

Jackson City Council
Minutes
Regular Meeting of June 11, 2012

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Marc Crain, Fire Chief
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. **CEREMONIAL.** Introduction and Swearing-In of Fire Engineer Jesse DiGirolamo. City Clerk Cangelosi sworn in Fire Chief Marc Crain. Fire Chief Crain presented with his Fire Engineer DiGirolamo the Engineer badge.

2. **APPROVAL OF AGENDA.**

Moved by Councilmember Lewis and seconded by Vice-Mayor Gonsalves, and unanimously carried to approve the City Council Agenda dated June 11, 2012 as presented.

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

Bill Orescan, Jackson, concern was regarding better public notification of the Site Plan Review Committee and Design Review Committee meetings and requested this matter be agendized at a future meeting for discussion and consideration.

4. **CONSENT CALENDAR.**

- a. Approval of Minutes of May 22, 2012 and May 29, 2012 meetings.
- b. Approval of Expenditure Report for May in the amount of \$ 87,278.26.
- c. Approval of Salary related items for May in the amount of \$263,374.92.
- d. Accept April 2012 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for May 2012.
- f. Receive Jackson Fire Department Monthly Report for May 2012.
- g. Receive Building Department Monthly Report for May 2012.
- h. Approve Request from Jackson Lions Club for Use of Detert Park Parking Lot area for Fireworks Sales, June 25 to July 4, 2012.
- i. Approve Special Event Permit – Jackson Lions Club Fireworks Show, July 3, 2012.
- j. Adopt Resolution Approving Program Supplement Agreement with Caltrans for Pitt Street Bridge Replacement Project.
- k. Award of Bid – Backflow Testing and Repair Services, Marty Reis Backflow.
- l. Adopt Resolution Approving Updated City of Jackson Improvement Standards.

Moved by Councilmember Garibaldi, seconded by Councilmember Lewis, and unanimously carried to approve except for.

Councilmember Sweet abstained on the approval of Check 236087 in the amount of \$570.79.

Mayor Crew abstained on the approval of Check 236049 in the amount of \$1,140.56

5. ADMINISTRATIVE REPORTS.

City Planner Peters reported on the following:

1. Working on the remaining elements of the General Plan.
2. Working on the environmental paperwork for the Kennedy Wheel Project.

City Attorney Morris reported he was working with the City's consultant and staff on the Wastewater Project Options Study Environmental Impact Report.

City Manager Daly reported on the following:

1. Measure E Advisory Committee will meet early July.
2. Staff and Mayor Crew will be attending the June 13 hearing for Assembly Bill 1191.
3. Court Street Improvement project bid opening is Wednesday, June 13 at 3:00 p.m.
4. The Design Review approved the Façade for Gwendolyn Christeson 159 Main Street.
5. Working with the all department heads to review projected expenditures for this year and budget needs for next year.
6. The Jackson Fire Department's Third Annual Rummage Sale was held last weekend and made about \$2,000.
7. AmadorArts is hosting the 2nd annual "Jazzin' It Up In Jackson" event on Saturday, June 23 from 6:00 p.m. – 9:00 p.m. on historic Main Street in downtown Jackson.

6. COUNCIL REPORTS.

Councilmember Garibaldi report on the following:

1. He will be attending the AmadorArts is hosting the 2nd annual "Jazzin' It Up In Jackson".
2. Karmere Vineyards and Winery is the setting for Hospice of Amador and Calaveras counties' 15th annual "Art on the Lawn" event, Friday, June 15, from 6 to 9 p.m.
3. Bank of Amador 5th Golf Classic to benefit Operation Care Friday, June 22 at 8:00 a.m. at the Castle Oaks Golf Club in Ione.

Councilmember Lewis attended the Airport Land Use Commission meeting.

Vice-Mayor Gonsalves reported on the following:

1. Attended the Annual Italian Benevolent Society's Parade on June 3.
2. Italian parade, JCR tour National Hotel (July 10th or so)

Councilmember Sweet reported on the following:

1. Acknowledged and thanked all the individual working on the Save the Wheel project and the Vista Point project.
2. Attended the Rancheria Lone Wolf grand re-opening.
3. Attended the ACTC Personnel meeting and will be attending the ACTC Regional meeting.
4. Attended Main Street Theatre Works performance.
5. Participated in the EBMUD Mokelumne River trip.

Mayor Crew reported he attended the Annual Italian Benevolent Society's Parade on June 3.

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.

7. Sign Exception Request for Tractor Supply Company

City Planner Peter reported the applicant, Tractor Supply Company, is requesting a sign exception to allow for two 90 square foot signs with their name and logo – one to be placed on the west face of the building (entrance side) and one to be placed on the east side (facing highway 49). Typically sign exceptions are reviewed by the Planning Commission; however, Tractor Supply Co. hopes to open in July. In order for the signs to be manufactured, shipped to the site, and installed prior to their grand opening, they asked to have their sign exception request on the next available City meeting for consideration.

Section 17.54.175(B) of Article III of the Development Code allows for a maximum of 90 square feet for wall signs. The proposed signs total 180 square feet. The applicant is requesting the exception to allow for the larger signs because of the building's distance from Highway 49. In order to allow for the sign exception one of the following findings from Section 17.54.160 must be made:

- A) The proposed exception is required to provide for safe installation of the proposed sign; or
- B) The proposed exception is consistent with the purpose and intent of Sign Ordinance as set forth in Section 17.54.010 and the resulting sign will be superior to the sign which would otherwise be allowed by this Chapter in its design, construction, and placement.

The applicant contends that Finding (B) applies because the larger signs will be more visible and therefore safer for motorists to locate their building. While exceptions are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

Mayor Crew opened the public hearing. The following individuals spoke regarding the Sign Exception Request for Tractor Supply Company: Thornton Consolo and Judy Jebian. Hearing no further comment from the public, Mayor Crew closed the public hearing.

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

Moved by Councilmember Sweet, seconded by Councilmember Lewis, and unanimously carried to approve the sign exception for Tractor Supply Company at 9 State Highway 49 (APN 020-400-026) the following actions are recommended:

- 1. Instruct Staff to file a Categorical Exemption; and,**
- 2. Adopt Resolution 2012-21 approving Variance (Sign Exception) 2012-02 for Tractor Supply Co. at 773 State Highway 49 (APN 020-500-037) based on the Findings in this report.**

8. Public Hearing – Appeal of Planning Commission Approval of Partial Structure Demolition Permit, 215 Court Street.

City Planner Peters reported the appeal was originally placed on the February 27, 2012 agenda for City Council consideration; however, based on information received from the Amador County Historical Society, staff recommended the issue be postponed until the applicant provided the City with additional information. Specifically, staff requested the applicants hire a qualified architectural historian to determine the effect of the demolition on the National Register status of the structure. City staff recommended Chris McMorris from JRP Historical Consulting, LLC.

The applicants hired Mr. McMorris who has provided an analysis of the proposed demolition. In summary, Mr. McMorris concurs with the Design Review Committee and the Planning Commission that demolition of the addition at 215 Court Street will not cause a substantial adverse change to the historic resource or impact the structure's eligibility to be listed in the National Register and California Register of Historic Places. She quoted Mr. McMorris recommendation

Staff provided the following documents for the record:

1. Draft Resolution No. 2012-08, Denying Appeal of Planning Commission approval of Demolition of a Portion of 215 Court Street
2. Planning Commission Staff Report dated 01/30/2012
3. City Council Staff Report dated 02/27/2012 (postponed)
4. Diagram
5. Photo
6. Demolition Review Procedures from Municipal Code
7. CEQA Historical Resources information
8. Planning Commission Resolution No. 2012-02, Approving Demolition of a Portion of 215 Court Street
9. Letter from Bill and Katherine Orescan dated 02/15/2012
10. Appeal of Demolition Permit submitted by David Butow w/attachments received 02/23/2012
11. Amador County Historical Society letter dated 02/26/2012
12. Amador County Historical Society letter dated 04/12/2012
13. Chris McMorris, JRP Historical Consulting, LLC letter dated 06/01/2012

The applicants requested a permit to demolish an addition at the rear of the residential structure located at 215 Court Street. The addition, which appears to have been added on to the main structure in the early 1900s and converted to living space in 1980, was a suite when the home was utilized as a bed and breakfast. The property has recently changed hands and the new owners have no intention of reestablishing the bed and breakfast. The addition is an unusual shape and size, is very close to the side property line, and is in disrepair. Furthermore, removal of the addition may allow for additional parking in the rear of the structure which would help alleviate parking congestion on Court Street. For these reasons, the applicants requested the Planning Commission to allow demolition of the addition. The addition can be viewed from the alley off of Church Street next to the Methodist Church.

Development Code, Article IV, Chapter 17.83, Demolition Review, requires review and recommendation by the Design Review Committee and Planning Commission approval for demolition for any potential historic resource. The Chapter requires use of the attached Section 15064.5(a) of the California Environmental Quality Act Guidelines to determine if the addition is considered a historic resource. The residence and the detached "cottage" behind the main residence are listed on the National Register of Historic Places.

On January 17, 2012 the Design Review Committee (DRC) met and concluded that the addition is not a historic resource and that removal would improve the historic value of the main structure. The DRC voted unanimously to recommend Planning Commission approval of the demolition and directed the applicant to have the new exterior look “seamless” with the remaining structure.

On January 30, 2012, the Planning Commission reviewed the application and the DRC’s recommendation to approve demolition of the addition. There was much public discussion regarding the when the addition was constructed, the historic integrity of the addition, and the significance of the addition to the main structure. Ultimately, the Planning Commission found that the addition was not sensitively constructed or historic and approved the demolition request with the condition that the new exterior of the structure be approved by the DRC prior to issuance of a final building permit.

On February 9, 2012, David Butow paid the \$200 fee to appeal the Planning Commission’s approval to the City Council. Mr. Butow recused himself as a Planning Commissioner during the review of this item. The written appeal document was submitted by Mr. Butow on Thursday, February 23, 2012, and a letter was also submitted by Bill and Katherine Orescan.

Mayor Crew opened the public hearing.

Dave Butow, appellant, stated for the record he was asked to leave the meeting by Chairman Hoesser because he residence’s proximity to the subject property, even though he had no longer had a financial interest in the property. He stated the staff report submitted to the Planning Commission did not mention the subject property was on the National Registry of Historic Places or they might have voted differently. The applicant did not provide the Design Review Committee or the Planning Commission information regarding what they proposed after the demolition was completed. He felt this matter should be returned back to the Planning Commission for consideration and that the staff did not follow the guidelines for appeal. He provided a brief history of the subject property.

City Attorney stated he would have to verify whether Mr. Butow had to recue himself at the Planning Commission meeting during the discussion and action on this item.

Councilmember Garibaldi inquired if the appellant desired to get his own expert opinion to dispute opinion of Chris McMorris, JRP Historical Consulting, LLC as stated letter dated 06/01/2012. Mr. Butow stated Mr. Reinoehl (not representing the Amador County Historical Society) would speak to this issue.

The following individuals spoke regarding the Appeal of Planning Commission Approval of Partial Structure Demolition Permit, 215 Court Street: Gary Reinoehl, Judy Jebian, Rebecca Brown and Bill Orescan. Hearing no further comment from the public, Mayor Crew closed the public hearing.

Mr. Orescan provided the following documents for the record:

1. Planning Commission staff report dated October 17, 2011 – Variance request to allow for a reduction in the residential off-street parking requirements.
2. Seven separate maps of this location.
3. A brochure – A Visit to the Sanborn Library – Map Report.
4. National Register of Historic Place – map.
5. Large copy of picture - 2001The Court Street Inn.
6. Large copy of picture – 1910 the DePue family.

Jim Carter, applicant, was present to answer questions of the City Council. He provided pictures of subject property and noted there were several code violations at this location. He read into the record a letter from his lawyer Tim Pemberton regarding the purchase of subject property. He stated he just wants to make the building safe and up to code.

City Planner Peter addressed the City Council and public concerns regarding the applicant's future plans if the demolition is approved. To date the applicant has not submitted future plans

City Attorney Morris stated the Demolition Review Procedures from Municipal Code does not state the applicant is required to submit a replacement plan. This project before the City Council tonight is the demolition only and there is no foreseeable impact as far as CEQA.

Councilmember Garibaldi inquired if the Council could request the applicant to provide the City with a performance bond to complete the demolition to satisfactory to the city standards and maintain the historic integrity. City Attorney Morris stated this stipulation would have to be agreeable to the property owner.

Mr. Carter agreed to this stipulation and they will comply with the city standards and building permit that will be provided to them.

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

Moved by Councilmember Sweet, seconded by Councilmember Garibaldi, and carried by 3 to 2 vote (Mayor Crew and Councilmember Lewis dissenting) to approve Resolution 2012-08 Denying Appeal of Planning Commission Approval of Demolition of a Portion of 215 Court Street as amended to include:

- **The project applicant shall secure and provide to the City a performance bond in an amount sufficient to complete repairs to the structure necessitated by the demolition, including but not limited to closing the hole in the side of the structure created by the demolition, with all repairs completed in conformance with applicable codes and to the satisfaction of the City's building inspector.**

Mayor Crew called for a five minute recess at 9:30 p.m. Mayor Crew reconvened the meeting at 9:35p.m.

9. Budget Overview.

City Manager Daly reported staff members have spent the past month reviewing past revenues and expenditures, staffing and service levels and projecting financial demands and resources for the FY 2012/13 City Budget. Revenue estimates and expenditure estimates are in the process of being finalized and key data related to the budget preparation were discussed.

Due to limited resources, there are no capital improvement projects scheduled for funding out of the General Fund, however there are several grant funded projects scheduled to begin construction this fiscal year. Improvements to the intersection of Court Street and Highway 88 are currently out to bid and design work for the Kennedy Tailing Wheel preservation project and Vista Point improvement project are both underway. Design work is also progressing for replacement of bridges on French Bar Road, South Avenue and Pitt Street. The activity on these three projects this fiscal year

will be focused on environmental clearance and design work. City staff continues to be as resourceful as possible in meeting the services demands of its customers. Furloughs, salary freezes and reduced staffing levels that went into effect three years ago will continue to be part of the solution to the pressures of local economic conditions this fiscal year.

Mayor Crew opened the public discussion. Hearing further comments from the public, Mayor Crew closed the public discussion.

City Manager Daly noted presentation and adoption of full budget will be presented for consideration by the City Council at its regular meeting on June 25.

10. CLOSED SESSION

Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9). Name of case: Larry Busby v. Central Sierra Planning Council; Central Sierra Economic Development District; County of Alpine; County of Amador; County of Tuolumne; County of Calaveras; City of Jackson; City of Ione; City of Sutter Creek; City of Amador City; City of Plymouth; City of Angels; City of Sonora and Does 1 through 150.

Vice-Mayor Gonsalves reconvened to Open Session at 10:04 p.m. and announced there was no reportable action taken.

11. ADJOURNMENT

Adjourn: 10:05 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: June 25, 2012