

Jackson City Council
Minutes
Regular Meeting of January 11, 2010

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

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

COUNCIL MEMBERS ABSENT:

Connie Gonsalves, Mayor

Vice-Mayor Garibaldi called the meeting to order at 7:00 p.m.

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to approve the City Council Agenda dated January 11, 2010 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

Jack Georgette, Jackson, requested an update on the outstanding amount owed by New Faze.

City Manager Daly reported the City Attorney has been in discussions with New Faze's Attorney regarding the outstanding amount owed and was in the process of filing of a lien on Jackson Hills, LLC property.

Mr. Georgette inquired who were the officers for the Jackson Hills, LLC property. City Attorney Morris stated he would try to obtain that information for Mr. Georgette.

Bob Devlin, Jackson, reported on the following two items:

1. Amador Citizens for Transportation Options (ACTO) supports Assembly Bill 584, Neighborhood Electric Vehicles (NEV) submitted by Assemblymember Alyson Huber, which provides more NEV flexibility.
2. Amador County Users Group (ACUG) the computer group helps people and governmental agencies. They hope to provide Internet access in the Jackson Civic Center and will pay to establish this service.

3. CONSENT CALENDAR.

- a. Approval of Minutes of December 14, 2009 meeting.
- b. Approval of Expenditure Report for January in the amount of \$261,768.18
- c. Approval of Salary related items for December the amount of \$243,085.10.
- d. Accept November 2009 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for December 2009.
- f. Receive Building Department Monthly Reports for November and December 2009.
- g. Adopt Resolution Authorizing Application for Energy Efficiency Community Block Grant Funds.
- h. Adopt Resolution for Annual City Investment Policy.

Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to approve as amended except for:

- 1. Councilmember Crew abstained on the approval of Check 232175 in the amount of \$4695.64.**
- 2. Councilmember Sweet abstained on the approval of Check 232253 in the amount of \$538.85.**

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported the Jackson Fire Department responded to 85 calls last month, 49 medical calls, 10 public assists, 7 fire related, 6 hazardous materials, 13 traffic accidents and 19 percent of the calls were outside of the city limits for automatic aid to the AFPD. Total number of calls for 2009 was 939, total calls for 2008 was 932 and total calls for 2007 was 840. The department took possession of the new Engine 6332 which is the sister vehicle to Engine 6333.

Police Chief Morrison reported the department responded to 398 calls last month, 95 traffic violations, 2 deaths - nature cause, numerous misdemeanors and 18 acts of vandalism.

City Attorney Morris reported he has been working on the St. Sava right-a-way issues for the Mission Boulevard Extension project.

City Manager Daly reported on the following items:

1. The next Jackson Revitalization Committee meeting will be held Thursday, January 14. The "Shop Jackson" Raffle will be held at the Dalton Town Hall, Jackson Rancheria Casino on February 4 at 8:00 p.m. and the winner must be present to win.
2. Attending a meeting in Folsom next week regarding Managers Pension Reform issues.
3. Presentation of the annual Audit Reports for Fiscal Year 2008-2009 will be presented at the next City Council meeting.
4. Attended the Annual Fire Department Appreciation Dinner, he thanked Fire Chief Morton and the Jackson Fire Department volunteers. The ladies group put together a slide show presentation and created a 2010 Calendar, which highlighted 2009 special events, calls and training sessions.

6. COUNCIL REPORTS.

Councilmember Lewis attended the Central Sierra Resource Conservation & Development (CSRC&D) meeting today.

Councilmember Sweet attended the Annual Fire Department Appreciation Dinner and noted the Fire Department has done a great job. He stated he would like to attend some of their training sessions.

Councilmember Sweet stated he would like to be kept informed of incidents occurring in Jackson and requested Police Chief Morrison provides information to the City Council so they know what is happening.

Vice-Mayor Garibaldi attended the Amador County Recreation Agency's "Blue Moon" New Years Eve Bash and noted it was a great event.

DISCUSSION CALENDAR**7. Water Bond Refinancing.**

This item was deferred pending arrival of Lonnie Odom, President/CEO of Stinson Securities LLC.

8. Request from New York Fitness for Sewer Rate Calculation Adjustment.

Councilmember Sweet recused himself due to a potential conflict of interest given that he is employed by New York Fitness.

City Manager Daly reported he received an email from Bob Devlin, Owner, New York Fitness, requesting a reduction in the New York Fitness sewer rate based on the amount of water that evaporates from the swimming pool at this facility and allow an adjustment of approximately \$105 per month based on likely evaporation rates. The Commercial sewer rates in the City of Jackson are calculated based on water consumption. There is precedence for allowing a credit for water used but not entering the wastewater system. The City allows a 35% reduction in water usage for car wash facilities based on water recycling and 25% for Laundromats based on water that is captured in clothing then evaporates through the drying process. The current sewer bill for New York Fitness, based on water consumption of 319 units (159.5 units per month average from November 2008 through April 2009), is \$937.81 per month. There are 748 gallons (100 cubic feet) of water per unit.

Mr. Devlin cited information with his request from www.wikianswers.com stating that a pool can lose up to 1 inch of water per day to evaporation. Information he provided states that "a simple rule of thumb in the pool industry is that ½ inch to 1 inch per day is normal evaporation." The amount will vary depending on temperature, humidity and splash-out. Other documents easily searchable on Google peg the evaporation rate closer to ¼ inch per day. Based on this information, it appears that ¼ inch per day is a conservative estimate of typical pool leakage. The best way to be able to calculate the water consumption accountable to the pool would be to add a sub-meter at the New York Fitness facility to read exactly how much water is used to keep the pool filled.

Staff recommends that the City Council allow a credit of approximately \$105 per month (with possible variance due to rounding) or use a credit based on a sub-meter installed at the pool at the customer's expense.

Bob Devlin, New York Fitness, provided a brief history the New York Fitness pool. He felt ¼ inch per day was a conservative estimate of typical pool leakage. He stated the wind and splash out are also factors for the water loss. He requested a credit based on ½ inch per day but noted he would accept the decision of the City Council.

Vice-Mayor Garibaldi opened the public discussion. Hearing no comments from the public, Vice-Mayor Garibaldi closed the public discussion.

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

Moved by Councilmember Lewis, seconded by Councilmember Crew, and carried by a 3 to 0 vote (Councilmember Sweet abstained) to approve Bob Devlin, Owner, New York Fitness request for a reduction in the New York Fitness sewer rate based on the amount of water that evaporates from the swimming pool at this facility and allow an adjustment of approximately \$105 per month based on likely evaporation rates.

Councilmember Sweet returned to the dais.

9. Request from Main Street Theatre Works to Amend Use of Measure E Funding.

City Manager Daly report in June 2009, the Michael Phelan, Main Street Theatre Works (MSTW) organization was granted \$4,000 from the City's Measure E transient occupancy tax revenue to promote tourism in Jackson. Their original request was for \$5,000 to be used for improvements to the Kennedy Mine Amphitheatre's "Customer Service Center," including completing the second floor for costume and prop storage; adding an overhanging porch cover above the ticket office, concession and restroom areas; and adding cement pavers to complete the walkways around the building.

In December, the City Manager was contacted by MSTW to request a modification in the use of the funding "to help cover our production budget until our next fundraising event, scheduled to occur in March 2010." No additional funds have been requested, only a change in the use previously approved funds. Detailed financial statements are attached with their request.

Michael Phelan, President MSTW Directors, was present to answer question of the City Council.

Vice-Mayor Garibaldi opened the public discussion. Hearing no comments from the public, Vice-Mayor Garibaldi closed the public discussion.

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

Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously carried to approve the request from Main Street Theatre Works to re-allocate the \$4,000 in Measure E funding granted to their organization through the Amador Council of Tourism in June 2009.

10. Resource Allocation Plan – Requests for Extension of Previously Allocated Housing Equivalent Units.

City Manager Daly reported the Resource Constraints and Priority Allocation Ordinance requires that projects which have received an HEU allocation submit an application to the Planning Department by the end of the year within which the allocation was received and further requires the project to receive necessary entitlements within the following year. Per Section 17.91.080(D) of the Resource Constraints and Priority Allocation Ordinance the City Council may, at its discretion, extend the deadline for utilization of the HEUs. The only requirement of the City Council in extending the HEUs is to make an appropriate finding justifying the extension. The poor economic climate would be an appropriate finding.

