental studies and the Draft Environmental Impact Report are being finalized in preparation for public review and comment. Staff anticipates approval of the environmental document in spring 2007 and construction to start in summer 2008. Construction could take two to three years with little impact to businesses.

Supervisor Kranz asked if the alternative without street parking was viable. Ken Grehm said future growth might eliminate the option of on-street-parking. At that time, it would have to be provided off street. There is land available and the County intends to work on the adjoining roads to supply some on-street-parking.

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Supervisor Gaines asked about traffic congestion for the one-lane option. Ken Grehm replied traffic would be at capacity when built and in the future cues would start during peak times. Caltrans has designated the highway through Kings Beach to reach Level F. Most of the roadways around Tahoe are two lanes.

Chairman Santucci and Supervisor Weygandt expressed the importance of community involvement during the process. Ken Grehm talked about past meetings and future public workshops to help staff reach a consensus.

Pam Jahnke, North Tahoe Business Association (NTBA), thanked staff for the update and funding for the project. The project addresses the main priorities of the community, pedestrian safety and slowing down traffic. NTBA is helping to facilitate the process by assisting with funding, community education/workshops and maintenance.

Sue Keller, Tahoe Vista resident, said she is cautiously optimistic about Kings Beach and appreciated the contribution of NTBA. She said Kings Beach cannot be a viable community and be a freeway for everyone else.

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/APPEAL/DESIGN REVIEW BUSHWACKER TREE SERVICE - Public hearing to consider an appeal by Bruce Yankton and Tahoe Truckee Sierra Disposal Company of the Planning Commission's denial of an appeal of staff's Design/Site Review approval of a Design/Site Review related to a tree service business. The property (APN #091-041-009 and 090-041-028) is located 710 Wolf Street, Kings Beach, and is currently zoned PAS26 (Kings Beach Industrial Community Plan -Commercial Public Service).

Public hearing closed. Approved the appeal with modified conditions and language added to Condition A stating "If any of the existing structures are demolished, any structure to replace it be built to current standards and current design requirements." Approved the Design/Site Review application for the Bushwackers project (PDSDT20050306), subject to the findings and modified conditions of approval set forth in Exhibit 4. The Board directed staff to inspect the structural integrity of the structures on the property. MOTION Kranz/Weygandt/Unanimous

Allen Breuch, Planning, explained the applicant requested approval of a Design/Site Review application to allow a tree service business to operate in the Kings Beach area. The project was approved by staff as a Design/Site Review, and appealed to the Planning Commission. The Planning Commission denied the appeal. Before the Board is another appeal. Staff concurred with three of the five items brought up in this appeal. Two items, regarding encroachment of sheds into existing easements, are civil matters regarding public rights issues and the Board has been instructed not to act on them. He said staff is requesting the Board grant the appeal and allow for modification of the conditions.

Supervisor Kranz asked if there were additional clarifications presented to the Board that were not included in the appeal to the Planning Commission. Michael Johnson, Planning Director, confirmed that the Board is hearing issues in a different manner than the Commission heard. Staff has agreed there were merits in the appeal; therefore, modifications were added to the Conditions of Approval (Exhibit 4).

Neil Eskind, Attorney for Bruce Yankton and Tahoe Truckee Sierra Disposal Company, thanked County Staff for their review of the appeal and response to the appeal issues. He said most of the concerns have been addressed in the staff report and the appellants are in concurrence with staff's recommendations. In regard to the issues that the Board was instructed not to act on, he explained the County's Zoning Ordinance covers design and review and trumps matters of dispute between two neighbors. In his opinion, the Board should be able to act on those issues. Mr. Eskind presented pictures and information on the condition of the sheds.

Anthony La Bouff, County Counsel, requested Mr. Eskind clarify his request of the Board. Mr. Eskind asked that the Board include the sheds in the Design Review approval subject to conditions. Michael Johnson explained the Modified Conditions of Approval state "The existing structures on the subject site shall be maintained in good repair. This includes windows, doors and roofing. The existing structures on the site shall also be painted a uniform dark brown color and maintained in good repair." Chairman Santucci asked why it was necessary to debate the issue of the shed at this point because if it is to be demolished, it would have to comply with design review at the time it is rebuilt. Mr. Eskind said that permission to rebuild the shed is in the application before the Board. Michael Johnson replied staff is confident that current conditions mandate that the structures be brought up to standard and painted. If a new structure is needed it would have to comply with current standards. Anthony La Bouff reiterated that the location of the sheds is not an issue to be determined by the Board and suggested additional language for the Conditions of Approval: "If any of the existing structures are demolished, any structure to replace it must be built to current standards and current design

PLACER COUNTY BOARD OF SUPERVISORS

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requirements." He said that staff has reviewed the project extensively and the current location of the shed does not pose an issue for the Board of Supervisors.

