

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting
August 23, 2011

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 54956.9 | Conference with Legal Counsel – Anticipated Litigation – two cases |
| Govt. Code 54956.9 | Conference with Legal Counsel – Existing Litigation
Friends of Historic Placerville vs. City of Placerville |

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 7:05 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

No announcements were noted.

4. CLOSED SESSION REPORT – City Attorney Driscoll

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

5. ADOPTION OF AGENDA

It was moved by Councilmember Borelli and seconded by Councilmember Mattson to 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 Oral Communication

Public comment was received from Robyn Rawers, Tim Hardy, Lynn Evans, Jonathan Friedman, Mary Dohnke, and Michael Drobes. Vice-Mayor Acuna requested that staff prepare a status report on the issue of annexations and the Local Area Formation Commission (LAFCO) process at the second Council meeting in September, scheduled for September 27, 2011.

7.2 Written Communication

The City Attorney reported that the City had received a letter from the El Dorado County District Attorney related to Items 10.1 and 10.2 on this evening's agenda, earlier this date. The D.A. requested that the issues addressed in his letter be added to tonight's agenda under Items 10.1 and 10.2. The City Attorney noted that the issue in the D.A.'s letter was not directly related to Items 10.1 and 10.2 and it was his opinion that adding this letter to tonight's agenda would be a violation of The Brown Act. He further recommended that the issues addressed in the D.A.'s letter be scheduled as a discussion item at the next regularly scheduled Council meeting. By concurrence of the Council, the D.A.'s communication will be agendized for the September 13, 2011 Council meeting.

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 9, 2011 (Ms. Zito)

Approved the Minutes of the regularly scheduled City Council meeting of August 9, 2011.

8.2 Warrant Register (Mr. Warren)

This item was pulled by audience member Sharlene McCaslin and re-numbered as Item 9.1

8.3 Payroll Register (Mr. Warren)

Approved the Payroll Register.

8.4 Receive and File Annual Report on Sierra Community Access Television (Mr. Morris)

Received and filed the Annual Report on Sierra Community Access Television.

8.5 Recommendation that the City Council Acknowledge and File the El Dorado County Registrar of Voters Certification of Signatures Collected for Referendum Against an Ordinance Passed by the Placerville City Council (Ms. Zito)

Pulled by audience member Michael Drobesh and re-numbered as Item 9.2

8.6 Adopt a Resolution Authorizing the Temporary Closure of the El Dorado Trail from Schnell School Road to Centennial Lane for an Estimated Duration of Eight Weeks Beginning September 6, 2011 for a Culvert Construction Project Administered by El Dorado County (Mr. Pesses)

Resolution No. 7941

Adopted a Resolution Authorizing the Temporary Closure of the El Dorado Trail from Schnell School Road to Centennial Lane for an estimated duration

of eight weeks beginning September 6, 2011 for a culvert construction project.

It was moved by Councilmember Borelli and seconded by Councilmember Mattson that the City Council approve the Consent Calendar by the following vote:

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

9. ITEMS PULLED FROM THE CONSENT CALENDAR

9.1 Warrant Register (Mr. Warren)

Following staff clarification of several City expenditures, it was moved by Councilmember Borelli 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

9.2 Recommendation that the City Council Acknowledge and File the El Dorado County Registrar of Voters Certification of Signatures Collected for Referendum Against an Ordinance Passed by the Placerville City Council (Ms. Zito)

Public comment was received from Michael Drobesh, Sharlene McCaslin, and Evelyn Veerkamp. Following clarification of the next steps in the referendum process, it was moved by Councilmember Mattson and seconded by Councilmember Borelli that the City Council acknowledge and file the El Dorado County Registrar of Voters Certification of Signatures, collected for referendum against an Ordinance passed by the Placerville City Council. The motion was passed by the following vote:

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

10. DISCUSSION ITEMS

10.1 Consider Action to Remove David Machado From the Position of Mayor of Placerville

The City Manager and City Attorney summarized the Council's authority in removing Mr. Machado from the appointed position of Mayor. Public comment was received from Rodney Stanhope, Robyn Rawers, Sue Rodman and Barry Batchelor. Councilmember Mattson read a prepared statement. Following Council discussion, it was moved by Councilmember Borelli and seconded by Councilmember Mattson to remove David Machado from the position of Mayor and to appoint Vice-Mayor Mark Acuna as Mayor Pro Tem. The motion was passed by the following vote:

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

10.2 Request Council Member David Machado Take a Leave of Absence From the Placerville City Council For an Indefinite Period of Time

The City Attorney cited the California Government Code and the City of Placerville Municipal Code for the authority to remove an elected official from public office. Public comment was received from Robyn Rawers. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Borelli that David Machado request an indefinite leave of absence. Following further Council discussion, it was moved by Councilmember Mattson and seconded by Councilmember Hagen that David Machado request an indefinite leave absence, and that such leave be without compensation. The motion was passed by the following vote:

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

11. PUBLIC HEARINGS

11.1 Recommendation by the Director of Community Development that the City Council Direct Staff to Cause the Removal of All 21 Signs Inventoried in Attachment "A" Within 120 Days of This Public Hearing; and to Direct Staff to Provide a Progress Report at The First Available Council Meeting After Said 120-Day Timeframe, Providing an Opportunity for Council to Direct Staff in Regard to Action Upon Signs Whose Owners Have Failed to Perform (Mr. Calfee)

The Director of Community Development summarized the illegal sign abatement process and responded to Council questions. He also noted that following notification to the property owners of the abatement process, several signs have been, or are in the process of removal. Signs scheduled for voluntary removal include, Attachment A, Item C2, a plywood sign advertising Jim's automotive; and Item 17, an abandoned pole sign located adjacent to Edwards Appliance.

Public comment was received from Keith Wills, David Sanderson, Brad Clark, Jeff Aaron, David Fausel, Dan Fausel, Marv Bukema, Mary Dohnke, Robyn Rawers, Sharlene McCaslin, Michael Drobesh, Laura Clark and Susan Rodman.

The City Attorney confirmed that the notification to the property owners had not been sent by registered mail and for that reason, an additional public hearing opportunity would be noticed and mailed by registered mail to all property owners indicating that September 13 and September 27, 2011 would be available for property owners to address the Council. For those property owners in attendance this evening, the Council heard testimony regarding their properties.

For the property identified in Attachment A, Item No. 15, (241, 243, and 245 Placerville Drive), the property owner Mr. Sanderson and tenant Mr. Clark requested that the Council take action this evening to allow Mr. Clark to advertise his business immediately upon relocating his business to this address within two weeks. Following Council discussion, Mr. Clark will be allowed to utilize the existing sign frame, and be given six months to reduce the height of the sign pole to the correct conformed height of ten feet, and that any permit fees associated with a sign application process be waived. This item was approved by consensus of the Council.

For the property identified in Attachment A, Item No. 18, (3080 Sacramento St.), the property owner David Fausel was allowed to retain the existing sign frame and was given six months to reduce the height of the sign pole to the correct conformed height of ten feet, and that any permit fees associated

with a sign application process be waived. This item was approved by consensus of the Council.

It was then moved by Councilmember Hagen and seconded by Councilmember Borelli that staff re-notice two public hearings, to be conducted on September 13 and September 27, 2011, by registered mail to the property owner, and that the letter indicate that property owners would have 18 months to bring their illegal signs into compliance, and all fees associated with sign permits be waived, other than fees associated with those signs that need structural engineering review. The motion was passed by the following vote:

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

12. DISCUSSION/ACTION ITEMS

12.1 Designate Voting Delegate and Alternate to Represent the City at the League of California Cities Annual Business Meeting and Direct Delegates How to Vote on Conference Resolutions (Mr. Morris)

The City Manager noted that this item was offered for Council consideration if any Councilmembers were planning to attend the annual League of California conference in September in San Francisco. The Council was in agreement that attendance was cost prohibitive and the City would not be sending a delegate to this conference. Public comment was received from Michael Drobesch. No Council action was taken on any of the proposed League resolutions, however, the Council recommended that the City Manager draft a letter to the League indicating the City's support of those resolutions that proposed legislation favorable to small cities.

13. COUNCILMEMBERS REPORTS/ITEMS INITIATED BY COUNCILMEMBERS

Councilmember Borelli noted that the existing agreement between the City of Placerville and El Dorado County regarding the El Dorado Trail is scheduled to expire in several years. Staff noted that they were aware of this issue and would be bringing an item for the Council's consideration within the appropriate timeframe for Council action.

Councilmember Borelli also reported that the Sierra Economic Development Corporation (SEDCorp.), is sponsoring a Sierra Economic Summit for small business owners in the Sierra foothills.

Councilmember Hagen noted that interviews had taken place for the new director of the El Dorado County Transportation Commission (EDCTC). He also reported that the Sac Metro Chamber of Commerce had conducted a study on industry clusters.

14. STAFF REPORTS

No staff reports were noted.

15. UPCOMING ITEMS

Items tentatively scheduled for the next regular Council meeting include a Public Hearing regarding illegal signs, Council options available regarding the referendum, Point View Drive Change Order, Second Reading of the PERS Two-Tier Retirement Ordinance, and an agreement with HTE financial software.

16. ADJOURNMENT at 10:20 P.M.

The next Regular Council meeting will be held on September 13, 2011: 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk