

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting

September 13, 2011

City Council Chambers – Town Hall
549 Main Street, Placerville, CA 95667
5:30 P.M. Closed Session
7:00 P.M. Open Session

5:30 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 54956.9 | Conference with Legal Counsel – Anticipated Litigation – one case |
| Govt. Code 54956.9 | Conference with Legal Counsel – Existing Litigation
Friends of Historic Hangtown vs. City of Placerville |
| Govt. Code 54956.8 | Conference with Real Property Negotiator – 487 Main Street |
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7:00 P.M. OPEN SESSION

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

The Mayor Pro Tem called the meeting to order at 7:00 P.M. The Pledge of Allegiance to the Flag was recited.

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

3. ANNOUNCEMENTS TO THE PUBLIC

3.1 Oktoberfest, Saturday, September 17, 2011 (Chief Nielsen)

The Chief of Police noted that Main Street would be closed for this first annual event. The event is scheduled from 3:00 P.M. to 8:00 P.M.

3.2 Hangtown Car Show, Thursday, September 22, 2011 (Chief Nielsen)

The Chief invited the public to attend this event on Main Street. A road closure will be in effect. The event is scheduled from 5:00 P.M. to 8:00 P.M.

3.3 23rd Annual Antique Street Faire, Sunday, September 25, 2011 (Chief Nielsen)

The Chief noted that this annual event would involve a closure of Main Street. The event is planned from 8:00 A.M. to 3:00 P.M.

3.4 Mayor Pro Tem Acuna Commends Director of Public Works

The Mayor Pro Tem noted that he had received a call from a Morrene Drive resident thanking the City for the recently completed overlay project and thanked the Director of Public Works for a job well done.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney reported that no reportable action was taken on the matter of existing litigation related to Friends of Historic Hangtown vs. City of Placerville, nor in the matter of the conference with real property negotiator regarding 487 Main Street. In the matter of anticipated litigation, the City Attorney noted that at the last Council meeting, the District Attorney had made a request concerning a matter that potentially involved threatened litigation. Council directed staff to cooperate fully with the District Attorney.

5. ADOPTION OF AGENDA

Councilmember Mattson requested that Item 13, Council Reports, be moved forward in the Agenda to follow Item 7.2, Written Communication. It was then moved by Councilmember Mattson and seconded by Councilmember Borelli to adopt the Agenda as modified. The motion was passed by the following vote

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

6. CEREMONIAL MATTERS

6.1 A Proclamation Declaring September 12 – 16, 2011 as Bully Awareness Week in the City of Placerville

The Mayor Pro Tem read the Proclamation and presented it to Dr. Nancy Lynch, Ed.D. Superintendent of the Placerville Union School District. Dr. Lynch thanked the Council for the proclamation.

6.2 A Proclamation Declaring September 2011 as Prostate Cancer Awareness Month in the City of Placerville

The Mayor Pro Tem noted that this Proclamation would be forwarded to a representative of the Prostate Cancer Awareness organization.

<p><i>Councilmember Machado exited the Council Chambers at this point and did not return to the meeting.</i></p>

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 Robyn Rawers regarding the Roundabout project. Barry Batchelor addressed the Council regarding the referendum, the roundabout project, island annexations and downtown parking. Michael Drobesh addressed the Council regarding the Point View Drive extension project, the retention of Council meeting DVDs, inquired if the City of Placerville was a Sanctuary City, if the fencing surrounding 301-305 Main Street could be moved back to the sidewalk on Main Street to allow for restoration of the parking spaces now obscured by the fence, and requested information on the debt payment on the Water Reclamation Facility. David Price commented on the retention of the Council meeting DVDs.

7.2 Written Communication

The City Manager noted that a complimentary letter had been received regarding the Aquatic Facility.

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 August 23, 2011 (Ms. Zito)

Approved the Minutes of the regularly scheduled Council meeting of August 23, 2011.

8.2 Warrant Register (Mr. Warren)

Pulled by Michael Drobesh and re-numbered as Item 12.1

8.3 Payroll Register (Mr. Warren)

Pulled by Michael Drobesh and re-numbered as Item 12.2

8.4 Acknowledge and File the Mayor Pro Tem's Appointment of Councilmember Mattson to Other Agency's Committees and Boards to Succeed Councilmember Machado (Ms. Zito)

Acknowledged and filed the Mayor Pro Tem's appointment of Councilmember Mattson to other agency's committees and boards to succeed Councilmember Machado.

8.5 Confirmation of the City Council Sub-Committee's Selection of the Historical Advisory Committee (Ms. Zito)

Pulled by Councilmember Borelli and re-numbered as Item 12.3

8.6 Adopt a Resolution Approving Contract Change Order (CCO) No. 3 – for the Point View Drive Extension Project in the Amount of \$53,800 with Doug Veerkamp General Engineering, Inc., and Authorizing the City Engineer to Execute Said CCO (Mr. Pesses)

Pulled by Michael Drobesh and re-numbered as Item 12.4

8.7 Adopt a Resolution Approving an Application Services Provider Agreement with SunGard Public Sector for Financial Software Services and Authorizing the Director of Finance to Execute Same (Mr. Warren)

Pulled by Mayor Pro Tem Acuna and re-numbered as Item 12.5

It was moved by Councilmember Hagen and seconded by Councilmember Mattson to 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

9. ORDINANCES

9.1 Waive the Second Reading and Adopt Ordinance No. 1644, An Ordinance of the City Council of the City of Placerville Amending Title I, Chapter 7: Retirement System, and Approving the Amendment to the Contract with CalPERS (Mr. Warren)

Ordinance No. 1643

The Finance Director summarized the cost savings benefit of this retirement plan amendment. It was then moved by Councilmember Borelli and seconded by Councilmember Mattson that the City Council waive the Second Reading and Adopt Ordinance No. 1643, an Ordinance of the City Council of the City of Placerville amending Title I, Chapter 7: Retirement System, and approving amendment to the contract with CalPERS. The motion was passed by the following vote:

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

10. PUBLIC HEARINGS

10.1 Direct Staff to Cause the Removal of the 14 Sign Structures Inventoried in Attachment A Within 120 Days of This Public Hearing; and Direct Staff to Provide a Progress Report at the First Available Council Meeting After Said 120-Day Timeframe, Providing an Opportunity for the Council to Direct Staff in Regard to Action Upon Signs Whose Owners Have Failed to Perform (Mr. Calfee)

Staff summarized the status of several properties that have voluntarily complied with sign abatement process. Public comment was received from

Robert Schmidling, Kirk Callan Smith, Robyn Rawers, Michael Drobesh, Sharlene McCaslin, Bob Dorell, Sue Taylor, David Price and Kathi Lishman. The Mayor summarized the action taken on the following properties:

- 675 Bee Street**/Memory Chapel: 120 days to bring into compliance
- 1482-1498 Broadway**: Jed's sign: one year to comply. Large vacant sign: 120 days to bring into compliance. Klip Joint sign: okay to stay.
- 1125 Broadway Court**/Placerville Body Shop: 120 days to bring into compliance.
- 2687-2691 Coloma Street**/Luisa's: 120 days to bring into compliance.
- 7500 Green Valley**/AMC Restoration: one year to bring into compliance.
- 88 Main Street**/two vacant poles: 120 days to bring into compliance.
- 118 Main Street**/Sierra Superstop: 120 days to bring into compliance.
- 301 Main Street**/Herrick Building (2 signs): 120 days to bring into compliance.
- 573 Main Street**/Fidelity Title: 120 days to bring into compliance.
- 694 & 696 Main Street**/DeVito's: 120 days to bring into compliance.
- 3064 Turner Street**/Car Wash: to be reviewed by City Attorney.
- 765-767 Pacific Street**/49er Cleaners: 120 days to bring into compliance.
- 416-426 Placerville Drive**/Bukema building: 120 days to bring into compliance.

It was then moved by Councilmember Hagen and seconded by Councilmember Mattson that the City Council approve the above list of properties and remedies and direct staff to provide a progress report at the first available Council meeting after said 120-day timeframe, waive fees to comply with current sign guidelines, and that the property owners listed above that were granted one year to comply, be allowed to comply within a period not to exceed period of 12 months. The motion was passed by the following vote:

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

11. DISCUSSION/ACTION ITEMS

11.1 Authorize the City Manager to Temporarily Close Smith Flat Road from Seven Springs Road to Jacquier Road for the Point View Drive Extension Project Should it be Deemed Necessary for Traffic Safety, Cost Benefit, and/or In Order to Accelerate the Construction Schedule to Complete the Project for Apple Hill Season (Mr. Pesses)

Staff summarized the need for complete road closure so that this project can be completed as soon as possible and be open for the height of the Apple Hill season. Public comment was received from Barry Batchelor, Sue Rodman, John Conforti, and Sue Taylor. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Mattson that the City Council authorize the City Manager to temporarily close Smith Flat Road from Seven Springs Road to Jacquier Road for the Point View Drive Extension Project should it be deemed necessary for traffic safety, cost benefit, and/or in order to accelerate the construction schedule to complete the project for the Apple Hill season. The motion was passed by the following vote:

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

11.2 Consider Options to Respond to Certification of Referendum on Ordinance No. 1641, Regarding Redevelopment (Ms. Zito)

Prior to any discussion of this item, Councilmember Mattson declared a conflict of interest and recused herself from the Council Chambers. The City Manager summarized the three options presented to the Council. Public comment was received from Phil Berry, Sharlene McCaslin, Bob McGee, Sue Rodman, David Price, Robyn Rawers, Deanne Wise, Michael Drobesh and Sue Taylor. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council call for an election, to be held at the jurisdiction's next regular municipal election on November 6, 2012, but take no further action until after the California Supreme Court decision regarding AB X 126 and AB X 127. The motion was passed by the following vote:

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

12. ITEMS PULLED FROM THE CONSENT CALENDAR

12.1 Warrant Register (Mr. Warren)

Following staff clarification, it was moved by Councilmember Mattson and seconded by Councilmember Borelli that the City Council approve the Warrant Register. The motion was passed by the following vote:

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

12.2 Payroll Register (Mr. Warren)

Following staff clarification, it was moved by Councilmember Mattson and seconded by Councilmember Hagen that the City Council approve the Payroll Register. The motion was passed by the following vote:

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

12.3 Confirmation of the City Council Sub-Committee's Selection of the Historical Advisory Committee (Ms. Zito)

Councilmember Borelli summarized the recruitment process and stated that she was gratified at the number of candidates that were interested in serving on this Committee. She then read the names of those appointed, several of who were in the audience and asked that they be recognized. It was then moved by Councilmember Borelli and seconded by Councilmember Mattson that the City Council confirm the Council Sub-Committee's selection of the Historical Advisory Committee. The motion was passed by the following vote:

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

12.4 Adopt A Resolution Approving Contract Change Order (CCO) No. 3 – for the Point View Drive Extension Project in the Amount of \$53,800 with Doug Veerkamp General Engineering, Inc., and Authorizing the City Engineer to Execute Said CCO (Mr. Pesses)

Resolution No. 7942

Staff responded to an audience question regarding the specific nature of the Change Order. It was then moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council adopt a Resolution approving Contract Change Order (CCO) No. 3, for the Point View Drive Extension Project in the Amount of \$53,800 with Doug Veerkamp General Engineering, Inc., and authorizing the City Engineer to Execute said CCO. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Mattson

NOES: None

ABSENT: Machado

ABSTAIN: None

12.5 Adopt a Resolution Approving an Application Services Provider Agreement with SunGard Public Sector for Financial Software Services and Authorizing the Director of Finance to Execute Same (Mr. Warren)

Resolution No. 7943

The Mayor Pro Tem commended the Director of Finance on the cost savings option that is presented in this item. It was then moved by Mayor Pro Tem Acuna and seconded by Councilmember Mattson that the City Council adopt a Resolution approving an application services provider agreement with SunGard Public Sector for financial software services and authorizing the Director of Finance to execute same. The motion was passed by the following vote:

AYES: Acuna, Borelli, Hagen, Mattson

NOES: None

ABSENT: Machado

ABSTAIN: None

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

This item was heard following Item 7.2. Councilmember Mattson reported on recent LAFCO and Abandoned Vehicle Abatement meetings she had attended on behalf of the City. She then addressed the Council regarding her desire to find new ways to engage the community in positive, productive dialogue by organizing community block parties on a platform similar to the annual National Night Out block parties. The Council was in concurrence that this was a worthwhile issue to pursue and by consensus of the Council, directed the City Manager to bring back information on this issue for further Council consideration.

Councilmember Borelli reported on a recent SEDCorp meeting she had attended in Loyalton on behalf of the City.

Councilmember Hagen reported on a recent Sacramento Area Council of Governments (SACOG) meeting he had attended on behalf of the City.

Mayor Pro Tem Acuna reported on a recent El Dorado County Transportation Commission meeting. He noted that Kathryn Mathews, Executive Director, had made a presentation of monies that have come to this County over the last ten years. He recommended that Ms. Mathews be invited to make the same presentation to the City Council. Mayor Pro Tem Acuna also requested a status report on the financial health of the parking district at the first Council meeting in October.

14. CITY MANAGER AND STAFF REPORTS

No reports were noted.

15. UPCOMING ITEMS

Items tentatively scheduled for the next regularly scheduled Council meeting of September 27, 2011 include: a Measure J Report, a Memorandum of Understanding (MOU) with Local 39, Morrene Drive change order, a status report on island annexations, and the redevelopment/economic development committee.

16. ADJOURNMENT at 10:06 P.M.

The next Regular Council meeting will be held on September 27, 2011, 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk