

Jackson City Council  
Minutes  
Regular Meeting of December 10, 2012

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

Michael Daly, City Manager  
Andrew Morris, City Attorney  
Scott Morrison, Police Chief  
Mark Morton, Fire Chief  
Gisele Cangelosi, City Clerk

**COUNCIL MEMBERS ABSENT:**

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

**1. CEREMONIAL.**

Councilmember Sweet presented a Certificate of Commendation Presentation to Eagle Scout Ethan Anderson for repairing, maintain and improving the usefulness of the picnic benches and surrounding area at Kennedy Tailing Wheels Park.

Eagle Scout Ethan Anderson explained this project for the Kennedy Tailing Wheels Parks was a park of his project to become an Eagle Scout.

**2. APPROVAL OF AGENDA.**

**Moved by Vice-Chairman Gonsalves, and seconded by Councilmember Lewis, and unanimously carried to approve the City Council Agenda dated December 10, 2012 as presented.**

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

None.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of November 26, 2012 meeting.
- b. Approval of Expenditure Report for the period of December the amount of \$ 238,425.06.
- c. Approval of Salary related items for November the amount of \$271,048.07.
- d. Accept October 2012 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for November 2012.
- f. Receive Jackson Fire Department Monthly Report for November 2012.
- g. Receive Building Department Monthly Reports for November 2012.
- h. Approve Calendar Year 2013 City Council Meeting and Employee Furlough Schedule

**Moved by Councilmember Lewis seconded by Vice-Mayor Gonsalves, and unanimously carried to approve carried to approve the Consent Calendar as presented.**

**5. ELECTION DECLARATION – ELECTED OFFICIAL SEATING.**

- a. Swearing In and Seating of Councilmembers Wayne Garibaldi, Marilyn Lewis and Keith Sweet to new four year terms.

Oath of Office was administered to Wayne Garibaldi, Marilyn Lewis and Keith Sweet by City Clerk, Gisele Cangelosi.

b. Selection of Mayor and Vice-Mayor.

City Manager Daly reported the Jackson Municipal Code and California Government Code call for the City Council to select one of its own members to serve as Mayor and Vice Mayor for one year terms. This has been traditionally voted upon at the last meeting in November of odd-numbered years and the beginning of December of even-numbered years following the general election. To clarify the roles and responsibilities of the Mayor, Vice-Mayor and Councilmembers, the City Council adopted the attached City of Jackson Code of Conduct for Elected Officials, which was last revised in June, 2005.

**Moved by Councilmember Gonsalves, seconded by Councilmember Lewis, and carried by a 4 to 1 vote (Councilmember Crew abstained) to nominate and approve Councilmember Crew as Mayor.**

**Moved by Councilmember Lewis, seconded by Mayor Crew, and carried by a 4 to 1 vote (Councilmember Gonsalves abstained) to nominate and approve Councilmember Gonsalves Crew as Vice-Mayor.**

Mayor Crew noted for the record to best of his recollection this is the first five members City Council that has be seated unopposed.

c. Appointment of City Clerk.

City Manager Daly reported no one has run for the City Clerk position for the past thirteen years. Gisele Cangelosi has been appointed to the City Clerk since July 1999. The position of City Clerk was up for election at the General Municipal election of November 6, 2012 and no applicant filed Declaration of Candidacy papers. Pursuant to California Elections Code 10229, the City Council may choose to appoint an individual to the vacant seat. The City Council has determined it is in the best interest of the City to appoint an individual.

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

**Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and unanimously carried to adopt Resolution 2012-46 appointing Gisele Cangelosi to the City Clerk position.**

BREAK (refreshments and social) Mayor Crew reconvened the meeting at 7:30 p.m.

## **6. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported on the following:

1. Jackson Fire Department responded to 94 calls last month, 70 medical calls, 14 public assists, 0 fire related, 2 hazardous materials, 8 traffic accidents and 19 of the calls or 20 percent were outside of the city limits for automatic aid to the AFPD.
2. Santa Patrol will start December 20<sup>th</sup> and Santa will be accepting canned food donation for the Interfaith Food Bank. The Santa's route is posted on the Jackson website.
3. The Department recruited 4 new volunteers in December.

