

Jackson City Council
Minutes
Regular Meeting of December 08, 2014

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

Michael Daly, City Manager
Josh Nelson, City Attorney
Scott Morrison, Police Chief
Mark Morton, Fire Chief
Gisele Wurzburger, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Gonsalves, seconded by Councilmember Lewis and carried by a 5 to 0 vote to approve the City Council Agenda dated December 08, 2014 as presented. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
ABSENT: None
ABSTAIN: None

2. PUBLIC MATTERS NOT ON THE AGENDA.

Candi Emerson stated she had additional information regarding her appeal of Planning Commission Denial of Appeal of Parking Approval at of the Site Plan Review Committee's Approval of a Parking Plan for Jim & Frank Rooney, 225 Broadway.

Mayor Crew stated that item was agenda item 8 and she could address her concerns during that item.

3. CONSENT CALENDAR.

- a. Approval of Minutes of November 24, 2014 meeting.
- b. Approval of Expenditure Report for the period of November in the amount of \$97,368.70.
- c. Approval of Salary related items for November amount of \$301,006.31.
- d. Receive Jackson Fire Department Monthly Report for November 2014.
- e. Receive Jackson Police Department Monthly Report for November 2014.
- f. Receive Building Department Monthly Report for November 2014.
- g. Approve Meeting Schedule for 2015.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi and carried by a 5 to 0 vote to approve the Consent Calendar as amended except for. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
ABSENT: None
ABSTAIN: None

Councilmember Sweet abstained on the approval of Check 2545 in the amount of \$606.57.

Mayor Crew abstained on the approval of Check 2513 in the amount of \$1,952.80.

4. ELECTION DECLARATION – ELECTED OFFICIAL SEATING.

a. Swearing In and Seating of Councilmembers Patrick Crew and Connie Gonsalves to new four year terms. Oath of Office was administered to Patrick Crew and Connie Gonsalves by City Clerk, Gisele Wurzburger.

b. Selection of Mayor and Vice-Mayor.

City Manager Daly reported 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 attached City of Jackson Code of Conduct for Elected Officials, which was last revised in June, 2005.

Moved by Councilmember Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 1 vote (Councilmember Sweet abstained) to nominate and appoint Councilmember Keith Sweet as Vice -Mayor. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis
NOES: None
ABSENT: None
ABSTAIN: Sweet

Moved by Councilmember Lewis, seconded by Vice-Mayor Sweet, and carried by a 4 to 1 vote (Councilmember Patrick Crew abstained) to nominate and approve Councilmember crew Mayor. Motion passed with the following vote:

AYES: Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
ABSENT: None
ABSTAIN: Crew

BREAK (refreshments and social) Mayor Crew reconvened the meeting at 7:20 p.m.

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported on the following:

1. Jackson Fire Department responded to 110 calls last month, 72 medical calls, 17 public assists, 7 fire related, 1 hazardous materials, 13 traffic accidents and 29 of the calls or 26 percent were outside of the city limits for automatic aid to the AFPD.
2. Santa Patrol will start December 18 thru Dec 22 and Santa will be accepting canned food donation for the Interfaith Food Bank. The Santa's route is posted on the Jackson website.
- 3.

Police Chief Morrison reported on the following:

1. The Department responded to 760 calls for service for the month of November.

City Planner Peters reported on the following:

1. Nothing on the Planning Commission agenda for December.
2. Working on the General Plan Housing Element Update.

City Manager Daly reported on the following:

1. JBCA's Christmas Delights, November 28 & 29 and Christmas Tree Lighting had a great turnout
2. Plaid Friday – Shop Local this Holiday was held November 28, 9:00 a.m. to 4:00 p.m.
3. City Hall Holiday Potluck is scheduled for Tuesday, December 16.
4. Public Works and Water Department ready for winter storms related calls.
5. Santa Patrol will start December 18 thru Dec 22 and Santa will be accepting canned food donation for the Interfaith Food Bank.
6. Tonight's meeting is the last meeting for 2014 and he wished everyone a Merry Christmas.

6. COUNCIL REPORTS.

Councilmember Gonsalves will be attending the Amador County of Tourism Mixer Thursday, December 11 being held at the Imperial Hotel.

Councilmember Sweet attended the Amador County Transportation Commission meeting.

Councilmember Crew attended the JBCA's Christmas Delights.

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. Sewer Rate Increases.

City Manager Daly reported first reading of Ordinance 680 Setting Sanitary Sewer Service Charges and Amending Section 13.24.010 of the Jackson Municipal Code Regarding Adopting Sanitary Sewer Service Charges was heard on November 10. At the last meeting for the Sewer Ordinance adoption on November 24, 2014, questions were asked about the rate structure and these questions were enough to have the City Council continue this item to this meeting. Over the past two weeks, the only documentation received regarding the rates was from Ken Berry, and a copy of his correspondence is provided. The City has invited Georgette Aronow to attend this Council meeting to address the questions that have been brought up during the past two hearings. She has been briefed on these issues and will be prepared to discuss the issues,

The City has invited Georgette Aronow to attend this Council meeting to address the questions that have been brought up during the past two hearings. She has been briefed on these issues and will be prepared to discuss the issues. In addition to items brought up by Mr. Berry, information regarding the possible variability of residential rates, the Proposition 218 requirements and timelines, and rate structures in other jurisdictions. This information will be presented on Monday night at the City Council meeting.

Georgette Aronow, was presented to answer questions of the City Council and members of the Public. Ms. Aronow stated she stands by the rate study methodology and any legal challenge based on her 16 years of experience.

Mayor Crew opened the public hearing. The following individuals spoke in opposition of the Sewer Rate Increase – Proposition 218, Bill Condrashoff and Ken Berry.

Bill Condrashoff submitted a copy of a document regarding Residential Usage Calculations for the record.

The following individual spoke in support of the Sewer Rate Increase – Proposition 218, Jack Georgette.

Hearing no further comments, Mayor Crew closed the public hearing.

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

Moved by Councilmember Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the second reading of Ordinance No. 680, Setting Sanitary Sewer Service Charges and Amending Section 13.24.010 of the Jackson Municipal Code Regarding Adopting Sanitary Sewer Service Charges. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet

NOES: None

ABSENT: None

ABSTAIN: None

8. Appeal by Ms. Candi Emerson of Planning Commission Denial of Appeal of Parking Approval at of the Site Plan Review Committee's Approval of a Parking Plan for Jim & Frank Rooney, 225 Broadway, APN 020-312-001.

City Planner Peters reported on October 14, 2014 the Site Plan Review Committee (SPRC) reviewed a parking plan presented by Jim and Frank Rooney for their multi-family structure located at 225 Broadway. The applicants are in the process of remodeling the building which is zoned Limited Commercial. They are not required to provide parking for their tenants because the project is considered an existing non-conforming use (by standard). However, additional off-street parking in the area would be beneficial to reduce existing congestion on Broadway.

The SPRC approved the parking plan with the following conditions:

1. Consistent with the City's Landscape Standards, the applicants shall obtain approval from the Planning Commission to remove and replace two trees exceeding 16 inches Diameter at Breast Height (DBH). done
2. The applicants shall submit and obtain approval of a grading plan from the City Engineer.
3. The applicants shall obtain a deferred improvement agreement from the City Council should the paving of the proposed parking lot be delayed.

On October 20, 2014 the City received a letter from Ms. Candi Emerson requesting an appeal of the Site Plan Review Committee's decision. The appeal was heard at the November 17, 2014 Planning Commission meeting. After taking testimony from the applicant, the appellant, and members of the public, the Planning Commission denied the appellant's request. On December 1, 2014, Ms. Emerson submitted an appeal of the Planning Commission's action which was provided.

Consistent with Development Code Article VI, Section 17.140.030 (E) the City Council may take the following action(s):

Approved
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1. The City Council may, by resolution, affirm, affirm in part, or reverse the action, the decision, or determination of the Site Plan Review Committee and Planning Commission.
2. When reviewing an appeal, the City Council may:
 - a. Deny the permit or entitlement, even though the appeal only requested relaxation or elimination of one or more of the conditions imposed on the permit or entitlement: or
 - b. Impose additional conditions that may address other issues or concerns than the original subject of the appeal.
3. The appellant and other interested parties shall not present new evidence and testimony at the appeal hearing unless the party can demonstrate, to the satisfaction of the appeal body, that new information:
 - a. Was not previously available to the party, or
 - b. The party could not have participated in the review process because they could not have known about the review process.
4. If new or different evidence is presented on appeal, the City Council may, but shall not be required to, refer the matter to the Site Plan Review Committee for further consideration.

Candi Emerson, requested a letter from the Amador Fire Protection District dated 11/05/2013 addressed to Errol Esbit – City of Jackson’s Architect - re: Tenant Improvement and change in occupancy class 225 Broadway for Jim and Frank Rooney Plan Check #12-42 become part of the record. She felt the existing non-conforming by standard – permit decreased the parking standards therefor this matter should not have been a ministerial decision.

City Attorney Nelson stated the ministerial decision discussion was not part of this appeal, those permits were also were not part of this appeal. If this matter was review through the variance process the outcome would be the same and the property owner would have the right to object that determination.

Councilmember Gonsalves noted for the record she attended two meetings to try to find resolution. The City has learned there is a lack in the permitting and in house procedures. She agreed there was a lot of inconsistency in the City’s files and the Council needs to determine whether this project was conforming or non-conforming and whether the applicant would be willing to mitigate.

Jim Rooney called for point of order stating this matter is regarding the Appeal of Parking Approval and per the staff report the appellant should not be allowed to present new evidence and testimony at tonight’s hearing. He felt the information Ms. Emerson wanted submitted to the record would be considered new evidence.

City Planner Peters stated the Planning Department has not seen the letter from the Amador Fire Protection District dated 11/05/2013 and noted for the record Errol Esbit does not work for the City of Jackson.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Gonsalves, and carried by a 5 to 0 vote to accept the letter from the Amador Fire Protection District dated 11/05/2013 into the record as requested by Candi Emerson. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Crew opened the public hearing. The following individuals spoke in opposition of the Appeal of Planning Commission Denial of Appeal of Parking Approval at of the Site Plan Review Committee's Approval of a Parking Plan for Jim & Frank Rooney, 225 Broadway Project: Jack Georgette, Jennie Hayes, Thornton Consolo, Mike Quinn, Tim Donovan

Jim and Frank Rooney, were present to answer question of the City Council. Mr. Rooney provided a brief history of 225 Broadway. He noted for the record there was error in the facts submitted in the letter provided by Ms. Emerson for this appeal. He reiterated according to the City Staff they were not required to provide parking for their tenants because the project is considered an existing non-conforming use (by standard). However, additional off-street parking in the area would be beneficial to reduce existing congestion on Broadway. He reiterated if Ms. Emerson's appeal is approved then then won't do parking lot as submitted because per staff they were not required to provide parking in this project.

The following individual spoke in favor of said appeal: Casey Emerson.

Hearing no further comments, Mayor Crew closed the public hearing.

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

Moved by Vice-Mayor Sweet, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote to approve vote to Deny the Appeal of Site Plan Review Committee Approval of Parking Plan for 225 Broadway and refund to Ms. Candi Emerson the appeal fees for the appeal of the Site Plan Review Committee and Planning Commission determinations.

Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Crew called for a ten minutes recess at 9:15 p.m. Mayor Crew reconvened the meeting at 9:25 p.m.

9. Recommendation to ACTC for the Regional Transportation Plan.

Vice-Mayor Sweet stated he had requested staff to look the Regional Transportation Plan – Capital Improvement Program. Provided for consideration by TAC was Table 5 for discussion. He felt it was good compromise and it was his recommendation the City Council looked favorable to forward this to recommendation to the ACTC meeting for discussion. Amador County, City of Ione and the City of

Plymouth are also reviewing these recommendations.

City Planner Peters reported over the past several months the Amador County Transportation Commission (ACTC) has worked on the 2014 Draft Regional Transportation Plan Update (RTP) which includes the 2014 Regional Roadway Capital Improvement Program (Table 5). Table 5 is the RTP's framework for the prioritization of regional transportation-related projects and their funding sources.

On September 22, 2014, the City Council reviewed a request by District 1 Supervisor (and ACTC Board member) John Plasse that the City consider a proposal to amend the Capital Improvement Program (Table 5) in such a manner that 40% of the Statewide Transportation Improvement Plan (STIP) funds would be designated for existing roadway reconstruction and/or rehabilitation projects -similar to road maintenance. Such an amendment would effectively divert funds that would otherwise be designated for new transportation-related projects. No action was taken by the City Council on September 22, and staff was directed to place the item on a future agenda for further consideration. The matter was placed on the November 10, 2014 City Council agenda but the item was continued pending recommendations from the ACTC Technical Advisory Committee.

On November 20, 2014 the ACTC held a Technical Advisory Committee (TAC) meeting to review the RTP's 2014 Regional Roadway Capital Improvement Program (Table 5). Representative from the County of Amador and each city (with the exception of Amador City) were present along with a representative from Caltrans and ACTC staff. After a lengthy discussion regarding the prioritization of projects, including existing roadway reconstruction and rehabilitation and the allocation of funds, including STIP funds, the TAC arrived at the following recommendations:

1. The County and cities are in the process of completing a Pavement Management Plan (PMP) which will detail the condition of city and county roadways and provide information regarding the maintenance and associated costs for roadway preservation. Until completion of the PMP the TAC recommended that STIP funds not be allocated to existing roadway reconstruction and rehabilitation. The recommendation makes an exception for a few County projects that were of lower priority, so the recommendation provides some STIP funding for those projects.
2. TAC recommends that criteria regarding roadway system preservation be added to the RTP to ensure that the recommendations resulting from the Pavement Management Plan are implemented in the future.
3. Every jurisdiction is requesting funds for regional transportation improvement projects. The original Draft Capital Improvement Program (Table 5) devoted the bulk of STIP funds to the Pine Grove Corridor Improvement Project. The City of Jackson's Highway 49/88 intersection and "complete streets" project would also have received considerable funding from the STIP in the original draft CIP. This scenario left little funding for the City of Ione's bypass project, the City of Plymouth's Highway 49/Empire Street intersection improvements project, and the County's roadway rehabilitation projects. ACTC staff prepared a compromise version of Table 5 which TAC agreed provided more beneficial regional improvements. The result is a revised (and now proposed) Table 5 which, in pertinent part, a) shows a considerable reduction in the scope of the Pine Grove project; b) moves the Jackson Highway 49/88 improvement projects down in priority and utilizes different funding sources (i.e. bridge replacement funds); and c) re-prioritizes the Sutter Street extension to receive STIP funds along with STIP funds allocated for preliminary work on the Ione Bypass and Plymouth's Highway 49 improvements.

ACTC staff asked each TAC member to provide this information to its respective decision-making body

and report back to ACTC at the December 11, TAC meeting. The final TAC recommendations will be presented to the ACTC Board on December 18, 2014.

Mayor Crew opened the public hearing. The following individuals spoke regarding the Recommendation to ACTC for the Regional Transportation Plan: Gary Reinoehl, Debbie Dunn, and John Plasse. Hearing no further comments, Mayor Crew closed the public hearing.

After considerable discussion among the City Council and staff, it was the consensus of the City Council to support the provided recommendation of the Amador County Transportation Commission Technical Advisory Committee to modify the 2014 Regional Roadway Capital Improvement Program (Table 5) of the Regional Transportation Plan.

10. Committee Assignments for 2015. Review list and provide comments to Mayor. City Manager Daly reported tonight's action was that the Mayor review the provided list of committee positions with the City Council and accept comments from the Councilmembers regarding preferences for 2015 committee assignments.

Each year the Mayor reviews appointments and makes assignments to the numerous committees and liaison roles required of City Council members. The attached list is a roster of all assignments detailing the current appointed members and meeting times of the various committees and organizations.

After considerable discussion among the City Council and staff, the appointments to be confirmed by the City Council at the January 12, 2015 meeting.

11. CLOSED SESSION

- a. Conference with Labor Negotiator. Agency Representative, Michael Daly, City Manager. Employee Organization: General Employee Unit, SEIU Local 1021 (Pursuant to Government Code Section 54957.6).

Vice-Mayor Gonsalves reconvened to Open Session at 11:06 p.m. and announced there was no reportable action taken.

12. ADJOURNMENT

Adjourn 11:07 p.m.

ATTEST:



Gisele L. Wurzburger, City Clerk

Date Approved: January 26, 2015