

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting

January 14, 2020

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: Public Employment Performance Evaluation
Government Code § 54957**

City Manager

**Item 2: Conference with Legal Counsel – Existing Litigation
Government Code § 54956.9**

Kirk Smith v. City of Placerville, Placerville Planning Commission
El Dorado Superior Court Case No. PC20190651

5:30 P.M. WELCOME RECEPTION FOR NEW MAYOR

6:00 P.M. OPEN SESSION

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

The Mayor called the meeting to order at 6:02 p.m. and The Pledge of Allegiance to the Flag was recited. The Mayor then called for a moment of silence in honor of 11-year-old Roman Anthony Lopez.

2. ROLL CALL: Present: Saragosa, Thomas, Acuna, Borelli, Taylor

The City Clerk administered the Oath of Office to Mayor Saragosa.

3. ANNOUNCEMENTS/PRESENTATIONS TO THE PUBLIC

3.1 Announcement of Cannabis Licenses (Mr. Morris)

The City Manager announced the award of licenses to three cannabis business applicants as well as three alternates should any of the first

three be unable to perform. Each of the three awarded a license will be required to complete an additional background check and the award of the license will be contingent on their completion of this background check.

3.2 Brief Comments by City Council

Brief comments were made by the City Council.

4. CLOSED SESSION REPORT – City Attorney Driscoll

The City Attorney stated no reportable action was taken in Closed Session.

5. ADOPTION OF AGENDA

It was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt the agenda as presented. The motion was passed by the following vote:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas
NOES: None
ABSENT: None
ABSTAIN: None

6. CEREMONIAL MATTERS

6.1 Oath of Office for New Reserve Police Officer, Eric Tutuwan (Ms. O’Connell)

The City Clerk administered the Oath of Office to Reserve Police Officer, Eric Tutuwan.

6.2 Proclamation for Former Interim El Dorado County Fire Chief, Lloyd Ogan (Mayor Saragosa)

Former Mayor, Mark Acuna, read the proclamation and presented it to Mr. Ogan.

6.3 Proclamation Honoring the Career of James Whipple (Mayor Saragosa)

Mayor Saragosa read the proclamation and presented it to Mr. Whipple.

At this time, the Mayor called for a short break.

6.4 Employee Service Recognition (Mr. Morris)

Several employees were recognized for their years of service with the City.

7. PUBLIC COMMENT – BRIEF – NON-AGENDA ITEMS

7.1 Written Communication

The City Manager said an email from Marian Washburn had been received regarding traffic calming on Clay Street.

7.2 Oral Communication

Oral communication was received from Bryan Chase, Don Vanderkar, Tom Cumpston, Jennifer Chapman, Kirk Smith, and Jonathan Gainsbrugh.

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 A. Approve the Minutes of the Regular City Council Meeting of December 10, 2019 (Ms. O’Connell)

Approved the Minutes of the regular City Council meeting of December 10, 2019.

B. Approve the Minutes of the Special Meeting of the City Council of December 3, 2019, Pension Workshop (Ms. O’Connell)

Approved the Minutes of the Special Meeting of the City Council of December 3, 2019.

8.2 Approve the Accounts Payable Registers dated December 30, 2019 and January 7, 2020 (Mr. Warren)

Approved the Accounts Payable registers dated December 30, 2019 and January 7, 2020.

8.3 Approve the Payroll Register for Pay Periods 13 and 14 (Mr. Warren)

Approved the Payroll Register for pay periods 13 and 14.

8.4 Adopt a Resolution Approving an Increase in the Traffic Impact Mitigation (TIM) Fees Equivalent to the Change in the Engineering News Record Construction Cost Index from December 2018 to October 2019, Effective March 14, 2020, as Shown in Attachment “B.” (Ms. Neves)

This item was pulled from the Consent Calendar. Due to a noticing requirement, this item was not discussed and will be tabled to a future meeting.

8.5 Authorize a Contribution of \$10,000 to El Dorado County for Extension of a Funding Agreement to Provide Countywide Homeless Coordinator Services for \$10,000 (Mr. Morris)

This item was pulled for discussion. The City Manager presented the report and public comment was received from Mac Storton, Jonathan Gainsbrugh, and Maureen Dion-Perry. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council authorize a contribution of \$10,000 to El Dorado County for the extension of a Funding Agreement to provide countywide homeless coordinator services for \$10,000. The motion was passed by the following roll call vote:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas
NOES: None
ABSENT: None
ABSTAIN: None

8.6 Adopt a Resolution to Ratify Building Code Amendments to the 2019 California Fire Code as Adopted by the El Dorado County Fire Protection District (Mr. Rivas)

Resolution No. 8817

Adopted a resolution to ratify Building Code Amendments to the 2019 California Fire Code as adopted by the El Dorado County Fire Protection District.

8.7 Adopt a Resolution Retroactively Approving and Affirming a Salary Schedule Effective January 11, 2020 (Mr. Warren)

Resolution No. 8818

Adopted a resolution retroactively approving and affirming a salary schedule effective January 11, 2020.

8.8 Adopt a Resolution Retroactively Approving and Affirming the Salary and Benefit Provisions for the Executive Management Employee Unit Effective January 11, 2020 (Mr. Warren)

Resolution No. 8819

Adopted a resolution retroactively approving and affirming the salary and benefit provisions for the Executive Management Employee Unit effective January 11, 2020.

Items 8.4 and 8.5 were pulled from the Consent Calendar. Public comment was received on Item 8.5. No other public comment was received. It was moved by Councilmember Borelli and Councilmember Acuna that the City Council approve the balance of the Consent Calendar. The motion was approved by the following roll call vote:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas
NOES: None
ABSENT: None
ABSTAIN: None

9. ITEMS PULLED FROM THE CONSENT CALENDAR

Items 8.4 and 8.5 were pulled from the Consent Calendar.

10. ORDINANCES

10.1 Waive the Second Reading and Introduce an Ordinance Amending Title 6, Chapter 19 of the Placerville City Code Regulating Camping On Public or Private Property (Chief Ortega)

Ordinance No. 1702

The Chief of Police and City Attorney presented the report and clarified that this is not an introduction of the ordinance, as the report title states, but a request to waive the second reading and adopt the ordinance. Public comment was received from Jonathan Gainsbrugh, Maureen Dion-Perry, Peg Vanderkar, Kirk Smith, Sue Rodman, Don Vanderkar, and John Clerici. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Taylor that the City Council waive the second reading and adopt an ordinance amending Title 6, Chapter 19 of the Placerville City Code regulating camping on public or private property.

The motion was passed by the following roll call vote:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas
NOES: None
ABSENT: None
ABSTAIN: None

At this time, the Mayor called for a short break.

11. PUBLIC HEARINGS

No public hearings were scheduled.

12. DISCUSSION/ACTION ITEMS

12.1 Authorize Staff to Delay the Release of the Fiscal Year 2019/2020 Downtown Business Surtaxes to the Placerville Downtown Association and Direct Staff in How to Proceed (Mr. Morris)

Vice-Mayor Thomas recused himself from this item and exited the Chamber. The City Manager presented the item and Heidi Mayerhofer spoke on behalf of the Placerville Downtown Association. Public comment was received from Andrew Vonderschmitt, John Clerici, Mary Meader, Sue Rodman, and Kirk Smith. Following Council discussion, it was moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council authorize staff to withhold the funding and seek other proposals for downtown promotion. The motion was passed by the following vote:

AYES: Acuna, Borelli, Saragosa, Taylor
NOES: None
ABSENT: None
RECUSED: Thomas

12.2 1. **Receive and File Traffic and Speed Survey Data for Clay Street from 2018 and 2019; and 2. **Provide Direction to Staff on How to Address Public Concern Regarding Clay Street Traffic Calming****

The City Engineer presented a comprehensive report regarding traffic and speed survey data on Clay Street. Public comment was received from Jennifer Chapman, Kathi Lishman, and Sue Rodman. The item was received and filed and the City Council directed Staff to pursue traffic calming alternatives.

12.3 Adopt a Resolution Ratifying Construction Contract Change Orders 4, 19, 23, 31, 33, 38, and 42 and Approving Contract Change Order 34 in the Total Combined Amount of \$189,020.31 with Doug Veerkamp General Engineering, Inc. for the Western Placerville Interchanges Phase 2 Project (CIP #41828) and Authorizing the City Manager to Execute the Same. (Ms. Neves)

Resolution No. 8820

The City Engineer explained the item. No public comment was received. It was then moved by Councilmember Acuna and seconded by Councilmember Borelli that the City Council adopt a resolution ratifying Construction Contract Change Orders 4, 19, 23, 31, 33, 38, and 42 and

approving Contract Change Order 34 in the total combined amount of \$189,020.31 with Doug Veerkamp General Engineering, Inc. for the Western Placerville Interchanges Phase 2 Project (CIP #41828) and authorizing the City Manager to execute the same.

The motion was passed by the following vote:

AYES: Acuna, Borelli, Saragosa, Taylor, Thomas
NOES: None
ABSENT: None
ABSTAIN: None

12.4 Review Hangtown Creek Culvert Repair Feasibility Study and Authorize Staff to Proceed with the Recommendation of Alternative 3 and Pursue Funding in Support of that Alternative; and Authorize the City Engineer to Apply for Grant Funding to Support the Project (Ms. Neves)

Vice-Mayor Thomas recused himself from this item and exited the Chamber. The City Engineer presented the item. Public comment was received from Sue Rodman and Kirk Smith. It was moved by Councilmember Taylor and seconded by Councilmember Borelli that the City Council authorize staff to pursue funding in support of Alternative 3 (Section Removal Without Replacement) and authorize the City Engineer to apply for grant funding to support the project.

The motion was passed by the following vote:

AYES: Acuna, Borelli, Saragosa, Taylor
NOES: None
ABSENT: None
RECUSED: Thomas

At this time, Councilmember Acuna excused himself from the remainder of the meeting.

12.5 Adopt a Resolution:

- 1. Making the Following Findings: that the City Waives Notice of Five Working Days; that a Mistake was Made in the Bid of Vinciguerra Construction; that the Mistake Made the Bid Materially Different than Intended; and that the Mistake was Made in Filling out the Bid and Not Due to an Error of Judgment or Carelessness; and**
- 2. Consenting to Vinciguerra Construction Withdrawing its bid; and**
- 3. Approving a Construction Contract with C.E. Cox Engineering, Inc. for the Mosquito Road Stabilization – Clay Street to City Limits Project (CIP #41819) in an Amount not to Exceed of**

\$987,815, and Authorizing the City Manager to Execute the Said Contract; and

4. Approving Contract Amendment No. 2 with R.E.Y. Engineers, Inc. in the Amount of \$40,730 for Construction Management Support for the said Project; and (Ms. Neves)

Resolution No. 8821

The City Engineer summarized the item. Public comment was received from Sue Rodman. It was moved by Vice-Mayor Thomas and seconded by Councilmember Taylor that the City Council adopt a resolution for the following actions:

- 1. Approving the project bid results prepared for this Project pursuant to Public Contract Code 5100 et. Seq.; and*
- 2. Making the following findings: that the City waives notice of five working days; that a mistake was made in the bid of Vinciguerra Construction; that the mistake made the bid materially different than intended; and that the mistake was made in filling out the bid and not due to an error of judgment or carelessness; and*
- 3. Consenting to Vinciguerra Construction withdrawing its bid; and*
- 4. Approving a Construction Contract with C.E. Cox Engineering, Inc. for the Mosquito Road Stabilization – Clay Street to City Limits Project (CIP #41819) in an amount not to exceed of \$987,815, and authorizing the City Manager to execute the said contract; and*
- 5. Approving Contract Amendment No. 2 with R.E.Y. Engineers, Inc. in the amount of \$40,730 for construction management support for the said project; and*
- 6. Approving a budget liquidation in the amount of \$161,469 in Measure H Funds from the Mosquito Road Sewer Main Replacement (CIP #41823); and*
- 7. Approving a budget liquidation in the amount of \$110,000 in Measure H Funds from the Conrad Street Sewer Line Replacement (CIP #41916); and*
- 8. Approving a budget liquidation in the amount of \$150,000 in Measure H Funds from the Myrtle Avenue Sewer Line Repair (CIP #42010); and*
- 9. Approving a budget liquidation in the amount of \$281,392 in Measure L Funds from the Cedar Ravine Road Sewer Line Replacement (CIP #41825); and*
- 10. Approving a budget liquidation in the amount of \$170,063 in Measure L Funds from the Mosquito Road Overlay Project (CIP #41820); and*

