

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting
December 14, 2010

City Council Chambers – Town Hall
549 Main Street, Placerville, CA 95667
6:00 P.M. Closed Session
6:30 P.M. Council Reception
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 54956.95 | Conference with Legal Counsel – Liability Claims – One Claim: The Claim Against the City of Jennifer Aldridge |
| Govt. Code 54956.8 | Conference with Real Property Negotiator: Property Owner Umesh and Lee Patel; property location: 1332 Broadway, Placerville |
| Govt. Code 54956.9 | Conference with Legal Counsel: Anticipated Litigation: one case |

**6:30 P.M. RECEPTION FOR OUTGOING COUNCILMEMBER RIVAS
AND NEW COUNCILMEMBER MATTSON AND RETURNING
COUNCILMEMBERS BORELLI AND HAGEN**

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, Rivas**

3. ANNOUNCEMENTS TO THE PUBLIC

No announcements were noted.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Manager/Attorney reported that in the matter of the claim of Jennifer Aldridge, the Council rejected the claim by a unanimous vote of 5-0. No other reportable action was taken in Closed Session.

5. ADOPTION OF AGENDA

It was moved by Councilmember Borelli and seconded by Councilmember Acuna that the City Council adopt the Agenda as presented. The motion was passed by the following vote:

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

6. CEREMONIAL MATTERS

6.1 Oath of Office to new Police Dispatch/Record Technicians Eric Ehly and Angelica Wedlow

The City Clerk administered the Oath of Office to Police Dispatch/Records Technicians Eric Ehly and Angelica Wedlow.

6.2 Recognition of Retiring Councilmember Pierre Rivas

The City Manager/Attorney presented retiring Mayor Rivas with a gift from the City. Mayor Rivas thanked his colleagues, staff and the community for their support during his eight years on the Council. He then made a presentation to retiring City Manager/Attorney Driscoll, conferring the key to the City to Mr. Driscoll.

6.3 Certification of the El Dorado County Registrar of Voters' Results of the Canvass of the Election Returns of the Consolidated General Election Held November 2, 2010

It was moved by Councilmember Borelli and seconded by Councilmember Acuna that the City Council acknowledge and file the Official Final Election Summary. The motion was passed by the following vote:

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

6.4 Adoption of the Resolution of the City Council of the City of Placerville Accepting the Certification of the Canvass of Ballots by El Dorado County Registrar of Voters for the November 2, 2010 Election

Resolution No. 7860

It was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt a Resolution accepting the Certification of the Canvass of Ballots by the County Registrar of Voters for the November 2, 2010 Election.

Ordinance No. 1639

Included in the Certification of the Canvass of the Ballots is the approval by the voters of Measure H. The passage of Measure H enacted Ordinance No. 1639, imposing a Transactions and Use Tax to be administered by the State Board of Equalization. The motion was passed by the following vote:

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

6.5 Administration of the Oath of Office to New and Returning Councilmembers, and Presentation of Certificates of Election

At this time, newly elected and reelected officials assembled on the dais. The City Clerk administered the Oath of Office. Following the Oath of Office, Councilmember Rivas vacated his seat. Councilmembers Borelli, Hagen and Mattson were seated on the dais. The regular order of the agenda resumed.

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

No comments were noted.

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 November 23, 2010 (Ms. Zito)

Approved the Minutes of the regularly scheduled Council meeting of November 9, 2010.

8.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

8.3 Payroll Registers (Mr. Warren)

Approved the Payroll Registers for pay periods 11 and 12.

8.4 Measure J Quarterly Financial Report (Mr. Warren)

Acknowledged and filed the Measure J quarterly financial report for the period ended September 30, 2010.

8.5 Auction/Surplus Property (Chief Nielsen)

Resolution No. 7861

Adopted a Resolution authorizing the release of surplus City property to Roger Ernst & Associates for sale in an upcoming auction, a copy of which auction contract and list of surplus property are attached to the staff report.

8.6 Gold Bug Park Gift Shop Coordinator Job Description (Mr. Youel)

Resolution No. 7862

Adopted a Resolution approving the job description for Gold Bug Park Gift Shop Coordinator and establish a part-time pay rate scale for the position.

8.7 Acceptance of Offer of Street Dedication and Offer of Public Utility Easement from Edward Mackay, 1895 Point View Drive, APN 049-110-29 (Point View Drive Extension Project) (Mr. Stong)

Resolution No. 7863

Adopted a Resolution for the following action:

- 1. Accepting an Offer of Dedication for road and public utility purposes, and an Offer of Public Utility Easement from Edward Mackay, 1895 Point View Drive, APN 049-110-29; and*
- 2. Directing the City Clerk to record said Offers of Dedication with the Office of the El Dorado County Recorder/ Clerk.*

8.8 Addendum to a Professional Services Agreement for the Examination of Measure H Sales Tax Transactions and Use Tax Records (Mr. Warren)

Pulled by Vice-Mayor Machado and re-numbered as Item 9.1

8.9 Agreements for Preparation to Administer and Operate the City's Transaction and Use Tax Ordinance and Ongoing Administration of City's Transaction and Use Taxes (Mr. Warren)

Pulled by Vice-Mayor Machado and re-numbered as Item 9.2

It was moved by Councilmember Borelli and seconded by Councilmember Acuna 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

9.1 Addendum to a Professional Services Agreement for the Examination of Measure H Sales Tax Transactions and Use Tax Records (Mr. Warren)

Resolution No. 7864

Following Council discussion and staff response to Council questions, it was moved by Councilmember Hagen and seconded by Councilmember Mattson that the City Council adopt a Resolution amending the professional services agreement with Hinderliter, de Llamas & Associates to examine Measure H sales tax and use tax records. The motion was passed by the following vote:

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

9.2 Agreements for Preparation to Administer and Operate the City's Transaction and Use Tax Ordinance and Ongoing Administration of City's Transaction and Use Taxes (Mr. Warren)

Resolution No. 7865

Following staff response to Council questions, it was moved by Councilmember Hagen and seconded by Councilmember Mattson that the City Council adopt a Resolution authorizing the City Manager/ City Attorney to execute agreements with the State Board of Equalization for the implementation of local transactions and use taxes. The motion was passed by the following vote:

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

10. ORDINANCES

10.1 First Reading Code Regarding Zoning Text Amendment – 10-4-10 (B): Historical Criteria (Mr. Calfee)

Following a brief summary of the issue by the Director of Community Development, public comment was received from Sharlene McCaslin. It

was then moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council take the following action:

- 1. Make the finding that this request is consistent with the following General Plan Community Design Element Goals and Policies:*
 - A. Goal C, which states: "To protect and enhance the visual quality and neighborhood integrity of residential areas."*
 - B. Goal C, Policy 1, which states: "The City shall promote and protect residential neighborhoods from incompatible uses."*
 - C. Goal C, Policy 6, which states: "The City shall encourage proper maintenance of homes, buildings, and yards to provide the best possible visual quality in each neighborhood."*
 - D. Goal B, which states: "To protect and upgrade the visual and historic character of downtown."*
 - E. Goal B, Policy 4, which states: "The City shall encourage downtown property owners and merchants to develop a comprehensive program which will set forth common objectives for the enhancement and revitalization of the downtown area, and develop appropriate implementation measures."*

The motion was passed by the following vote:

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

Councilmember Hagen then introduced an Ordinance amending Title X, Chapter 4, Section 10, Subsection (B) (§ 10-4-10(B)).

It was then moved by Councilmember Hagen and seconded by Councilmember Borelli that the City Council waive the First Reading of said Ordinance. The motion was passed by the following vote:

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

11. PUBLIC HEARINGS – None Scheduled

12. DISCUSSION/ACTION ITEMS – None Scheduled

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

- ♦ Councilmember Acuna reported that he had attended the El Dorado County Chamber Installation Dinner and that the City was presented with the “Golden Slate Award” from the El Dorado County Film Commission. Councilmember Acuna commended staff for their cooperation with the Film Commission in its work in attracting film production companies to this area for location shoots.
- ♦ Councilmember Acuna noted that Comcast Cable Company had relocated from the Diamond Springs area to Folsom, leaving El Dorado County without a local cable office. He requested concurrence from the Council in directing staff to prepare a letter of concern to be forwarded to Comcast.
- ♦ Councilmember Borelli noted that the El Dorado County Transportation Commission recently reviewed the Highway 50 Operational Improvement Project landscaping plan.
- ♦ Councilmember Borelli commended Hank Goodrich, whose home sits at the corner of Highway 50 and Bedford Avenue on the recently applied new paint which compliments and coordinates with the Highway 50/Bedford Pedestrian Overcrossing paint scheme.
- ♦ Councilmember Borelli also noted a recent Transit Authority meeting.
- ♦ Councilmember Borelli attended the most recent Sierra Economic Development Corporation (SEDCorp) meeting as the City’s alternate to Councilmember Machado, and reported on items discussed at the meeting. She noted that a SEDCorp member agency had discussed their use of their historic City Hall and she requested that Placerville’s historic City Hall options be revisited. The City Manager/Attorney noted that this item would be agendaized for Closed Session real estate discussions at a January, 2011 Council meeting.
- ♦ Councilmember Hagen reported on a recent El Dorado County Transportation Commission meeting.
- ♦ Councilmember Hagen attended the recent Sacramento Area Council of Governments (SACOG) meeting as the alternate of Mayor Rivas.
- ♦ Vice-Mayor Machado noted that a Council Workshop, with other City advisory Commissions, is tentatively scheduled for early Spring of 2011.

14. CITY MANAGER AND STAFF REPORTS

- ♦ Chief of Police Nielsen reported that a joint agency DUI enforcement checkpoint would begin on Friday, December 17th and run through the New Year’s holiday.

- ♦ *Chief of Police Nielsen noted that Sergeant John Kunkel, canine handler of Hangtown Hank, the City's bloodhound, were recently featured in a national law enforcement magazine, "American Police Beat".*
- ♦ *Director of Public Works Pesses reported on the issue of private sewer lines and indicated that this issue would be brought back for Council consideration during 2011.*
- ♦ *Director of Public Works Pesses reported that the City had recently prepared a grant application through the Sacramento Regional Air Quality Board.*

15. UPCOMING ITEMS

Items tentatively scheduled for the next regular City Council meeting on January 11, 2011 include: a Second Reading of an Ordinance regarding Historical Criteria guidelines, consulting agreements associated with Hangtown Creek and Pardi Way, Measure H Oversight Committee and Redevelopment Committee enacting resolutions, Redevelopment Agency meeting, and a presentation by the El Dorado Community Foundation regarding the homeless issue.

16. ADJOURNMENT at 8:40 P.M.

The next Regular Council meeting will be held on January 11, 2011:
6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, MMC
City Clerk