Police Chief Morrison reported on the following:

1. The Department responded to 543 calls for service for the month of November.
2. The Department assisted with numerous storm related calls. He thanked the Fire Department, Public Works and City Manager Daly for their assistance and team work during the storm.

City Manager Daly reported on the following:

1. On Sunday, December 2 staff responded to numerous storm related calls.
2. Due to this storm there was damage to the Vista Point Improvement Project back wall.
3. Due to this storm a couple residential homes had drainage problems.
4. Filled sand bags available free for the public at the Corporation Yard.
5. Work at Detert Park has slowed down but are still doing some fencing and paving the tennis court.
6. Vista Point Improvement Project is now opened to the public. There are a few signs posted but is still a work in progress.
7. Court Street Improvement Project will be winterized this week.
8. Public Workshop for the Circulation Improvement Program and Transportation Impact Fee will be held in January and finalized in February.

## **7. COUNCIL REPORTS.**

Councilmember Sweet reported he attended the ACTC workshop for the City of Jackson Circulation Improvement Program on Thursday, November 29.

## **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.

## **8. Planning Commission Appointments.**

City Manager Daly reported there are two unscheduled vacancies on the Planning Commission. When these vacancies occurred, a public notice was issued inviting applications for the Planning Commission seats and three applications have been received. Applicants include:

- Paul Molinelli, Jr.
- Robert Stimpson
- George White

It is recommended that the City Council invite each of the three applicants to provide information about their interest in the Planning Commission, ask questions related to the position, and select two of the applicants to serve on the Commission.

Though one of the vacant seats was scheduled to expire on June 30, 2013, two other seats are also expiring next June (Kathryn Devlin and Walter Hooser), therefore, it is recommended that these two seats both have term expiration dates of June 30, 2014.

Paul Molinelli, Jr., provided a brief recap of his qualifications for this position. He stated he had a vested interest in Jackson.

Robert Stimpson, provided a brief recap of his qualification for this position. He currently serves on the Cemetery Committee and Chairman Warren Carleton and Vice-Chairman Walter Hoeser recommended he apply for this vacant position.

George White, provided a brief recap of his qualification for this position. He stated he wants to maintain the historic background and move forward into this modern society.

Mayor Crew opened the public discussion. Hearing no comment, Mayor Crew 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 unanimously carried to appoint Paul Molinelli Jr. and George White to the two vacant Planning Commissioners to serve terms expiring on June 30, 2014.**

**9. Public Hearing – Accept Protests Regarding ACES Waste Services Inc. Rate Increases.**

City Manager reported on Thursday, October 25, the City mailed a notice of public hearing to all property owners and customers of ACES Waste Services, Inc., within Jackson city limits regarding rate increases previously approved by City Council and an indexed rate increase in 2013. This notice was mailed in conformance with the requirements of Proposition 218 to provide a 45 day notice to affected and potential customers. The waste service is not a mandatory service in Jackson and due to the lawsuit the City conformance with the requirements of Proposition 218. The notice details rate increases approved by the City Council for ACES increases that were implemented on January 1, 2010 (9.15%), January 1, 2012 (2.55%) and a rate increase that was originally scheduled to go into effect on July 1, 2012 (3.68%) that is now scheduled to be effective on January 1, 2013. The purpose of the notice was to notify customers and property owners that protest would be accepted until this public hearing on December 10, 2012, if they objected to the approval of these increases.

As of this date, only two protests have been received. Written protests may be received up until the close of the public hearing at the City Council meeting on December 10, 2012. If less than 50% of the eligible protestors submit a protest, the City Council may adopt the provided resolution ratifying the previous increases and allowing for an indexed increase later in 2013 under the rules of Proposition 218.

City Manager Daly noted for the record he received a protest email today from Ken Berry raising questions to the process as it relates to Brown Act.

Mayor Crew opened the public hearing.

Bill Condrashoff, Ratepayer Protective Alliance, spoke in protest regarding ACES Waste Services Inc. Rate Increases and questioned the public notification procedures taken. He stated for the record, Ken Berry was not able to attend tonight's meeting and requested his email be read into the record. The Alliance felt the Council's action taken in closed session was a violation of the Brown Act.

Mayor Crew closed the public hearing.

City Attorney Morris reported he read Mr. Berry's email and heard Mr. Condrashoff's comments and he simply disagreed with their analysis of Proposition 218 and what the law requires. Since Mr. Orescan made Proposition 218 part of his litigation, discussion on this matter was permissible in closed session and the Brown Act is very specific about what action has to be reported out. The Council only discussed settlement and no direction was provided and the Brown Act was not violated. Proposition 218 does not require the Council to make a decision in public to send out the 45-day notice and only requires that the notice be sent out. He reiterated this lawsuit is merit-less. The City does not have a settlement and, as a result, there is nothing in closed session that had to be reported out.

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

**Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and unanimously carried to approve Resolution 2012-44 Ratifying and Approving Rate Increases for ACES Waste Services, Inc.**

#### **10. Central Sierra Economic Development District – Joint Powers Authority Amendment and Funding Commitment.**

City Manager Daly reported over the past year, the Central Sierra Economic District (CSEDD) has undergone a reorganization with a new Executive Director, Larry Cope, and updated its economic development document. As part of this renewal, the old sister agency, the Central Sierra Planning Council is being dissolved. The new look at the CSEDD and the dissolution of the Planning Council has spurred some recommended amendments to the Joint Powers Authority agreement document. The changes are summarized in the provided memorandum from Carlyn Drivdahl, CSEDD Counsel. Most of them are aimed at simplifying the decision making process for the Board and clarifying the appointment process of Board members.

City Attorney Morris has reviewed the documents and commented that there are only two amendments in this revised version particularly noteworthy.

- The first is the shift in the voting requirement from requiring an affirmative vote of a majority of the entire board to a majority of a quorum. That shifts the requirement from seven votes to potentially as few as four votes (if only seven members are present).
- The second notable amendment is changing from requiring unanimous approval of all JPA members for a JPA amendment to requiring only two-thirds approval. That takes away any one member's ability to veto amendments. These changes aren't necessarily bad, and they're clearly aimed at making it easier for the JPA to function, but are important to consider with ratification of these amendments.

The second action requested by CSEDD Executive Director is a commitment from each of the member agencies to provide its proportionate share to match Economic Development Administration funds that CSEDD is applying for to carry out the work plan that is laid out in the new Comprehensive Economic Development Strategy Document covering 2012-2016. A list of the Regional Objectives contained in this document is attached.

The total cost to CSEDD is \$25,000, and based on the population distribution formula approved by the CSEDD Board, the City of Jackson's share is \$770.98. Due to the economic development focus of this project, it would be appropriate to utilize the Measure E funds the City Council has reserved for city related economic development projects.

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

After considerable discussion among the City Council and staff the following motions were made:

**Moved by Councilmember Garibaldi to adopt Resolution No. 2012-45, approving the request from the Central Sierra Economic Development District (CSEDD) and requested the Joint Powers Authority agreement exclude "unanimous to 2/3 vote". This motion died due to a lack of a second.**

**Moved by Councilmember Sweet, and seconded by Councilmember Garibaldi and carried by a 3 to 2 vote (Councilmember Lewis and Councilmember Garibaldi dissenting) to adopt Resolution No. 2012-45, approving the request from the Central Sierra Economic Development District (CSEDD) to amend the Joint Powers Authority agreement.**

**Moved by Councilmember Garibaldi, and seconded by Vice-Mayor Gonsalves and carried by a 4 to 1 vote (Councilmember Lewis dissenting) authorize the use of \$770.98 in Measure E funding for the City's contribution to this agency in FY 2012-13.**

#### **11. City Council Committee Assignments.**

Mayor Crew reported each year the Mayor reviews appointments and makes assignments to the numerous committees and liaison roles required of City Council members. The City Council was provided a copy the roster of all assignments detailing the current appointed members and meeting times of the various committees and organizations.

After considerable discussion the Council Committee assignments will be appointed at the first meeting in January.

#### **12. CLOSED SESSION**

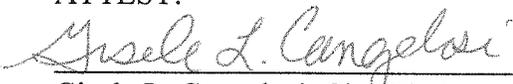
Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9). Name of case: Orescan v. City of Jackson, 12-CV-7862.

Vice-Mayor Gonsalves reconvened to Open Session at 8:28 p.m. and announced there was no reportable action taken.

#### **13. ADJOURNMENT**

Adjourn 8:30 p.m.

ATTEST:

  
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Gisele L. Cangelosi, City Clerk

Date Approved: January 14, 2013