

**CITY OF PLACERVILLE  
CITY COUNCIL**

**MINUTES**

Regular City Council Meeting

**January 24, 2017**

City Council Chambers – Town Hall  
549 Main Street, Placerville, CA 95667  
5:00 P.M. Closed Session  
6:00 P.M. Open Session

**5:00 P.M. CLOSED SESSION**

- Item 1.** Conference with Legal Counsel – Liability Claims  
(California Government Code Section 54956.95)  
Claimant: Kathleen Franklin  
Agency claimed against: City of Placerville
- Item 2.** Conference with Legal Counsel – Liability Claims  
(California Government Code Section 54956.95)  
Claimant: Paul Nielsen  
Agency claimed against: City of Placerville
- Item 3.** Conference with Legal Counsel – Liability Claims  
(California Government Code Section 54956.95)  
Claimant: AT&T  
Agency claimed against: City of Placerville
- Item 4.** Conference with Legal Counsel – Liability Claims  
(California Government Code Section 54956.95)  
Claimant: Michael Smith  
Agency claimed against: City of Placerville
- Item 5.** Public Employment Performance Evaluation: City Manager  
(California Government Code Section 54957)

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**6:00 P.M. OPEN SESSION**

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

*The Mayor called the meeting to order at 6:00 P.M. and the Pledge of Allegiance to the Flag was recited.*

2. **ROLL CALL:** **Present:** Acuna, Borelli, Clerici, Thomas, Wilkins

3. **ANNOUNCEMENTS/PRESENTATIONS TO THE PUBLIC**

3.1 **Brief Comments by City Council**

*Councilmember Acuna thanked the City Manager and Staff for their efforts during the recent storm.*

*Vice-Mayor Clerici reminded the public of the first Measure L meeting scheduled to take place Tuesday, January 31, at Town Hall, 6:00 P.M. He hopes to see the public engage in communicating feedback and ideas.*

*Vice-Mayor Clerici also announced the grand opening of Hangman's Tree Ice Cream Saloon to occur on Saturday, January 28, at 1:00 P.M.*

*Later in the meeting, Mayor Clerici reported that the Planning Commission approved a hotel project and mentioned the deadline for the public to appeal the project is Friday (January 27<sup>th</sup>) by 5:00 P.M.*

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

*The City Attorney reported that no action was taken on Item 2 (Liability Claim of Paul Nielsen) and Item 5 (Performance Evaluation of City Manager). He also reported that with all councilmembers present, with the exception of Vice-Mayor Clerici, the remaining items were unanimously rejected.*

5. **ADOPTION OF AGENDA**

*Councilmember Thomas moved Item 12.6 to precede Item 12.3 on the agenda and moved to accept the agenda as modified. The motion was seconded by Councilmember Acuna. The motion passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins

NOES: None

ABSENT: None

ABSTAIN: None

6. **CEREMONIAL MATTERS**

6.1 **Motion for the City Council to Adjourn the Meeting Sine-Die, and Appoint the City Manager as Temporary Chairperson**

*The meeting was adjourned Sine-Die and the City Manager was appointed as Temporary Chairperson. Mayor Wilkins passed the gavel to the City Manager who then called the meeting to order and requested nominations*

*from the Council for the election of Mayor. Councilmember Thomas made a motion to appoint Vice-Mayor Clerici. The motion was seconded by Councilmember Borelli. The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

*Following the majority vote by Council, the City Manager passed the gavel to the newly elected Mayor.*

## **6.2 The Mayor Calls for Nominations for Vice-Mayor**

*Mayor Clerici called for a motion and a second to nominate candidates within the Council for the position of Vice-Mayor. It was moved by Councilmember Acuna to nominate Councilmember Thomas for the position of Vice-Mayor. The motion was seconded by Councilmember Wilkins and passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

*Following a majority vote for the election of Vice-Mayor, the regular order of business 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. The Mayor reserves the right to limit the speaker's time to three minutes. The Mayor will recognize you and when you come to the microphone, please state your name for the record. You are not allowed to make personal attacks on individuals or make comments which are slanderous or which may invade an individual's personal privacy.

**PLEASE GIVE ANY WRITTEN MATERIAL PRESENTED AT THE MEETING TO THE CITY CLERK FOR THE PUBLIC RECORD.**

### **7.1 Written Communications**

*The City Manager stated that a letter from Carl Hagen had been received*

regarding Item 12.9.

## **7.2 Oral Communication**

*No oral communication was received.*

*Materials related to an item on this Agenda, submitted to the City Council either with or after distribution of the agenda packet, are available for public inspection in the City Clerk's Office at City Hall, 3101 Center Street during normal business hours.*

## **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 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 Approve the Minutes of the Regular City Council Meeting of December 13, 2016 (Ms. O'Connell)**

*Approved the Minutes of the Regular City Council Meeting of December 13, 2016.*

### **8.2 Approve the Accounts Payable Register for December 23, 2016 and January 4, 2017 (Mr. Warren)**

*Approved the Accounts Payable Register for December 23, 2016 and January 4, 2017.*

### **8.2(a) Approve the Accounts Payable Register for January 18, 2017 (Mr. Warren)**

*Approved the Accounts Payable Register for January 18, 2017.*

### **8.3 Approve the Payroll Register for Pay Periods 12 and 13 (Mr. Warren)**

*Approved the Payroll Register for Pay Periods 12 and 13.*

### **8.4 Adopt a Resolution increasing the City's Traffic Impact Mitigation (TIM) Fees consistent with the increase in the "Engineering News Record" construction cost index for calendar year 2016 (Mr. Rivas)**

**Resolution No. 8483**

*Adopted a resolution increasing the City's Traffic Impact Mitigation (TIM) Fees consistent with the increase in the "Engineering News Record" construction cost index for calendar year 2016.*

**8.5 Adopt a Resolution:**

- 1.) Rescinding Resolution No. 8466; and**
- 2.) Retroactively approving and affirming a salary schedule effective December 31, 2016 (Attachment "A") (Mr. Warren)**

**Resolution No. 8484**

*Adopted a resolution for the following actions:*

- 1.) Rescinding Resolution No. 8466; and*
- 2.) Retroactively approving and affirming a salary schedule effective December 31, 2016.*

*No public comment was received. It was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council approve the consent Calendar as presented. The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

*No items were pulled from the Consent Calendar.*

**10. ORDINANCES**

*No ordinances were scheduled.*

**11. PUBLIC HEARINGS**

- 11.1 (1) Waive the second reading of an Ordinance Amending the City of Placerville's Zoning Map that would add the Housing Opportunity (HO) Overlay Zone to the existing R-3-PD (Medium Density Multi-Family Residential Zone- Planned Development) on Assessor's Parcel Number 323-400-20, comprising approximately 3.63-acres, located along the north side of Ray Lawyer Drive, Placerville (file: ZC 16-05); and**
- (2) Adopt said Ordinance (Mr. Rivas)**

**Ordinance No. 1686**

*The Director of Development Services explained the item. No public comment was received. It was moved by Councilmember Wilkins and seconded by Vice-Mayor Thomas that the City Council:*

- (1) Waive the second reading of an ordinance amending the City of Placerville's Zoning Map that would add the Housing Opportunity (HO) Overlay Zone to the existing R-3-PD (Medium Density Multi-Family Residential Zone – Planned Development) on Assessor's Parcel Number 323-400-20, comprising approximately 3.63 acres, located along the north side of Ray Lawyer Drive, Placerville (file: ZC 16-05); and*
- (2) Adopt said ordinance.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

- 11.2 (1) Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan (file No. EA 16-01) for the City-initiated request to add the Housing Opportunity Overlay (HO) land use designation and zone classification on Assessor's Parcel Numbers 323-570-01 and 323-570-37, located along Middletown Road, Cold Springs Road, and Placerville Drive; and**
- (2) Adopt a resolution approving the General Plan Land Use Map Amendment (file GPA No. 16-03), and**
- (3) Introduce an ordinance and waive the first reading amending the Zoning Map (file ZC No. 16-04) (Mr. Rivas)**

**Resolution No. 8485**

*The Director of Development Services explained the item. Public comment was received from John List, Kem Pence, Judy Madison, Mike Kobus, Arthur Davis, and Margaret Muff. Following Council discussion, it was moved by Vice-Mayor Thomas and seconded by Councilmember Acuna that the City Council:*

- (1) Adopt the Mitigated Negative Declaration and Mitigation Monitoring Plan (file No. EA 16-01) for the City-initiated request to add the Housing Opportunity Overlay (HO) land use designation and zone classification on Assessor's Parcel Numbers 323-570-01 and 323-570-37, located along Middletown Road, Cold Springs Road, and Placerville Drive; and*
- (2) Adopt a resolution approving the General Plan Land Use Map Amendment (file GPA No. 16-03), and*
- (3) Introduce an ordinance and waive the first reading amending the Zoning Map (file ZC No. 16-04)*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

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

### **12.1 Direct staff to place a demand upon the current owners of the property along Broadway identified as Assessor's parcel number 002-251-18 at 1351 Broadway, requiring performance pursuant to the executed Street Frontage Improvement Agreement (SFIA-272) that requires the construction of concrete curbs, gutters, and sidewalks along the street frontage of the said parcel (Mr. Rivas)**

*The City Engineer explained the item. Public comment was received from Kathi Lishman. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council direct staff to place a demand upon the current owners of the property along Broadway identified as Assessor's parcel number 002-251-18 at 1351 Broadway, requiring performance pursuant to the executed Street Frontage Improvement Agreement (SFIA-272) that requires the construction of concrete curbs, gutters, and sidewalks along the street frontage of the said parcel.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: Thomas

### **12.2 Adopt a Resolution:**

**1.) Declaring the dismantled Baltic Lookout Tower surplus property; and**

**2.) Authorizing the Director of Community Services to execute the sale of the City's dismantled Baltic Lookout Tower to the highest responsible bidder; and**

**3.) Authorizing the City to transport the tower to a metal recycling center if the City does not receive a bid with the intent to reassemble the tower; and**

**4.) Authorizing the Director of Community Services to execute all necessary documents for the sale or recycling of the Baltic Tower (Mr. Youel)**

**Resolution No. 8486**

*The Director of Community Services explained the item. Public comment was received from Mickey Kaiserman and Sue Rodman. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt a resolution for the following actions:*

- 1.) Declaring the dismantled Baltic Lookout Tower surplus property; and*
- 2.) Authorizing the Director of Community Services to execute the sale of the City's dismantled Baltic Lookout Tower to the highest responsible bidder; and*
- 3.) Authorizing the City to transport the tower to a metal recycling center if the City does not receive a bid with the intent to reassemble the tower; and*
- 4.) Authorizing the Director of Community Services to execute all necessary documents for the sale or recycling of the Baltic Tower.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

### **12.3 Adopt a Resolution approving the following:**

- 1.) Awarding a bid for purchase and installation of 9 multi-space parking pay stations to Cale America in the amount of \$98,387.97 and authorizing the City Manager to execute all documents for the purchase of the pay stations and any necessary related equipment (CIP #41705); and**
- 2.) Approving an inter-fund loan from the General Fund unassigned fund balance, to the Parking District Fund in the amount of \$98,387.97 for the said pay stations (CIP #41705) (Mr. Morris)**

### **Resolution No. 8487**

*The City Manager explained the item. Public comment was received from Dennis Thomas, Mickey Kaiserman, and Sue Rees. Following Council discussion, it was moved by Councilmember Acuna and seconded by Vice-Mayor Thomas that the City Council adopt a resolution for the following actions:*

- 1.) Awarding a bid for purchase and installation of 9 multi-space parking pay stations to Cale America in the amount of \$98,387.97 and authorizing the City Manager to execute all documents for the purchase of the pay stations and any necessary related equipment (CIP #41705); and*



2.) *Approving an inter-fund loan from the General Fund unassigned fund balance, to the Parking District Fund in the amount of \$98,387.97 for the said pay stations (CIP #41705).*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

**12.4 Adopt a Resolution of the City Council of the City of Placerville authorizing the City Manager to execute agreements with the State Board of Equalization for implementation of a local transactions and use tax (Mr. Warren)**

**Resolution No. 8488**

*The Director of Finance explained the item. No public comment was received. It was moved by Mayor Clerici and seconded by Councilmember Borelli that the City Council adopt a resolution authorizing the City Manager to execute agreements with the State Board of Equalization for the implementation of a local transactions and use tax.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

**12.5           1.     Acknowledgment of the Mayor's appointments of Councilmembers to other Agency Commissions and Boards; and  
                  2.     Acknowledgement of the Mayor's appointments of two Councilmembers to serve as the City Council Sub-Committee Interview Team for the upcoming appointments to City committees and any vacancies that may occur on those committees in the next year and authorize Staff to begin the recruitment process (Ms. O'Connell)**

*The City Clerk explained the item. Mayor Clerici noted one change to the current Councilmember Committee assignments, which was to substitute himself for Councilmember Wilkins on the City Council Sub-Committee Interview Team. No public comment was received. It was moved by Councilmember Borelli and seconded by Vice-Mayor Thomas that the City Council:*

1. *Acknowledge the Mayor's appointments of Councilmembers to other Agency Commissions and Boards; and*
2. *Acknowledge the Mayor's appointments of two Councilmembers to serve as the City Council Sub-Committee Interview Team for the upcoming appointments to City committees and any vacancies that may occur on those committees in the next year and authorize Staff to begin the recruitment process.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

- 12.6**
1. **Waive the first reading and introduce an Ordinance amending Title 9, Chapter 1, 3 & 4 of the Placerville Municipal Code related to Parking; and**
  2. **Adopt Resolution amending the daily parking fees and monthly leased parking fees for downtown parking (Mr. Morris)**

**Pulled by Councilmember Thomas and moved to precede item 12.3.**

**Resolution No. 8489**

*The City Manager explained the item and a presentation to Council was given by the Director of Finance. Public comment was received from Dennis Thomas, Sue Rodman, Kathi Lishman, and Sue Rees. Following Council discussion, it was moved by Vice-Mayor Thomas and seconded by Councilmember Wilkins that the City Council:*

1. *Waive the first reading and introduce an ordinance amending Title 9, Chapter 1, 3 & 4 of the Placerville Municipal Code related to Parking; and*
2. *Adopt a resolution amending the daily parking fees and monthly leased parking fees for downtown parking; and*
3. *Include an annual review.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

**12.7 Adopt a Resolution:**

**1. Awarding a capital lease agreement to KS StateBank/Baystone Government Finance in the amount of \$623,382.18 for a term of 3.63 years and an annual interest rate of 2.76% to refinance the existing City Hall capital lease with Orix Public Finance, LLC; and**

**2. Authorizing the City Manager to negotiate and execute the said capital lease agreement and any other documentation related to the said refinancing. (Mr. Warren)**

**Resolution No. 8490**

*The Director of Finance explained the item. Public comment was received from Mickey Kaiserman. It was moved by Councilmember Borelli and seconded by Mayor Clerici that the City Council adopt a resolution for the following actions:*

- 1. Awarding a capital lease agreement to KS StateBank/Baystone Government Finance in the amount of \$623,382.18 for a term of 3.63 years and an annual interest rate of 2.76% to refinance the existing City Hall capital lease with Orix Public Finance, LLC; and*
- 2. Authorizing the City Manager to negotiate and execute the said capital lease agreement and any other documentation related to the said refinancing.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

**12.8 Adopt a resolution confirming the Proclamation of a State of Emergency declared by the City Manager on January 10, 2017 (Mr. Morris)**

**Resolution No. 8491**

*The City Manager explained the item. No public comment was received. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt a resolution confirming the proclamation of a State of Emergency declared by the City Manager on January 10, 2017. The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None

ABSENT: None  
ABSTAIN: None

**12.9 Direct staff on how to proceed with the setup of the Measure L Committee (Mr. Morris)**

*The City Manager explained the item. Public comment was received from Tom Cumpston, Sue Rodman, Mickey Kaiserman, and Kathi Lishman. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Wilkins that the City Council direct Staff to prepare a resolution to combine the Measure H and Measure L committees and begin recruitment for the one vacancy, the one expiring term, and one Alternate.*

*The motion was passed by the following vote:*

AYES: Acuna, Borelli, Clerici, Thomas, Wilkins  
NOES: None  
ABSENT: None  
ABSTAIN: None

**13. COUNCIL REPORTS FROM OTHER AGENCY MEETINGS**

- **El Dorado County Transit Authority** – No report.
- **El Dorado County Transportation Commission** – Councilmember Borelli stated that the Commission will meet Thursday, February 2.
- **LAFCO** – Councilmember Acuna stated that LAFCO will meet Wednesday, January 25.
- **SEDCorp.** – Councilmember Borelli stated that SEDCorp has not dissolved. She will be attending an upcoming meeting, and although it will not stay SEDCorp., the City will continue to have representation on the board.
- **SACOG** – Vice-Mayor Clerici reported that District 3 Supervisor Brian Veerkamp was installed as the Board Chair of SACOG.
- **Two by Two** – No report. Mayor Clerici anticipates meetings with the County in the near future.

**14. REQUESTS FOR FUTURE AGENDA ITEMS – (Requests for Future Agenda Items Requires a Majority Concurrence of the Council)**

*Councilmember Acuna requested an item be brought back regarding new signage on the El Dorado Trail Head to encourage the reporting of homeless camp sites. He suggested working with the Recreation & Parks Commission on the issue.*

*Vice-Mayor Thomas requested a feasibility analysis be brought back regarding prohibiting the sale of single-serve alcoholic beverages for off-site consumption; applying it to both existing and new businesses.*

*Councilmember Borelli requested an after action report regarding the storm events of January 10, 2017.*

**15. CITY MANAGER AND STAFF REPORTS**

*The City Manager drew Council's attention to submitted parklet designs displayed at the front of the chamber hall. He stated the designs marked with orange tags were being considered for approval and could be voted upon online. He continued to say the winner would be announced at a Public Reveal scheduled to occur the following Tuesday (January 31st) from 6:00 – 8:30 P.M.*

*The City Manager reminded the Council of the Chief of Police interviews scheduled to occur February 1, 2016.*

*The City Manager also reported that the City was contacted by the Board of Equalization to hold an all-day small business workshop on June 8, 2016.*

**16. UPCOMING ITEMS**

*Items tentatively scheduled for the next regularly scheduled City Council meeting on February 14, 2017, include: 2016 Fire Code/Administration Citation Program Fees, C&H Auto Appeal, Measure J Report, NCCSIF Risk Management Report, UCASE MOU, and Fox Lot Farmers' Market Update.*

**17. ADJOURNMENT at 9:44 P.M.**