

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting
August 8, 2006

City Council Chambers – Town Hall
549 Main Street, Placerville, CA 95667
6:30 P.M. Closed Session
7:00 P.M. Open Session

6:30 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: Police
Officers' Association

Govt. Code 54956.9 Conference with Legal Counsel: Anticipated
Litigation – one case

7:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order and the Pledge of Allegiance to the Flag was recited.

2. ROLL CALL: Present: Acuna, Colvin, Hagen, Rivas, Washburn

3. ANNOUNCEMENTS TO THE PUBLIC

The Chief of Police summarized the annual National Night Out events held on August 1st throughout the City. Twenty-nine neighborhoods participated in the event this year. The Chief also noted that the Main Street Craft Faire would be held on August 13th, requiring a street closure in the historic downtown.

The Director of Community Services reported on the recent chemical spill at the Aquatic facility on Benham Street, caused by the delivery company's negligence. Seventeen individuals were transported to local hospitals as a precautionary measure. Mr. Youel thanked the response by City aquatic staff, fire district personnel, City Police and El Dorado County Environmental Health. The City Manager noted that the chemical supply company would no longer be making deliveries to the City of Placerville and thanked the public works crews who helped with traffic control and evacuation. Fire Marshall Mark Johnson addressed the Council and confirmed that City staff and all responders acted quickly and professionally in responding to the incident.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney noted that no reportable action had been taken in Closed Session.

5. ADOPTION OF AGENDA

The Mayor requested that Discussion Item 12.1, Final Map for the 53-Lot Subdivision Known as “The Ridge at Orchard Hill” Unit 1 be moved onto the Consent Calendar. He noted that approval of a Final Map is a ministerial function and would be more appropriately approved under the Consent Calendar. It was then moved by Councilmember Washburn and seconded by Vice-Mayor Acuna to adopt the Agenda as modified. The motion was passed by the following vote:

AYES: Acuna, Colvin, Hagen, Rivas, Washburn
NOES: None
ABSENT: None
ABSTAIN: None

6. CEREMONIAL MATTERS

6.1 A Proclamation Commending Linda Brewster on Her Years of Service to the City of Placerville and Retirement

The Mayor read a Proclamation commending Ms. Brewster on her 28 ½ years of service as a City employee and declared August 10th as Linda Brewster Day in the City of Placerville. The Chief of Police presented Ms. Brewster with a parting gift from the City and thanked her for the past thirteen years she served as Administrative Assistant to the Chief of Police. The Mayor wished her well in her retirement.

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.

7.1 Oral Communication

The Mayor noted that he had spoken to the father of an Eagle Scout candidate who had proposed a memorial to the Vietnam Veteran's utilizing the tree plaques remaining on Main Street. The Mayor noted that the Council would be reviewing the proposed memorial plaque program in the near future and until such time as that is approved by the Council, and procedures are in place for selecting an appropriate location for memorials, it would be inappropriate for this particular project to be approved. The Mayor further noted that several residents had discussed removal of the plaques with him and noted that other veteran's organizations had earmarked those plaques for proposed memorials elsewhere. The City Manager/Attorney reported that he had spoken this day to the father of the Eagle Scout and explained the situation and, although the project has merit, there are other entities in the community that should be consulted prior to this type of memorial going forward. The Eagle Scout candidate has a short timeframe to complete this project and would begin looking at other options.

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 July 11, 2006 (Ms. Zito)

Approved the Minutes of July 11, 2006.

8.2 Warrant Register (Mr. Warren)

Approved the Warrant Register.

8.3 Payroll Registers (Mr. Warren)

Approved the Payroll Registers for Pay Periods 1 and 2.

8.4 Request to Serve Alcohol at Town Hall (Mr. Youel)

Approved the request of the Placerville Downtown Association to serve wine at Town Hall as part of their Thank You Banquet for those who participated in the recent wine barrel decorating contest on Main Street.

8.5 Resolution Authorizing the Execution of a Funding Agreement with El Dorado County for the Purchase of Communications equipment for the City's Emergency Operations Center and Communications Van (Mr. Driscoll and Chief Nielsen)

Resolution No. 7414

Adopted a Resolution authorizing the execution of a Funding Agreement with El Dorado County for the purchase of communications equipment for the City's Emergency Operations Center and communications van.

8.6 Irrevocable Offer of Dedication for a Fire Truck Turnaround Easement on Lot 4 of the Sierra-Diablo Subdivision (Mr. Pesses)

Resolution No. 7415

Adopted a resolution providing for the following:

1. *Consenting to the Irrevocable Offer of Dedication attached hereto as Exhibit "A" for a fire truck turnaround easement on lot 4 of the Sierra Diablo Subdivision; and*
2. *Allowing the terminating of a portion of the "Offer of Street Dedication to the City of Placerville" that was recorded as Document No. 2000-66923 in the Recorder's Office of the County of El Dorado, the description of which is attached hereto as Exhibit "B", which will serve to summarily vacate the existing fire truck turnaround easement; and*
3. *Authorizing that a Certificate of Correction to the subdivision map detailing the new location of the fire truck turnaround easement may be recorded.*

8.7 Final Map for the 53-Lot Subdivision Known as "The Ridge at Orchard Hill, Unit 1" (Mr. Pesses)

Resolution No. 7418

Adopted a Resolution pertaining to the 53-lot subdivision known as "The Ridge at Orchard Hill, Unit 1" that provides the following:

1. *Approved the "Subdivision Improvement Agreement" for said subdivision and authorizing City Manager to execute same; and*
2. *Approved the surety bonds posted as security for performance and labor and materials on the subdivision pursuant to the requirements of section 66499 et seq. of the California Government Code; and*
3. *Approved the "Agreement to Record Deed Restriction" that restricts the sale of individual lots within the subdivision until such time as an assessment district or other public funding mechanism is formed to fund the*

- ongoing maintenance of the streets, drainage, landscaping, lighting and common areas within the subdivision, and authorize the City Manager to execute same; and*
4. *Accepted the irrevocable offer of dedication for an “Odor and Noise easement” to extend to the lots within the subject subdivision that will inure to the benefit of the City of Placerville with respect to the operation of the Hangtown Creek Water Reclamation Facility; and*
 5. *Approved the Final Map for “The Ridge at Orchard Hill, Unit 1” for filing with the El Dorado County Recorder’s Office.*

It was moved by Councilmember Washburn and seconded by Councilmember Colvin to approve the Consent Calendar as modified. The motion was passed by the following vote:

AYES: Acuna, Colvin, Hagen, Rivas, Washburn
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 Proposed Water Rates (Mr. Warren)

Resolution No. 7416

The Director of Finance presented a PowerPoint presentation and responded to Council questions. Public comment was received from Stan Atkins. Two letters were received regarding the proposed water rates. It was then moved by Councilmember Colvin and seconded by Councilmember Washburn that the City adopt a Resolution approving the

proposed water rates to become effective August 16, 2006, as presented. The motion was passed by the following vote:

AYES: Acuna, Colvin, Hagen, Rivas, Washburn
NOES: None
ABSENT: None
ABSTAIN: None

11.2 Resolution of Necessity for Taking Portion of Property Identified as Assessor's Parcel Number 048-350-411/Texerna Court/Panzica (Mr. Driscoll)

Resolution No. 7417

The Mayor summarized the issue and noted that the purpose of the acquisition is for public improvements including a drainage and public utility easement, a private access easement which overlaps the drainage and public utility easement, a fee interest in property already encumbered with a road, and a temporary construction easement. The Mayor noted that prior to this evening's meeting, the interests in question had been appraised and the property owners had been offered the appraised amount for the property interests being acquired. The owners have not accepted that offer.

The Mayor then opened the Public Hearing. No public comments were noted. The City Manager/Attorney read a letter submitted by the property owners regarding their concerns about property values and accessibility during construction for their renters. The property owners also noted in their letter that they had proposed a buyout of their property and had not received adequate response regarding purchase. Public comment was then received from Terence Kilpatrick, legal counsel for Astonia Estates, LLC who responded to the property owners comment regarding buyout. Mr. Kilpatrick noted that his clients had reviewed the property owner's buyout proposal, but declined the offer.

It was then moved by Councilmember Hagen and seconded by Councilmember Colvin that the City Council adopt a Resolution of Necessity for the taking of a portion of property on Texerna Court, identified as Assessor's Parcel Number

048-350-411, for the purpose of road improvements. The motion was passed by the following vote:

AYES: Colvin, Hagen, Rivas, Washburn
NOES: Acuna
ABSENT: None
ABSTAIN: None

It was then moved by Councilmember Colvin and seconded by Councilmember Hagen to direct the City Attorney, or special counsel designated by him, to proceed with an action in eminent domain to acquire the property interests described in the Resolution of Necessity. The motion was passed by the following vote:

AYES: Colvin, Hagen, Rivas, Washburn
NOES: Acuna
ABSENT: None
ABSTAIN: None

12. DISCUSSION/ACTION ITEMS

Item 12.1 was moved from Discussion to Item 8.7 on the Consent Calendar.

13. COUNCILMEMBERS REPORTS/ITEMS INITIATED BY COUNCILMEMBERS

No Councilmember Reports were noted.

14. STAFF REPORTS

The Director of Public Works summarized the progress to date on the Main Street Rehabilitation Project and responded to Council questions.

15. UPCOMING ITEMS

Items tentatively scheduled for the next regularly scheduled Council meeting include an appeal of a Planning Commission decision on Toad Hall, a proposed transit bus stop at the Old City Hall, Acacia Way parking permit request, and an award of bid for Canal Street sewer work.

16. ADJOURNMENT at 9:35 P.M.

The next Regular Council meeting will be held on August 22, 2006:
6:00 P.M. Closed Session; 7:00 P.M. Regular Session.

Susan Zito, CMC
City Clerk