

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES
Regular City Council Meeting

November 12, 2013

City Council Chambers – Town Hall
549 Main Street, Placerville, CA 95667
5:00 P.M. Closed Session
6:00 P.M. Open Session

5:00 CLOSED SESSION

- Govt. Code § 54957.6 Conference with Labor Negotiator – Patrick Clark; Employee Organization: Stationery Engineers, Local 39
- Govt. Code § 54956.9 Conference with Legal Counsel – Threatened Litigation – One Case
- Govt. Code § 54956.8 Conference with Real Property Negotiator:
718 Main Street and 1133 Turner Court

6:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 6:00 P.M. The Pledge of Allegiance to the Flag was recited.

2. ROLL CALL: Present: Borelli, Hagen, Patton, Thomas, Wilkins

3. ANNOUNCEMENTS/PRESENTATIONS TO THE PUBLIC

Mayor Thomas thanked Councilmember Wilkins for representing the City at the Veteran's Day program at the Veteran's Memorial at the Government Center.

The Mayor also invited the public to the Christmas tree lighting ceremony on Friday, November 29th.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney announced that no reportable action had been taken in Closed Session.

5. ADOPTION OF AGENDA

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

AYES: Borelli, Hagen, Patton, Thomas, Wilkins
NOES: None
ABSENT: None
ABSTAIN: None

6. CEREMONIAL MATTERS

6.1 Mayor’s Beautification Awards for October and November

- Guardian Fiduciary Services (Owner Kathleen Schulte) 656 Main Street

The Mayor read the award and presented the certificate to property owner Kathleen Schulte.

- Historic Garage Design (Owner Lance Dohman) 2966 Clay Street

The Mayor read the award and presented the certificate to property owner Lance Dohman.

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 Written Communications

No written communications were noted.

7.2 Oral Communication

Mike Kobus, representing the Placerville Drive Business Association, invited the public to the Hangtown Holiday Ice Skating Rink, scheduled to open on December 14th and run through January 7, 2014. The ice skating rink will be located at the El Dorado County Fairgrounds on Placerville Drive.

8. CONSENT CALENDAR

8.1 Minutes of the Regular City Council Meeting of October 22, 2013 (Ms. Zito)

Approved the Minutes of the regularly scheduled Council meeting of October 22, 2013.

8.2 Accounts Payable Register (Mr. Warren)

Approved the Accounts Payable Register.

8.3 Payroll Registers (Mr. Warren)

Approved the Payroll Registers 8 and 9.

8.4 Acknowledge and File the Measure J Financial Report for the Quarter Ended June 30, 2013 (Mr. Warren)

Acknowledged and filed the Measure J Financial Report for the quarter ended June 30, 2013.

8.5 Acknowledge and File the Quarterly Investment Report for the Period Ended September 30, 2013 (Mr. Warren)

Acknowledged and filed the quarterly Investment Report for the period ended September 30, 2013.

8.6 Adopt a Resolution Authorizing the City Manager to Execute Program Supplement No. 006-N1 to Administering Agency-State Agreement No. 03-5015R Which Defines the Terms of the Federal Highway Bridge Program (HBP) Funding for the Preliminary Engineering Phase for the Clay Street at Main Street/Cedar Ravine Realignment and Clay Street Bridge Replacement Project Over Hangtown Creek (CIP #40617) and Approving Amendment No. 2 to the Consulting Services Agreement with Quincy Engineering in an Amount not to Exceed \$40,000 for Additional Services Required in

Support of the Preparation of an Environmental Impact Report (Mr. Rivas)

Resolution No. 8141

Adopted a Resolution for the following action:

- 1. Authorizing the City Manager to execute Program Supplement No. 006-N1 to Administering Agency-State Agreement No. 03-5015R which defines the terms of the Federal Highway Bridge Program (HBP) funding for the Preliminary Engineering Phase of the Clay Street at Main Street/ Cedar Ravine Realignment and Clay Street Bridge Replacement Project over Hangtown Creek (CIP #40617); and*
- 2. Approving Amendment No. 2 to the Consulting Services Agreement with Quincy Engineering in an amount not to exceed \$40,000 for additional services required in support of the preparation of an Environmental Impact Report.*

8.7 Contract Change Order No. 1 with Doug Veerkamp General Engineering for the Cedar Ravine Sewer Relocation Project (CIP #41212 and Accepting All Work as Complete (Mr. Rivas)

Resolution No. 8142

Adopted a Resolution for the following action:

- 1. Approving Contract Change Order No. 1 with Doug Veerkamp General Engineering for the Cedar Ravine Sewer Relocation Project (CIP #41212), in the amount of \$20,990.00, and authorizing the City Manager to execute same; and*
- 2. Accepting the Cedar Ravine Sewer Relocation Project (CIP #41212) and all associated work as complete and authorizing the City Engineer to execute a Notice of Completion and instructing the City Clerk to record said Notice with the El Dorado County Recorder's Office; and*
- 3. Authorizing the Finance Director to release all remaining retention being held for construction security, thirty (30)days after the date of Notice of Completion filing; and*
- 4. Authorizing the release of the Performance Bond and the release of the Labor and Materials Surety Bond, after the statutory 30 day time period, if no claims are made against the project.*

8.8 Adopt a Resolution Authorizing the Submittal of a Regional Application on Behalf of Itself and the Participating Cities and Counties or Other Entities to the El Dorado County Air Quality Management District for an AB2766 Motor Vehicle Emission Reduction Projects Grant, FY 2014/15 and Authorizing the City Manager, or His Designee, to Execute all Grant Documents Necessary to Secure Grant Funds and Implement the Approved Grant Project (Mr. Rivas)

Resolution No. 8143

Adopted a Resolution for the following action:

1. *Authorizing the submittal of a regional application on behalf of itself and the participating cities and counties or other entities to the El Dorado County Air Quality Management District for an AB 2766 Motor Vehicle Emission Reduction Projects Grant, FY 2014/15; and*
2. *Authorizing the City Manager, or his designee, to execute all grant documents necessary to secure grant funds and implement the approved grant project.*

Public comment was received David Price regarding Item 8.6, Sue Rodman regarding 8.7, and Michael Drobesh regarding Item 8.1. It was then moved by Vice-Mayor Hagen and seconded by Councilmember Borelli that the City Council approve the Consent Calendar as presented. The motion was passed by the following vote:

AYES: Borelli, Hagen, Patton, Thomas, Wilkins
NOES: None
ABSENT: None
ABSTAIN: None

9. ORDINANCES – None Scheduled

10. PUBLIC HEARINGS – None Scheduled

11. DISCUSSION/ACTION ITEMS

11.1 Request to Extend the Expiration Date of Special Temporary Use Permit 2012-02 from November 15, 2013 to July 1, 2014 for the Hangtown Haven Temporary Homeless Encampment Located at 1688 Broadway (Mr. Rivas)

The Director of Development Services summarized the issues before the City Council this evening and responded to Council questions. Chief Heller read his staff report entitled, "Habitual Transient Offender Contacts on the Rise". Appellant Art Edwards presented a report to the Council. Public comment was received from the following speakers: Ken Green, Don VanDerKar, Cyndy Salmon, Becky Nylander, Wade Askew, Joseph Nicols, Robert Caruso, James Bate, Jamie Anders, Kevin Broils, Joseph Dinnan, Janis Carney, Richard Zito, James Atkins, Karen Shelnutt, Karen Tustin, Herb Whitaker, Duane Butler, Susan Rodman, Mark and Gina Hale, Judy Ball, Frank Mattos, Tiffany Emigh, Laurie Marchant, Jeff Hitt, Jackie Neau, Evelyn Veerkamp, Steve Neau, Kirk Smith and Kris Payne. Following Council discussion, it was moved by Councilmember Patton and seconded by Councilmember Wilkins that the City Council take the following action:

- 1. Make a finding that Hangtown Haven has a detrimental effect on the upper Broadway residential and commercial area and deny the request of Hangtown Haven, Inc. to extend Special Temporary Use Permit expiration date from November 15, 2013 to July 1, 2014 allowing for the continuation of a homeless encampment located at 1688 Broadway (Assessor's Parcel No. 049:170:03); and*
- 2. Adopt staff's report, including all exhibits, and Chief of Police Heller's memo entitled, "Habitual Transient Offender Contacts on the Rise"; and*
- 3. Make the following findings with respect to Special Temporary Use Permit (TUP) 2012-02:*
 - I. Special Temporary Use Permit 2012-02 was considered by the City Council on their regular meeting of October 23, 2012 and established a final expiration date of November 15, 2013 based on the following findings of fact:*
 - A. Lack of safe pedestrian access to and from the site, with no sidewalk or lighting facilities.*
 - B. Concerns for the site to be all-weather capable. Tents are not heated nor intended for year-round use, and site access drive, and slopes and drainage would need to be more permanently stabilized. The site lacks the permanent water, sewer, and electrical facilities that would be required of other long term or permanent uses within the site zoning.*

- C. *The continued existence of an encampment at this location would be subject to environmental review under the California Environmental Quality Act to mitigate potential environmental impacts with the continued extension of the encampment and its establishment as a more permanent campground use.*
- D. *The temporary encampment on the site was an experiment to determine if such a facility could exist successfully within the City or County and provide for some of the needs of the homeless. The encampment was only intended to be temporary and act as a “stop gap” measure to get some of its residents through last winter with a termination date of November 15, 2013.*
- II. *City Zoning Ordinance Code Section 10-4-7(B) 3 limits the duration of a Temporary Use Permit to no more than one year duration.*
- III. *The Highway Commercial Zone does not permit campgrounds either by right or by conditional use permit as a permanent use.*
- 4. *Direct that Hangtown Haven, Inc. and/or the property owner begin removal of all structures, materials, and personal belongings, including tents, picnic tables, portable tables and wash basins within 60 days of the expiration date; not permit any overnight stay after November 15, 2013; and ensure that the property is properly secured from unauthorized occupation; and*
- 5. *Direct staff to monitor the removal of the encampment facility from the premises within the specified time period, ensure that no overnight occupancy of the site is occurring, and proceed with administrative abatement proceedings should the facility not be removed within the 60-day time period; and*
- 6. *Direct staff to work with Hangtown Haven and the Community Resource Center and assist in facilitating coordination with the Interfaith Rotating Winter Shelter (“Nomadic Shelter”), assist in seeking a suitable day-time shelter location for this coming winter season, and assist in identifying funding sources for a permanent emergency shelter facility, or other transitional housing solution to meet the needs of the homeless.*

The motion was passed by the following vote:

AYES: Borelli, Hagen, Patton, Thomas, Wilkins
 NOES: None
 ABSENT: None
 ABSTAIN: None

11.2 Adopt a Resolution Approving the Revised Job Description and Salary Range for Public Works Superintendent and Authorize the Funding of One Senior Maintenance Worker Position (Mr. Morris)

Resolution No. 8144

The City Manager summarized the revisions to the job description of the Public Works Superintendent and responded to Council questions. It was then moved by Councilmember Borelli and seconded by Councilmember Patton that the City Council adopt a Resolution approving the revised job description and salary range for Public Works Superintendent and authorize the funding of one Senior Maintenance Worker position. The motion was passed by the following vote:

AYES: Borelli, Hagen, Patton, Thomas, Wilkins
NOES: None
ABSENT: None
ABSTAIN: None

12. COUNCIL REPORTS AND REQUESTS FOR FUTURE AGENDA ITEMS – (Requests for Future Agenda Items Requires a Majority Concurrence of the Council)

Councilmember Patton thanked local veterans for their service and reported on a LAFCO workshop she had recently attended.

Councilmember Borelli reported that she had attended the County Economic Development Advisory Committee meeting, the El Dorado County Association of Realtors Summit, a SEDCorp meeting, a 2 x 2 meeting with El Dorado County, she had also attended the monthly El Dorado County Transit Authority meeting and the El Dorado County Transportation Commission meeting. Councilmember Borelli, Councilmember Wilkins and Director of Development Services Rivas attended the First Thursday dinner in Sacramento.

Mayor Thomas reported that she had attended several Homeless related meetings since the last Council meeting.

Vice-Mayor Hagen attended the Mountain Democrat ribbon-cutting ceremony and had attended a Police technology meeting with Chief Heller. He also attended a Business Outreach meeting, a SACOG meeting and noted that the Cary House had hosted a large event recently.

Councilmember Wilkins attended the Trick or Treat event in the historic downtown on Halloween, the El Dorado County Realtors Summit, the El Dorado

County Transit meeting, and represented the City at the Veteran's Day service at the County Government Center.

13. ITEMS PULLED FROM THE CONSENT CALENDAR

No items were pulled from the Consent Calendar.

14. CITY MANAGER AND STAFF REPORTS

An oral report was given by Director of Development Services regarding the Housing Element. No Council action was recommended or taken.

City Manager Morris requested the Council schedule a workshop regarding Capital Improvement needs in January. Councilmember Patton asked if the Council and staff were going to hold a goal setting workshop this year. Staff responded that they will schedule these meetings.

15. UPCOMING ITEMS

Items tentatively scheduled for the November 26, 2013 City Council meeting include: Marshall Hospital Re-Zone.

16. ADJOURNMENT at 10:05 P.M.

The next Regular Council meeting will be held on November 26, 2013
5:00 P.M. Closed Session; 6:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk