

**CITY OF PLACERVILLE
CITY COUNCIL
MINUTES**

Regular City Council Meeting

April 27, 2010

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:

- Govt. Code 54957.6 Conference with Labor Negotiator
Agency Negotiator: David Mackowiak
Employee Organizations: Local 39 and Police Officers’
Association
- Govt. Code 54956.9 Conference with Legal Counsel
Potential Litigation: One Case
Existing Litigation – Michael Chapin Brown v. City of
Placerville: United States District Court Eastern
District of California, Case No. 2:10-CV-00666-
MCE-GGH
Existing Litigation – David Allen Pust v. City of
Placerville: United States District Court Eastern
District of California, Case No. 2:09-CV-02730-
MCE-JFM
Existing Litigation – Jason Brandon Hopkins v. City of
Placerville: United States District Court Eastern
District of California, Case No. 2:10-CV-00403-
FCD-KJN
- Govt. Code 54957 Public Employee Appointment: City Manager
- Govt. Code 54957 Public Employee Discipline
- Govt. Code 54956.8 Conference with Real Property Negotiator:
Property: 487 Main Street
Negotiating Parties: Team Commercial
Under Negotiation: Price and Terms

CLOSED SESSION AGENDA CONTINUED

Govt. Code 54956.8 Conference with Real Property Negotiator
Property: 1976 Smith Flat Road
Negotiating Parties: North Trust
Under Negotiation: Price

Conference with Real Property Negotiator
Property: 1973 Smith Flat Road
Negotiating Parties: Conforti/Pearl Trust
Under Negotiation: Price

7:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 7:27 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

3.1 *The City Manager/Attorney announced the annual free Spring Clean Up Day on May 1st, from 9:00 a.m. to 3:00 p.m. This year's event is being held in a new location at the Placerville Station on Mosquito Road. El Dorado Disposal will accept green waste and trash, Snowline Hospice will accept gently used items and electronic waste.*

3.2 *The City Manager/Attorney announced a public workshop on the Placerville Station II project. The meeting will be held at Town Hall at 6:00 P.M. on May 12th.*

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 Acuna to adopt the Agenda as presented. The City Manager noted that in addition to the distribution of the draft historical guidelines under Item 15.2, the Director of Community Development will also distribute the draft Housing Element. 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 Officer – Duskin Franz

The City Clerk administered the Oath of Office to Officer Franz.

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 oral comments were noted.

7.2 Written Communication

The City Manager/Attorney noted that staff had responded to an e-mail received from Susan Rodman.

The City Manager/Attorney also noted that staff had responded to a letter written by Frank Woodring.

8. Upcoming Meetings Councilmembers will Attend on Behalf of the City of Placerville

- ♦ **El Dorado County Transit Authority (Next Meeting May 5, 2010 - Councilmembers Borelli & Machado)**

- ♦ **El Dorado County Transportation Commission (Next Meeting May 5, 2010 - Councilmembers Acuna, Borelli, Hagen)**
- ♦ **Local Agency Formation Commission (LAFCO) (Next Meeting April 28, 2010 - Councilmember Hagen)**
- ♦ **Sacramento Area Council of Governments (SACOG) (Next Meeting May 20, 2010 - Mayor Rivas)**

Mayor Rivas reported that he is the Co-Chair of the SACOG May is Bike Month Event. He noted local and regional bike events scheduled during May. He further reported that SACOG is currently working on an update of the Metropolitan Transportation Plan.

9. 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.

9.1 Minutes of the Regular City Council Meeting of April 13, 2010 (Ms. Zito)

Approved the Minutes of the regularly scheduled City Council meeting of April 13, 2010.

9.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

9.3 Payroll Register (Mr. Warren)

Approved the Payroll Register.

9.4 Confirmation of City Council Sub-Committee's Recommendation for Appointment to the Community Pride Committee (Ms. Zito)

Confirmed the recommendation of the City Council Sub-Committee to appoint/reappoint the following individuals to the Community Pride Committee for the specified unexpired terms below:

*Tim Daviess, Josette Johnson, Kathi Lishman: Term ends 3/01/11
Michael Hendren, Christine Thiel: Term ends 3/01/13*

9.5 Grant Application Request (Mr. Youel)

Authorized staff to make application through the State of California Department of Parks and Recreation Nature Education Facilities Program for the conversion of the Meagher House at Gold Bug Park into a Nature Center.

