

**CITY OF PLACERVILLE  
CITY COUNCIL**

**MINUTES**

Regular City Council Meeting  
**February 23, 2010**

City Council Chambers – Town Hall  
549 Main Street, Placerville, CA 95667  
6:15 P.M. Closed Session  
7:00 P.M. Open Session

**6:15 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 54956.95 Conference with Legal Counsel – Existing  
Litigation –  
Liability Claims:

Claimant: Nicole Tracey  
Agency: City of Placerville

Claimant: Thomas Koll  
Agency: City of Placerville

Govt. Code 54956.95 Conference with Legal Counsel – Anticipated  
Litigation – Significant exposure to litigation  
pursuant to subsection (b) of Section 54956.9 -  
(1) case

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**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**

**3.1 Fire Safe Plan Update (Mr. Youel)**

*The Director of Community Services introduced Melissa Marquez of the Rural Conservation District who summarized the Fire Safe Plan.*

**3.2 Request for Proposals (RFP) for the Placerville Station – Phase II Project (Mr. Pesses)**

*The Director of Public Works announced that an RFP had been sent out for the next phase of construction for the Placerville Station on Mosquito Road.*

**3.3 Officer of the Year 2009 Announcement (Chief Nielsen)**

*The Chief of Police announced that Sergeant John Kunkle had been recognized as the Placerville Police Department Officer of the Year and will be honored at a County-wide event on March 3, 2010 at 6:00 P.M. at the Veteran’s Hall on Placerville Drive.*

**4. CLOSED SESSION REPORT – City Attorney Driscoll**

*The City Manager/Attorney reported that the claim of Nicole Tracey was unanimously rejected by Council action, with all five Councilmembers present.*

*The City Manager/Attorney reported that the claim of Thomas Koll had also been rejected by unanimous Council action, with all five Councilmembers present.*

**5. ADOPTION OF AGENDA**

*It was moved by Councilmember 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, Rivas  
NOES: None  
ABSENT: None  
ABSTAIN: None

**6. CEREMONIAL MATTERS**

**6.1 A Proclamation Declaring March 2010 as March Against Wildfire Month**

*The Mayor read the Proclamation and presented it to Linda Colombo, representing the El Dorado County Fire Safe Council.*

**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 regarding water and sewer rates was received from George Barbour, Mike Palmer, Susan Rodman, Judy Palmer, John Barton and Marilyn Ferguson.*

**7.2 Written Communication**

*No written communications were noted.*

**8. CONSENT CALENDAR**

**NOTE:** All matters listed under the Consent Calendar are considered routine and will be enacted by one motion by roll call vote unless any member of the Council or audience wishes to remove an item for discussion. The reading of the full text of all Resolutions will be waived unless a Councilmember requests otherwise.

**8.1 Minutes of the Regular City Council Meeting of February, 9, 2010 (Ms. Zito)**

*Approved the Minutes of the regularly scheduled City Council meeting of February 9, 2010.*

**8.2 Warrant Register (Mr. Warren)**

*Approved the Warrant Register.*

**8.3 Payroll Register (Mr. Warren)**

*Approved the Payroll Register.*

**8.4 Folsom Officials Association Agreement (Mr. Youel)**

**Resolution No. 7775**

*Adopted a resolution authorizing the execution of an agreement between the City of Placerville and Folsom Officials Association to provide officiating services for the 2010 Adult Volleyball and Adult Softball League conducted by the City.*

**8.5 Authorize the Public Works Department to Begin the Right-of-Way Acquisition Process for the Point View Drive Extension Project (CIP 40915) to Acquire the Necessary Right-of-Way From APN:048-290-27 (North) and APN: 048-290-01 (Conforti) and to Appoint the Public Works Director as the City's Representative in Contacts with Property Owners (Mr. Pesses)**

**Resolution No. 7776**

*Adopted a Resolution for the following action:*

1. *Authorized staff to proceed with the process to acquire the necessary right-of-way for the Point View Drive Extension Project (CIP 40915) from APN: 048-290-27 (North) and APN: 048-290-01 (Conforti); and*
2. *Authorized the Director of Public Works or his designee to act as the City's representative for right-of-way acquisitions.*

*It was moved by Councilmember Acuna and seconded by Councilmember Hagen 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

**9. ITEMS PULLED FROM THE CONSENT CALENDAR**

*No items were pulled from the Consent Calendar.*

**10. ORDINANCES – None Scheduled**

**11. PUBLIC HEARINGS**

**11.1 Public Hearing of a Planning Commission Appeal – 301 & 305 Main Street (Mr. Calfee)**

*The Director of Community Development summarized the issues related to this Public Hearing and responded to Council questions. The Mayor opened the Public Hearing. Comment was received from Carol Sexton, Mary Cory, David Becker, David Price, Neil Moore, Joyce Thompson, Sue Taylor, Anton Nameth, Henry Saunders, Les Russell, Sharlene McCaslin, and Doug Noble. Following Council discussion, it was moved by Councilmember Hagen and seconded by Councilmember Acuna that the City Council deny the appeal and uphold the Planning Commission’s approval of Site Plan Review 08-09. Councilmember Machado requested an amendment to the motion. Both the motion maker and second agreed to the minor amendments. The Council then took the take the following action:*

1. Adopt the Staff Report as part of the public record.
2. Find that this request is categorically exempt from environmental review pursuant to Section 15064.5(b)(2)(B) of the California Environmental Quality Act (CEQA) Guidelines.
3. Make the following findings:
  - A. The buildings at 301 and 305 Main Street are not on the California Register of Historical Resources, and are not associated with events that constitute a significant contribution to the broad patterns of California history and cultural heritage.
  - B. The buildings are not associated with the lives of persons important to our past, nor do they

embody distinctive characteristics of any type, period, region or method of construction, nor do they represent the work of an important creative individual, nor do they possess high artistic value.

- C. The buildings have not yielded, nor are likely to yield, information important to history or pre-history.
  - D. The record, as a whole, suggests that the structures do not contribute to the historic architecture of their era or to the downtown area.
  - E. The buildings are not on a local register of historical resources that have been designated as historically significant by City ordinance or resolution.
  - F. A preponderance of evidence demonstrates that the buildings are not historically or culturally significant.
  - G. The aforementioned findings are supported by a preponderance of evidence in the record which also suggests that the buildings are unsafe and pose a hazard to life and property in the immediate vicinity of the project site.
4. Authorize the demolition of the Herrick Building at 301 Main Street and the Hangman's Tree Building at 305 Main Street with the following Conditions of Approval. Any proposed future change to the site or modification to the application beyond what is authorized under this permit shall be submitted to the Community Development Department for a determination of appropriate procedures.

### **Conditions of Approval**

Heritage Association:

- 1. In regard to whether the interior mural work is preserved, the matter shall be left solely to the

Applicant's discretion, in light of the potential difficulty and expense of such preservation. It shall also be the Applicant's discretion as to whether to allow any interested third parties to undertake the time, cost and liability needed to preserve the mural and take it into their own possession.

2. Re-establish the Point of Historic Interest landmark/placard(s) in an appropriate location adjacent to or interior to the Hangman's Tree site, and incorporate the same into any future development of the site.
3. Remove and preserve or reuse the tin ceiling located in the Herrick building.

**Public Works Department/Engineering Division:**

GENERAL

4. The project shall comply with all pertinent City Ordinances. Sewer and water connection demolitions shall be performed in accordance with El Dorado Irrigation District (EID) Design and Construction Standards dated July 1999 and applicable city standards as directed by the City Engineer. Any drainage system demolition shall be in accordance with City standards. An as-built plan shall be provided to the City at the end of demolition showing the location of all sewer, water, and drainage stubs to the property and the condition they are being left in for future use.
5. Establish building square footages, numbers of connections, water meter sizes, and current occupancy types for calculation of fee credits prior to demolition. This would apply to TIM fee, sewer fees, and water fees. Provide an estimated calculation of all fee credits for review and approval by the City Engineer prior to issuance of the demolition permit and final calculation of all fee credits prior to city final sign off of construction under this demolition permit. This will establish the credits towards future fees when new construction occurs on this site.

6. An encroachment permit will be required prior to start of any work involving the public right of way. The permit charges will include any Time and Materials expended by the Public Works Department in reviewing this application.

