

**CITY OF PLACERVILLE  
CITY COUNCIL**

**MINUTES**

Regular City Council Meeting

**January 8, 2013**

City Council Chambers – Town Hall  
549 Main Street, Placerville, CA 95667  
6:30 P.M. Closed Session  
7:00 P.M. Open Session

*Prior to the Vice-Mayor calling the Closed Session to order, the City Attorney requested that the Council, by a 4/5ths vote, approve an additional item under Govt. Code 54956.9, Threatened Litigation. A threat of litigation regarding an item on this evening's agenda, was received by mail following the publication of the Agenda. It was moved by Councilmember Hagen and seconded by Councilmember Patton that an additional item be added to the Closed Session Agenda, under Government Code § 54956.9, Threatened Litigation. The motion was passed by the following vote:*

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

**6:30 CLOSED SESSION**

Govt. Code 54956.9 Conference with Legal Council – One Liability Claim:  
Jim Zamosky

Govt. Code 54956.8 Conference with Real Property Negotiator – 487 Main Street

**7:00 P.M. OPEN SESSION**

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

*The Vice-Mayor called the meeting to order at 7:07 p.m. The Director of Community Services led the Pledge of Allegiance to the Flag.*

**2. ROLL CALL: Present: Borelli, Hagen, Mattson, Patton, Wilkins**

### **3. ANNOUNCEMENTS/PRESENTATIONS TO THE PUBLIC**

*Vice-Mayor Mattson invited new Councilmembers Patton and Wilkins to address the public. Both new Councilmembers thanked the community for their support during the election and Councilmember Patton personally thanked past Mayor Acuna and former Councilmember Lishman.*

*Vice-Mayor Mattson noted the recent death on New Year's Eve of City resident Daniel Ferrier, a security employee of an Old Sacramento sports bar, during an altercation in which Mr. Ferrier and another employee were fatally shot. Mr. Ferrier's family was given special consideration by the Main Street merchants including Combellack's who donated suits to Mr. Ferrier's family for the memorial service. On behalf of the City, Vice-Mayor Mattson thanked the community for rallying behind Mr. Ferrier's family.*

*Vice-Mayor Mattson also announced a "Love is in the Air" program with participating Main Street merchants. She noted that this program is modeled after a program in Saratoga, encouraging the community to write "love letters" about things they love in their community. She hopes that this program can expand to Broadway Village and Placerville Drive business communities next year.*

### **4. CLOSED SESSION REPORT – City Attorney Driscoll**

*The City Attorney reported that by a unanimous vote of the City Council, the claim of Jim Zamosky was rejected. No other reportable action was taken in Closed Session.*

### **5. ADOPTION OF AGENDA**

*It was moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council adopt the Agenda as presented. The motion was passed by the following vote:*

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

## **6. CEREMONIAL MATTERS**

### **6.1 Motion for the City Council to Adjourn the Meeting Sine-Die, and Appoint the City Manager as Temporary Chairperson**

*The meeting was adjourned by Vice-Mayor Mattson Sine-Die and the City Manager was appointed as Temporary Chairperson. The City Manager called the meeting to order and requested nominations from the Council for the election of Mayor. It was moved by Councilmember Borelli and seconded by Councilmember Patton to elect Vice-Mayor Mattson as Mayor for 2013. No other nominations were forthcoming. The motion was passed by the following vote:*

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

### **6.2 The Mayor Calls for Nominations for Vice-Mayor**

*Mayor Mattson then called for a motion and a second to nominate candidate(s) within the Council for the position of Vice-Mayor. It was moved by Councilmember Patton and seconded by Mayor Mattson that Carl Hagen be elected as Vice-Mayor. No other nominations were forthcoming. The motion was passed by the following vote:*

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

### **6.3 A Proclamation Declaring a Season for Non-Violence**

*The Mayor read by title a Proclamation Declaring January 30, 2013 to April 4, 2013 as a Season for Non-Violence .*

## **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 or commenting 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**

*Michael Drobesh congratulated the newly elected City Council and thanked the City Clerk for lending him a copy of the full Agenda prior to the meeting.*

## **8. CONSENT CALENDAR**

**NOTE:** All matters listed under the Consent Calendar are considered routine and will be enacted by one motion by roll call vote unless any member of the Council wishes to remove an item for discussion. The reading of the full text of all Resolutions will be waived unless a Councilmember requests otherwise.

### **8.1 Minutes of the Regular City Council Meeting of December 11, 2012 (Ms. Zito)**

*Approved the Minutes of the regularly scheduled Council meeting of December 11, 2012.*

### **8.2 Accounts Payable Register (Mr. Warren)**

*Approved the Accounts Payable Register.*

### **8.3 Payroll Registers (Mr. Warren)**

*Approved the Payroll Registers for Pay Periods 12 and 13.*

### **8.4 Measure J Quarterly Report (Mr. Warren)**

*Acknowledged and filed the Measure J Quarterly Report.*

### **8.5 Minutes of the Special City Council Meeting of December 18, 2012 (Ms. Zito)**

*Approved the Minutes of the Special City Council Meeting of December 18, 2012.*

**8.6 Adopt a Resolution Authorizing the Mayor, City Manager, and the City's Labor Negotiator to execute an addendum to the Memorandum of Understanding with the Placerville Police Officers' Association and Appropriating \$27,373 from the Reserve for Economic Uncertainties for the Additional Costs Associated with Said Addendum (Mr. Warren)**

**Resolution No. 8064**

*Adopted a Resolution for the following action:*

- 1. Authorizing the Mayor, City Manager, and the City's labor negotiator to execute an addendum to the Memorandum of Understanding with the Placerville Police Officers' Association; and*
- 2. Appropriating \$27,373 from the Reserve for Economic Uncertainties for the additional costs associated with the said addendum.*

*It was 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, Mattson, Patton, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

**9. ORDINANCES**

**9.1 A First Reading of an Ordinance Amending City Municipal Code § 1-14-3, Meetings (Mr. Morris)**

*Public comment was received from Sue Rodman and Michael Drobesch. Following Council discussion and staff response to Council questions, it was moved by Councilmember Borelli to introduce an Ordinance of the City of Placerville amending Section 1-14-3A of the Placerville Municipal Code Setting the time for City Council meetings. It was then moved by Councilmember Borelli and seconded by Councilmember Wilkins that the City Council waive the First Reading of said Ordinance. The motion was passed by the following vote:*

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

## 10. PUBLIC HEARINGS

### 10.1 **A Public Hearing Regarding Conditional Use Permit 2012-03 (1750 Broadway – Mercy Way Rescue Church) (Mr. Webb)**

*The Director of Development Services summarized the issue and the action taken by the Planning Commission on December 4, 2012. The Mayor then opened by Public Hearing for comment. Public comment was received from Frank Gates, Dr. Mary Maaga, Oleg Yevsyukov, Michael Faber, Judy Puthuff, Mike Drobesh, Steve Garish, Rodney Stanhope, Steve Puthuff, Pastor Dave Cook, and Paula Lee. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council approve Conditional Use Permit (CUP) 2012-03 with the Findings, and subject to the Conditions of Approval, listed as Attachment 1, and outlined as follows:*

1. *CUP 2012-03 shall apply only to the project parcel, APN 049-190-25, regardless of any change of ownership;*
2. *CUP 2012-13 allows the 968-square-foot building located at 1750 Broadway to be utilized as a church facility and shuttle bus stop for the rotating winter shelter, consistent with the following provisions:*
  - a. *The facility shall be limited to a maximum occupancy of twenty (20) at any given time due to parking availability pursuant to the Zoning Standards, unless Building or Fire Codes require a more restrictive occupancy limit. The occupancy limit may be increased up to a maximum of 49 by the Director of Development Services upon submittal, approval, and installation of a detailed, dimensioned alternative site plan providing for a minimum of one parking space for every four seats pursuant to the parking requirements set forth in the Zoning Ordinance. Parking shall not overlap or conflict with the staging, loading, and maneuvering area for the shuttle bus.*
  - b. *Amplification of sound discernible beyond the property boundary shall not be utilized on-site at any time.*
  - c. *Shuttle buses serving the Rotating Winter Shelter shall be limited to no more than two stops at the site per day from November through March. Shuttle buses shall not be stored on-site;*
  - d. *Individual and small group counseling services may be provided on-site subject to occupancy limits;*

- e. *The facility shall not be utilized for food preparation without installation of appropriate facilities and approval of building permit and clearance from the El Dorado County Environmental Health department;*
3. *CUP 2012-03 shall become effective and be issued immediately after the City Council grants the permit;*
4. *CUP 2012-03 shall be reviewed by the Planning Commission no later than six months after issuance for compliance with all conditions of approval and to assess the continued compatibility of the use. The Planning Commission shall give due regard to the General Plan policy of continued presence and proximity of similarly situated uses catering to the homeless population and the continued appropriateness of this site to serve as the shuttle bus stop for the rotating winter shelter. At that time, the Commission shall determine whether the use is in compliance with the provisions of CUP 2012-03. Should the Commission find that the use is not compliant with the Conditions of Approval, or that the use is no longer compatible with the site or its surroundings, the Commission may request that CUP revocation proceedings be scheduled for a public hearing to allow for revocation or modification of the CUP. The determination of the Planning Commission shall be appealable to the City Council;*
5. *Any proposed future alterations to the use, occupancy, or hours beyond what is authorized under CUP 2012-03 shall require submittal of a Conditional Use Permit amendment application and public hearing before the Planning Commission;*
6. *After City Council approval, the applicant shall submit three copies of construction plans and supporting documents for change in occupancy, prepared by a California licensed architect or engineer, to the Building Division for review and building permit issuance. An additional copy must be submitted to the El Dorado County Fire Protection District for their review. Failure to obtain permits and make all necessary improvements for the intended occupancy immediately and to the satisfaction of the City Building Official in a timely manner shall result in immediate code enforcement actions, fines, possible CUP revocation proceedings. Diligence in completing the improvements shall be demonstrated as follows:*
  - a. *A complete building permit application with all required plans and documents as determined necessary by the Building Official shall be submitted by no later than January 29, 2013;*
  - b. *The applicant shall submit necessary corrections to plan check comments within ten business days of receiving those comments;*

- c. *The applicant shall obtain the building permit within five days of being notified of the availability of the permit;*
  - d. *The necessary improvements to the building and property as required by the building permit and all CUP conditions of approval shall be completed with approved inspections within 60 days of permit issuance, unless extended due to extenuating circumstances by the Director of Development Services.*
7. *A plan for a minimum of five parking spaces shall be submitted to the City for review and approval prior to installation and shall be installed to the satisfaction of the City. A minimum of one space shall be van-accessible;*
  8. *A screening enclosure for refuse and recycling containers shall be designed and constructed to the satisfaction of the Development Services Department;*
  9. *Placement of a storage shed, outdoor tables, benches, and planters shall be first reviewed and approved by the Development Services Department;*
  10. *An accessible path of travel from the van-accessible loading zone shall be provided to the entrance of the building;*
  11. *An encroachment permit shall be obtained for any work within the City right-of-way or with City facilities. The encroachment permit application shall be processed and approved concurrently with the improvement plans;*
  12. *The applicant shall make every attempt to maintain the site free of debris and litter at all times;*
  13. *The applicant shall install a sign and take appropriate measures to prevent loitering in the parking lot at all times.*

*The motion was passed by the following vote:*

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

## **11. DISCUSSION/ACTION ITEMS**

### **11.1 Extension of the Temporary Road Closure of a Portion of Fair Lane to February 3, 2013 and Authorize Staff to Extend by One Day for Every Non-Working Day Due to Weather, and Adopt a Resolution Approving Contract Change Orders 1 through 5 (Mr. Webb)**

**Resolution No. 8065**

*Public comment was received from Michael Drobesh. Following Council discussion and staff response to Council questions, it was moved by Councilmember Patton and seconded by Councilmember Borelli that the City Council approve by Minute Action the extension of the temporary road closure of a portion of Fair Lane to February 3, 2013, and authorize staff to extend by one day for every non-working day due to weather, and adopt a Resolution approving five construction contract change orders for the Western Placerville Interchanges Phase 1A Project (CIP #41301), and authorizing the City Manager to execute same. The motion was passed by the following vote:*

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

**11.2 Consider Payment of Optional Litigation Surcharge of 10%, or \$550.70, to the League of California Cities to Assist in Covering the Cost of Litigation (Mr. Morris)**

*The City Manager summarized the issue and the City Attorney responded to Council questions. Public comment was received from Michael Drobesh. Following Council discussion, it was moved by Vice-Mayor Hagen and seconded by Councilmember Patton that the City Council authorize the payment of optional litigation surcharge of 10%, or \$550.70, to the League of California Cities to assist in covering the cost of litigation. The motion was passed by the following vote:*

AYES: Borelli, Hagen, Mattson, Patton  
NOES: Wilkins  
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 Borelli, Vice-Mayor Hagen, and Mayor Mattson summarized various meetings that they had attended in December on behalf of the City.*

**13. ITEMS PULLED FROM THE CONSENT CALENDAR**

*No items were pulled from the Consent Calendar.*

**14. CITY MANAGER AND STAFF REPORTS**

*The City Clerk announced that the recruitment for citizen City committees and commissions has begun and the application period will close on February 4, 2013.*

**15. UPCOMING ITEMS**

*Items tentatively scheduled for the next regular City Council meeting of January 22, 2013 include: a Second Reading of an Ordinance Amending Municipal Code §1-14-3, acknowledgement of the Mayor's appointments of Councilmembers to other agency boards, Measure J Report, Duffey Park playground equipment, and Western Placerville Interchanges (WPI) Dokken Engineering agreement.*

**16. ADJOURNMENT at 9:40 p.m.**

The next Regular Council meeting will be held on January 22, 2013  
6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

A Community Chat is scheduled for January 29, 2013 at 6:00 P.M.

Susan Zito, MMC  
City Clerk