9.6 Acknowledgement of Mayoral Appointments to the Sierra Economic Development Corporation (SEDCorp) and Sierra Planning Organization (SPO) (Ms. Zito)

Acknowledged the Mayor’s appointment of Vice-Mayor Machado to the SEDCorp/ SPO Board of Directors and Councilmember Borelli as the Alternate Board Member.

9.7 Offer of Street Dedication – Albusche (Mr. Calfee)

Resolution No. 7790

Adopted a Resolution accepting an Offer of Street Dedication from the Dola B. Albusche Trust to the City of Placerville for .29 acres located on Cedar Ravine and to authorize the Mayor and the City Clerk to accept said Offer and cause recordation of necessary documents.

9.8 Measure J Quarterly Financial Report (Mr. Warren)

Acknowledged and filed the Measure J quarterly financial report for the period ended March 31, 2010.

It was moved by Councilmember Acuna and seconded by Councilmember Borelli to approve the Consent Calendar as presented. The motion was passed by the following vote:

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

10. ITEMS PULLED FROM THE CONSENT CALENDAR

No items were pulled from the Consent Calendar.

11. ORDINANCES

11.1 Second Reading of an Ordinance Regarding Used Merchandise Stores (Mr. Calfee)

Ordinance No. 1636

The Director of Community Development summarized the issues related to the Use Merchandise Store Ordinance and responded to Council questions. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council take the following action:

- 1. Waive the Second Reading of an Ordinance amending the Zoning Ordinance of the Placerville Municipal Code, adding definitions relating to used merchandise stores, pawn shops, antique stores and consignment stores, and placing such land uses in various commercial zoning districts; and*
- 2. Adopt said Ordinance.*

The motion was passed by the following vote:

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

12. PUBLIC HEARINGS – None Scheduled

13. DISCUSSION/ACTION ITEMS

13.1 Consulting Services Agreement with Omni-Means In An Amount Not to Exceed \$99,987 for Engineering Services on the Placerville Station Phase II Project (Mr. Stong)

Resolution No. 7791

The Associate Engineer summarized the project and responded to Council questions. Public comment was received from Jackie Neau and Steve Neau. Following public comment, it was moved by Councilmember Hagen and

seconded by Councilmember Acuna that the City Council adopt a Resolution approving a consulting services agreement with Omni-Means in an amount not to exceed \$99,987 for engineering services on the Placerville Station Phase II Project, and authorizing the City Manager to execute same. The motion was passed by the following vote:

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

14. ITEMS INITIATED BY COUNCILMEMBERS/RESPONSE TO ITEMS INITIATED BY COUNCILMEMBERS

14.1 Sign Ordinance Discussion Initiated by Vice-Mayor Machado (Mr. Calfee)

The Director of Community Development summarized the various issues involved with enforcement of the current sign ordinance and responded to Council questions. Public comment was received from Steve Neau and Kathi Lishman. Following Council discussion, staff was requested to bring back a listing of the prioritized current projects that the Planning staff is working on.

14.2 Hangtown Motel Transient Occupancy Tax Issue (Mr. Warren – Oral Report)

The Director of Finance reported that the Hangtown Motel had responded to his request for transient occupancy tax information and that following staff analysis, the issue would be agendaized for Council consideration.

14.3 Information Technology (IT) Cost Allocation (Mr. Warren)

Staff provided the City Council with an oral report on the historical allocation of Information Technology (IT) costs.

15. STAFF REPORTS

15.1 Discussion Regarding Time Extension for Valid Entitlements (Mr. Calfee)

Staff requested Council direction on extension of the moratorium. Following Council discussion, staff was directed to bring an Ordinance adding a time extension for valid entitlements.

15.2 Oral Report and Distribution of Draft Historical Guidelines and the Draft Housing Element (Mr. Calfee)

The Director of Community Development noted that the Housing Element would be before the Council within four weeks and encouraged them to read the lengthy document in the interim. The draft historical guidelines will be agendized for a future Planning Commission and then will be considered by the Council.

15.3 Update on the Add-On Sales Tax Ballot Measure for Water and Wastewater/Survey/Ballot Question (Mr. Driscoll – oral report)

The City Manager/Attorney noted that the ballot measure consultant will work on an as-needed basis to assist staff in preparing the community survey and the ballot question.

16. UPCOMING ITEMS

Items tentatively scheduled for the next regularly scheduled Council meeting include the renewal of the Farmer's Market contract, and information regarding a possible reduction of the water/wastewater rates based on a new loan repayment schedule.

17. ADJOURNMENT at 10:23 P.M.

The next Regular Council meeting will be held on May 11, 2010: 6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, CMC
City Clerk