

**Jackson City Council**  
**Minutes**  
**Regular Meeting of July 13, 2009**

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

Michael Daly, City Manager  
Andrew Morris, City Attorney  
Scott Morrison, Police Chief  
Mark Morton, Fire Chief  
Susan Peters, City Planner  
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.**

Presentation of Certificates of Commendation to Ken Clendenin, Jason Fishback, Amiel Herrick, Cody Martinsen, Paul Neasbitt and Sean Parkyn for Lifesaving Heroics on May 16, 2009. Fire Chief Morton and Fire Captain Tremaine presented the Certificates of Commendation in recognition for those who aided in saving the life of a man having a heart attack during the HJBA car show.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to approve the City Council Agenda dated July 13, 2009 as presented.**

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

Don Swett, Jackson, stated he received a letter from Water Superintendent Godde regarding installation of a Backflow Prevention Device at 1200 S. Highway 49 and if he did not comply, water would be terminated July 27. He felt this was an unreasonable demand and requested the City Council review this matter. City Manager Daly reported in compliance with state law, the City hired a Cross Connection Control Specialist to assist staff in implementing the City's Cross Connection Control Program. He will discuss this matter with Water Superintendent Godde and place an item on the next agenda for discussion.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of June 22, 2009 meeting.
- b. Approval of Expenditure Report for July in the amount of \$309,797.08.
- c. Approval of Salary related items for June the amount of \$289,935.18.
- d. Receive Jackson Police Department Monthly Report for June 2009.
- e. Receive Jackson Fire Department Monthly Report for June 2009.
- f. Rejection of Claim – Cowan.
- g. Approval of City Offices Furlough/Closure Schedule.
- h. Notice of Completion – Scottsville Water Tank Cathodic Protection.

**Moved by Councilmember Lewis, seconded by Vice-Mayor Garibaldi, and unanimously carried to approve as presented except for.**

1. **Councilmember Crew abstained on the approval of Check 231344 in the amount of \$1,498.51.**
2. **Councilmember Sweet abstained on the approval of Check 231378 in the amount of \$538.85.**

**5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the Jackson Fire Department responded to 73 calls last month, 52 medical calls, 11 public assists, 5 fire related, 3 hazardous materials, 3 traffic accidents and 18 percent of the calls were outside of the city limits for automatic aid to the AFPD. He thanked the City Council for recognizing the individuals that participated in the Lifesaving Heroics on May 16, 2009.

Police Chief Morrison reported the Police Department responded to 373 calls last month.

City Attorney Morrison reported he has been working on the Draft Development Code with City Planner Peters.

City Manager Daly reported on the following items:

1. Brief update of the State Budget adoption.
2. Furlough Fridays will begin Friday, July 17. The complete list of Furlough Fridays through December 2009 is available on the City website.
3. Argonaut Lane Safe Routes to Schools project is ahead of schedule and staff anticipates the project will be completed by July 31.
4. Free Jazz with the "Geezers" performing every other Wednesday from noon to 3 p.m. at 35 Main Street.

**6. COUNCIL REPORTS.**

Councilmember Crew reported on the following items:

1. Attended the Air Quality Control Board meeting.
2. Attended the Amador County Solid Waste Management meeting.

Vice-Mayor Garibaldi reported on the following items:

1. The Amador County Recreation Agency meeting was cancelled.
2. Attended the Jackson Revitalization Committee meeting held Thursday, July 9. Sixty-eight businesses have signed for the Jackson Revitalization Committee "Shop Jackson Program".

Councilmember Sweet reported on the following items:

1. The next quarterly Neighborhood meeting is scheduled for Wednesday, July 15, at 3:00 p.m. at Rollingwood Estates Community Room.
2. Attended the ACTC Transportation Policy Advisory Task Force meeting and noted the Circulation Mapping Exercise (CMX) program will come before the City Council in the near future.

Mayor Gonsalves reported on the following items:

1. Will be attending the Amador Council of Tourism meeting Thursday, July 16.
2. The Amador Fire Protection Agency meeting was cancelled.

**DISCUSSION CALENDAR****7. Beneficial Use Attainment Study for Jackson Creek.**

City Manager Daly reported one of the critical requirements of the 2007 National Pollutant Discharge Elimination System (NPDES) permit stated by October, 2012, the City is prohibited from discharging wastewater into Jackson Creek in amounts that cause the downstream Lake Amador water to exceed greater than five percent volume of wastewater in Lake Amador. The complete Beneficial Use Attainment Study is available for review at Jackson City Hall, posted on the City's website and at the Amador County Library – Jackson Branch.

Doug Brewer, Bernadette Bezy and Harold Welborn, ECO-LOGIC, were present to provide a detailed presentation of the Beneficial Use Attainment Study for Jackson Creek. The NPDES permit contains provisions requested by the California Department of Fish and Game (DFG) requiring the City to study the *beneficial* aspects of the City's wastewater discharge in Jackson Creek for fish and wildlife. Carol Oz, a Staff Environmental Scientist with DFG provided very detailed and extensive study outline to assist staff with the "Beneficial Use Attainment Study". The general conclusion of this report is as follows: "Based on this Beneficial Use Attainment Study, all listed Basin Plan beneficial uses that are currently being met in Jackson Creek would likely continue to be met should effluent be removed from the creek system."

Mayor Gonsalves opened the public discussion. The following individual voiced their concerns regarding BUAS: John Plasse, Bill Condrashoff, and Kathy duBois. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

The City Council accepted the Beneficial Use Attainment Study presentation and directed staff to provide this report to the Regional Water Quality Control Board for use in discussions with the Department of Fish and Game and Department of Public Health relative to the possible removal of the City's wastewater effluent from Jackson Creek.

Mayor Gonsalves called for a recess at 8:33 p.m. Mayor Gonsalves reconvened the meeting at 8:43 p.m.

**8. Development Code Workshop.**

City Planner Peters reported the Planning Commission at their March 2009 meeting started their re-review of the 2007 Draft Development Code and incorporated the mitigation required by the MMP. On Monday, June 15, 2009, the Planning Commission unanimously voted to forward the Draft Development Code to the City Council for adoption. On June 22, the City Council and City Attorney were provided a copy of the June 2009 Planning Commission Final Draft Development Code as recommended by the Planning Commission. Tonight's workshop is to review the Draft Development Code and no action was proposed at this meeting. A brief summary of the changes made to the 2007 Draft Development Code was discussed.

City Attorney Morris brought to the City Council's attention an issue regarding Section 17.32.090(C) dealing with resale of owner occupied affordable housing units. Specifically, the section allows for the seller of a designated affordable housing unit the ability to recover the cost of improvements made to the property. The concern of staff was that this may ultimately affect the affordability of the residence.

Mayor Gonsalves opened the public discussion. Letitia Sexton stated the Architectural Regulations Committee has an important role in to the Development Code and the Historic inventory is on high their agenda. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

After considerable discussion among the City Council and staff, staff was to place the item regarding Section 17.32.090(C) on the Planning Commission's July 20 agenda for review and recommendation to City Council. Staff was also directed place this item on the July 27, 2009 meeting for consideration and action on the ordinance enacting these code revisions.

Mayor Gonsalves suggested agenda item 10 be the next item of discussion.

#### **10. Retiree Medical Insurance Contribution Budget Follow-up.**

City Manger Daly reported during the City budget hearings on June 29, 2009, one of the cuts enacted by the City Council to balance the budget was a reduction in the City's monthly contribution to retiree medical insurance premiums from \$350 per month to \$175 per month. Concerns were expressed by two retirees at the budget meeting regarding the notification process and possible future reductions in this allowance. The Council requested an item be placed on this agenda for further discussion.

Gary Urzik, Retiree, stated there was no verbiage in the staff's report verifying the City Council direction to reinstate the Retiree Medical Insurance Contribution to \$350 if the City's finances improved in the future.

City Manager Daly agreed that information was not reported on in the staff report, however that was the consensus of the City Council. He reiterated the only items the City Council directed staff to place on tonight's agenda was regarding the notification process and possible future reductions in this allowance.

It was the consensus of the City Council to establish a policy to notify retirees at least 30 days prior to any proposed changes in the City's medical insurance contribution. The City Council did not commit to locking in of discretionary expenditures, whether they be personnel related or otherwise.

Vice-Mayor Garibaldi suggested staff prepare a guideline for reinstating the budgetary cuts and in what order they would be reinstated.

#### **9. Encroachment Permit Regulations.**

City Manager Daly report tonight's action was to conduct the second reading and adoption of Ordinance No. 659, amending the Jackson Municipal Code provisions for encroachment activity within the public right-of-way; and adopt Resolution No. 2009-33, establishing encroachment regulations. The ordinance was first read at the June 22, 2009, meeting and is ready for second reading and adoption. The proposed ordinance and accompanying resolution drafted by the City Attorney set forth updated encroachment permit regulations and guidelines, including reference to current City staffing. The document also includes requirements for suitable liability coverage to protect the City from any activities resulting from encroachment permits in the public right-of-way.

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

**Moved by Councilmember Lewis, seconded by Vice-Mayor Garibaldi, and unanimously carried to adopt Ordinance No. 659.**

**Moved by Vice-Mayor Garibaldi, seconded by Councilmember Lewis, and unanimously carried to adopt Resolution 2009-33, Establishing Encroachment Regulations.**

**11. Resolution of Intention and Introduction of Ordinance to provide Section 20903 (Two Years Additional Service Credit) Retirement Incentive for Police Officers.**

City Manager Daly reported during the FY 2009-2010 City budget process, one of the options evaluated to cut personnel costs was to offer an early retirement incentive to reduce the number of Police Officer positions from eight to seven. After reviewing the cost of providing this benefit, it was determined that substantial net savings could be realized. Currently, two officers are retirement age and could take advantage of this program, however, only one has indicated an interest in retiring at this time. Tonight's action was to adopt Resolution No. 2009-34, a resolution of intention to amend the City's contract with PERS and conduct the first reading of Ordinance 660 authorizing the amendment.

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

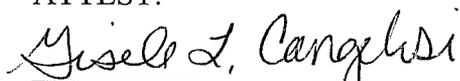
**Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously carried to adopt Resolution No. 2009-34, a Resolution of Intention to Approve an Amendment to Contract Between the Board of Administration, California Public Employees' Retirement System and the City Council of the City of Jackson.**

**Moved by Councilmember Sweet, and seconded by Vice-Mayor Garibaldi, and unanimously carried to approve first reading of the Ordinance 660 by title only.**

**12. ADJOURNMENT**

Adjourn: 9:45 p.m.

ATTEST:

  
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Gisele L. Cangelosi, City Clerk

Date Approved: July 27, 2009