There are three projects which have not utilized their HEU allocation that are requesting an extension to these requirements:

1. Shealor Trust Property located on Jackson Gate Road received 26 HEUs in 2005. The Planning Department has received a Tentative Parcel Map application which has not been deemed complete due to pending environmental studies.
2. Reynen & Bardis received 20 HEUs in 2007 for the property located on the north side of French Bar Road. When Reynen & Bardis dropped their option on the property, last year the Fuller Family Partnership requested and received an extension for the 20 HEUs previously granted to Reynen & Bardis. The Planning Department has not yet received an application for a project at this site.

3. St. Patrick's Church received 86 HEUs in 2007 for the St. Patrick Green project located on the east side of New York Ranch Road. An application has been submitted to the Planning Department but has not been forwarded to the Planning Commission pending preparation of an Environmental Impact Report.

Vice-Mayor Garibaldi opened the public discussion. Jack Georgette was opposed to the Shealor Requests for Extension of Previously Allocated Housing Equivalent Units. Hearing no further comments, Vice-Mayor Garibaldi closed the public discussion.

The City Council reviewed these extension requests per the Resource Constraints and Priority Allocation Ordinance to determine if extensions were warranted. After considerable discussion among the City Council and staff the following motion was made:

Moved by Councilmember Sweet, seconded by Councilmember Crew, and carried by 3 to 1 vote (Councilmember Lewis dissenting) to:

1. **Adopt Resolution 2010-01, Approving a One Year Extension of the Housing Equivalent Unit Allocations for the Shealor Trust, Fuller Family Partnership, and St. Patrick Church.**
2. **Directed staff to write a letter to each of the applicants to inform them the City Council voted to grant the extension based primarily on the lack of pressures to develop from other applicants.**

7. Water Bond Refinancing.

Mike Daly, reported at the December 14, 2009 the City Council adopted Resolution No. 2009-46, appointing bond and disclosure counsel and underwriter with respect to the issuance of City of Jackson 2010 Water Refunding Bonds, Series A. In 1998, the City issued \$5,020,000 of Water Revenue Refunding Bonds to refinance earlier bonds that were used to acquire certain property and improvements comprising the City's municipal water system. At this time the City may be able to achieve additional savings in overall debt service if certain criteria are met with respect to market conditions, primarily that such a refinancing would produce an aggregate savings to the City of approximately \$320,000, over the remaining term. The City proposes to issue its City of Jackson 2010 Water Revenue Refunding Bonds to achieve such savings. The City Council was provided the resolution to approve the refinancing of the 1998 Bonds along with related agreements for consideration.

Mrunal Mehta Shah, Bond Counsel, was present to answer questions of the City Council. She explained the resolution authorizes the City staff to take necessary action in order to bring the financing to a successful conclusion, including the negotiation of any municipal bond insurance and the acquisition of a favorable rating on the Bonds. The following documents provided were with her memorandum requesting approval of Resolution 2010-03:

1. Indenture of Trust under which the City will make debt service payments on the Bonds;
2. Official Statement relating to the Bonds, under relevant information is disclosed to potential investors in the Bonds;
3. Purchase Contract relating to negotiated sale of Bonds to Stinson Securities LLC, as the underwriter;
4. Escrow Deposit and Trust Agreement, under which funds are placed to retire the 1998 Bonds; and
5. Continuing Disclosure Certificate under which the City is obligated to make certain annual and material event disclosures.

Lonnie Odom, President/CEO of Stinson Securities LLC, was present to provide additional information and answer questions related to this proposed action.

Vice-Mayor Garibaldi opened the public discussion. Hearing no comments from the public, Vice-Mayor Garibaldi closed the public discussion.

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

Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to approve Resolution 2010-03, Authoring Issuance and Sale-of-Water Revenue Refunding Bonds of the City in the Maximum Principal Amount of \$3,000,000 to Refund the City's 1998 Water Revenue Refunding Bonds and Approving Related Agreements and Official Action.

11. City Council Committee Assignments.

City Manager reported this item was continued to the January 25, 2010 meeting.

12. CLOSED SESSION - Conference with Labor Negotiator. Agency Representative, Michael Daly, City Manager. Employee Organization: General Employee Unit, SEIU Local 1021 (Pursuant to Government Code Section 54957.6).

Vice-Mayor Garibaldi reconvened to Open Session at 8:49 p.m. and announced there was no reportable action taken.

13. ADJOURNMENT

Adjourn: 8:50 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: January 25, 2010