11. Approving a budget liquidation in the amount of \$75,000 in Measure L Funds from the Water Valve Replacement Project (CIP #42007); and

12. Approving a budget liquidation in the amount of \$190,000 in Measure L Funds from the Mosquito Road Overlay Clay Street to Dimity Lane (CIP #41928); and

13. Approving a budget liquidation in the amount of \$23,139 in Measure L Funds from the Clay Street Crosswalk Repair (CIP #41834); and

14. Approving a \$421,469 budget appropriation from the Measure H Fund for the Mosquito Road Stabilization – From Clay Street to City Limits project (CIP #41819); and

15. Approving a \$801,594 budget appropriation from the Measure L Fund for the Mosquito Road Stabilization – From Clay Street to City Limits project (CIP #41819); and

16. Authorize the City Manager to negotiate and execute any necessary Contract Change Orders with C.E. Cox Engineering, Inc. up to \$25,000 per change order for either project for a not to exceed aggregate amount of \$305,248. Said change orders shall be brought to the next available City Council meeting for approval or ratification.

The motion was passed by the following vote:

AYES: Borelli, Saragosa, Taylor, Thomas

NOES: None

ABSENT: Acuna

ABSTAIN: None

12.6 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 (Attachment 1) for the Upcoming Appointments to City Committees and Any Vacancies That May Occur on Those Committees in the Next Year (Ms. O’Connell)

Mayor Saragosa stated his appointments of council members to other agency commissions and boards and changed the alternate on the El Dorado County Transportation Commission from Mayor Saragosa to Councilmember Acuna. No public comment was received. The Mayor’s appointments were acknowledged and filed.

13. COUNCIL REPORTS FROM OTHER AGENCY MEETINGS

No reports were received from other agency meetings.

- **El Dorado County Transit Authority**
Councilmember Acuna, Councilmember Taylor
- **El Dorado County Transportation Commission**
Mayor Saragosa, Councilmember Borelli, Vice-Mayor Thomas
- **LAFCO (El Dorado Local Agency Formation Commission)**
Councilmember Acuna
- **SACOG (Sacramento Area Council of Governments)**
Mayor Saragosa
- **Placerville Fire Safe Council**
Councilmember Borelli

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

A future presentation by resident Jennifer Chapman to introduce concepts for the Historic District and California Gold Rush National Historical Park received a concurrence by the City Council.

15. CITY MANAGER AND STAFF REPORTS

15.1 Public Records Act Report (Ms. O’Connell)

Received and filed.

15.2 Acknowledge and File an Informational Report of Commander Joseph Wren’s Attendance to the FBI National Academy January 6, 2020 through March 13, 2020 (Chief Ortega)

Received and filed.

16. UPCOMING ITEMS

Items tentatively scheduled for the next City Council meeting of January 28, 2020 include: Measure J Report, Local 39 MOU, Vehicle Abatement Vehicle, City Promotional Project with Comstock Magazine, and Zone Change 10-02 Relating to Residential Fence Height.

17. ADJOURNMENT @ 10:52 p.m.

The next regularly scheduled Council meeting will be held on January 28, 2020, 5:30 P.M. Closed Session, 6:00 P.M. Regular Meeting.

Regina O'Connell, City Clerk