

MINUTES

PLACERVILLE CITY COUNCIL
REGULAR MEETING
TUESDAY, NOVEMBER 12, 2024

CLOSED SESSION: 4:00 PM

OPEN SESSION: 5:00 PM

CITY COUNCIL CHAMBERS – TOWN HALL
549 MAIN STREET, PLACERVILLE, CA 95667

4:00 P.M. CLOSED SESSION

- Item 1: Conference with Labor Negotiators**
Patrick Clark, Cleve Morris, Dave Warren
Government Code § 54957.6
Bargaining Unit: Local 39
- Item 2: Conference with Legal Counsel – Anticipated Litigation,**
Significant Exposure to Litigation
Government Code § 54956.9(b):
(1 potential case)
- Item 3: Conference with Legal Counsel – Liability Claims**
Government Code §54956.95
Claimant Name: Eskaton Village Placerville
Agency claimed against: City of Placerville

5:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 5:00 p.m. and The Pledge of Allegiance to the Flag was recited.

2. ROLL CALL: Present: Clerici, Gotberg, Neau, Saragosa, Yarbrough

3. CEREMONIAL MATTERS

No ceremonial matters were scheduled.

4. CLOSED SESSION REPORT – City Attorney Ebrahimi

The City Attorney reported that no public comment was received in advance of Closed Session. The Council gave direction on Items 1 and 3, and no reportable action was taken on Item 2.

5. ADOPTION OF AGENDA

It was moved by Councilmember Yarbrough that the City Council adopt the agenda as presented. The motion was seconded by Vice-Mayor Clerici and passed by the following voice vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough
 NOES: None
 ABSENT: None
 ABSTAIN: None

6. ANNOUNCEMENTS/PRESENTATIONS TO THE PUBLIC

6.1 Brief Comments by the City Council

The City Council made brief comments.

7. 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.

7.1 Approve the Minutes of the Regularly Scheduled City Council Meeting of October 22, 2024 (Ms. O'Connell)

Approved the Minutes of the regularly scheduled City Council meeting of October 22, 2024.

7.2 Approve the Accounts Payable Register (Mr. Warren)

Approved the Accounts Payable Register.

7.3 Approve the Payroll Register (Mr. Warren)

Approved the Payroll Register.

7.4 Receive and File Public Records Requests (Ms. O'Connell)

Received and filed Public Records Requests.

7.5 Consider Adoption of an Ordinance to Amend the Text of the City of Placerville City Ordinance, Adding Chapter 30 (Tobacco Retailers) to Title 5 (Business Regulations) to Regulate Retail of Tobacco

Products and to Establish a Tobacco Retail Licensing Program; and Find the Action is Not a “Project” within the Meaning of Public Resources Code Section 21065 and CEQA Guidelines Section 15378 and Not Subject to Environmental Review (Mr. Rivas)

This item was pulled for discussion. The Director of Development Services summarized the report. Kristin Becker (El Dorado County Public Health) addressed the Council. Public comment was received from Ryan Carter, Michael Drobesh, Constance Mote (El Dorado County Public Health), and Kirk Smith. The City Clerk stated that several emails were received for this item and copies were provided to the public.

Following Council discussion, it was moved by Councilmember Saragosa that the City Council direct staff to remove Section E (page 7) of the ordinance relating to minimum prices for cigarettes, little cigars, and cigars, and bring the ordinance back for a second reading. The motion was seconded by Councilmember Gotberg and passed by the following roll-call vote:

AYES: Gotberg, Neau, Saragosa, Yarbrough
 NOES: Clerici
 ABSENT: None
 ABSTAIN: None

7.6 Consider Cancellation of the November 26, 2024 Regularly Scheduled City Council Meeting (Ms. O’Connell)

Cancelled the November 26, 2024, regularly scheduled City Council meeting.

7.7 Consider Approval of a Consulting Services Agreement with Robertson-Bryan, Inc. in an Amount Not-to-exceed \$14,745 for the City’s Small Municipal Separate Storm Sewer System (MS4) Permit and Authorizing the City Manager to Execute the Same (Ms. McConnell)

Resolution No. 9374

Adopted a resolution approving a Consulting Services Agreement with Robertson-Bryan, Inc. in an amount not-to-exceed \$14,745 for the City’s Small Municipal Separate Storm Sewer System (MS4) Permit and authorized the City Manager to execute the same.

7.8 Consider Ratifying Construction Contract Change Orders No. 1 and 2 with ERS Industrial Services, Inc., in the Combined Amount of \$28,930 for the Secondary Clarifier No. 1 Protective Coating Project (CIP #42413) and Authorizing the City Manager to Execute the Same, Approving a \$30,000 Budget Appropriation from the Measure H Fund Construction Reserve for the said Project (Ms. McConnell)

Resolution No. 9375

Public comment was received from Sue Rodman. The City Council adopted a resolution ratifying Construction Contract Change Orders No. 1 and 2 with ERS Industrial Services, Inc. in the combined amount of \$28,930 for the Secondary Clarifier No. 1 Protective Coating Project (CIP #42413), authorizing the City Manager to execute the same, and approving a \$30,000 budget appropriation from the Measure H Fund Construction Reserve for the said project.