Bruce Yankton, appellant and adjacent property owner, said his primary concern with the shed is the structural condition. He hired a civil engineer to inspect the shed. Partial demolition was done before a permit was obtained.

Jim Rienstra, K. B. Foster Civil Engineering, Inc., reported he inspected the structure and it is overstressed by a factor of two and is in danger of collapsing.

Lou Vaille, attorney for Brian Rye/Bushwackers Tree Service, agreed with County Counsel's proposal for the appeal and Conditions of Approval. He clarified when Mr. Rye first brought the application before Design/Review, Sierra Pacific Power contested that a portion of the shed (built in 1972) was on its property. Mr. Rye agreed to remove the portion of the shed that was encroaching, Sierra Pacific Power concurred and it was demolished pursuant to the acquired demolition permit. The north wall will be reconstructed but the entire shed will not be demolished. The location of the shed is in litigation and the structural integrity has not been challenged before this hearing.

Brian Rye, Bushwackers Tree Service, said he has owned the business for 25 years and purchased the property because it was zoned industrial. He used the property for nine years before he had to stop his business for the two year Design/Review process. He said these issues did not exist for the first nine years. Mr. Rye explained how the business is an integral part of the community.

Mike Thomas, adjoining parcel owner, submitted a letter opposing chipping activities. He asked why there was not a noise study done before approval. He said the Conditions of Approval should be more compatible with the surrounding residential land, buffered with screening and landscaping. Michael Johnson responded the parcel is zoned industrial and the uses are consistent with the underlying zoning designation for the site. Noises produced would have to comply with County noise standards.

Bruce Yankton said he filed three letters of complaint since 1993 with Placer County Code Enforcement. Mr. Rye was asked to vacate the property and the Design/Review process began.

Michael Johnson said, based on comments raised by the public, the issue of the integrity of the structure is not an issue before the Board. Staff will recommend that the Building Department review the integrity of the structures. The Conditions of Approval in the staff report address all of the issues raised by Mr. Eskind.

Anthony La Bouff said if the Board was to follow staff's recommendation, it would grant the appeal and approve the Design/Site Review application for the Bushwacker project subject to the finding and modified conditions including the modification in today's hearing of #4 in the Conditions of Approval.

Supervisor Kranz moved to approve staff's recommendation with the addition stated by Counsel. The concern is that the Board should not interfere in the legal process. The noise will have to be monitored.

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/GENERAL PLAN AMENDMENT REZONING/WILDEROTTER (PREAT20060138) MITIGATED NEGATIVE DECLARATION - Public hearing closed. Ordinance 5433-B and Resolution 2006-318 adopted approving a request from Kaufman Planning, on behalf of Dave Wilderotter, for a General Plan Amendment and Rezoning to redesignate the subject property from the Plan Area 001B (Tahoe City Industrial), into Special Area #1 of Plan Area 002 (Fairway Tract) based on findings, and subject to one condition of approval. This change allows for the future development of multi-family residential development on the property, as a subsequent project. The property (APN 094-010-007) is located at 774 Jackpine Street in Tahoe City
MOTION Kranz/Holmes/Unanimous

Bill Combs, Planning, presented a PowerPoint explaining the rezoning request that would match the adjacent multi-family residential zoning. There are two existing dwelling units on the property and Mr. Wilderotter intends on building additional units. He said subject property was a landfill in the 1960s and given commercial designation in 1993. Commercial development was never built on this site. He said staff supports Mr. Wilderotter's plan to build an affordable housing project. The rezoning request has been approved by the Tahoe Regional Planning Agency (TRPA) and the Planning Commission. No opposition has been received from the adjoining neighborhood.

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

COMMUNITY DEVELOPMENT RESOURCE AGENCY/PLANNING/ZONING TEXT AMENDMENT MODIFICATION OF SECTION 135.23 OF THE SQUAW VALLEY LAND USE ORDINANCE (PZTA T2006 0328) - Public hearing closed. Ordinance 5434-B adopted approving a request by Michael Goss, representing the Squaw Valley Business Association, to amend Section 135.23 of the Squaw Valley Land Use Ordinance (Signs), to allow for a new "wayfinding" program for the Squaw Valley area, based on the finding. The purpose of the program is to provide for a new sign program to direct visitors to Squaw Valley to key destination locations within the Squaw Valley area.
MOTION Kranz/Holmes/Unanimous

Bill Combs, Planning, said this is a proposal from the Squaw Valley Business Association. The directional signing would allow Squaw Valley visitors to find their way to destinations in the valley. He presented a PowerPoint showing examples of the proposed signage that would provide directional signing to key elements of the Squaw Valley community. The specific signs would be reviewed for approval at a later date. This program would have traffic safety benefits by assisting travelers in finding an intended location without making unsafe stops or turning movements.

Supervisor Kranz applauded the program and said this program could be helpful in the agricultural areas of Placer County as well.

COUNTY EXECUTIVE/NORTHSTAR COMMUNITY SERVICES DISTRICT (CSD) – Resolution 2006-319 adopted authorizing the Chairman to sign a property tax sharing agreement with the Northstar CSD, pursuant to the annexation of the Northstar Highlands project territory. As a result of the annexation, the territory will be within the Northstar CSD, with the District providing, fire, road maintenance and snow removal services. MOTION Kranz/Holmes/Unanimous

Holly Heinzen, Assistant County Executive, explained the requested action would annex three parcels (approximately 61 acres) into the Northstar Community Service District. The County is required to enter into a tax sharing agreement with Northstar CSD for the annexation to proceed for consideration by the Local Area Formation Commission (LAFCo). The Northstar Highlands project territory consists of 47.3 acres and would include up to 174 units of employee housing, 12.2 acres for a maintenance facility and under one acre for a restaurant. The total amount available to share is 44.18% of the 1% property tax. Staff has negotiated an agreement with the Northstar Community Facilities District. In pre-Educational Revenue Augmentation Funds (ERAF) the County would receive approximately 74% of the 44.18% and Northstar would receive 11.41%. The net anticipated for the County would be approximately 22% of the 1%. Currently, the County receives approximately 17% for Countywide services. Northstar would assume responsibility for the roads, snow removal and fire protection, and the County would give them an additional percentage. The County would continue to provide Countywide services and some municipal type services. Staff predicts the 22% would meet the County's needs.

Supervisor Weygandt received clarification from Ms. Heinzen that the proposed percentage received would maintain the Countywide average. Ms. Heinzen suggested a technical addition to the agreement to clarify the percentage basis on the tax distribution, pending concurrence of Northstar. This would be reviewed by County Counsel prior to executing.

Jim Porter, East West Partners, thanked staff and said Northstar is satisfied with the agreement.

Mike Staudenmayer, General Manager of the Northstar Community Services District, thanked staff and said they are on schedule to meet LAFCo's deadlines. He handed out a geographical map showing the boundaries of the annexation.

COUNTY COUNSEL/CLOSED SESSION REPORT:

(A) §54956.9 - CONFERENCE WITH LEGAL COUNSEL

(1) Existing Litigation:

- (a) Meadow Vista Protection vs. Chevreux Aggregates, Inc.; County of Placer, County of Placer Planning Department; and DOES 1 through 50, inclusive, Placer County Superior Court Case Number: SCV19614 – *The Board received an update on the recent matters in that litigation.*

(2) Anticipated Litigation:

- (a) Significant exposure to litigation pursuant to subdivision (b) of Government Code §54956.9: two potential cases – *The Board, in one matter, authorized the hiring of the law firm of Somach and Simmons to assist Facility Services in administrative hearings. In the second matter they waived a potential conflict from Morrison and Foerster our counsel in some CEQA matters and approved that attorney client waiver.*

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**PLACER COUNTY BOARD OF SUPERVISORS
MINUTES**

(B) §54957.6 - CONFERENCE WITH LABOR NEGOTIATOR - *The Board continued its conference with Labor Negotiators with regards to PPEO, DSA and Management.*

(a) Agency negotiator: CEO/Personnel Director
Employee organization: PPEO/DSA/Management

(C) §54957 - PUBLIC EMPLOYEE APPOINTMENT - *The Board concurred with the appointment of Bob Martino as the Chief Building Official for Placer County.*

Title: Chief Building Official

INFORMATION

SHERIFF - Inmate Welfare Fund Annual Reports for FY 2005/06.

ADJOURNMENT - Next meeting is Monday, October 30, 2006. Next regularly scheduled meeting is Tuesday, November 7, 2006.

ATTEST:

Ann Holman
Clerk of the Board

Bill Santucci, Chairman
Placer County Board of Supervisors

Melinda Harrell
Senior Board Clerk

PLACER COUNTY BOARD OF SUPERVISORS MINUTES

The Placer County Board of Supervisors met in a special session at 3:00 p.m., Monday, October 30, 2006, at the Hidden Falls Regional Park, between Auburn and Lincoln. Supervisors Weygandt, Holmes, and Kranz present. Chairman Santucci and Supervisor Gaines absent. Ann Holman, Clerk of the Board. Also present were County Executive Thomas Miller and County Counsel Anthony J. La Bouff.

BOARD OF SUPERVISORS/FACILITY SERVICES – Grand Opening Ceremony of Hidden Falls Regional Park, located off Mears Road in rural Placer County between Auburn and Lincoln.

ADJOURNMENT – Next regular meeting is Tuesday, November 7, 2006.

ATTEST:

Ann Holman
Clerk of the Board

Bruce Kranz, Vice Chairman
Placer County Board of Supervisors

