

Jackson City Council  
Minutes  
Regular Meeting of March 9, 2009

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

Michael Daly, City Manager  
Andrew Morris, City Attorney  
Mark Morton, Fire Chief  
Susan Peter, City Planner  
Gisele Cangelosi, City Clerk

**COUNCIL MEMBERS ABSENT:**

Marilyn Lewis

---

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

**1. CEREMONIAL. Promotion of Volunteer Firefighter Cody Martinsen to Fire Engineer.**

Chief Morton presented Cody Martinsen the Fire Engineer badge. He stated Firefighter Martinsen was the future of the Jackson Volunteer Department and was the first firefighter to receive the Fire Engineer badge since he has been Fire Chief.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Crew, seconded by Councilmember Sweet, and unanimously carried to approve the City Council Agenda dated March 9, 2009 as presented.**

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

None.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of February 23, 2009 meeting.
- b. Approval of Expenditure Report for March in the amount of \$143,823.46.
- c. Approval of Salary related items for February the amount of \$280,153.95.
- d. Receive Jackson Police Department Monthly Report for February 2009.
- e. Receive Jackson Fire Department Monthly Report for February 2009.
- f. Receive Building Department Monthly Reports for February 2009.
- g. Approve Special Event for Jackson Lions Club – Dandelion Days, March 14 & 15.
- h. Approve Plan for All Special Event Road Closures – Main Street at Highway 49/88.

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

- 1. Councilmember Sweet abstained on the approval of Check 230770 in the amount of \$538.85.**

**5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the following items:

1. The month of January the Jackson Fire Department responded to 65 calls last month, 38 medical calls, 12 public assists, 4 fire related, 3 hazardous materials, 8 traffic accidents and 17 percent of the calls were outside of the city limits for automatic aid to the AFD.

2. The control burn held on March 7 and 8 for two homes on Raggio Road was very successful.

City Planner Peters reported on the following items:

1. The Draft Development Code will be reviewed at the March Planning Commission meeting.
2. The Draft Housing Element will be reviewed at the April or May Planning Commission meeting.
3. The Workforce Housing Survey was mailed last week to every business with a City of Jackson business license and other major employers in the area. The Housing Needs Survey is available for all households within the City of Jackson city limits. Both surveys are available on the City of Jackson website.

City Manager Daly reported on the following items:

1. The Local Community Benefits Committee meeting is scheduled for Wednesday, March 11 at the Jackson Rancheria.
2. The Amador Fire Protection Authority sub-group of Jackson, Sutter Creek and AFPD met again to review organizational structure possibilities for combining resources to provide full-time service in our respective areas with Measure M funds. This concept will be presented at an upcoming City Council meeting to get input from the Council and community regarding this possible consolidation.
3. Meet with Larry Cenotto and Thom Walker, the consultant working with Bill Smith to market the National Hotel to prospective buyers. Discussed the possible use of the old antique store basement area for the Amador County Historical Society.
4. The Water Sub-Committee meeting was postponed to March 25.

## **6. COUNCIL REPORTS.**

Councilmember Sweet reported he attended the AWA Special Meeting regarding the Strategic Plan Review held Wednesday, February 25.

Councilmember Crew reported on the following items:

1. Attended the Air Quality Control Board meeting held Tuesday, March 2.
2. Attended the Jackson Revitalization Committee meeting held Thursday, February 12.

Vice-Mayor Garibaldi report

1. Attended a couple Revitalization subcommittee meetings. The next Jackson Revitalization Committee meeting is scheduled for Thursday, March 12 at 6:00 p.m.
2. The next Amador County Recreation Committee meeting is scheduled for Wednesday, March 11.

Mayor Gonsalves noted she attended several of the meetings already mentioned.

Mayor Gonsalves called for a recess at 7:15 p.m. for a brief break for showing off the new fire equipment. Mayor Gonsalves reconvened the meeting at 7:26 p.m.

## **DISCUSSION CALENDAR**

### **7. Sphere of Influence Expansion.**

City Planner Peters reported the City Council considered the proposed new Sphere of Influence Map and Planning Commission recommendation at the December 8, 2008 meeting. A number of issues were brought up regarding the impact to properties within the Sphere of Influence, particularly properties under Williamson Act contract. Staff has reviewed these issues with Roseanne Chamberlain, Amador

Local Agency Formation Commission (LAFCO) Executive Director and determined that Williamson Act properties can be within the City's SOI without affecting the status of the Williamson Act contract or the ability of the property owners to renew their contracts. Only effected if they annex than City would have to renew contract. Approximately twenty property owners attended the informational workshop held February 19, and the underlying concern was that the City immediately follow this action would submit a proposal to annex all of these properties. This concern persists despite staff's assurances that the purpose of establishing this new Sphere is focused on service and infrastructure planning. Should the Council choose to modify the map, new Sphere of Influence areas must be contiguous with the existing City Limits or the Existing Sphere of Influence.

Mayor Gonsalves opened the public discussion. The following individuals spoke against being considered in the proposed Sphere of Influence: Mitch Garbarini, Mardell Anderson, Harry Vela, Mark Dunn, Gary Cunningham and John Kirkpatrick, (Mardell Anderson, Darlene Collins and Andrew Dorris provided a letter for the record). The following individuals spoke regarding the proposed Sphere of Influence: Bill Condrashoff and Jack Georgette. Hearing no further discussion Mayor Gonsalves closed the public discussion.

**Moved by Councilmember Crew to pass a motion to forward a Sphere of Influence Map to the Local Agency Formation Commission for consideration, and directed staff to modify the original proposed area by excluding all of the property owners requesting to be excluded from the proposed Sphere of Influence expansion. This motion died due to a lack of a second.**

**Moved by Councilmember Crew, seconded by Councilmember Sweet, and unanimously passed a motion to forward a Sphere of Influence Map to the Local Agency Formation Commission for consideration, and providing direction to staff to modify the original proposed area by excluding properties on Clinton Road, Butte Mountain, Martell in the Williamson Act.**

**8. Amendment to Amador County Recreation Agency Memorandum of Understanding to Enable the Agency to Levy Taxes.**

Tracey Towner-Yep, ACRA Director, provided a brief summary of ACRA's requests to amend the Amador County Recreation Agency Joint Powers Authority MOU Article V – Powers Section 5.1. The two amendments for the Joint Powers Authority that are necessary:

1. Tighten up the financing language and make it clear that ACRA does have the ability to levy a tax.
2. CSA 3 does not appear to be authorized to provide recreation services therefore it is questionable whether CSA 3 is an appropriate ACRA entity.

Mayor Gonsalves opened the public discussion. Jack Georgette voiced his concern regarding development of the Oro De Amador property. Mayor Gonsalves closed the public discussion.

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

**Moved by Vice-Mayor Garibaldi, seconded by Councilmember Crew, and unanimously passed to support the Amendment to Amador County Recreation Agency Memorandum of Understanding to Enable the Agency to Levy Taxes Contingent on Approval by all the other Agencies.**

**9. Resolution Urging East Bay Municipal Utilities District to Increase Conservation Levels Instead of Raising Pardee Reservoir as Identified in the District's Water Supply Management Program 2040 Environmental Documentation.**

Councilmember Sweet reported he had requested this item be brought forth for City Council consideration. East Bay Municipal Utilities District recently released a document titled, "Draft Program Environmental Impact Report (PEIR) for the Water Supply Management Program (WSMP) 2040." As stated in the Purpose and Need of the of the WSMP 2040, "The WSMP 2040 estimates water supply needs to the year 2040, and proposes a program of policy and project initiatives to meet those needs. The primary purpose of the WSMP 2040 is to identify and recommend solutions to meet dry-year water needs through 2040." One of the initiatives included within the WSMP is raising the level of Pardee Reservoir to increase the storage capacity at this facility. In addition to creating more water storage, the higher elevation of the dam would also inundate the Middle Bar Bridge Take-Out Facility constructed by EBMUD six years ago to increase recreation opportunities on the Mokelumne River. This project was endorsed by the Jackson City Council with Resolution No. 2000-10.

Mayor Gonsalves opened the public discussion. The following individuals spoke in support of Resolution 2009-16: Katherine Evatt, Judy Jebian, Pet Bell, Theresa Simsimar and Bill Condrashoff. Hearing no further discussion Mayor Gonsalves closed the public discussion.

Vice-Mayor Garibaldi requested the resolution to be amended to include that this was a taking from the citizens of Amador County. City Attorney Morris suggested the use of rob or deprives because a taking is a legal term. Staff was directed to add the new paragraph to capture the sentiments of Vice-Chairman Garibaldi.

**Moved by Councilmember Sweet, seconded by Vice-Mayor Garibaldi, and unanimously to adopt Resolution No. 2009-16, Urging East Bay Municipal Utilities District to Increase Conservation Levels Instead of Raising Pardee Reservoir as Identified in the District's 2040 Water Supply Management Program Environmental Documentation as amended.**

City Clerk Cangelosi stated Councilmember Lewis requested it be noted in the record that she supports Resolution 2009-16.

**10. Resolution Declaring Emergency Exemption to Competitive Bidding for Slope Failure Debris Removal Contractor.**

City Manager Daly reported on Wednesday, March 4, the hillside behind the rest room located at the Main Street at Highway 49/88 intersection parking lot failed. After consultation with the City Engineer and a geotechnical engineer of Holdrege and Kull, it was recommended that the debris be removed before the stability of the hillside can be properly assessed. Engineering staff contacted the only local contractor known to have the necessary equipment available at the time of need, Amador Crane Company.

It is estimated that the project will exceed the \$5,000 threshold that requires public works projects to be put out for competitive bid, therefore, a resolution must be adopted by the City Council declaring a local emergency situation to allow for this work to be completed. As required by the section in the Government Code allowing for this exception, updates will be included on future City Council agendas until the project is completed, which staff anticipates will be prior to the next meeting.

**Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously to adopt Resolution No. 2009-17, Declaring an Emergency Exemption to Competitive Bidding and Approve the Selection of Amador Crane Company for Debris Removal from the Slope Failure behind the Rest Room at the Main Street at Highway 49/88 Intersection Parking Lot.**

**11. Business Improvement District Advisory Committee Appointment Process.**

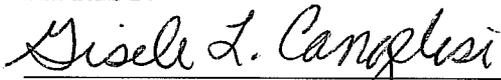
City Manager Daly announced a call for volunteers to serve on the 2009-2010 Business Improvement District Advisory Board. Last year, the following citizens volunteered to serve on the BID Advisory Board: Tom Peyton, Toni Fancher, Shannon Lowery, Rhonda Hendricks, Stan Lukowicz and John Plasse. As in the past, membership in the HJBA is not a requirement of appointment to this committee.

Members of the Jackson Revitalization Committee may be interested in providing assistance with this advisory body this year. One of the discussion items with the Revitalization Committee has been the expansion of the boundaries for the BID to incorporate other areas where Jackson businesses are located. This would broaden the scope of the BID and increase revenues to the District. It is recommended that this evaluation be part of the Advisory Committee's charge this year.

**12. ADJOURNMENT**

Adjourn 9:30 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: March 23, 2009