7.9 Consider Declaring the Old Folder/Inserter Machine as Surplus Property with a Salvage Value of \$0.00 and Directing Staff to Deposit the Surplus Property with El Dorado Disposal for Recycling (Mr. Warren)

Resolution No. 9376

Adopted a resolution declaring the old folder/inserter machine as surplus property with a salvage value of \$0.00 and directed staff to deposit the surplus property with El Dorado Disposal for recycling.

7.10 Consider a Resolution Approving a Funding/Reimbursement Agreement with the County of El Dorado for a Fiscal Year 2023 Homeland Security Grant in the Amount of \$20,300 for the Purchase of Communication Headsets and Ballistic Helmets, Authorizing the Mayor and the City Clerk to Execute the Same, and Approving a \$20,300 Budget Appropriation for the said Grant (Chief Wren)

Resolution No. 9377

Adopted a resolution approving a funding/reimbursement agreement with the County of El Dorado for a Fiscal Year 2023 Homeland Security Grant in the amount of \$20,300 for the purchase of communication headsets and ballistic helmets, authorizing the Mayor and the City Clerk to execute the same, and approving a \$20,300 budget appropriation for the said grant.

7.11 Acknowledge and File the Quarterly Investment Report for the Period Ended June 30, 2024 (Mr. Warren)

This item was acknowledged and filed.

Item 7.5 was pulled for discussion. It was moved by Councilmember Saragosa that the City Council approve the balance of the Consent Calendar. The motion was seconded by Councilmember Gotberg and passed by the following roll-call vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough

NOES: None
 ABSENT: None
 ABSTAIN: None

8. PUBLIC COMMENT – NON-AGENDA ITEMS

8.1 Oral Communication

Oral communication was received from Sue Rodman.

8.2 Written Communication

No written communication was received.

9. ITEMS PULLED FROM THE CONSENT CALENDAR

Item 7.5 was pulled from the Consent Calendar.

10. ORDINANCES

No first readings were scheduled. See Item 7.5.

11. PUBLIC HEARINGS

11.1 Consideration of an Appeal Filed by Dana LeBlanc of a Fine (Third Administrative Fine) Levied on 385 Main Street for Failure to Respond to Notice to Correct (File: CC# 23-144) (Mr. Rivas)

The Director of Development Services presented the item. The Mayor invited the appellant to address the City Council. Public comment was received from Kirk Smith and Mark Acuna. Following Council discussion, it was moved by Councilmember Saragosa that the City Council deny an appeal filed by Dana LeBlanc of a fine (third administrative fine) levied on 385 Main Street for failure to respond to Notice to Correct (File: CC# 23-144). The motion was seconded by Councilmember Gotberg and passed by the following roll-call vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough
 NOES: None
 ABSENT: None
 ABSTAIN: None

12. DISCUSSION/ACTION ITEMS

12.1 Consider Appropriating \$400,000 from the Traffic Impact Mitigation Fund for the Clay Street Bridge Replacement Project (CIP #40617) and Approving Amendment No. 6 and Issuance of Notice to Proceed #7, which both total \$365,483.19 with Dewberry Engineers Inc. for the said Project (Ms. McConnell)

Resolution No. 9378

The City Engineer summarized the report. Public comment was received from Marian Washburn, Sue Rodman, Mark Acuna, Patty Borelli, and Ryan Carter. Following Council discussion, it was moved by Councilmember Gotberg that the City Council adopt a resolution appropriating \$400,000 from the Traffic Impact Mitigation Fund for the Clay Street Bridge Replacement Project (CIP #40617) and approving Amendment No. 6 and issuance of Notice to Proceed #7, in a combined total amount of \$365,483.19 with Dewberry Engineers Inc. for the said project. The motion was seconded by Vice-Mayor Clerici and passed by the following roll-call vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough
 NOES: None
 ABSENT: None
 ABSTAIN: None

12.2 Consider Approving a Resolution (1) Finding that in Approving and Directing the Management, Construction, and Operational Services Related to the Deployment of Fiber-Optic Communications Infrastructure and Advanced Network Solutions for the Broadband Fiber Planning Project (CIP #42340) Funded by the California Public Utilities Commission for the Last Mile Federal Funding Account Grant (Resolution T-17845, in the amount of \$20,198,943), the City is Not Required to Comply with the Competitive Bidding Requirements of the California Public Contract Code, and (2) Ratifying the City's Entry into a Master Services Agreement with EntryPoint Networks, Inc. to Provide Project Management, Construction, and Operational Services Related to the Deployment of Fiber-Optic Communications Infrastructure and Advanced Networking Solutions for CIP #42340 (Mr. Morris)

Resolution No. 9379

The City Attorney explained the item. No public comment was received. The City Manager stated that the Master Services Agreement was distributed to the City Council and the public at tonight's meeting.

It was moved by Vice-Mayor Clerici that the City Council adopt a resolution for the following actions: (1) Finding that in approving and directing the management, construction, and operational services related to the deployment of Fiber-Optic Communications Infrastructure and Advanced Network Solutions for the Broadband Fiber Planning Project (CIP #42340) funded by the California Public Utilities Commission for the Last Mile Federal Funding Account Grant (Resolution T-17845, in the amount of \$20,198,943), the City is not required to comply with the competitive bidding requirements of the California Public Contract Code, and (2)

Ratifying the City's entry into a Master Services Agreement with EntryPoint Networks, Inc. to provide project management, construction, and operational services related to the deployment of Fiber-Optic Communications Infrastructure and Advanced Networking Solutions for CIP #42340.

The motion was seconded by Councilmember Gotberg and passed by the following roll-call vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough
 NOES: None
 ABSENT: None
 ABSTAIN: None

12.3 Consider Approval of an Agreement with NBS to Conduct a Parks Impact Fee and Parkland In-Lieu Fee Study (CIP #42425) in the Amount as Not to Exceed \$26,510.00, Authorizing the City Manager, City Attorney, and the City Clerk to Execute the Same, and Approving a \$5,000 Budget Appropriation from the Park Development Fund for the said Project (Mr. Nishihara)

Resolution No. 9380

The Director of Community Services summarized the item. No public comment was received. It was moved by Councilmember Yarbrough that the City Council adopt a resolution approving an agreement with NBS to conduct a Parks Impact Fee and Parkland In-lieu Fee Study (CIP #42425) in the amount as not to exceed \$26,510.00, authorizing the City Manager, City Attorney, and the City Clerk to execute the same, and approving a \$5,000 budget appropriation from the Park Development Fund for the said project. The motion was seconded by Councilmember Saragosa and passed by the following roll-call vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough
 NOES: None
 ABSENT: None
 ABSTAIN: None

12.4 Consider a Resolution Adopting Annex A to the County's Multi-Jurisdiction Hazard Mitigation Plan for the City of Placerville (Mr. Morris)

Resolution No. 9381

The City Manager presented the item. No public comment was received. Following Council discussion, it was moved by Vice-Mayor Clerici that the City Council adopt a resolution adopting Annex A to the County's Multi-Jurisdiction Hazard Mitigation Plan for the City of Placerville. The motion

was seconded by Councilmember Saragosa and passed by the following roll-call vote:

AYES: Clerici, Gotberg, Neau, Saragosa, Yarbrough
 NOES: None
 ABSENT: None
 ABSTAIN: None

13. COUNCIL REPORTS FROM OTHER AGENCY MEETINGS

The Council reported on recent and upcoming meetings of various external bodies. No public comment was received.

- **El Dorado County Transit Authority**
(Mayor Neau, Councilmember Yarbrough)
- **El Dorado County Transportation Commission**
(Mayor Neau, Vice-Mayor Clerici, Councilmember Yarbrough)
- **LAFCO (El Dorado Local Agency Formation Commission)**
(Councilmember Gotberg)
- **SACOG (Sacramento Area Council of Governments)**
(Councilmember Saragosa)
- **Pioneer Community Energy Board of Directors**
(Councilmember Yarbrough)
- **Placerville Fire Safe Council**
(Mayor Neau)
- **Opportunity Knocks/Continuum of Care**
(Councilmember Gotberg)

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

No requests for future agenda items were made.

15. CITY MANAGER AND STAFF REPORTS

15.1 Acknowledge and File the HDL Sales Tax and Economic Reports for the Quarter Ended June 30, 2024 (Mr. Warren)

The reports were received and filed.

15.2 Receive and File October 2024 Police Report – Stats (Chief Wren)

The report was received and filed.

15.3 Receive and File October Fire Station 25 Run Report (Chief Cordero)

The report was received and filed.

15.4 Development Services Department's Development/Permitting Statistics for the Month of October 2024 (Mr. Rivas)

The report was received and filed.

16. UPCOMING ITEMS

Items tentatively scheduled for the next City Council meeting include: Reception for Outgoing Mayor, Employee Service Anniversaries, Mayor's State of the City, Certification of the Canvass of Ballots, Swearing In of New Councilmembers, Appointment of New Mayor/ Vice Mayor, Request for Cancellation of the Regularly Scheduled City Council Meeting of December, 24, 2024, Agriculture Commercial Zone District-Ordinance-1st Reading, Front Yard Fence Height Restrictions, Annual CFD Report, Placerville Police Officers' Association Memorandum of Understanding, Traffic Impact Mitigation Financial Report, Part-Time Salary Schedule, Special Events - Revision to Existing Guidelines, Trip to Green Consultant Agreement and Budget Appropriation, Placerville Drive Bridge - Budget Appropriations and Dewberry Amendment, Accept Green Valley Road Offers of Dedication, 241 Placerville Drive SFIA, and Corp Yard Improvements.

17. ADJOURNMENT @ 6:40 p.m.

The next regularly scheduled City Council meeting of November 26, 2024, has been cancelled. **The next regularly scheduled City Council meeting will be held on December 10, 2024, at 4:30 P.M. Closed Session, 5:00 P.M. Regular Meeting.**

Regina O'Connell, CPMC, City Clerk