### **DEMOLITION SITE ISSUES**

7. Applicant shall submit a staging plan for approval which details how the work will be staged, what street closures are being requested, a detailed schedule showing planned work hours and number of days for each activity, what signage will be provided, traffic and pedestrian control proposed, etc. The city is expecting the demolition to be a very short term project and may allow adjacent sidewalks and parking spaces to be closed for short periods.
8. A fugitive dust control permit shall be obtained from El Dorado County AQMD.
9. The site shall be backfilled with compacted clean material and left relatively flat with proper drainage and permanent erosion control in place. If decorative fencing is proposed at the end of the project it must be approved by the city.

### **STREET REPAIRS**

10. Applicant shall repair any curbs, gutters, and sidewalks, streets, and street signs damaged during the demolition process. Existing grates and utility covers in the sidewalk area shall be left in good repair to allow for safe pedestrian travel. All existing street signs shall be protected or removed and reinstalled after demolition.

### **GRADING**

11. All grading shall conform to the City Grading Ordinance, and all other relevant laws, rules and regulations governing grading in the City of Placerville. Prior to commencing any grading, which includes 50 or more cubic yards, the applicant shall obtain a grading permit from the Public Works Department.

12. Provide a recycling plan for approval by the Public Works Director. All demolished materials are to be recycled to the greatest extent possible. The plan must allow for the city to get credit for the recycling efforts.
13. The final site plan shall include an erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the City Engineer and Resource Conservation District.

**Community Development Department/Planning Division:**

14. The applicant and his agents shall coordinate with City Staff and the Placerville Downtown Association, as well as other adjacent business and property owners, to determine the optimal demolition time frame with the effort of minimizing the impact on business, pedestrian and traffic circulation activities in the immediate vicinity.

**Planning Commission**

15. Applicant shall be required to make a reasonable effort to preserve what building and decorative materials may have value, per page 55, paragraph 4 of the Heritage Association report, which reads:

“There are salvageable items and artifacts, including nearly all the old growth lumber and beams, the iron doors and shutters, the tin ceiling, the doors, bead board, hardware, plumbing fixtures and bricks. In fact, the only parts of these structures that could honestly be discarded would be the lumber with dry rot and any modern additions, of which there are few.”

Before commencement of demolition, Applicant shall confer with City Staff to determine which items are reasonably salvageable, and which would be too difficult or expensive for practical purposes. An inventory of salvaged items shall ultimately be created.

In the event of dispute regarding whether Applicant has made such reasonable effort, City shall make the final determination.

16. Within ten days, the site, sidewalk, and adjacent parking, if necessary, shall be secured to provide safe pedestrian movement within the immediate vicinity of the two buildings. Demolition shall be completed within 90 days.

*The motion was passed by the following vote:*

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

## **12. DISCUSSION/ACTION ITEMS**

### **12.1 Mid-Year Budget Review (Mr. Warren)**

*The Director of Finance presented an overview the mid-year budget and responded to Council questions. Public comment was received from Susan Rodman. No Council action was requested or taken. This item was for informational purposes.*

### **12.2 2009 Crime Statistics (Chief Nielsen)**

*The Chief of Police summarized the crime statistics and noted a decrease in most categories of crime. This item is for informational purposes only. The Council acknowledged and filed the report.*

## **13. COUNCILMEMBERS REPORTS/ITEMS INITIATED BY COUNCILMEMBERS**

*Mayor Rivas announced the 5-Year Anniversary celebration of the Sacramento Area Council of Governments (SACOG) Blueprint project will be held on Friday, April 2, 2010 from 8 a.m. to 11 a.m. at the Sacramento State University Union Ballroom.*

*Mayor Rivas noted an upcoming American Lung Association event.*

*Mayor Rivas requested that the City Council hold a public information workshop regarding the water and sewer rates. By consensus of the Council, the previously scheduled budget workshop on Thursday, March 18<sup>th</sup>, at 7 p.m. at Town Hall, will be utilized instead to hold the public meeting. Public announcements will be placed in Mountain Democrat to alert the public to this workshop.*

**14. STAFF REPORTS**

*No staff reports were noted.*

**15. UPCOMING ITEMS**

*Due to the late hour, staff did not summarize potential upcoming items.*

**16. ADJOURNMENT at 11:40 p.m.**

The next Regular Council meeting will be held on March 9, 2010:  
6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, CMC  
City Clerk