

Jackson City Council  
Minutes  
Regular Meeting of December 14, 2009

Connie Gonsalves, Mayor  
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:**

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

**1. CEREMONIAL.**

None.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, seconded by Councilmember Sweet, and unanimously carried to approve the City Council Agenda dated December 14, 2009 as presented.**

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

None.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of November 9, 2009 and November 23, 2009 meetings.
- b. Approval of Expenditure Report for December in the amount of \$ 502,100.71.
- c. Approval of Salary related items for November the amount of \$229,362.16.
- d. Receive Jackson Police Department Monthly Report for November 2009.
- e. Receive Jackson Fire Department Monthly Report for November 2009.
- f. Approve Calendar Year 2010 City Council Meeting Schedule.
- g. Notice of Completion – Safe Routes to School Project on Argonaut Lane.

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

1. **Councilmember Lewis abstained on the approval of Check 232082 in the amount of \$300.00.**
2. **Councilmember Sweet abstained on the approval of Check 232122 in the amount of \$538.85.**

**5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the Jackson Fire Department responded to 81 calls last month, 46 medical calls, 15 public assists, 7 fire related, 2 hazardous materials, 11 traffic accidents and 17 percent of the calls were outside of the city limits for automatic aid to the AFPD. During last week's snow storm the

department responded to 23 calls, CalFire responded to 60 calls. The department responded to a chimney fire Wednesday on Water Street that resulted in serious damage and another chimney fire on Lowe Street.

Police Chief Morrison reported the 384 calls last month. The department was also very busy during last week's snowstorm.

City Manager Daly reported on the following items:

1. Sigrid Asmundson was present tonight in City Attorney Morris absence.
2. A notice was mailed to all of the City's water customers explaining the violation for lead and copper testing in August. A press release was provided to the local media today. The AWA has done some adjustments and the situation has been taken care of. Staff will be testing again in January and the testing sights will increase from 20 to 40.
3. Water Resources has been very busy responding to water leaks and frozen pipes call outs as a result of the cold weather.
4. Public Works did an exceptional job sanding roads during last week's snowstorm.
5. The Christmas trees donated by Sierra Pacific Industries are located at the Fire Station in the historic downtown and in the community center.
6. The Jackson Volunteer Fire Department will be conducting its annual Santa Patrol around the various neighborhoods in Jackson. The route schedule map is posted on the website and the local media will also be reporting on the locations.

## **6. COUNCIL REPORTS.**

None.

## **DISCUSSION CALENDAR**

### **7. Resolution Appointing Bond and Disclosure Counsel and Underwriter to Refinance 1998 Water Revenue Bonds.**

City Manager Daly report 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. There is approximately \$2,300,000 of the 1998 bonds outstanding with interest rates ranging from 4.30% in 2010 to 5% in 2023, the final year. The bonds are callable at any date at a 1% premium. The 1998 bonds are insured by Financial Security Assurance, Inc. and are rated AAA by Standard & Poor's. Stinson Securities, LLC of San Francisco has proposed to refinance the 1998 bonds and serve as the Underwriter of the bonds. The City Attorney's firm of Best Best & Krieger LLP is proposed to serve as bond and disclosure counsel for the financing. Stinson Securities and Best, Best & Krieger agree that their fees are contingent on a successful sale and closing of the bonds. Average yearly savings is expected to be approximately \$23,000 from 2010 to 2023. Estimated aggregate savings over the remaining life of the bonds is approximately \$320,000, net of all expenses (bond underwriting, legal, trustee fees, printing, bond insurance, rating fees, etc.).

Lonnie Odom, President/CEO of Stinson Securities LLC, and James Draper were present to provide additional information and answer questions related to this proposed action. It was noted the present bond market is especially favorable for bonds that provide "essential services" such as water, sewer and electrical services.

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

**Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to adopt 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.**

**8. Request from ACES Waste Inc. for a 9.15% Rate Increase.**

City Manager Daly reported at the November 23, 2009, City Council meeting a revised rate adjustment methodology similar to the rate system used by other ACES franchisers in Amador County was approved. The provided letter from Paul Molinelli, Sr. details the basis for the current rate increase request and how the new methodology formula was applied. Most of the 9.15% rate increase request resulted from a 21% increase in landfill dumping costs at the Keifer Landfill where the City's waste is deposited. The increase took effect in August and costs incurred from August through December are not incorporated into this rate request.

Paul Molinelli Jr. and Paul Timba, ACES Waste Services' accountant were present to provide additional information and respond to questions.

