

Jackson City Council  
Minutes  
Regular Meeting of June 27, 2016

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

Michael Daly, City Manager  
Joshua Nelson, City Attorney  
Mark Morton, Fire Chief  
Susan Peters, City Planner  
Dalacie Blankenship, Accounting Manager  
Gisele Wurzbarger, City Clerk

**COUNCIL MEMBERS ABSENT:**

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

**1. APPROVAL OF AGENDA.**

**Moved by Councilmember Crew, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the City Council Agenda dated June 27, 2016 as amended. Motion passed with the following vote:**

**AYES: Gonsalves, Crew, Garibaldi, Lewis, Sweet**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**2. PUBLIC MATTERS NOT ON THE AGENDA.**

None.

**3. CONSENT CALENDAR.**

- a. Approval of Minutes of June 13, 2016 meeting.
- b. Approval of Expenditure Report for the period of June the amount of \$175,790.68.
- c. Notice of Intent Biennial Review of Conflict of Interest Code and Designated Employees.
- d. Adopt Resolution for Boundary Line Adjustment – Mattley.
- e. Critchfield Easement Abandonment – 12880 Murietta Lane.

**Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to approve the Consent Calendar dated June 27, 2016 as amended: Motion passed with the following vote:**

**AYE S: Crew, Garibaldi, Gonsalves, Lewis, Sweet**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

**Mayor Sweet abstained from the approval of Minutes of June 13, 2016.**

**4. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported on the following:

1. Responded to wildland fire last night on New York Ranch Road around ¼ acres.

2. Responded to fire at Comanche around 210 acres.
3. Jackson Fire Department Fundraiser Dinner Dance was held Saturday, September 17.

City Planner Peters reported the Planning Commission approved the following Conditional Use Permits at their June 20, 2016 meeting:

1. Conditional Use Permit to Amend the Small Licensed Child Care Center, Sean Murphy, 335 South Avenue.
2. Conditional Use Permit to allow for a Pawn Shop, Chance Pitto, 45 Main Street.

City Attorney Nelson provided an update on the State Water Resources Control Board regarding the draught regulations and will continue to monitor this for future consideration.

City Manager Daly reported on the following:

1. Chris McKenzie, Executive Director of California League of Cities will be retiring at the end of the year.
2. Staff will be meeting with the State Water Quality Board regarding new wastewater (collections) regulation violations on July 14.
3. Amador County ARTS Council's TGIF Summer Music Series started June 10 and will be held in Detert Park on July 1.
4. Received a check in the amount of \$3,000 from JBCA for the Mural Project at Tressler's Service Station.

## **5. COUNCIL REPORTS.**

Councilmember Crew attended the last meeting for the Jackson Business and Community Association.

## **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. Closing out the Kennedy Tailing Wheel Project Fund.**

City Manager Daly reported the Kennedy Tailing Wheel Park Preservation and Access project grant provided by Caltrans through the Federal Transportation Enhancement Activities Program enabled the City to preserve and protect a California landmark attraction featured on the National Register of Historic Places and made the wheel available for education and benefit of the viewing public. This project was accepted by the City Council in January of this year as complete.

Account Manager Blankenship reported Dalacie reported the amount of \$94,254.79 includes \$51,282.04 for the construction engineering and \$42,972.75 for the City's 11.87% portion of the preliminary engineering, 13.65% of the contracted construction plus the additional construction amount. Caltrans reimbursed the City for 88.13% of the Preliminary Engineering costs totaling \$116,342.13, and 86.35% of the contracted construction cost of \$589,592. The total construction cost was \$610,442.73. Construction engineering costs were eliminated from reimbursement by Caltrans

when the construction costs were found to be in excess of the original engineer's estimate. The City understood it would then be responsible for the construction engineering fees. This project was accepted by the City Council in January of this year as complete. Due to legal issues between subcontractors on the project the City was unable to submit the final billing to Caltrans until recently. Final payment has been received from Caltrans. The City needs to provide the funds to close out the books on this project. There are two options for doing this. The first option is to use funds from the Park Impact Mitigation Fund and the second option is to use General Fund Reserves. The Park Impact Mitigation Fund (Resolution No. 2007-02 attached) balance at present is \$645,985. At the time the resolution was adopted the balance was \$570,512. The General Fund Reserve balance is estimated to be \$564,769 at the end of this fiscal year.

Mayor Sweet opened the public discussion. Hearing no comment from the public, Mayor Sweet closed the public discussion.

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

**Moved by Councilmember Garibaldi, seconded by Councilmember Crew, and carried by a 5 to 0 vote to pass a motion to transfer funds of \$94,254.79 into the Kennedy Tailing Wheels Park Grant Project fund from Park Impact Mitigation Funds to close the project. Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

#### **7. Gas Tax Audit.**

Account Manager Blankenship reported the State of California Controller's Office conducted a Gas Tax and Traffic Congestion Relief Fund allocations audit for the time period of July 2007 through June 2013. This audit was conducted at City Hall in early 2014. During the audit it was found that the City did not spend enough of the funds on streets to meet the maintenance-of-effort requirement to qualify for the Traffic Congestion Relief Funds provided. A copy of the Draft Audit Report and letter from the State Controller was provided.

The City is obligated to repay the Traffic Congestion Relief Funds of \$39,020. However, the State has offered another solution to alleviate this finding from the audit and the City would then have a "clean" audit report. A transfer of \$51,261 from General Fund to the Gas Tax Fund could be made. This amount is the \$39,020 plus the difference in the amount spent on streets and the maintenance-of-effort amount. If the Council chooses to repay the \$39,020 to the State of California the Final Audit Report will be issued with the finding of "TCRF maintenance-of-effort requirement not met." Issuing those funds to the State will have a substantial impact on the City's General Fund Reserves. If the Council chooses to transfer funds from the General Fund to the Gas Tax Fund the funds would then still be available for the City's use for street maintenance and repair. A copy of the calculation for the maintenance-of effort amount was provided.

Mayor Sweet opened the public discussion. Hearing no comment from the public, Mayor Sweet

closed the public discussion.

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

**Moved by Councilmember Crew, seconded by Vice-Mayor Gonsalves and carried by a 5 to 0 vote to pass a motion to transfer \$51,261 from General Fund to the Gas Tax Fund to avoid findings on the Gas Tax Audit. Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

#### **8. Solar Pre-Screening Assessment.**

City Planner Peters, reported In February this year, the Sierra Business Council connected City staff with Optony Inc. to further the implementation of the City's Energy Action Plan. Optony Inc. prepared a Solar Pre- Screen Assessment at no cost to the City of Jackson. The objective of the assessment was to determine the feasibility of solar installation at the various City facilities and properties. The information presented regarding the technical and economic viability for solar installation is the first step in pursuing funding options for the City to invest in solar. This information is posted on the city's website

Mayor Sweet opened the public discussion. Hearing no comment from the public, Mayor Sweet closed the public discussion.

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

**Moved by Vice-Mayor Gonsalves, seconded by Councilmember Lewis and carried by a 5 to 0 vote to direct City Planner Peters to research grant/funding options for the City to invest in solar. Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

#### **9. Sign Ordinance Amendments.**

City Attorney Nelson reported in order to comply with recent legal developments, including the Supreme Court decision Reed v. Town of Gilbert, Arizona (2015) 576 US \_ [135 S. Ct. 2218], and to address some other deficiencies in Development Code, Article III, Chapter 17.54 Sign Regulations, staff is recommending the City Council consider the attached amendments to the City's sign ordinance.

City Planner Peters reported the City Attorney has proposed amendments to clean up some of the definitions and restrictions that could be in conflict with the Town of Gilbert decision. Additionally, language regarding monument, projecting, and suspended signs has also been added to provide clarity

to staff and the public. Unconstitutional – everything has to be the same. The Planning Commission held a public hearing on May 16, 2016 to consider the proposed amendments. There were no comments from the public and the Planning Commission recommended the City Council adopt the proposed changes to Chapter 17.54 Sign Regulations.

Mayor Sweet opened the public discussion. Kam Merzlak spoke regarding amending Chapter 17.54 of the Jackson Municipal Code. Hearing no further comments from the public, Mayor Sweet closed the public discussion.

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

**Moved by Councilmember Garibaldi, seconded by Councilmember Crew and carried by a 5 to 0 vote to a-approve the first reading of Ordinance No. 692 amending Chapter 17.54 of the Jackson Municipal Code. Motion passed with the following vote:**

**AYE S: Crew, Garibaldi, Gonsalves, Lewis, Sweet**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

#### **10. Parking Meters.**

City Manager Daly reported this item was on the June 13 Agenda, however Police Chief Morrison was absent and this item was continued to tonight's meeting. Police Chief Morrison researched the parking meter systems that accept credit cards as an option for payment at any given single metered parking space; or kiosk type of central payment station for any numbered parking space or spaces. There are several popular meter companies that offer a variety of options for placement and functionality.

Mayor Sweet opened the public discussion. Hearing no comments from the public, Mayor Sweet closed the public discussion.

Staff was directed to research the meter's worth in case the City Council makes the decision to the sale them.

#### **11. Appointment of Planning Commissioners and Cemetery Committee Members.**

City Manager Daly reported Planning Commission terms last two years and expires on June 30. During odd numbered years, two seats expire and during even numbered years, three seats expire. This year, the seats of Planning Commission members Steve McLean, Paul Molinelli, Jr., and George White expire on June 30. All three commissioners have submitted for re-appointment. No other new applications were received. Cemetery Committee terms also last two years and expires on June 30. Two seats are expiring this year: Keith Davis and Walter Hoeser. They have both re-applied for their seats on this Committee. Similar to the Planning Commission, no other applications were received for the vacant positions. Both boards were advertised in the newspaper and posted on the City's website, as well as the bulletin board in City Hall.

Mayor Sweet opened the public discussion. Hearing no comments from the public, Mayor Sweet closed the public discussion.

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

**Moved by Councilmember Crew, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to re-appoint Steve McLean, Paul Molinelli, Jr., and George White to serve on the Planning Commission and re-appoint Keith Davis and Walter Hoeser to serve on the Cemetery Committee. Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet**  
**NOES: None**  
**ABSENT: None**  
**ABSTAIN: None**

## **12. CLOSED SESSION**

- a. Conference with Real Property Negotiator. (Pursuant to Government Code Section 54956.8). Parking Lot across from 240 N. Main Street, Jackson, APNs 020-191-004 and 020-191-005, Chaquica and Rodgers Family Trusts. Agency Negotiator: Michael Daly, City Manager.
- b. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: 1 case.
- c. Conference with Real Property Negotiators. Property: 95 French Bar Road, Negotiating parties: John Allen, Under negotiation: Price and terms of payment. Agency negotiator: Mike Daly, City Manager.
- d. Public Employee Annual Performance Evaluation: City Manager. (Pursuant to Government Code Section 54957)

## **13. ADJOURNMENT**

Vice-Mayor Gonsalves reconvened to Open Session at 8:16 p.m. and announced no reportable action taken.

Adjourn 8:17 p.m.

ATTEST:

  
Gisele L. Wurzbarger, City Clerk

Date Approved: July 11, 2016