

Jackson City Council
Minutes
Regular Meeting of December 13, 2010

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Mark Morton, Fire Chief
Scott Morrison, Police Chief
Susan Peters, City Planner
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

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

2. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to approve the City Council Agenda dated December 13, 2010 as presented.

3. PUBLIC MATTERS NOT ON THE AGENDA.

None.

4. CONSENT CALENDAR.

- a. Approval of Minutes of November 22, 2010 meeting.
- b. Approval of Expenditure Report for the period of December the amount of \$195,716.03.
- c. Approval of Salary related items for November the amount of \$231,229.64.
- d. Accept November 2010 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for November 2010.
- f. Receive Jackson Fire Department Monthly Report for November 2010.
- g. Receive Building Department Monthly Reports for November 2010.
- h. Approve Calendar Year 2011 City Council Meeting and Furlough Schedule.
- i. Adopt Resolution Establishing Leave Policies for Fire Department Employees.
- j. Adopt Resolution for Award of Bid – Aime Field Facilities Building.

Moved by Vice-Chairman Garibaldi, seconded by Councilmember Lewis, and unanimously carried to approve as presented except for:

1. **Councilmember Sweet abstained on the approval of Check 233721 in the amount of \$533.97 and Check 233697 in the amount of \$37.40 to Bill Orescan.**
2. **Councilmember Crew abstained on the approval of Check 233683 in the amount of \$379.83.**
3. **Vice-Mayor Garibaldi abstained on the approval of Minutes of November 22, 2010 meeting.**

4. ELECTION DECLARATION – CITY COUNCIL SEATING.

- a. Swearing In and Seating of Councilmembers Connie Gonsalves and Patrick Crew.
City Manager Daly report the City Council at their August 19, 2010 meeting pass a motion providing for the appointment of the two City Council nominees, Patrick Crew and Connie Gonsalves, to the two seats

on the City Council that were to be elected on Tuesday, November 2, 2010 and canceling the Consolidated General Municipal Election.

Oath of Office was administered to Connie Gonsalves and Patrick Crew by City Clerk, Gisele Cangelosi. New Councilmembers took their seats on the dais and the meeting was turned over to Vice-Mayor Garibaldi.

b. Selection of Mayor and Vice-Mayor.

Action on this item was that the City Council nominates and approves selection of a Mayor and Vice Mayor to serve for the next twelve months. The Jackson Municipal Code and California Government Code call for the City Council to select one of its own members to serve as Mayor and Vice Mayor for one year terms. This has been traditionally voted upon at the last meeting in November of odd-numbered years and the beginning of December of even-numbered years following the general election.

To clarify the roles and responsibilities of the Mayor, Vice-Mayor and Councilmembers, the City Council adopted the City of Jackson Code of Conduct for Elected Officials, which was last revised in June, 2005. In addition to the duties and responsibilities identified in the provided document, the Mayor and Vice-Mayor represent the City at the recently organized Executive Forum group, consisting of the Mayor, Vice-Mayor and City Manager of each of the cities as well as the Board Chair, Vice Chair and County Administrative Officer.

Moved by Councilmember Sweet nominated Councilmember Garibaldi as Mayor and Councilmember Lewis as Vice-Mayor. The motion died because Councilmembers Garibaldi and Lewis respectfully declined.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to nominate and approve Councilmember Gonsalves as Mayor and Councilmember Sweet as Vice-Mayor.

BREAK (refreshments and social) Mayor Gonsalves reconvened the meeting at 7:23 p.m.

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported the Jackson Fire Department responded to 63 calls last month, 46 medical calls, 5 public assists, 6 fire related, 3 hazardous materials, 3 traffic accidents and 11 percent of the calls were outside of the city limits for automatic aid to the AFD. The Jackson Volunteer Fire Department will be conducting its annual Santa Patrol around the various neighborhoods in Jackson.

Police Chief Morris reported the Police Department responded to 504 calls last month.

City Manager Daly reported on the following:

1. Rollingwood Mobile Home Park Subdivision representative presented the subdivision application last week, however it fell short of being complete. The resident survey was also not part of the application. Staff does not know when the second submittal will be submitted.
2. The Planning Commission at their December 19 meeting will continue their discussion on the temporary non-commercial temporary signs, other changes in the sign design requirements and enforcement issues.

3. Staff met with ACRA Director Tracey Towner-Yep and Stephanie Stowers to discuss Proposition 84 and the Oro de Amador grant funding application. This item will be presented at the January 10 meeting.
4. Federal Highway grants for the South Avenue and French Bar Road bridge replacement were both awarded for construction in 2013.