**Moved by Vice-Mayor Garibaldi, seconded by Councilmember Lewis, and unanimously carried to adopt Resolution No. 2009-48, approving a 9.15% rate increase for ACES Waste Services, Inc., effective January 1, 2010.**

**9. Request from Foothill Conservancy to Participate in Litigation Against East Bay Municipal Utilities District for Violating CEQA with the Adoption of the 2040 Water Supply Management Plan and EIR.**

City Manager Daly reported in March 2009, the City Council adopted Resolution No. 2009-16, urging EBMUD to adopt higher conservation levels rather than expanding the Pardee Reservoir for increasing its water supply as included in their 2040 Water Management Plan. In October, the EBMUD Board of Directors adopted this plan (including the Pardee project) and its environmental impact report (EIR) that was opposed by the City's resolution. In November, the Foothill Conservancy filed a writ of mandate seeking to overturn the EIR on which the water plan and reservoir expansion is based. The City Council was provided was a request from Tom Infusino, co-counsel for the Foothill Conservancy in this litigation, asking for participation at some level. It identifies the specific sections of the EIR that EBMUD allegedly violated CEQA in failing to properly identify and mitigate impacts. When he contacted the City Manager, he suggested that the option of participating by sending an amicus brief at the appropriate time would probably be the best course of action for the City.

Tom Infusino, Foothill Conservancy, was present to provide additional information and respond to questions.

City Manager Daly reported the City Council previously adopted an Amicus Brief Policy in 2002, in support of municipal issues that affect the City of Jackson.

Mayor Gonsalves opened the public discussion. Jack Georgette spoke in favor of preparing an amicus brief in support of the Foothill Conservancy's legal action against EBMUD. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

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

**Moved by Councilmember Sweet, seconded by Councilmember Lewis, and unanimously carried to by a 3 to 2 vote (Mayor Gonsalves and Councilmember Crew dissenting) to pass a motion authorizing the City Attorney to prepare an amicus brief at the appropriate time in support of the Foothill Conservancy's legal action against EBMUD.**

**10. Mid-year Budget Adjustments – Resolutions Initiating a Reduction in Workforce and Approving a Severance Package for Employees Subject to Layoff.**

City Manager Daly reported at the November 23, 2009, City Council meeting, the City Council was provided a budget update detailing significant revenue shortfalls that are being experienced in the fiscal year 2009-10 General Fund budget. An updated projection of General Fund revenue now forecasts \$264,000 less than originally included in the FY 2009-10 City Budget adopted on June 29, 2009.

City Manager Daly reviewed the budget report, discuss revenue shortfalls and all options for reducing expenditures and increasing revenues. Tonight's recommendation is that the City Council adopt Resolution No. 2009-44 and Resolution No. 2009-45, initiating the layoff process to reduce the City's workforce due to a lack of funds, and approving a three month extension of medical insurance premium payments for employees subject to the work reduction. Lastly, it is recommended that staff be directed to analyze other measures for reductions in City services, including closure of the City of Jackson pool, as well as a complete fee analysis to ensure that services are fully reimbursed by those receiving them whenever possible.

Mayor Gonsalves opened the public discussion. Police Chief Morrison, Public Works Superintendent McCrory and Thornton Consolo spoke regarding the Mid-year Budget Adjustments – Resolutions Initiating a Reduction in Workforce and Approving a Severance Package for Employees Subject to Layoff. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

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

**Moved by Councilmember Crew, seconded by Councilmember Sweet, and unanimously carried to adopt Resolution No. 2009-44, Initiating a Reduction in Workforce Due to a Lack of Funds.**

**Moved by Vice-Mayor Garibaldi, seconded by Councilmember Lewis, and unanimously carried to adopt Resolution No. 2009-45, Authorizing the City Manager to Provide a Severance Package to Employees Subject to Layoff.**

**11. Amendment to Joint Powers Authority Agreement for the Amador Fire Protection Authority.**

City Manager Daly reported the City is one of seven member agencies of the Amador Fire Protection Authority (AFPA). This joint powers authority was officially formed on July 1, 2003, "to meet the need for the planning for the providing of Fire Protection Services for each Member and within the Covered Area on a regional and consolidated basis." Other members of this JPA include the Amador Fire Protection District, Sutter Creek Fire Protection District, City of Ione, City of Plymouth, Jackson Valley Fire Protection District and Lockwood Fire District. Mayor Gonsalves is the City of Jackson's representative on the AFPA Board of Directors. The amendments were unanimously recommended for approval by the AFPA Board. A majority of the member agencies is required to approve any amendment to the agreement. A copy of the modified agreement was provided, showing new sections with underlines and deleted sections with strikethrough type.

**Moved by Vice-Mayor Garibaldi, seconded by Councilmember Lewis, and unanimously carried to approve the Proposed Amended Joint Powers Agreement for the Amador Fire Protection Authority and pass a motion approving the amendments.**

**12. Ordinance to Approve Request for Water Leak Adjustment – 618 Broadway.**

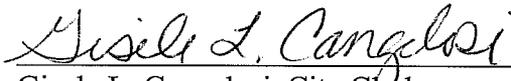
City Manager Daly reported on November 9, 2009, the City Council reviewed the information presented regarding a water leak adjustment request that extended beyond the provisions within the Jackson Municipal Code. The City Council agreed that there were extenuating circumstances related to this particular situation and approved the first reading of the ordinance to approve this request. The ordinance has now been properly noticed in the newspaper and can be adopted.

**Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously carried to adopt Ordinance No. 663, Authorizing a One-Time Water Bill Adjustment.**

**13. ADJOURNMENT**

Adjourn: 9:01 p.m.

ATTEST:

  
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Gisele L. Cangelosi, City Clerk

Date Approved: January 11, 2010