

Jackson City Council
Minutes
Regular Meeting of October 22, 2012

Patrick Crew, Mayor
Connie Gonsalves, Vice-Mayor
Wayne Garibaldi
Keith Sweet

Michael Daly, City Manager
Andrew Morris, City Attorney
Mark Morton, Interim Fire Chief
Susan Peters, City Planner
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:
Marilyn Lewis

Mayor Crew called the meeting to order at 7:00 p.m.

1. APPROVAL OF AGENDA.

Moved by Vice-Mayor Gonsalves, and seconded by Councilmember Garibaldi, and unanimously carried to approve the City Council Agenda dated October 22, 2012 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Expenditure Report for October in the amount of \$165,395.15.
- b. Approve Special Event Permit – Argonaut High School “Big Game” Parade and Rally, Main Street, Thursday, November 1.
- c. Approve Special Event Permit - American Legion Post 108, Veterans’ Day Parade, Main Street - Sunday, November 11.

Moved by Vice-Mayor Gonsalves, seconded by Councilmember Sweet, and unanimously carried to approve as presented.

4. ADMINISTRATIVE REPORTS.

Interim Fire Chief Morton reported the Department responded to 119 calls last month, 76 medical calls, 30 public assists, 6 fire related, 1 hazardous materials, 5 traffic accidents and 23 of the calls or 19 percent were outside of the city limits for automatic aid to the AFD.

City Planner Peters reports she was working on the fur remaining General Plan Element updates.

City Manager Daly reported on the following:

1. Attended the Retirement dinner of Officer Michael Collins and there will be a presentation at the next meeting to present him with a proclamation.
2. The City’s National Pollutant Discharge Elimination System (NPDES) permit issued by the State Regional Water Quality Control Board Permit received an extension to March 2013.
3. PMC is working steadily on the Jackson Wastewater Treatment Plant Project Environmental Report will be submitted next month for certification.
4. Kennedy Tailing Wheels Preservation & Access Project award of bid has been posted due to tactical issues. Staff would like to schedule a special meeting Monday, October 29 at 6:00 p.m.

5. COUNCIL REPORTS.

Mayor Crew stated the City Council welcomed Mark Morton back as the Interim Fire Chief.

DISCUSSION CALENDAR

For the record: Action minutes provide the necessary documentation of City Council actions and audio recordings are retained for those desiring more detail on particular agenda item discussion. These audio recordings provide an accurate and comprehensive backup of City council deliberations and citizen discussion.

6. Public Hearing – Final Adoption of Housing Element.

City Manager Daly reported the City Council at the April 2, 2012 Special Meeting approved the proposed amendments to the Housing Element of the City of Jackson General Plan. The City received notification that the Housing Element submitted met the statutory requirements and could be certified once the document was adopted by the City Council.

City Planner Peters reported the City of Jackson General Plan Housing Element was adopted by the City Council on June 14, 2010. The Housing Element of a General Plan is the only element of the seven mandated elements that requires State certification for a jurisdiction to be eligible for grant funding. Upon adoption, staff forwarded the Housing Element to the California Department of Housing and Community Development (HCD) for review and certification. On September 20, 2010, HCD provided an extensive comment letter to the City of Jackson outlining required amendments for the Housing Element to comply with State housing element law. The required amendments were prepared by staff and approved by the Planning Commission and City Council at a special meeting on April 2, 2012.

On July 6, 2012, the City received a second round of comments requiring additional amendments to the Housing Element. Staff addressed those comments and submitted a third preliminary version of the Housing Element to HCD on July 31, 2012. On September 6, 2012 the City received notification that the Housing Element submitted met the statutory requirements and could be certified once the document was adopted by the City Council. In accordance with Jackson's Municipal Code, the Planning Commission must make a recommendation to amend the Housing Element to the City Council. The Planning Commission held a public hearing at their October 15, 2012 and approved a motion to recommend the City Council adopt the amended document. For review purposes, all proposed amendments to the previously approved Housing Element updates are underscored with the latest amendments also highlighted.

It is recommended that the City Council approve the proposed final amendments to the Housing Element. Upon adoption, the document will be delivered to HCD and will be considered certified.

Mayor Crew opened the public hearing. Hearing no comments, Mayor Crew closed the public hearing.

After considerable discussion among the City Council and staff the following motion was made:

Moved by Councilmember Garibaldi, seconded by Councilmember Sweet, and unanimously carried to adopt Resolution 2012-41, Amending the Housing Element of the City of Jackson General Plan.

7. Public Hearing - Review of Oro De Amador Brownfields Grant Application "Analysis of Brownfields Alternatives."

City Manager Daly reported the Federal Environmental Protection Agency (EPA) Brownfield Cleanup and Assessment grants are yearly grant programs sponsored by the EPA to assist communities in reducing the impact of "brownfield" sites by funding planning and cleanup initiatives. Brownfields are abandoned or underused sites that have been contaminated by previous industries, such as mining, and require environmental cleanup. "Mine-scarred" land falls within the definition of a brownfield site, thus, many properties within the Jackson and Amador County area qualify for funding from this program.

Oro de Amador, previously owned by Kennedy Mine and Milling Company and used for tailings processing and storage, is a "brownfield" and is eligible to apply for \$600,000 in cleanup funding and \$200,000 in assessment funding. The City acquired this property in December 2006 from a subsequent owner as a donation to the City for future recreation use. The City has benefited from previous assessment grants obtained through the California Department of Toxic Substances Control (DTSC) over the past three years to provide soil contamination data, primarily arsenic, to assist in the development of a clean-up plan necessary to protect the public health when access to this property is opened to the public. These studies included a Targeted Brownfield Assessment study and a Targeted Site Investigation. A significant amount of data was collected in these studies and DTSC staff believes that one more assessment study to tie all of the information together, while at the same time applying for a clean-up grant to remediate some of the "hot spots" on the property is now warranted.

The City is working with ACRA (Stephanie Stowers) and the Oro De Amador Study Group, headed by Bob Devlin, to prepare the Brownfield grant applications for this cycle of funding. As part of the application process for this grant program, an Analysis of Brownfield Cleanup Alternatives (ABCA) is required and must be presented publicly, as well as made available for a two week public commenting process. This ABCA provides background information on the property, its planned usage, and what options the City of Jackson is considering for remediation of the contaminated soil. Evaluation of cleanup alternatives are as follows:

1. Alternative 1: No Action
2. Alternative 2: Excavation and Offsite Disposal
3. Alternative 3: Capping
4. Alternative 4: Signage and Fencing
5. Alternative 5: Combination of Alternatives 2,3,and 4

Tonight's action is that the City Council review the provided document and accept comments from the public regarding the alternatives analysis and other topics related to the application for a Brownfield grant for the Oro De Amador property.

Mayor Crew opened the public hearing. Hearing no comment, Mayor Crew closed the public hearing.

This ABCA will be available for public comment from October 23 to November 6, 2012 at Jackson City Hall. No action taken.

8. Ordinance Creating an Accessibility Board of Appeals.

City Manager Daly reported at October 9, 2012 meeting, the City Council unanimously carried to introduction Ordinance 674 adding Chapter 14.16 to the Jackson Municipal Code regarding the Accessibility Board of Appeals and conduct the first reading for the Ordinance.

Historically, the City has received few, if any, requests for exceptions from the accessibility requirements, and the City does not have an Accessibility Board of Appeals. However, the City has begun to receive these types of requests, and City staff believes it would be beneficial to create the board. While the City Council is certainly qualified to consider these issues, a specific board would help relieve this burden from the Council. In addition, the specific disability access and construction experience possessed by the board would be beneficial in interpreting the relatively complicated California Building Code. Accordingly, staff drafted the enclosed ordinance creating the Accessibility Board of Appeals and authorizing it to consider appeals regarding accessibility requirements.

If the City Council decides to adopt this ordinance, the City Council would no longer be responsible for considering accessibility appeals. Rather, it would appoint the five-member board to do so. These members would serve four-year terms (initially staggered so that two or three members' term would expire every two years), and the board would meet whenever an appeal was requested. Members could be removed from office prior to the expiration of their term with a majority vote of the City Council

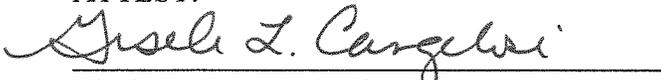
This ordinance will become effective on November 21 if approved tonight, therefore, an item will be placed on the November 13 City Council agenda to consider appointments to this board.

Mayor Crew opened the Public hearing. Hearing no comments, Mayor Crew closed the public hearing.

Moved by Councilmember Sweet, and seconded by Vice-Mayor Gonsalves, and unanimously carried to approve the second reading and adoption of Ordinance 674, an ordinance adding Chapter 14.16 to the Jackson Municipal Code regarding the Accessibility Board of Appeals.

Adjourn 7:27 p.m.

ATTEST:


Gisele L. Cangelosi, City Clerk

Date Approved: November 13, 2012