

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

March 8, 2011

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



2011

David Machado, Mayor
Mark Acuna, Vice-Mayor
Patricia Borelli, Councilmember
Carl Hagen, Councilmember
Wendy Mattson, Councilmember

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:

- | | |
|--------------------|---|
| Govt. Code 54956.9 | Conference with Legal Counsel – Anticipated Litigation
Two Cases |
| Govt. Code 54956.9 | Conference with Legal Counsel – Existing Litigation
City of Brisbane, et al. vs. The California State Board
of Equalization and DOES 1-500, Case Nos. CPF-09-
509231, CPT-09-509232, CPF-09-509234 |

7:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 7:00 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

Officer Ron Cannon Recognition as Officer of the Year

The Chief of Police recognized Officer Cannon and noted his accomplishments. The City Council also commended Officer Cannon.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney reported that the Council, by a unanimous vote of 5-0, joined the existing litigation with the City of Brisbane, vs. The California State Board of Equalization. No other reportable action was taken in Closed Session.

5. ADOPTION OF AGENDA

It was moved by Vice-Mayor Acuna and seconded by Councilmember Borelli to adopt the Agenda as presented. The motion was passed by the following vote:

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

6. CEREMONIAL MATTERS

Recognition of Retiring Recreation & Parks Commissioner Jack Winkler and Planning Commissioner Carol Anne Ogdin

The Mayor and Council recognized Carol Anne Ogdin's accomplishments during her two terms as Planning Commissioner and the Mayor presented her with a gift on behalf of the City.

The Director of Community Services and the Council recognized Jack Winkler's 20+ years as a Recreation and Parks Commissioner and presented him with a gift on behalf of the City.

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. The Mayor reserves the right to limit the speaker's time to three minutes.

7.1 Oral Communication

Robyn Rawers addressed the Council regarding the proposed Roundabout project.

7.2 Written Communication

No written communications were noted.

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 February 22, 2011 (Ms. Zito)

Approved the Minutes of the regularly scheduled City Council meeting of February 22, 2011.

8.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

8.3 Payroll Register (Mr. Warren)

Approved the Payroll Register.

8.4 Adopt a Resolution of the City Council for the Following Action: 1. Authorizing the City Manager to Execute the Right-of-Way Contract with Laura Bernadyne Yates for the Acquisition of an Overhead Utility Easement from Assessor's Parcel Number: 048-240-201 (2915 Jacquier Road); 2. Authorizing Staff to Open an Escrow Account with Placer Title Company to Complete the Transaction and Execute any Necessary Documents Pursuant to the Provisions of the Right-of-Way Contract; 3. Authorizing the Finance Director to Deposit Funds into the Escrow Account in the Amount of \$3,000 as Agreed Upon, Plus any Additional Required Escrow Fess and Closing Costs (Mr. Pesses)

Vice-Mayor Acuna recused himself from this item and left the Council Chambers. This item was re-numbered at Item 9.1

8.5 Adopt a Resolution for the Following Action: 1. Accepting the Grant Deeds for Right of Way, for Public Utility, Slope and Drainage Easement, and for a Temporary Construction Easement, and Directing the City Clerk to Deliver Said Deeds, Along With the Overhead Utility Easement Grant Deed for A.T. & T., to Placer Title to be Held in Escrow; 2. Authorizing the City Manager to Execute the Right-of-Way Contract with the Trustees of the John Conforti and Catherine Pearl Revocable Trust for the Right-of-way Acquisition from Assessor's Parcel Number: 048-290-01 (1973 Smith Flat Road); 3. Authorizing Staff to Open an Escrow Account with Placer Title Company to Complete the Transaction and Execute any Necessary Documents Pursuant to the Provisions of the Right-of-Way Contract; 4. Authorizing the Finance Director to Deposit Funds in the Escrow Account in the Amount of \$25,300 as Agreed Upon, Plus any Additional Required Escrow Funds and Closing Costs (Mr. Pesses)

Vice-Mayor Acuna recused himself from this item and left the Council Chambers. This item was re-numbered at Item 9.2

8.6 Adopt a Resolution Authorizing the Transfer of the Clean Water Act §404 Individual Permit No. 200200319 From the U.S. Army Corps of Engineers for the Point View Drive Extension Project, to Reflect the Permittee as the City of Placerville, and Authorizing the City Manager to Execute the Transfer (Mr. Pesses)

Resolution No. 7883

Recommendation by the Director of Public Works that the City Council adopt a Resolution authorizing the transfer of the Clean Water Act §404 Individual Permit No. 200200319 from the U.S. Army Corps of Engineers for the Point View Drive Extension Project, to reflect the Permittee as the City of Placerville, and authorizing the City Manager to execute the transfer.

It was moved by Councilmember Hagen and seconded by Councilmember Borelli to approve the Consent Calendar as modified. 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

Adopt a Resolution of the City Council for the Following Action: 1. Authorizing the City Manager to Execute the Right-of-Way Contract with Laura Bernadyne Yates for the Acquisition of an Overhead Utility Easement from Assessor's Parcel Number: 048-240-201 (2915 Jacquier Road); 2. Authorizing Staff to Open an Escrow Account with Placer Title Company to Complete the Transaction and Execute any Necessary Documents Pursuant to the Provisions of the Right-of-Way Contract; 3. Authorizing the Finance Director to Deposit Funds into the Escrow Account in the Amount of \$3,000 as Agreed Upon, Plus any Additional Required Escrow Fess and Closing Costs (Mr. Pesses)

Vice-Mayor Acuna recused himself from this item and left the Council Chambers.

Resolution No. 7881

It was moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council adopt a Resolution for the following action:

- 1. Authorizing the City Manager to execute the Right-of-Way Contract with Laura Bernadyne Yates for the acquisition of an overhead utility easement from Assessor's Parcel Number:048-240-201 (2915 Jacquier Road);*
- 2. Authorizing the Finance Director to open an escrow account with Placer Title Company to complete the transaction and execute any necessary documents pursuant to the provisions of the Right-of-Way Contract.*
- 3. Authorizing the Finance Director to deposit funds into the escrow account in the amount of \$3,000 as agreed upon, plus any additional required escrow fees and closing costs.*

The motion was passed by the following vote:

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

- 8.5 Adopt a Resolution for the Following Action: 1. Accepting the Grant Deeds for Right of Way, for Public Utility, Slope and Drainage Easement, and for a Temporary Construction Easement, and Directing the City Clerk to Deliver Said Deeds, Along With the Overhead Utility Easement Grant Deed for A.T. & T., to Placer Title to be Held in Escrow; 2. Authorizing the City Manager to Execute the Right-of-Way Contract with the Trustees of the John Conforti and Catherine Pearl Revocable Trust for the Right-of-way Acquisition from Assessor's Parcel Number: 048-290-01 (1973 Smith Flat Road); 3. Authorizing Staff to Open an Escrow Account with Placer Title Company to Complete the Transaction and Execute any Necessary Documents Pursuant to the Provisions of the Right-of-Way Contract; 4. Authorizing the Finance Director to Deposit Funds in the Escrow Account in the Amount of \$25,300 as Agreed Upon, Plus any Additional Required Escrow Funds and Closing Costs (Mr. Pesses)**

Resolution No. 7882

It was moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council adopt a Resolution for the following action:

1. *Accepting the Grant Deeds for Right-of-Way, for Public Utility, Slope and Drainage Easement, and for a Temporary Construction Easement, and directing the City Clerk to deliver said deeds, along with the Overhead Utility Easement Grant Deed for AT&T, to Placer Title to be held in escrow.*
2. *Authorizing the City Manager to execute the Right-of-Way Contract with the Trustees of the John Conforti and Catherine Pearl Revocable Trust for the right-of-way acquisition from Assessor's Parcel Number: 048-290-01 (1973 Smith Flat Road)*
3. *Authorizing staff to open an escrow account with Placer Title Company to complete the transaction and execute any necessary documents pursuant to the provisions of the Right-of-Way Contract.*
4. *Authorizing the Finance Director to deposit funds into the escrow account in the amount of \$25,300 as agreed upon, plus any additional escrow fees and closing costs.*

Exhibits A-D included.

The motion was passed by the following vote:

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

The City Council adjourned the City Council meeting at the conclusion of the Consent Calendar and Called to Order a meeting of the Redevelopment Agency Board. At the conclusion of the Redevelopment Agency Board meeting, the Board adjourned to the remainder of the City Council meeting. The Minutes of the March 8, 2011 Redevelopment Agency meeting are found in a separate document.

10. ORDINANCES- None Scheduled

11. PUBLIC HEARINGS – None Scheduled

12. DISCUSSION/ACTION ITEMS

12.1 Adopt a Resolution of the City Council of the City of Placerville Acknowledging Receipt from the Redevelopment Agency of the City of Placerville of the Proposed Redevelopment Project and the Report to the City Council Concerning Said Plan (Mr. Morris)

Resolution No. 7884

Councilmember Mattson recused herself from this item and left the Council Chambers. It was moved by Councilmember Borelli and seconded by Councilmember Acuna that the City Council of the City of Placerville acknowledging receipt from the Redevelopment Agency of the City of Placerville of the Proposed Redevelopment Plan for the Placerville Redevelopment Project and the Report to the City Council concerning said Plan. The motion was passed by the following vote:

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

13. COUNCILMEMBERS REPORTS/ITEMS INITIATED BY COUNCILMEMBERS

Councilmember Borelli reported on her recent attendance at the El Dorado County Transit Authority and El Dorado County Transportation Commission meetings.

Mayor Machado corrected statements made in a recent Letter to the Editor regarding Redevelopment and the proposed Roundabout.

Vice-Mayor Acuna noted that the El Dorado County Transportation Commission (EDCTC) had voted to grant a 30-day delay regarding the issue of the ranking of transportation projects to allow County and City staff to meet with the EDCTC.

14. STAFF REPORTS

No staff reports were noted.

15. UPCOMING ITEMS

No specific items were noted for the next regularly scheduled Council meeting.

16. ADJOURNMENT at 9:02 P.M.

A Special Council/Staff Visioning and Goal Setting Workshop will be held at Town Hall on March 11, 2011 from 8:00 A.M. to 4:00 P.M.

The next Regular Council meeting will be held on March 22, 2011: 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk