

Jackson City Council  
Minutes  
Regular Meeting of May 13, 2013

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

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

**COUNCIL MEMBERS ABSENT:**

Mayor Crew called the meeting to order at 7:05 p.m.

**1. CEREMONIAL.**

- a. Proclamation Honoring Franck Tremaine for his Service to the Jackson Volunteer Fire Department. Mayor Crew presented Franck Tremaine the proclamation honoring him for his service on the Jackson Volunteer Fire Department. Fire Chief Morton presented Franck Tremaine with custom-made all leather fire helmet.
- b. Proclamation Honoring the Jackson Rancheria – Detert Park Restoration Project. Mayor Crew presented Dennis Dalton, Jackson Rancheria the proclamation honoring the Jackson Rancheria for the Detert Park Restoration Project.
- c. Mayor Crew stated at this year's Clean It & Green held Saturday, April 20 the Amador County Chamber of Commerce and Jackson Rotary clubs donated a \$200 prize which was offered to the youth groups (K-8 and 9-12) for bringing in the most litter. Mayor Crew presented Justap their check for \$200 and thanked them for helping at this year's Clean It & Green.

Vice-Mayor Gonsalves stated this is a wonderful county and city with the Jackson Fire Department, local family businesses and schools all coming together to make Jackson a fulfilling place to live. She was proud to announce in 1975 she won a contest which gave this organization their name, Jackson Unified Schools, Teachers and Parents (Justap).....just tap and come in.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, and seconded by Vice-Mayor Gonsalves, and  
unanimously carried to approve the City Council Agenda dated May 13, 2013 as presented.**

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

None.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of April 22, 2013 meeting.
- b. Approval of Expenditure Report for the period of May the amount of \$301,901.36.
- c. Approval of Salary related items for April the amount of \$277,371.83.
- d. Accept April 2013 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for April 2013.
- f. Receive Jackson Police Department Monthly Report for April 2013.
- g. Receive Building Department Monthly Report for April 2013.
- h. Approval of Contract Renewal with Auditors Smith & Newell.
- i. Approval of JBCA's Mother Lode Cruise Car Show, Saturday, May 18.

- j. Approve Request from Jackson Lions Club for Use of Detert Park Parking Lot area for Fireworks Sales and Fireworks Show on July 3, 2013.

**Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve the Consent Calendar except for.**

**Councilmember Sweet abstained on the approval of Check 237493 in the amount of \$570.99 and Check 237575 in the amount of \$126.74**

**Mayor Crew abstained on the approval of Check 237543 in the amount of \$1768.76 and Agenda Item 4I. Approval of JBCA's Mother Lode Cruise Car Show, Saturday, May 18.**

## **5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported on the following:

1. Jackson Fire Department in January 2013 responded to 82 calls last month, 55 medical calls, 14 public assists, 5 fire related, 0 hazardous materials, 8 traffic accidents and 24 of the calls or 29 percent were outside of the city limits for automatic aid to the AFD.
2. The Fire Department has partnered with AAA to provide free Carbon Monoxide Detectors on Wednesday, May 15 at the AAA office from 4:00 p.m. to 7:00 p.m.
3. At the EMS Awards Dinner the Fire Department won award for the best triage tag in the county.

Police Chief Morrison reported on the following:

1. The Police Department responded to 705 calls for service for the month of April.
2. Captain Christy Phillips will be recognized with a Certificate of Commendation for recent case investigation.

City Planner Peters reported she has been working with Local Agency Formation Commission (LAFCO) during the process of amending the City's Sphere of Influence (SOI). Tentatively this item will be presented at the June 20 LAFCO meeting for consideration.

City Manager Daly reported on the following:

1. ACES's Residential Spring Clean-up is scheduled for May 20 through May 24 within the city limits of Jackson & Sutter Creek. Collection of up to 1-cubic yard, or 7-32 gallon trash bags will be on your regular pick up day.
2. JBCA's Mother Lode Cruise Car Show, Saturday, May 18, car registration has closed.
3. Amador Water Agency's Rate Increase protest hearing notice has been mailed out. The Community Outreach Committee will be meeting on May 24 to discuss the rate increase.
4. The 2013 Jackson Pool Schedule and Swim Classes Schedule is now available at City Hall and the City's website.
5. Jackson Police Activities League (JPAL) will be hosting the 2013 Summer Baseball League. Vera Allen is organizing the program and the registration forms are on the Jackson Police Department's website. The program will be on Mondays and Tuesdays starting July 17 and 18 through July 29 and 30 from 5:30 p.m. to 8:00 p.m.
6. Met with department head to discuss next year's budget and Budget Overview will be presented at the May 28 meeting.

## **6. COUNCIL REPORTS.**

Councilmember Garibaldi reported on the following:

1. Attended the Amador County Recreation Agency meeting.

2. Attended the Amador County of Tourism meeting. One of the agenda items discussed was the Board of Supervisor's proposed funding cuts for 2013-14.
3. Attended the Amador County Chamber of Commerce mixer held at The Feed Barn.
4. The ACRA Kennedy Mine Old Fashioned Deep Pit Barbeque will be held Saturday, May 18.

Councilmember Lewis reported the Stasal Street residents were upset to find out that Stasal Street will only be patched once the Stasal Avenue Waterline Replacement Project was completed. City Manager Daly stated the City does not have general funding to pave the whole street and only the disturbed areas will be paved at this time.

Vice-Mayor Gonsalves reported on the following:

1. Will be attending the AFD Board meeting
2. Will be attending the AFD Workshop for Fire Department Consolidation May 23 at 10:00 a.m.
3. Will be attending the AFD regular meeting May 23 at 4:00 p.m. workshop to discuss possible action for approved used of Proposition 172 funds.
4. Attended the Indian Gaming Grand Fund meeting and was awarded \$32,463 for the Police Department.

Councilmember Sweet reported on the following:

1. Attended the Kennedy Mine Foundation volunteer training meeting and have been putting together the Kennedy Mine slide show to obtain volunteers.
2. The Sacramento Regional Conservation Corps are still camping out at the Kennedy Tailing Wheel assisting with the project. Teresa's, Thomi's and Mel's Diner have provided meals for the Corps. Working on the brochure and final arrangements for the Kennedy Tailing Wheel Dedication.

Mayor Crew reported on the following:

1. Will be attending the JBICA's Mother Lode Cruise Car Show, Saturday, May 18 Car Show.
2. Attended the Amador County Chamber of Commerce mixer held at The Feed Barn.
3. Will be attending the LAFCO meeting.

### **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. Rezone and General Plan Amendment from Residential Single Family (RSF) to Public/Institutional (P) and Variance for Substandard Lot Size to Expand the St. Sava Cemetery, 714 North Main Street (APN 020-132-002), Reverend Steven Tumbas, Serbian Orthodox Church.**

City Planner Peters reported Reverend Steven Tumbas of the Serbian Orthodox Church has submitted an application to rezone and amend the City of Jackson's General Plan land use designation for 714 North Main Street (APN 020-132-002) from Residential Single Family (RSF) to Public/Institutional (P). The Serbian Orthodox Church recently acquired this property which is adjacent to the church cemetery. The property is currently zoned and General Plan Designated Residential Single Family (RSF) and is improved with a residence. The Church is requesting a Boundary Line Adjustment to increase the size of the adjacent cemetery by expanding into the back portion of 714 North Main Street.

To accommodate the Boundary Line Adjustment to expand the cemetery, the back portion of the property would need to be rezoned to Public/Institutional. Additionally, the front portion of the lot

would require a variance because the Boundary Line Adjustment would cause the front portion to be a substandard sized lot – 6,000 square feet instead of the 8,000 square feet required by the Development Code. Zoning and General Plan designations for the surrounding properties include Residential Single Family, Residential Duplex, and Residential Medium Density to the south and west, Recreation/Open Space to the east, and Public/Institutional to the north. The single family residential lot sizes in the area are varied with several that are less than 8,000 square feet, including the adjacent parcel which is less than 5,000 square feet.

On April 15, 2013, the Planning Commission held a public hearing to review the proposed rezone/re-designation request and passed a motion recommending the City Council approve the request of the applicant. In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study did not reveal any significant adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration. The proposed Rezone and General Plan Amendment request was circulated to responsible agencies for comment. No comments have been received regarding the proposed project.

Should the City Council choose to approve the requested General Plan Amendment and Rezone, in accordance with the City of Jackson, Development Code, Article VI, Chapter 17.60 General Plan, Land Use Designation Map, and Development Code Amendments, the following findings must be made:

1. The proposed rezone and amendment ensures and maintains internal consistency with all of the goals, policies, and actions of all elements of the General Plan;
2. The proposed rezone and amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed rezone and amendment will not have a significant adverse effect upon the environment.

In accordance with Development Code Section 17.82.030 – Findings and Decision, the following findings should be made should the City Council choose to approve the requested variance:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;
2. The Variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district;
3. The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;
4. Granting the Variance:
  - a. Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;
  - b. Would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
  - c. Is consistent with the General Plan and any applicable Specific Plan.
5. The Variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with 1 and 2, above.

City Planner Peters stated the action would be that the City Council conduct a public hearing, approve the first reading of Ordinance 675 and adopt Resolution 2013-09.

Reverend Steven Tumbas, representing Serbian Orthodox Church, was present to provide answers of the City Council and staff.

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

After considerable discussion among the City Council and staff the following motions were made:

**Moved by Councilmember Garibaldi, and seconded by Councilmember Sweet, and unanimously carried to introduce Ordinance No. 675 by reading of title only.**

**Moved by Vice-Mayor Gonsalves, and seconded by Councilmember Garibaldi, and unanimously carried to approve Resolution 2013-09 Boundary Line Adjustment, Variance, and General Plan Amendment for the Serbian Orthodox Church at 714 North Main Street based upon the Findings as presented.**

**8. Measure E Funds (Portion of Transient Occupancy Tax) Allocation Policy for FY 2013-14.**

City Manager Daly reported in November, 2002, voters in the City of Jackson approved Measure E, raising the City's transient occupancy tax from 8% to 10%. In conjunction with the placement of this initiative on the ballot, the City Council adopted Resolution No. 2002-30, stating, "The Council hereby declares that the first priority expenditure of the additional two percent (2%) of the transient occupancy tax funds collected by the City as a result of the ballot measure shall be tourism and business promotion, economic development, and downtown revitalization."

Funding from the additional 2% has averaged roughly \$60,000 per year. Over the past few years, this amount has decreased slightly and the amount available from 2012 revenues is \$59,921, up from \$56,081 in 2011. For the first three years of this funding, the entire amount generated by Measure E was distributed to tourism related organizations to enhance their services. The past six years, the City Council has set aside approximately half of the funding for use by the City for its own economic development projects. For the current fiscal year, the City has committed \$36,000 of the \$56,081 available for allocation from the 2012 calendar year. The main projects have included funding tourism and community organizations, the downtown facade improvement program and some funding to pay for Jackson Revitalization Committee projects. This is the time year when the City has used a request for proposals process to allow outside entities the opportunity to apply for Measure E funding for purposes consistent with the intent of Resolution No. 2002-30. Staff is requesting direction from the City Council as to whether a request for proposals should be made available, and if so, how much funding should be allocated for this purpose. A copy of the request for proposals for use of Measure E funding used in previous years was provided.

Councilmember Sweet stated the Vista Point Project was running short about \$7,000 for the planting of the daffodils in October and inquired if this purchase could be considered for funding by Measure E funds. City Manager Daly stated this request would be at the discretion of the City Council to allocate funds for city projects and could be allocated in next year's budget process.

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

After considerable discussion among the City Council and staff, staff was directed to proceed with the Request for Proposal process and made available for the use of the Measure E (Transient Occupancy Tax) Funds for FY 2013/14 in the amount of \$30,000. City Manager Daly reported Measure E Advisory Committee Membership appointment will be on the May 29 agenda.

**9. Consideration of Opposition to Assembly Bill 5 (Ammiano), the Homeless Bill of Rights.**

Police Chief Morrison reported Assembly Bill 5 (Ammiano), the Homeless Bill of Rights would create numerous problems and safety concerns for this community and all who live, work or recreate here. The bill will require local governments to provide and permit any homeless person to have access to public bathroom facilities for any and all hygiene needs (24/7), and to include bathing wherever those public facilities exist. So for example, should a homeless person have the necessity for showering, and came by the police building or fire station requesting such, they (under AB 5) shall be allowed access upon request. Public lands, to include all publically owned open land and parks would be open 24/7 for living space and storage of personal property, to include animals and motor vehicles. Any and all municipal codes regulating the use of public lands and parks would be null and void for said uses. Park closing hours would not be enforceable and bathrooms could not be secured. Possessions of a homeless person, left within the boundaries of any publically owned property shall not be collected or disposed of. If a homeless person's property is collected and disposed of due to public health concerns, reimbursements for replacement shall be made. Parking laws would be exempted for persons living out of their motor vehicles. There are no exemptions in this bill for these concerns.

The bill would also require the construction of "Health and Hygiene Centers." The structures would be built upon public lands and provide for all personal hygiene needs to include shower facilities. Although this bill provides for funding to construct these hygiene centers, there is no provision for routine cleaning, maintenance or major repairs or future replacement. The bill also addresses public sidewalks. Any homeless person would be free to obstruct any sidewalk or other public place for the purpose of panhandling/ sleeping or congregating for any other reason, and shall remain free of any "law enforcement harassment." This bill would restrict law enforcement contact of a homeless person and the ability of law enforcement to gain the identity of a homeless person. However/ this bill would require law enforcement to keep and report statistical information on the arrest and or any contact of homeless persons. This bill, however well intended, does not address the real issues or concerns of the homeless and only provides to prolong dire situations for those who might otherwise desire to become more productive and provide for themselves. We cannot afford what this bill requires of this community. This bill is strongly opposed by the League of California Cities.

City Manager Daly reported the action would be that City Council opposes AB 5, Homeless Bill of Rights and forward the City's opposition to the author of AB 5, Assembly Member, Ammiano and to the Members of the Assembly Appropriations Committee.

**Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve letter of opposition of AB 5, Homeless Bill of Rights and forward this letter to the author of AB 5, Assembly Member, Ammiano and to the Members of the Assembly Appropriations Committee.**

**10. Adjournment:**

Adjourn 8:05 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: May 28, 2013