

**CITY OF PLACERVILLE
CITY COUNCIL**

MINUTES

Regular City Council Meeting

July 10, 2018

City Council Chambers – Town Hall
549 Main Street, Placerville, CA 95667

5:30 P.M. Closed Session

6:00 P.M. Open Session

5:30 P.M. CLOSED SESSION

Item 1: Conference with Legal Counsel – Threatened Litigation-One Case (Government Code § 54956.9)

6:00 P.M. OPEN SESSION

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

The Vice-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, Wilkins
Councilmember Clerici arrived at 6:35 P.M.
Absent: Thomas

3. ANNOUNCEMENTS/PRESENTATIONS TO THE PUBLIC

3.1 Brief Comments by City Council

Councilmember Borelli said she, along with Vice-Mayor Acuna, attended a People to People meeting where they presented a brief history of the city of Placerville to the youth delegates who are soon travelling to sister city, Warabi, Japan. She also attended the farmers' market along the creek on Saturday, saying it was beautiful, and went to the Sunday market as well.

Vice-Mayor Acuna thanked the Coalwells and their vendors for their efforts in keeping the trail free and clear during their Saturday farmers' market and thanked City staff for helping to accomplish the market's relocation. He also said the City's engineering staff has released Construction Update #11 for the Western Placerville Interchange Project, noting a few significant

benchmarks, such as utility relocation, the pouring of retaining walls, and the placement of a new EID waterline.

4. CLOSED SESSION REPORT – City Attorney Driscoll

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

5. ADOPTION OF AGENDA

It was moved by Councilmember Wilkins 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, Wilkins

NOES: None

ABSENT: Clerici, Thomas

ABSTAIN: None

6. CEREMONIAL MATTERS

6.1 Proclamation Declaring August 7th, 2018, as National Night Out 2018 (Mayor Thomas)

The Vice-Mayor read the proclamation and presented it to Michelle Rand, Executive Assistant to the Chief of Police, who explained the annual event and shared details of some of the activities that will be taking place around town.

7. PUBLIC COMMENT – BRIEF – NON-AGENDA ITEMS

7.1 Written Communication

1. Two letters from Ken Shapiro received on June 27, 2018

The City Manager acknowledged two items of written communication received from Ken Shapiro.

7.2 Oral Communication

Oral communication was received from Sue Rodman regarding the success of the farmers' market along the walking trail and for her concern for fire safety at Lumsden Park. Tim Roffe addressed the City Council regarding the grand opening of a special-needs gym on Broadway, We Rock the Spectrum.

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 June 26, 2018 (Ms. O'Connell)

Approved the minutes of the regular City Council meeting of June 26, 2018.

8.2 Approve the Accounts Payable Register (Mr. Warren)

Approved the Accounts Payable Register.

8.3 Approve the Payroll Register (Mr. Warren)

Approved the Payroll Register.

8.4 Notify the Media and Public, by Approval of this Request, that the Regularly Scheduled City Council Meeting of July 24, 2018 is Cancelled (Ms. O'Connell)

The City Council approved the request to cancel the regularly scheduled City Council meeting of July 24, 2018.

8.5 Adopt a Resolution:

1.) Consolidating the November 6, 2018 City Council Election with El Dorado County; and

2.) Authorizing and directing the Registrar of Voters, at the City's expense, to provide all necessary services, which shall include but not be limited to: publications, ballots, sample ballots, election officers, polling places and canvass; and

3.) In the event of a tie vote, the winning candidate shall be decided by lot (Ms. O'Connell)

Resolution No. 8641

Adopted a resolution for the following actions:

1.) Consolidating the November 6, 2018 City Council Election with El Dorado County; and

2.) Authorizing and directing the Registrar of Voters, at the City's expense, to provide all necessary services, which shall include but not be

limited to: publications, ballots, sample ballots, election officers, polling places and canvass; and

3.) In the event of a tie vote, the winning candidate shall be decided by lot

8.6 Adopt a Resolution Accepting a Finding of Industrial Disability Retirement Pursuant to Government Code § 21156 (Ms. O’Connell)

Resolution No. 8642

Adopted a resolution accepting a finding of Industrial Disability Retirement Pursuant to Government Code § 21156.

8.7 Approve Letter of Support of the El Dorado County Transportation Commission’s Better Utilizing Investments to Leverage Development (BUILD 2018) grant program application with the U.S. Department of Transportation for the U.S. Highway 50 Camino Corridor Safety and Community Access Project Phase 2 (Mr. Morris)

Approved a letter of support of the El Dorado County Transportation Commission’s Better Utilizing Investments to Leverage Development (BUILD 2018) grant program application with the U.S. Department of Transportation for the U.S. Highway 50 Camino Corridor Safety and Community Access Project Phase 2.

8.8 Adopt a Resolution:

1.) Approving a Consulting Services Agreement with Herrera Engineering Consultants, Inc., in an amount not-to-exceed \$23,000 from July 1 to December 31, 2018 to provide technical support with the City’s National Pollutant Discharge Elimination System (NPDES) Permit for the Hangtown Creek Water Reclamation Facility and other requirements for the wastewater collection system, and authorizing the City Manager to execute same; and

2.) Approving a Consulting Services Agreement with Herrera Engineering Consultants, Inc., in an amount not-to-exceed \$20,000 from July 1 to December 31, 2018 to provide technical support with the City’s Small Municipal Separate Storm Sewer System (MS4) Permit, and authorizing the City Manager to execute same. (Mr. Rivas)

Resolution No. 8643

Adopted a resolution for the following actions:

1.) Approving a Consulting Services Agreement with Herrera Engineering Consultants, Inc., in an amount not-to-exceed \$23,000 from July 1 to December 31, 2018 to provide technical support with the City’s

National Pollutant Discharge Elimination System (NPDES) Permit for the Hangtown Creek Water Reclamation Facility and other requirements for the wastewater collection system, and authorizing the City Manager to execute same; and

2.) Approving a Consulting Services Agreement with Herrera Engineering Consultants, Inc., in an amount not-to-exceed \$20,000 from July 1 to December 31, 2018 to provide technical support with the City's Small Municipal Separate Storm Sewer System (MS4) Permit, and authorizing the City Manager to execute same.

8.9 Adopt a Resolution approving the City's Civil Rights Act of 1964 Title VI program and policy (Mr. Rivas)

Resolution No. 8644

Adopted a resolution approving the City's Civil Rights Act of 1964 Title VI program and policy.

8.10 Adopt a Resolution retroactively approving and affirming a salary schedule effective June 30, 2018 (Attachment "A") (Mr. Warren)

Resolution No. 8645

Adopted a resolution retroactively approving and affirming a salary schedule effective June 30, 2018.

8.11 Adopt a Resolution approving Construction Contract Change Order (CCO) Nos. 25 through 28 with McGuire and Hester for the Blairs Lane Bridge Replacement Project (CIP #40604) in the aggregate credited amount of \$801.19 and authorizing the City Manager to execute the same (Mr. Rivas)

Resolution No. 8646

Adopted a resolution approving Construction Contract Change Order (CCO) Nos. 25 through 28 with McGuire and Hester for the Blairs Lane Bridge Replacement Project (CIP #40604) in the aggregate credited amount of \$801.19 and authorizing the City Manager to execute the same. Public comment was received from Sue Rodman.

8.12 Adopt a Resolution:

1.) Ratifying the purchase of a new FS3500G Husqvarna Self Propelled Gas Concrete Saw in the amount of \$16,735.40 from California Diamond Products, Inc.; and

2.) Approving a \$5,000 budget appropriation from the General Fund Contingency for Unforeseen Expenditures; and

3.) Approving a \$5,868 budget appropriation from the Water Enterprise Fund Contingency for Unforeseen Expenditures; and Approving a \$5,868 budget appropriation from the Sewer Enterprise Fund unassigned Fund balance (Mr. Youel)

Resolution No. 8647

Adopted a resolution for the following actions:

1.) Ratifying the purchase of a new FS3500G Husqvarna Self Propelled Gas Concrete Saw in the amount of \$16,735.40 from California Diamond Products, Inc.; and

2.) Approving a \$5,000 budget appropriation from the General Fund Contingency for Unforeseen Expenditures; and

3.) Approving a \$5,868 budget appropriation from the Water Enterprise Fund Contingency for Unforeseen Expenditures; and Approving a \$5,868 budget appropriation from the Sewer Enterprise Fund unassigned Fund balance.

Public comment was received from Sue Rodman.

8.13 Adopt a Resolution:

1.) Approving a \$5.00 increase in the Youth Basketball early bird player registration fee from \$102.00 to \$107.00 per player effective July 1, 2018; and

2.) Approving a \$5.00 increase in the Youth Basketball post early bird player registration fee from \$112.00 to \$117.00 per player effective July 1, 2018 (Mr. Youel)

Resolution No. 8648

Adopted a resolution for the following actions:

1.) Approving a \$5.00 increase in the Youth Basketball early bird player registration fee from \$102.00 to \$107.00 per player effective July 1, 2018; and

2.) Approving a \$5.00 increase in the Youth Basketball post early bird player registration fee from \$112.00 to \$117.00 per player effective July 1, 2018

It was moved by Councilmember Borelli and seconded by Councilmember Wilkins that the City Council approve the Consent Calendar as presented. Public comment was received from Sue Rodman on Items 8.11 and 8.12. The motion was passed by the following roll call vote:

AYES: Acuna, Borelli, Wilkins
NOES: None

ABSENT: Thomas, Clerici
 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

No public hearings were scheduled.

12. DISCUSSION/ACTION ITEMS

12.1 Adopt a Resolution Establishing November 6, 2018 as the Date for an Election on a Proposed Ballot Measure Seeking Voter Approval Relating to the Enactment of a Cannabis Business Tax, Establishing the Policies and Procedures for Such an Election, and Requesting that the County of El Dorado Conduct Such Election (Mr. Morris)

Resolution No. 8649

The City Manager explained the item and responded to Council questions. Public comment was received from Kelly Chiusano, Rod Miller, and Matt Vaughn. Following Council discussion, it was moved by Councilmember Clerici and seconded by Councilmember Wilkins that the City Council adopt a resolution establishing November 6, 2018 as the date for an election on a proposed ballot measure seeking voter approval relating to the enactment of a cannabis business tax, establishing the policies and procedures for such an election, and requesting that the County of El Dorado conduct such election. The motion was approved by the following roll call vote:

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

12.2 Review Cannabis Business Regulation Licenses and provide Direction to the Cannabis Subcommittee (Mr. Morris)

The City Manager presented the item and responded to Council questions. The Vice-Mayor read a statement from Mayor Thomas. Public comment was received from Sue Rodman, Kelly Chiusano, Rod Miller, and Donna

Ayerst. The City Council reviewed potential cannabis business regulation licenses and directed the Cannabis Subcommittee to prepare a draft ordinance based on Council direction, prohibiting outdoor cultivation of all types.

12.3 Adopt a Resolution approving the content of the Public Health Mural Project located at the underpass at U.S. Highway 50 and Mosquito Road (“Transportation Art”) proposed by the County of El Dorado Health and Human Services Agency (Mr. Rivas)

Olivia Byron-Cooper from El Dorado County Health and Human Services Agency/Public Health Division and Andrew Vonderschmitt of the El Dorado Arts Council presented information regarding the mural project. Oran Miller provided a detailed mural rendering. Public comment was received from Megan Buchanan, Miranda Capriotti, Sue Rodman, Peter Wolfe, Kirk Smith, Kathi Lishman, and Donna Ayerst. Following Council discussion, it was moved by Councilmember Clerici to approve Staff’s recommendation to adopt a resolution approving the content of the Public Health Mural Project. The motion died for lack of a second. Following further discussion, Councilmember Wilkins moved Staff’s recommendation and the motion was seconded by Councilmember Clerici. The motion failed by the following roll call vote:

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

A third motion was made by Councilmember Clerici to hold the item over until the regularly scheduled City Council meeting of August 14, 2018, for discussion amongst a full Council. The motion was seconded by Councilmember Wilkins and passed by the following roll call vote:

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

At this time, Vice-Mayor Acuna called for a five-minute break. The meeting resumed following the break.

12.4 Adopt a Resolution:

1.) Approving a Consulting Services Agreement with Drake Haglan and Associates (DHA) for environmental and engineering design services for the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816) in the amount of \$1,266,429.75 and

the Placerville Drive at Hangtown Creek Bridge Replacement Project (CIP #41410) in the amount of \$842,568.54 for a total amount of \$2,108,998.29 and authorizing the City Manager to execute the same; and

2.) Authorizing City Staff to issue Notice to Proceed #1 (NTP #1) to Drake Haglan and Associates for Project Approval and Environmental Documentation (PA/ED) in a total amount not to exceed \$1,271,835.43, with \$451,153.62 for the Placerville Drive at Hangtown Creek Bridge Replacement Project (CIP #41410) and \$820,681.81 for the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816) (Mr. Rivas)

Resolution No. 8650

The City Engineer explained the item and responded to Council questions. Public comment was received from Sue Rodman. Following Council discussion, it was moved by Councilmember Borelli and seconded by Councilmember Clerici that the City Council adopt a resolution for the following actions:

1.) Approving a Consulting Services Agreement with Drake Haglan and Associates (DHA) for environmental and engineering design services for the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816) in the amount of \$1,266,429.75 and the Placerville Drive at Hangtown Creek Bridge Replacement Project (CIP #41410) in the amount of \$842,568.54 for a total amount of \$2,108,998.29 and authorizing the City Manager to execute the same; and

2.) Authorizing City Staff to issue Notice to Proceed #1 (NTP #1) to Drake Haglan and Associates for Project Approval and Environmental Documentation (PA/ED) in a total amount not to exceed \$1,271,835.43, with \$451,153.62 for the Placerville Drive at Hangtown Creek Bridge Replacement Project (CIP #41410) and \$820,681.81 for the Placerville Drive Bicycle and Pedestrian Facilities Project (CIP #41816)

The motion was passed by the following roll call vote:

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

12.5 Adopt a Resolution

1.) Approving a Construction Contract with C.E. Cox for the Schnell School Road Pressure Reducing Station (PRS) Relocation Project (CIP #41408) in an amount not to exceed \$172,700 and authorizing the City Manager to execute the same; and

2.) **Approving a budget appropriation in the amount of \$161,000 from the Measure L Fund Operating Reserve for the said project; and**

3.) **Authorizing the City Manager to negotiate and execute any necessary contract change orders with C.E. Cox up to an aggregate not-to-exceed amount of \$17,300 for the said project. Said change order(s) shall be brought to the next available City Council meeting for ratification (Mr. Rivas)**

Resolution No. 8651

The City Engineer presented the item and responded to Council questions. Public commend was received from Sue Rodman. Following Council discussion, it was moved by Councilmember Clerici and seconded by Councilmember Wilkins that the City Council adopt a resolution for the following actions:

1.) *Approving a Construction Contract with C.E. Cox for the Schnell School Road Pressure Reducing Station (PRS) Relocation Project (CIP #41408) in an amount not to exceed \$172,700 and authorizing the City Manager to execute the same; and*

2.) *Approving a budget appropriation in the amount of \$161,000 from the Measure L Fund Operating Reserve for the said project; and Authorizing the City Manager to negotiate and execute any necessary contract change orders with C.E. Cox up to an aggregate not-to-exceed amount of \$17,300 for the said project. Said change order(s) shall be brought to the next available City Council meeting for ratification.*

The motion passed by the following roll call vote:

AYES: Acuna, Borelli, Clerici, Wilkins

NOES: None

ABSENT: Thomas

ABSTAIN: None

12.6 Adopt a Resolution approving a loan from the Sacramento Area Council Of Governments in the amount of \$1,000,000 and the repayment thereof for the Western Placerville Interchanges Project, Phase 2 (CIP #41828) (Mr. Morris)

Resolution No. 8652

The City Manager presented the staff report and noted a revision to Attachment 2 (letter to SACOG). No public comment was received on the item. Following Council discussion, it was moved by Councilmember Clerici and seconded by Councilmember Borelli that the City Council adopt a resolution approving a loan from the Sacramento Area Council of Governments in the amount of \$1,000,000 and the repayment thereof for

the Western Placerville Interchanges Project, Phase 2 (CIP #41828), to include the signing of a promissory note. The motion was passed by the following roll call vote:

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

12.7 Adopt a Resolution authorizing the City to apply for an Energy Efficiency Loan from the California Energy Commission and authorize the City Manager sign all necessary application documents (Mr. Morris)

Resolution No. 8653

The City Manager explained the item and public comment was received from Sue Rodman. Following Council discussion, it was moved by Councilmember Wilkins and seconded by Councilmember Borelli that the City Council adopt a resolution authorizing the City to apply for an energy efficient loan from the California Energy Commission and authorize the City Manager to sign all necessary application documents.

The motion passed by the following roll call vote:

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

13. COUNCIL REPORTS FROM OTHER AGENCY MEETINGS

- **El Dorado County Transit Authority**
No meeting.
- **El Dorado County Transportation Commission**
No meeting.
- **LAFCO (El Dorado Local Agency Formation Commission)**
Fire District consolidations were discussed.
- **SACOG (Sacramento Area Council of Governments)**
No meeting.
- **Two by Two**
No meeting.

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

Vice-Mayor Acuna asked the City Council to consider an item relating to an enforceable noise ordinance from the Planning Commission as well as an Air BnB ordinance. Councilmember Clerici requested a copy of the City's public art policy. Councilmember Borelli inquired with the Chief of Police as to the date of the mock evacuation.

15. CITY MANAGER AND STAFF REPORTS

The City Manager noted that paving will begin on Canal Street July 18th. He also mentioned the school district's superintendent has provided a letter of commitment offering to pay for a new tube steel fence on Canal Street, across from the high school. The item will need to be approved by the school board at an upcoming meeting.

16. UPCOMING ITEMS

The next regularly scheduled City Council meeting of July 24, 2018, has been cancelled. Items for the August 14, 2018, City Council Meeting are still being developed.

17. ADJOURNMENT @ 9:07 P.M.

The next regularly scheduled Council meeting will be held on August 14, 2018, 5:30 P.M. Closed Session, 6:00 P.M. Regular Meeting.

Regina O'Connell
City Clerk