

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting

March 13, 2012

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 CLOSED SESSION

- Govt. Code § 54956.9 Conference with Legal Counsel – Existing Litigation:
Mitchell Engineering, Inc. v State of California,
Department of Transportation, Case no. A-007-10,
before the Office of Administrative Hearings, State of
California.
- Govt. Code § 54956.9 Conference with Legal Council - Existing Litigation
Friends of Historic Hangtown v. City of Placerville,
et al., Case Number: PC 20110145
- Govt. Code § 54957.6 Conference with Labor Negotiator – Patrick Clark:
Employee Organization: Placerville Police Officers’
Association

7:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 7:05 P.M. The Pledge of Allegiance to the Flag was recited.

- 2. ROLL CALL: **Present:** Acuna, Borelli, Hagen, Mattson
Absent: Machado**

3. ANNOUNCEMENTS TO THE PUBLIC

The Mayor reminded the public that, if they used irrigation water during the dry winter months, and noticed an increase in their water/ sewer utility bill, a request for reconsideration of the billing could be forwarded to the Finance Department. The form is available in the current utility bill as well as on the City's website.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney noted 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 Mattson that the City Council adopt the Agenda as presented. The motion was passed by the following vote:

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

6. CEREMONIAL MATTERS – None Scheduled

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

Dennis Thomas, owner of Robinson's Pharmacy, responded to comments made by Barry Batchelor at a previous Council meeting regarding downtown parking.

Barry Batchelor addressed the Council and complimented the American and California flags displayed at the "Welcome to Placerville" sign on Highway 50 at Canal Street. He also commended City staff for working cooperatively with the new owners of 301-305 Main Street buildings to make their building renovation project a success. Mr. Batchelor also commented on the Buxton study and downtown parking.

Michael Drobesh commented on proposed initiative that would make California's legislature part-time. Mr. Drobesh also requested clarification on a point of order in the Council meeting protocol.

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

- Vice-Mayor Mattson reported on her attendance at the recent meetings of the Local Agency Formation Commission (LAFCO), El Dorado County Transportation Commission (EDCTC), and El Dorado County Transit Authority (EDCTA). She also reported on the recent Community Coffee, held at Centro coffee shop on Friday, March 9th. She invited the public to attend the Flower Baskets on Main Street fundraiser, sponsored by the Placerville Downtown Association, on Monday, March 26th at Powell's. She noted that the City and County will begin the process of regular joint meetings to discuss items of mutual concern. The meetings will include both elected officials and City and County staff. In closing, the Vice-Mayor requested that the Council concur that Carly Bray, the El Dorado High School student who was recently involved in a life-threatening accident, be invited to a Council meeting and receive a proclamation for her undaunted spirit in overcoming her injuries. The Council concurred with Vice-Mayor Mattson's request.*
- Councilmember Hagen reported on his recent attendance at meetings of the El Dorado County Transportation Commission and Sacramento Area Council of Governments (SACOG). He also reported on various grant monies available through both entities.*
- Councilmember Borelli reported on her attendance at recent EDCTC, EDCTA, and Sierra Economic Development Corporation (SEDCorp) meetings. Councilmember Borelli noted that SEDCorp will be hosting a meeting regarding broadbanding on March 29th at 10 A.M. at the Auburn Veteran's Memorial Building, 100 East Street, Auburn.*
- Mayor Acuna reported on the Community Coffee event and the local merchant's concerns regarding the recent ADA lawsuits in El Dorado County. The Mayor thanked Interim Public Works Director, Nate Stong, for attending the Community Coffee to respond to citizen's concerns. The Mayor also noted that the Community Development Department*

offers a complimentary walk-through process that allows a new commercial tenants to understand what modifications are required in the building permit process. He further requested that Building Official, John Brownlee, be invited to the next Council meeting on March 27th to discuss what the City can do to assist those businesses cited for ADA non-compliance. The Mayor also noted that he had recently participated in a promotional interview panel for the El Dorado County Fire Protection District for candidates for the rank of Fire Captain.

9. 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 staff wishes to remove an item for discussion.

9.1 Minutes of the Regular City Council Meeting of February 28, 2012 (Ms. Zito)

Approved the Minutes of the regularly scheduled Council meeting of February 28, 2012.

9.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

9.3 Payroll Register (Mr. Warren)

Approved the Payroll Register.

9.4 Approval of the City Council Handbook (Mr. Morris)

Pulled by Vice-Mayor Mattson and re-numbered as Item 13.1

9.5 Adopt a Resolution Authorizing the City Manager to Execute the First Amendment to the Work Plan Agreement to Share Costs for Fiscal Year 2011/2012 with the El Dorado County Water Agency (Mr. Stong)

Resolution No. 7979

Adopted a Resolution authorizing the City Manager to execute the first amendment to the Work Plan Agreement to Share Costs for fiscal year 2011/2012 with the El Dorado County Water Agency.

- 9.6 Adopt a Resolution Supporting Submission of a Grant Application for the El Dorado County Government and Justice Center Multi-Modal Access Project in the Amount of \$10,832,000 Through the National Infrastructure Investments under the 2012 Full-Year Continuing Appropriations Act TIGER IV Discretionary Grants; and Authorize the City Manager, or Director of Public Works, to Execute All Necessary Applications, and Support Documents Related to the Submittal of the Grant Application (Mr. Stong)**

Pulled by audience member Michael Drobesh and re-numbered as Item 13.2.

- 9.7 Adopt a Resolution Authorizing the City Manager to Enter into a Utility Relocation Agreement with PG&E in an Amount of \$8,207.71 for Relocation of Existing Electric Facilities Required as Part of the Western Placerville Interchanges Phase 1A Project; and Authorizing the City Manager and Interim Director of Public Works to Execute a Utility Relocation Agreement between the City of Placerville on Behalf of the State of California and the City of Placerville for Relocation and Upsizing of Existing Sewer Facilities Required as Part of the Western Placerville Interchanges Phase 1A Project (CIP #40705) (Mr. Stong)**

Resolution No. 7981

Mayor Acuna and Councilmember Borelli declared conflicts of interest and recused themselves from discussion or action on this item. Mayor Acuna noted that he is a P.G.& E. employee as a reason for his recusal and Councilmember Borelli noted that she owns P.G.&E stock as a reason for her recusal. The City Attorney noted that due to Councilmember Machado's absence, the two recusals would eliminate a quorum for this item. The Government Code provides for a means of allowing a recused Councilmember to vote on an item to provide a minimum quorum. The method of determining who can be allowed to vote is by a game of chance, or the drawing of lots. The City Attorney prepared two pieces of paper, one with an "x" drawn on it, folded the papers and Councilmember Borelli and Mayor Acuna both drew the papers at random. The City Attorney noted that the individual who drew the paper marked with an "x" would be allowed to vote. Councilmember Borelli drew the marked piece of paper.

The City Council adopted a Resolution for the following action:

1. *Authorizing the City Manager to enter into a Utility Relocation Agreement with PG&E in an amount of \$8,207.71 for relocation of existing electric facilities required as part of the Western Placerville Interchanges Phase 1A Project; and*
2. *Authorizing the City Manager and Interim Director of Public Works to execute a Utility Relocation Agreement between the City of Placerville on behalf of the State of California and the City of Placerville for relocation and upsizing of existing sewer facilities required as part of the Western Placerville Interchanges Phase 1A Project (CIP #40705)*

9.8 Adopt a Resolution Authorizing the Mayor and City Attorney to Execute a Superseding Freeway Agreement with the California Department of Transportation (Caltrans), Subject to the Approval of the City Attorney and the Director of Public Works (Mr. Stong)

Resolution No. 7982

And Separately Adopt a Resolution Requesting California Transportation Commission (CTC) Approval of a New Public Road Connection to Highway 50 at Ray Lawyer Drive; and Authorizing the City Manager to Execute Applications and/or Agreements Required by the CTC and/or Caltrans as part of the Requested Approval for said New Public Road Connection; and Committing to Fund and Deliver the Ray Lawyer Drive Interchange project, a component of the Western Placerville Interchanges Project (CIP #40705), Within Ten Years of CTC Approval of the New Public Road Connection (Mr. Stong)

Resolution No. 7983

Adopted a Resolution for the following action:

1. *Authorizing the Mayor and City Attorney to execute a Superseding Freeway Agreement with the California Department of Transportation (Caltrans), subject to any minor, non-substantive modifications that may be required, and subject to the approval of the City Attorney and Director of Public Works.*

And separately, adopt a Resolution for the following action:

1. *Requesting California Transportation Commission (CTC) approval of a New Public Road Connection to Highway 50 at Ray Lawyer Drive; and*
2. *Authorizing the City Manager to execute applications and/or agreements required by the CTC and/or Caltrans as part of the requested approval for said New Public Road Connection; and*
3. *Committing to fund and deliver the Ray Lawyer Drive Interchange project, a component of the Western Placerville Interchanges Project (CIP #40705), within ten years of CTC approval of the New Public Road Connection.*

9.9 Adopt a Resolution Approving an Agreement with SCC Consulting to hold Public Meetings and Prepare Grant Application for Community Development Block Grant Funds (Mr. Morris)

Resolution No. 7984

Adopted a Resolution approving an agreement with SCC Consulting to hold public meetings and prepare grant application for Community Development Block Grant funds.

It was moved Councilmember Hagen and seconded by Vice-Mayor Mattson that the City approve the Consent Calendar as modified. The motion was passed by the following vote:

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

Further, it was moved by Councilmember Hagen and seconded by Vice-Mayor Mattson that the City Council approve Item 9.7. The motion was passed by the following vote:

AYES: Borelli, Hagen, Mattson
 NOES: None
 ABSENT: Machado
 ABSTAIN: None
 RECUSED: Acuna

10. ORDINANCES – None Scheduled

11. PUBLIC HEARINGS – None Scheduled

12. DISCUSSION/ACTION ITEMS

12.1 Mid-Year Budget Report (Mr. Warren)

The Director of Finance presented a PowerPoint on the Mid-Year Budget Report and responded to Council question. By consensus of the City Council, the Report was acknowledged and filed. The Mayor thanked City employees for their continued efforts with reduced salary and staffing.

12.2 Review and Give Staff Direction Regarding City Goal-Setting/Visioning and the Recent Neighborhood Chats (Mr. Morris)

Public comment was received from Michael Drobesh. Following Council discussion, the City Council gave staff direction regarding City goal-setting/visioning and the recent Neighborhood Chats.

12.3 Adoption of a Master Calendar-Year Schedule for City Council Meetings (Ms. Zito)

The City Clerk presented the Council master calendar and responded to Council questions. Following Council discussion, it was moved by Councilmember Hagen and seconded by Vice-Mayor Mattson that the City Council adopt a master calendar-year schedule for City Council meetings. The motion was passed by the following vote:

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

13. ITEMS PULLED FROM THE CONSENT CALENDAR

13.1 Approval of the City Council Handbook (Mr. Morris)

Resolution No. 7978

Public comment was received from Michael Drobesh. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council adopt a

Resolution approving the City Council Handbook, with minor typographical corrections, by the following vote:

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

13.2 Adopt a Resolution Supporting Submission of a Grant Application for the El Dorado County Government and Justice Center Multi-Modal Access Project in the Amount of \$10,832,000 Through the National Infrastructure Investments under the 2012 Full-Year Continuing Appropriations Act TIGER IV Discretionary Grants; and Authorize the City Manager, or Director of Public Works to Execute All Necessary Applications, and Support Documents Related to the Submittal of the Grant Application (Mr. Stong)

Resolution No. 7980

Staff responded to Council questions. Public comment was received from Michael Drobesh. Following Council discussion, it was moved by Councilmember Borelli and seconded by Vice-Mayor Mattson that the City Council adopt a Resolution for the following action:

- 1. Supporting the submission of a grant application for the El Dorado County Government and Justice Center Multi-Modal Access Project in the amount of \$10,832,000 through the National Infrastructure Investments under the 2012 Full-Year Continuing Appropriations Act TIGER IV Discretionary Grants; and*
- 2. Authorize the City Manager, or the Director of Public Works to execute all necessary applications, and support documents related to the submittal of the grant application.*

The motion was passed by the following vote:

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

14. CITY MANAGER AND STAFF REPORTS

The Interim Director of Public Works reported on the installation of a new hydrant adjacent to Centro on Main Street.

15. UPCOMING ITEMS

Items tentatively scheduled for the March 27th Council meeting include downtown parking recommendations, the ADA impact to local businesses, a revised sewer Ordinance, an update on abandoned pole signs and pole structures, and the oath of office administered to new SHIELD volunteers.

16. ADJOURNMENT at 9:24 P.M.

The next Regular Council meeting will be held on March 27, 2012, 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk