

**CITY OF PLACERVILLE
CITY COUNCIL
REDEVELOPMENT AGENCY**

MINUTES

Regular City Council Meeting
June 14, 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 held a Closed Session to discuss the following items:

- | | |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------|
| Govt. Code 54957.6 | Conference with Labor Negotiator
Agency Negotiator: Patrick Clark
Employee Organization: Local 39 and Unrepresented Units |
| Govt. Code 54956.9 | Conference with Legal Counsel – Anticipated Litigation –
One case |

7:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 7:08 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 Bell Tower Brewfest – June 25, 2011, from 6:00 P.M. to 9:00 P.M.
(Chief Nielsen)**

The Chief of Police invited the public to this annual event and noted that there would be a Main Street closure from Bedford Avenue to Center Street that evening.

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

The Mayor noted that Item 7, Public Comment – Brief, Non-Agenda Items, would be moved to follow Item 12.4. It was moved by Councilmember Borelli and seconded by Vice-Mayor Acuna that the City Council Agenda be adopted 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 of the City Council declaring June 16 -19, 2011 as
El Dorado County Fair Week**

The Proclamation was read by the Mayor and it was noted that it would be presented at the opening of the El Dorado County Fair on Thursday, June 16th.

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

Bob McGee addressed the Council regarding a document he distributed to the Council, titled, "Redevelopment Costs".

7.2 Written Communication

No written communications were noted.

8. CONSENT CALENDAR

8.1 Minutes of the Regular City Council Meeting of May 24, 2011 (Ms. Zito)

Approved the Minutes of the regularly scheduled Council meeting of May 24, 2011.

8.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

8.3 Payroll Registers (Mr. Warren)

Approved the Payroll Registers for Pay Periods 24 and 25.

8.4 Adopt a Resolution of the City Council of the City Placerville Authorizing the Mayor to Execute an Amendment to the Agreement for Employment of City Manager between M. Cleve Morris and the City of Placerville (Mr. Driscoll)

Resolution No. 7902

Adopted a Resolution authorizing the Mayor to execute an amendment to the Agreement for Employment of the City Manager between M. Cleve Morris and the City of Placerville.

- 8.5 Adopt a Resolution Approving a Right-of-Way Contract Between the City of Placerville and Kenneth and Nicola Macklin, Trustees of the Kenneth and Nicola Macklin Family Trust Dated August 16, 1999, for the Purpose of Obtaining a Utility Easement for the PG&E Transformer Located on Their Property at 118 Main Street; and Authorizing the City Manager to Execute Same and Further Authorizing the City Clerk to Record Said Agreement with the County Recorder (Mr. Pesses)**

Resolution No. 7903

Adopted a Resolution for the following action:

1. *Approving a Right-of-Way Contract Between the City of Placerville and Kenneth and Nicola Macklin, Trustees of the Kenneth and Nicola Macklin Family Trust dated August 16, 1999, for the purpose of obtaining a utility easement for the PG&E transformer located on their property at 118 Main Street; and*
2. *Authorizing the City Manager to execute same and further authorizing the City Clerk to record said agreement with the County Recorder.*

- 8.6 Adopt a Resolution Declaring the Intention to Provide for Annual Levy and Collection of Assessments Pursuant to the Provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California and Setting a Time and Place for Public Hearing Thereon (Orchard Hill and Cottonwood) (Mr. Warren)**

Pulled by Mayor Machado and re-numbered as Item 9.1

- 8.7 Authorize the Mayor and City Council to Sign a Letter from the City Council, or Adopt a Resolution Encouraging the State to Reform Redevelopment, Don't Eliminate It (Mr. Morris)**

Authorized the Mayor and Council to sign a letter from the City Council, or adopt a Resolution encouraging the State to Reform Redevelopment, Don't Eliminate It.

8.8 Recommendation to Notify the Media and Public, by Approval of This Request, to Cancel the Regularly Scheduled City Council Meeting of July 26, 2011 (Ms. Zito)

Approved the request of the City Clerk to notify the Media and Public, that the regularly scheduled City Council meeting of July 26, 2011 is cancelled.

It was moved by Councilmember Mattson and seconded by Councilmember Borelli that the City Council approve the Consent Calendar as modified. Vice-Mayor Acuna noted his abstention on Item 8.5. The motion was passed by the following vote:

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

9. ITEMS PULLED FROM THE CONSENT CALENDAR

9.1 Adopt a Resolution Declaring the Intention to Provide for Annual Levy and Collection of Assessments Pursuant to the Provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California and Setting a Time and Place for Public Hearing Thereon (Orchard Hill and Cottonwood) (Mr. Warren)

Resolution No. 7904

The Mayor requested a status update on Duffey Park. The Director of Community Services noted that the plans were being reviewed by the Director of Public Works. It was then moved by Vice-Mayor Acuna and seconded by Councilmember Mattson that the City Council adopt a Resolution declaring the intention to provide for annual levy and collection of assessments pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code of the State of California and setting a time and place for public hearing thereon (Orchard Hill and Cottonwood). The motion was passed by the following vote:

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

10. ORDINANCES

10.1 Waive the Second Reading of an Ordinance Amending Title 1, Chapter 4; Title 2, Chapter 7; Title 3, Chapters 6 & 9; Title 4, Chapters 1, 2, 3, 4, & 7; Title 6, Chapter 14; Title 8, Chapter 7; and Title 10, Chapters 1, 4, and 5 of the Placerville Municipal Code to Correct Outdated, Inconsistent and Redundant Language Relating to the Adoption and Enforcement of California Building Codes Within the City; and Adopting by Reference the California Building Standards Code (California Code of Regulations, Title 24, Parts 1 through 12) (Mr. Brownlee)

Ordinance No. 1642

Following a summary of the reasons for the amendments to the Municipal Code, it was moved by Vice-Mayor Acuna and seconded by Councilmember Mattson that the City Council waive the Second Reading of an Ordinance amending Title 1, Chapter 4; Title 2, Chapter 7; Title 3, Chapters 6 & 9; Title 4, Chapters 1, 2, 3, 4, & 7; Title 6, Chapter 14; Title 8, Chapter 7; and Title 10, Chapters 1, 4, and 5 of the Placerville Municipal Code to correct outdated, inconsistent and redundant language relating to the adoption and enforcement of California Building Codes within the City; and adopting by reference the California Building Standards Code (California Code of Regulations, Title 24, Parts 1 through 12). The motion was passed by the following vote:

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

11. PUBLIC HEARINGS

11.1 Appeal of the May 3, 2011 Planning Commission Decision to Conditionally Approve Conditional Use Permit (CUP) 10-05 – a Request to Operate and Use a 78-Foot High “mono-pine” Wireless Communication Facility in a PF, Public Facilities Zone, on Property Owned by Placerville Union School District (Mr. Painter)

Appellant Raymond Sarlatte presented a Power Point presentation of photo simulations of the proposed cellular tower as seen from the Sierra School property and noted the negative impact of the proposed cell tower site on

local businesses, the historic Federated Church and the church's pre-school, and local residences. John Pellegrini also spoke in support of the Appeal. Project Applicant AT&T was represented by Barbara Winn and Buzz Lynn. Public comment was received from Dennis Murry, Leslie Baker, Laurel Brent-Bumb, Theresa McLees, Steve Neau, Ray Bolduc, Becky Clark, Angela Copeland, sisters Shiloh and Serena (last name not stated), Barry Batchelor, Maggie Williams, Don McLees, Shandra Raymond, Alisha Murry, and Jeanne Harper. Following Council discussion, it was moved by Vice-Mayor Acuna and seconded by Councilmember Borelli that the City Council grant the appeal on the basis that the proposed site is not in keeping with an historic church and the surroundings, and to direct staff to bring back formal findings supporting the Appeal. The motion was passed by the following vote:

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

11.2 Appeal of the May 3, 2011 Planning Commission Decision to Conditionally Approve Conditional Use Permit (CUP) 10-08 – a Request to Modify an Existing Telecommunication Facility by Adding a 5 Foot Extension to the Existing 60 Foot Lattice Tower, Adding Nine Antennas to the Tower, and One Ground Cabinet (Mr. Painter)

Staff summarized the Planning Commission decision and responded to Council questions regarding landscaping issues and previous Conditional Use Permits on this existing telecommunications facility. Appellant David Tilley addressed the Council. Buzz Linn, facility proponent addressed the Council. Public comment was received from Dennis Murry, Alisha Murry and John Pellegrini. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Mattson that based upon a review of CUP 10-08, that the Council affirm the findings, the decision and conditions of project approval of the Planning Commission for CUP 10-08, by approving Conditional Use Permit 10-08 for the AT&T Wireless project, and further, that staff research previous Conditional Use Permits for landscaping and site improvements and to require that AT&T sign off on a maintenance agreement. The motion was passed by the following vote:

AYES: Hagen, Machado, Mattson
NOES: Acuna, Borelli

ABSENT: None
ABSTAIN: None

11.3 Hold a Public Hearing Regarding the Proposed Fiscal Year 2011/2012 Operating and Capital Improvement Budgets, Provide Additional Input to Staff in Developing the Fiscal Year 2011/2012 Budget Proposals, and Acknowledge and File the Operating and Capital Improvement Program Budget Proposals for Fiscal Year 2011/2012 (Mr. Warren)

The Director of Finance presented a PowerPoint summary of the proposed Fiscal Year 2011/2012 Operating and Capital Improvement Program Budgets and responded to Council questions. Public comment was received from Bob McGee and an unidentified member of the audience. This Public Hearing was provided to offer additional input to staff in developing the Fiscal Year 2011/2012 Budget proposals and no Council action was requested. By consensus of the Council, this report was acknowledged and filed.

12. DISCUSSION/ACTION ITEMS

12.1 Adopt a Resolution Establishing a Program Encompassing the Placement of Monuments, Memorials and Plaques on City Property (Mr. Youel)

Resolution No. 7905

Following a presentation by the Director of Community Services and response to Council questions, public comment was received from Kathi Lishman. It was then moved by Councilmember Borelli and seconded by Councilmember Hagen that the City Council adopt a Resolution establishing a Program Encompassing the Placement of Monuments, Memorials and Plaques on City Property. The motion was passed by the following vote:

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

12.2 Adopt a Resolution Approving the Formation and Makeup of a Redevelopment/Economic Development Advisory Committee (Mr. Morris)

Resolution No. 7906

The City Manager summarized the proposed composition of the Redevelopment/Economic Development Committee. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Mattson that the City Council adopt a Resolution approving the formation and makeup of a Redevelopment / Economic Development Advisory Committee, with the addition of a non-voting Fire District representative. The motion was passed by the following vote:

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

12.3 Review Report Regarding Eminent Domain in California Redevelopment Agencies and Make Recommendations to Staff on How to Proceed (Mr. Morris)

The City Manager summarized the results of a Council request at the May 24, 2011 Council meeting regarding the following issues:

- 1. The number of redevelopment agencies in California that have eminent domain power.*
- 2. Of those cities, how many restrict the use of eminent domain to non-residential properties?*
- 3. How often is eminent domain used?*
- 4. How often is that use on residential properties?*

Following Council discussion, it was moved by Councilmember Mattson and seconded by Vice-Mayor Acuna, that the City Council adopt a resolution of the Redevelopment Agency Board prohibiting the use of eminent domain by the Redevelopment Agency in the entire project area. This would prevent the Agency from using eminent domain anywhere in the project area. The Council recommended additional measures such as prohibiting the rescission of the proposed resolution without 30 days notice to the property owners in the Plan area and two public hearings and approval by a super-majority of the Council.

The motion directed staff to bring back a resolution with the above-mentioned provisions. The motion was passed by the following vote:

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

12.4 Adopt a Resolution Ratifying a Construction Contract with Teichert Construction in the Amount of \$24,740 for the Purpose of Constructing an Asphalt Overlay and Other Ancillary Items of Work on Main Street Between Pacific Street and Sacramento Street, and on Spring Street from the Intersection with Coloma Street to a Point Approximately 100' (feet) Easterly and Liquidate \$26,740 of Proposition 1B revenue from the Placerville Drive Pavement Repair Project (CIP #40901) budget and Approve a Budget Appropriation of Proposition 1B revenue in the Amount of \$26,740 for the Main Street and Spring Street Overlay Project (CIP #41110) and Conceptually Approve Contract Change Order #1 (Mr. Pesses)

Resolution No. 7907

The Director of Public Works summarized the ability of the City to contract with Teichert Construction for additional work on City streets that are adjacent to the Highway 49 pavement rehabilitation project that Teichert is currently providing under their contract with CalTrans. He further noted that following the publication of the Agenda, it was brought to his attention by Teichert, that a portion of Spring Street that was scheduled to be overlaid, could not be asphalt-ground due to the minimal asphalt over existing concrete. Teichert has agreed to substitute, at no additional cost, an equal area of paving on Main Street, from Spring Street 80' westerly. This substitution constitutes Change Order #1. It was then moved by Councilmember Hagen and seconded by Vice-Mayor Acuna that the City Council adopt a Resolution for the following action:

1. *Ratify a Construction Contract with Teichert Construction in the Amount of \$24,740 for the purpose of constructing an asphalt overlay and other ancillary items of work on Main Street between Pacific Street and Sacramento Street, and on Spring Street from the intersection with Coloma Street to a Point Approximately 100' (feet) Easterly; and*
2. *Liquidate \$26,740 of Proposition 1B revenue from the Placerville Drive Pavement Repair project (CIP #40901) budget; and*

3. *Approve a budget appropriation of Proposition 1B revenue in the amount of \$26,740 for the Main Street and Spring Street Overlay project (CIP #41110).*
4. *Conceptually approve Contract Change Order #1.*

The motion was passed by the following vote:

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

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

Councilmember Borelli reported that Kathryn Mathews, Executive Director of the El Dorado County Transportation Commission has given notice of her retirement.

Councilmember Mattson reported on a recent meeting regarding the homeless population held at the El Dorado County Resource Center.

14. CITY MANAGER AND STAFF REPORTS

14.1 Informational Item for the Road Name for the New Road Connecting Highway 50/Point View Drive to Jacquier Road as Part of the Point View Drive Extension Project (Mr. Pesses)

Informational Item only. No Council action was requested.

14.2 Response to Citizen Question at the Council Meeting of May 24, 2011 Regarding Deed to Property

At the City Council meeting of May 24, 2011, Mr. Barry Batchelor submitted Grant Deeds to the City Attorney and City Clerk showing property acquisition transactions. Mr. Batchelor claimed that the deeds show that Mayor Machado purchased property in the proposed Redevelopment Area. The City Attorney, RDA Counsel, and the City Manager have reviewed the information submitted by Mr. Batchelor and other information available to us at this time. Based on the information available at this time, we find no evidence of intentional wrongdoing by Mayor Machado.

15. UPCOMING ITEMS

Items tentatively scheduled for the next regularly scheduled Council meeting include: a recommendation by the Measure H Committee and FY 2011/2012 Budget adoption.

16. ADJOURNMENT at 12:28 P.M. on Wednesday, June 15, 2011.

The next Regular Council meeting will be held on June 28, 2011: 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk