

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting
June 22, 2010

City Council Chambers – Town Hall
549 Main Street, Placerville, CA 95667
6:00 P.M. Closed Session
7:00 P.M. Open Session

6:00 P.M. CLOSED SESSION

Pursuant to the cited authority (all references to the Government Code), the City Council will hold a Closed Session to discuss the following items:

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| Govt. Code 54957.6 | Conference with Labor Negotiator
Agency Negotiator: David Mackowiak
Employee Organization: Police Officers' Association
and Unrepresented Units |
| Govt. Code 54956.8 | Conference with Real Property Negotiator:
Property: 487 Main Street
Under Negotiation: Price and Terms |
| Govt. Code 54956.9 | Conference with Legal Counsel
Threatened Litigation: One Case |
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7:00 P.M. OPEN SESSION

1. CALL TO ORDER & PLEDGE OF ALLEGIANCE TO THE FLAG

The Mayor called the meeting to order at 7:35 P.M. The Pledge of Allegiance to the Flag was recited.

2. ROLL CALL: Present: Acuna, Borelli, Hagen, Machado, Rivas

3. ANNOUNCEMENTS TO THE PUBLIC

3.1 Brewfest (Chief Nielsen)

The Chief of Police noted that the annual Brewfest event would be held on Saturday evening, June 26th, requiring a street closure on Main Street between Sacramento Street and Bedford Avenue.

3.2 July 4th Blast (Chief Nielsen)

The Chief of Police invited the public to enjoy this annual event at the Fairgrounds. City Police will be in attendance to assist in traffic control following the event.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney reported that in Closed Session, in the matter of the labor negotiations, the amendments to the Police Officers' Association Agreement and the Unrepresented Units Agreement, have been approved in concept and will be acted on this evening under Consent Calendar items 8.8 and 8.9. No other reportable action was taken in Closed Session.

5. ADOPTION OF AGENDA

It was moved by Councilmember Acuna and seconded by Councilmember Borelli to adopt the Agenda as presented. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

6. CEREMONIAL MATTERS

6.1 A Proclamation Declaring June 28 to July 4, 2010 as Yellow Ribbon Week in the City of Placerville

The Proclamation was read by Mayor Rivas and accepted by Rodney Stanhope.

7. PUBLIC COMMENT – BRIEF – NON-AGENDA ITEMS

This portion of the meeting is reserved for persons wishing to address the Council on any matter not on the Agenda that is within the subject matter jurisdiction of the City Council. State law prohibits the Council from acting on items not listed on the Agenda except by special action of the City Council under specified circumstances.

7.1 Oral Communication

Public comment was received from Sharlene McCaslin and Susan Rodman.

7.2 Written Communication

8. CONSENT CALENDAR

NOTE: All matters listed under the Consent Calendar are considered routine and are enacted by one motion by roll call vote unless any member of the Council or audience wishes to remove an item for discussion.

8.1 Minutes of the Regular City Council Meeting of June 8, 2010 (Ms. Zito)

Approved the Minutes of the regularly scheduled City Council meeting of June 8, 2010.

8.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

8.3 Payroll Register (Mr. Warren)

Approved the Payroll Register.

8.4 Destruction of Police Records (Chief Nielsen)

Pulled by Councilmember Borelli and re-numbered as Item 9.1

8.5 Auction/Surplus Property (Chief Nielsen)

Resolution No. 7808

Adopted a Resolution authorizing release of surplus City property to Roger Ernst & Associates for sale in an upcoming auction, a copy of which auction contract, and list of surplus property, is attached to the staff report.

8.6 Acceptance of Subdivision Improvements for Eskaton Village Placerville

Resolution No. 7809

Adopted a Resolution for the following action:

- 1. Accepting all subdivision improvements associated with Eskaton Village Placerville, identified under the terms of the Agreement to make Subdivision Improvements for Class I Subdivision between City and Owner dated September 26, 2006 as complete; and*
- 2. Accepting those public improvements offered for dedication to the City's maintained system for streets, storm drains, water distribution, and wastewater collection purposes; and*
- 3. Releasing the posted Performance Bond, and accepting a Maintenance and Warrantee Bond in the amount of 10% of the value of the improvements for a period of one year from this date. Said Maintenance and Warrantee Bond may be released at the end of the period if no claims are made for defects in materials or workmanship; and*
- 4. Releasing Surety Bond posted as security for labor and materials on the subdivision, providing there are no claims or liens placed against the bond within statutory time limits, pursuant to the requirements of Section 66499 et seq. of the California Government Code; and*
- 5. Acknowledging that the funding agreement between the City of Placerville and Lakemont Village Placerville, LOLC (Lakemont) to provide advanced funding for the Blairs Land Bridge Project is in no way extinguished by this Council action and will remain in full force and effect until Lakemont's obligations under the terms of that agreement are fully satisfied.*

8.7 Purchase of a Sullivan-Palatek, Model: D185PJD)185 CFM/ 100 PSI) Portable Air Compressor For a Total Purchase Price of \$14,447.58

Resolution No. 7810

Adopted a Resolution for the following action:

1. *Approving the purchase of a new Sullivan-Palatek, Model: D1185PJD (185 CFM, 100 PSI) Portable Air Compressor for the total price of \$14,447.58, including tax and freight. The compressor is to be utilized by the Public Works Department Maintenance Division in the maintenance of the City's water distribution, and sanitary sewer collections systems; and*
2. *Authorizing the City Manager to execute the necessary contract documents to complete the purchase.*

8.8 Adoption of Amendments to the Salary and Benefit Provisions for Unrepresented Employee Units (Mr. Warren)

Pulled by Councilmember Acuna and re-numbered as Item 9.2

8.9 Approval of Addendum to Memorandum of Understanding (MOU) between the City of Placerville and the Placerville Police Officers' Association (Mr. Warren)

Resolution No. 7814

Adopted a Resolution approving an Addendum to the current Memorandum of Understanding (MOU) between the City Placerville and the Placerville Police Officer Association and authorize the Mayor and City Manager to sign on behalf of the City.

8.10 Annual Certifications to the County of El Dorado For the Collection of Special Assessment Taxes (Mr. Warren)

Resolution No. 7815

Adopted a Resolution authorizing the Director of Finance to execute the Certifications of Direct Charge wherein the City of Placerville certifies that the special assessment taxes collected by the County of El Dorado meet the requirements of Proposition 218.

8.11 Interim Continuing Appropriations (Mr. Warren)

Resolution No. 7816

Adopted a Resolution that continues expenditure level authorizations prorated at 25% as adopted in the Fiscal Year 2009/2010 Operating Budget as modified through June 22, 2010, plus debt service payments.

9. ITEMS PULLED FROM THE CONSENT CALENDAR

9.1 Destruction of Police Records (Chief Nielsen)

Resolution No. 7807

Following staff clarification of Council questions, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt a Resolution approving destruction of Police Department radio communications and telephone tapes prior to the year 2008 pursuant to Government Code Section 34090.6 (Destruction of Telephone and Radio Communications) and in compliance with California Department of Justice retention periods. Additionally, approval is recommended for destruction of police moving and parking citations issued prior to the year 2008. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

9.2 Adoption of Amendments to the Salary and Benefit Provisions for Unrepresented Employee Units (Mr. Warren)

Councilmember Acuna commended employees within these Units for their continued willingness to accept the salary reductions until such time as the City's budget picture improves.

Resolution No. 7811

Adopted a Resolution amending the salary and benefit provisions for the employees in the Unrepresented Confidential Unit Classifications.

Resolution No. 7812

Adopted a Resolution amending the salary and benefit provisions for The employees in the Unrepresented Executive Management Unit Classifications.

Resolution No. 7813

Adopted a Resolution amending the Salary and Benefit Provisions for the Employees in the Unrepresented Supervisory Unit Classifications.

It was moved by Councilmember Hagen and seconded by Councilmember Acuna to approve the Consent Calendar as modified. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

10. ORDINANCES – None Scheduled

11. PUBLIC HEARINGS

Prior to this Public Hearing, the City Manager/Attorney requested that the Council address this item and Item 12.2 together due to the inter-relatedness. It was then moved by Councilmember Borelli and seconded by Councilmember Acuna to discuss the related issues of Items 11.1 and 12.2 together, as appropriate. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

11.1 Resolution of Approval of Engineer's Reports for the City Landscape, Lighting, and Maintenance Districts (LLMD) - - Orchard Hill and Cottonwood (Mr. Warren)

Resolution No. 7817

The Mayor then opened the Public Hearing for comment. No comments were noted. The Mayor then closed the Public Hearing. Staff summarized the issues related to this item and responded to Council questions. It was then moved by Councilmember Borelli and seconded by Councilmember Acuna that the City Council take the following action:

- 1. Determined that the property owners residing in the Cottonwood Park LLMC shall receive a refund for the net assessments collected in Fiscal Year 2008/2009; and*
- 2. Adopt a Resolution that:*
 - a. Approves the Engineer's Reports attached hereto and referenced herein; and*
 - b. Confirms the assessments and the diagrams as are described in full detail in the Reports on file with the City Clerk; and*
 - c. Orders NBS to prepare and submit the levy of assessments to El Dorado County for placement on the Fiscal Year 2010/2011 secured property tax roll; and*
 - d. Confirms the adoption of this resolution shall constitute the levy of assessments for the fiscal year commencing July 1, 2010 and ending June 30, 2011, Pursuant to Section 22631 of the Act.*

The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

12. DISCUSSION/ACTION ITEMS

12.1 Placerville Station II Park-and-Ride Facility, Status Report (Mr. Pesses)

The Director of Public Works presented a PowerPoint overview of the project and responded to Council questions. Public comment was received from Randy Hackbarth, Eileen Crimm, Jackie Neau, Carolyn Gilmore, Carol Patton, Kathi Lishman, and Sue Rodman.

Following Council discussion, it was moved by Vice-Mayor Machado and seconded by Councilmember Hagen to select the preferred

parking area layout referred to as “Original Design Layout” with the addition of pedestrian access from the parking lot to the trail. Prior to calling for the vote, Vice-Mayor Machado and Councilmember Hagen withdrew their motion and second. It was then moved by Councilmember Acuna and seconded by Vice-Mayor Machado to direct staff to move forward with layout referred to as “Original Design Layout”, modified slightly then to encompass pedestrian access from the parking lot to the trail, and from the parking lot to the crosswalk on Mosquito Road, and to direct staff, as the final project dimensions are determined, that any available additional space not needed for the parking lot, be used to maintain the four-foot bio-swale, or additional landscaping, or soft trail. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

12.2 George F. Duffey Park Site Improvement Plan (Mr. Youel)

The Director of Community Services summarized the history of this park development and responded to Council questions. Public comment was received from David Price, Jackie Neau, William Smith, Jack Winkler, David Cole, and Beth Fraga. Following Council discussion, it was moved by Councilmember Borelli and seconded by Vice-Mayor Machado, that this item be continued until such time as a Council site visit could be arranged. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

12.3 Community Development Block Grant (CDBG) Application (Mr. Driscoll)

Resolution No. 7818

The City Manager/Attorney summarized the projects included in this grant application and responded to Council questions. Public comment was received from Sue Rodman. It was moved by

Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt a Resolution authorizing the following actions:

- 1. Approving an application for CDBG funds up to \$800,000.*
- 2. Authorizing the City Manager to sign the application and act on the City's behalf in all matters pertaining to the application.*
- 3. If the application is approved, authorizing the City Manager to enter into and sign the grant application, including any subsequent amendments, and sign Funds Requests and other required reporting forms.*

The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

12.4 Add On Sales Tax Ballot Measure for Water and Wastewater (Mr. Driscoll)

The City Manager/Attorney summarized the results of the utility billing survey returned by ratepayers. Public comment was received from Sue Rodman, Kathi Lishman, Carol Patton, Jackie Neau, and David Price. It was then moved by Vice-Mayor Machado and seconded by Mayor Rivas to direct staff to work with the consultant to take the following action:

- 1. Put an add-on sales tax for water and wastewater on the November ballot;*
- 2. Set the add-on sales tax at ¼ ¢;*
- 3. Establish 30 years as the duration of the add-on sales tax;*
- 4. Approve in concept the draft language for the ballot question.*

The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Machado, Rivas
NOES: None
ABSENT: None
ABSTAIN: None

12.5 Status of 301-305 Main Street (Oral Report – Mr. Driscoll & Mr. Calfee)

The City Manager/Attorney summarized issues related to the status of 301-305 Main Street. Public comment was received from Carol Patton. No action was requested of the Council.

13. COUNCILMEMBERS REPORTS/ITEMS INITIATED BY COUNCILMEMBERS

Vice-Mayor Machado requested a status update on the Sign Ordinance enforcement. Staff responded and noted that two S.H.I.E.L.D volunteers have been trained and are beginning an inventory of non-compliant signs.

Vice-Mayor Machado requested a status report on the Historical Guidelines. Staff responded that an item will be scheduled for Council consideration at one of the August Council meetings.

Vice-Mayor Machado requested a status report on the replacement parking issue associated with the proposed Main St./Clay St./Cedar Ravine Roundabout project. Staff responded that the Public Works Department is working on additional parking in close proximity to the Ivy House parking lot.

Vice-Mayor Machado requested a status report on the group that is feeding the homeless at Lumsden Park. The Chief noted that he had been in discussions with the organizers of the program and have encouraged them to relocate this activity to a more appropriate location.

14. STAFF REPORTS

No staff reports were noted.

15. UPCOMING ITEMS

A Special Council Meeting has been scheduled on July 8, 2010 at 6:00 P.M. to adopt documents associated with the add-on sales tax issue, and a Budget Workshop following the Special Council Meeting.

16. ADJOURNMENT at 11:35 P.M. to Closed Session.

The Council returned from Closed Session at 12:00 A.M. and the City Manager/Attorney noted that no reportable action was taken in Closed Session. The meeting was then adjourned at 12:01 A.M.

A Special Council Meeting will be held on July 8, 2010, 6:00 P.M. Open Session.

The next Regular Council meeting will be held on July 13, 2010: 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, CMC
City Clerk