6. COUNCIL REPORTS.

Councilmember Crew reported the JBCA membership as of yesterday was 82 members. The next general meeting will be held Wednesday, January 12 at 5:30 p.m.

Councilmember Lewis reported she attended the Cemetery Committee meeting and the Sewer Rate Committee meeting.

Councilmember Garibaldi reported he attended the Amador County Recreation Agency meeting and the Blue Moon tickets are now available. The ARTS Council will be putting on Jazz It Up in Jackson in June 2011.

Vice-Mayor Sweet reported he attend the Sewer Rate Committee meeting and the ACTC meeting. He will be making a presentation at the Lion's Club on Wednesday regarding the Kennedy Tailing Wheel Preservation Project. He will be making this presentation to the City Council at the January 10 meeting.

DISCUSSION CALENDAR

7. Wastewater Update – Funding Applications and CEQA Process.

City Manager Daly reported on July 12, 2010, the City Council received a Wastewater Options Report from ECO:LOGIC outlining the best apparent options for complying with the water quality and effluent discharge requirements contained within the City's National Pollutant Discharge Elimination System (NPDES) permit that allows the City to discharge treated wastewater effluent into Jackson Creek. The City Council reviewed the report and formed a rate review committee to evaluate the sewer rate changes that would be necessary to finance the improvements required to comply with permit requirements.

The committee has met six times and most of the discussion has focused on the array of options presented in the Wastewater Options Report and other options identified by the public. The other options have included adding water to Jackson Creek, supplied by the Amador Water Agency from the Amador Water System to increase the dilution of the City's wastewater discharge, and a water conservation plan that would result in less wastewater effluent discharge into Jackson Creek, and constructing a pipeline in Jackson Creek to transport the City's effluent discharge directly to Lake Amador.

In addition, the committee was presented with financing option information at their December 1st meeting, since it is apparent that no matter which discharge option is selected that the City will require outside funding assistance in the form of grants and loans to complete a project. The grant funding is limited, but due to the City's demographics as a small rural "disadvantaged" community, some grant funding may be possible and will be pursued as a priority. There are financing programs available for both planning and construction of wastewater projects and the attached information from Stantec identifies those most relevant to the City's needs. Georgette Aronow explained these programs to the SRC and the committee recommended that the City proceed with the pre-application process for the state revolving loan fund and a United States Department of Agriculture (USDA) program for funding as well. The estimated cost for preparation of these documents is \$7,000. City staff will assist to the extent possible to limit these costs.

The next critical path item in the City's efforts to meet the Regional Water Quality Control Board deadlines is initiation of the California Environmental Quality Act (CEQA) document that will be required to submit a water rights petition to remove the City's effluent (even partially) from Jackson Creek and to support the project selected by the City to comply with permit requirements.

An updated environmental compliance strategy was provided that details the current recommended approach to meeting the requirements associated with environmental review. The three primary options are subject to change based on the ultimate decision of the City Council and CEQA requires that reasonable alternatives be evaluated. Option C was recently removed as a probably option by the SRC and there is still discussion related to another option of discharging the City's effluent directly to Lake Amador.

Completion of the recommended CEQA documentation is expected to take up to a year to complete and the recent EIRs completed by the City have been somewhat consistent with this timeframe estimate. Fortunately, many of the on-site biological survey documentation was completed as part of the Beneficial Use Attainment Study completed by ECO:LOGIC in 2009, but there are seasonal field surveys that still be necessary. Unfortunately, the involvement of permitting agencies such as the Regional Water Quality Control Board, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, the State Department of Fish and Game and the State Historic Preservation Office adds considerable time and effort to the environmental process.

The City Council was provided a copy of the letter from Sewer Rate Committee's Chairman, Judy Jebian and an email from Ken Berry.

The environmental compliance is recommended to be completed in three phases, including:
Phase 1 - Program level CEQA compliance (Program EIR)
Phase 2 – Project-specific CEQA compliance (assumes tiering off Program EIR)
Phase 2B – Environmental Permitting & Federal Financing Support

The total fee estimate for all three of these phases is \$295,310. A breakdown of each task in each phase is provided at the end of the proposed scope of services.

Harold Wellborn, Stantec was present to answer questions of the City Council.

Mayor Gonsalves opened the public discussion. Bill Orescan spoke regarding the Wastewater Update – Funding Applications and CEQA Process. Hearing no further comments from the public, Mayor Gonsalves 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 Lewis, and unanimously carried to authorize staff to work with Stantec on two preliminary applications to secure funding for the City's future wastewater project and to begin the process for preparing an environmental document required for removing the City's discharge from Jackson Creek and a project to meeting the State Regional Water Quality Control Board water quality requirements identified in the City's 2007 National Pollutant Discharge Elimination System (NPDES) Permit.

8. Request from Amador Regional Planning Committee for Economic Development Planning Assistance from Measure E Funds.

Councilmember Sweet reported as part of the Regional Planning Committee's commitment to pursue projects that are beneficial to all agencies in Amador County, the committee has invited a speaker of national prominence as a planner and land use authority to be the featured speaker at two community forums to be tentatively held on March 29, 2011. Mr. Ed T. McMahon was a speaker at the Your Town Workshop recently held in Ione and his presentation was extremely well received and timely considering the number of general plans currently under review. His breadth of subject matter in planning is considerable and his talks will be tailored so that he addresses several issues pertinent to Amador County.

The Amador County Board of Supervisors will host the morning session which will be open to the public and an afternoon session that is also open to the public, will most likely be held in those chambers as well. A lunch will be offered to selected officials- most likely planning department personnel and planning commissioners and ACRP committee members.

Total costs for speaker fees and transportation and meeting fees are expected to be \$5,000. To date, funds in the aggregate amount of \$3,500 have been committed by the Jackson Rancheria, the City of Sutter Creek, and the Ione Business and Community Association. The Ledger-Dispatch and Gold Rush Ranch will sponsor with in-kind donations.

Councilmember Sweet requested the City Council consider allocating \$1,000 from Measure E Transient Occupancy Tax Economic Development funds for this project. Should funds in excess of the needed amount be received, they will be returned to the donating entities in a proportionate manner. He also noted as chairperson for the Amador County Regional Planning Committee, I have requested that the City of Jackson act as the fiduciary agency for this project as the Committee does not have that capability. The City Council was provided a copy of an article written by Mr. McMahon.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and carried by a 4 to 1 (Vice-Mayor Sweet abstained) to carried to allocate \$1,000 from the Measure E transient occupancy tax funding to support the Amador Regional Planning Committee's workshop scheduled for March 29, 2011.

9. Request for Extension of Previously Approved HEUs for St. Patrick Green Project and Fuller Family Trust Property for 2011.

City Manager Daly reported to be consistent with the Resource Constraints and Priority Allocation Ordinance, the City Council should review the provided Housing Equivalent Unit (HEU) allocation extension requests and consider adoption of Resolution No. 2010-46 approving a one year extension of the HEU allocation for the Fuller Family Partnership and St. Patrick's Church.

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:

1. Shealor Trust Property located on Jackson Gate Road received 26 HEUs in 2005. The Planning Department received a Tentative Parcel Map application in December 2005 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. In 2009 when Reynen & Bardis dropped their option on the property, the Fuller Family Partnership requested and received an extension for the 20 HEUs previously granted to Reynen & Bardis. Later in 2009 the Planning Commission granted an additional 80 units to the Fuller Family Partnership bringing the total HEUs to 100. 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 was submitted to the Planning Department in December 2007 but has not been forwarded to the Planning Commission pending preparation of an Environmental Impact Report.

Moved by Councilmember Lewis, seconded by Vice-Mayor Sweet, and unanimously carried to a Resolution No. 2010-46 approving a one year extension of the HEU allocation for the Fuller Family Partnership and St. Patrick's Church.

10. Consider Ordinance Adopting and Amending the 2010 California Building Standards Code and other Uniform Codes.

City Manager Daly reported tonight's action is to conduct the second reading and adoption of Ordinance No. 667, an ordinance amending Chapters 14.04 and 14.08 of the Jackson Municipal Code adopting and amending the 2010 California Building Standards Code and other Uniform Codes, and schedule a public hearing for December 13, 2010 to consider its adoption. Based on this timing, the City's amendments to the state codes will take effect on January 12, 2010. This means there will be a short two-week period during which the unaltered California Building Standards Code will be in effect. Staff does not believe that this is an issue.

Moved by Vice-Mayor Sweet, seconded by Councilmember Crew, and unanimously carried to adopt Ordinance No. 667.

11. Committee Assignments.

City Manager Daly reported each year the Mayor reviews appointments and makes assignments to the numerous committees and liaison roles required of City Council members. The City Council was provided a copy the roster of all assignments detailing the current appointed members and meeting times of the various committees and organizations. After considerable discussion the Council Committee assignments were made and read into the record.

City Manager Daly reported staff would be contacting County Clerk Burns with regards to scheduling the City Selection Committee meeting in the near future.

12. ADJOURNMENT.

Adjourn: 8:30 p.m.

ATTEST:



 Gisele L. Cangelosi, City Clerk

Date Approved: January 10, 2011