

Jackson City Council
Minutes
Regular Meeting of December 14, 2015

Patrick Crew
Wayne Garibaldi
Marilyn Lewis
Keith Sweet, Mayor

Michael Daly, City Manager
Joshua Nelson, City Attorney
Susan Peters, City Planner
Scott Morrison, Police Chief
Gisele Wurzbarger, City Clerk

COUNCIL MEMBERS ABSENT:
Connie Gonsalves, Vice-Mayor

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

CEREMONIAL. Recognition of Service for Mayor Patrick Crew.

Mayor Sweet presented Councilmember Crew with the recognition of service plaque. Councilmember Crew stated he was honored to serve as Mayor on the Jackson City Council for the last four years.

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Crew, and carried by a 4 to 0 (Vice-Mayor Gonsalves absent) vote to approve the City Council Agenda dated December 14, 2015 as presented. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

Shirley Danjowski, Jackson, clarify not the big house – met the county building – record so noted

3. CONSENT CALENDAR.

- a. Approval of Minutes of November 23, 2015 meeting.
- b. Approval of Expenditure Report for the period of December the amount of \$207,903.38.
- c. Approval of Salary related items for November in the amount of \$298,691.73.
- d. Accept September Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for November 2015.
- f. Receive Jackson Police Department Monthly Report for November 2015.
- g. Receive Building Department Monthly Report for November 2015.

Moved by Councilmember Garibaldi, seconded by Councilmember Lewis, and carried by a 4 to 0 (Vice-Mayor Gonsalves absent) vote to approve the Consent Calendar dated December 14, 2015 as presented except for. Motion passed with the following vote:

AYE S: Crew, Garibaldi, Lewis, Sweet
NOES: None
ABSENT: Gonsalves
ABSTAIN: None

**Councilmember Crew abstained on the approval of Check 4202 in the amount of \$1,072.14.
Mayor Sweet abstained on the approval of Check 4243 in the amount of \$606.57.**

5. ADMINISTRATIVE REPORTS.

Jackson Fire Department responded to 140 calls last month, 98 medical calls, 12 public assists, 14 fire related, 6 hazardous materials, 10 traffic accidents and 29 of the calls or 21 percent were outside of the city limits for automatic aid to the AFD.

City Planner Peters reported on the following:

1. Housing Equivalent Unit Availability and Allocation Criteria.
2. State of the City report in compliance with the City of Jackson's Energy Action Plan.

Police Chief Morrison reported on the following:

1. The Department responded to 684 calls for service for the month of October.

City Attorney Nelson reported the League of California Cities along with ACWA and CSDA are currently preparing a constitutional amendment to create an alternative procedure to adopt water, wastewater and storm water rates which would be an alternative to Proposition 218. The idea is to loosen the standards that were an issue with the San Juan Capistrano rates, so there would be more flexibility to adopt tiered water rates. In addition there was some discussion about allowing low income and senior discounts which is not allowed under Proposition 218 due to the strict cost to service requirements. As mentioned a constitutional amendment has to go before the voters. The Legislation is going to try this approved by a 2/3rd vote. If they are not successful it will be placed on the ballot. It will need to go to petition and signed by the voters. Assuming they are able to get it on the ballot it will be on the 2016 Presidential Election. He will continue to monitor this matter.

City Manager Daly reported on the following:

1. Attended an exercise at Lake Pardee with Police Chief Morrison regarding the draft Emergency Action Plan for the Argonaut Dam Tailing Mine.
2. Held a meeting today with the Environmental Protection Agency regarding Emergency Action Plan for the Argonaut Dam Tailing Mine.
3. ACES request for the annual rate increase will be on the next agenda for consideration.
4. Santa Patrol will start December 17 thru Dec 20 and Santa will be accepting canned food donation for the Interfaith Food Bank. The Santa's route is posted on the Jackson website.

6. COUNCIL REPORTS.

Councilmember Garibaldi reported Amador County Recreation Agency continues work on updating their master plan.

Councilmember Crew reported on the following:

1. Attended the Judicial swearing in ceremony for the Honorable Renee C. Day.
2. Attended the Mural for Project at Tressler's Gas Station meeting.
3. Attended the Annual City Employee' Christmas luncheon.

Mayor Sweet reported on the following:

1. Attended the Mural for Project at Tressler's Gas Station meeting.
2. Attended several AdHoc water and sewer rate meetings.

3. Attended the Annual City Employee' Christmas luncheon.

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. Selection of Mural for Project at Tressler's Gas Station Back Wall.

Mayor Sweet reported on August 10, 2015, the City Council discussed a proposal to paint a mural at the Tressler's Service Station located at the intersection of Highways 49 and 88. Amador Arts agreed to participate in the advertising for artists, promoting the project within the community and in the selection of the finalist. This is a large project and the expectation was that there would probably be two or three artists at most that would submit a rendering. There were three that called to discuss the project but only Rand Huggett submitted a project. In fact, he submitted six possible projects. The selection committee consisted of Vice-Mayor Gonsalves, Councilmember Patrick Crew, Jack Tressler (owner representative), and Sharon Galligan and Millie Butler members of AmadorArts. The selection process and tabulating of individual scoring was handled by Terra Forgette the Executive Director of AmadorArts. Provided where the two panels that received the highest number of committee votes. Also proved was the Request for Artist Proposals which outlined the selection criteria as well as the finalist's written statement addressing those criteria. The project has come in at \$2,500 under budget and the request by Mr. Huggett for ladder and scaffolding or lift mechanism can be readily supplied by the City. With approval, this project will next move into the fund-raising phase which is expected to be completed by the end of April or sooner.

Mayor Sweet opened the public discussion. Rand Huggett spoke regarding the Mural for Project at Tressler's Gas Station. Hearing no further comments from the public, Mayor Sweet closed the public discussion.

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

Moved by Councilmember Crew, seconded by Councilmember Garibaldi, and carried by a 4 to 0 (Vice-Mayor Gonsalves absent) vote to approve the committee selection number one and move forward into the fund-raising phase. Motion passed with the following vote:

AYE S: Crew, Garibaldi, Lewis, Sweet
NOES: None
ABSENT: Gonsalves
ABSTAIN: None

8. Pre-Zone for Rancheria Annexation with an Open Space Designation (Updated from Residential Low Density).

City Manager Daly reported at the November 23, 2015 meeting, during the second reading of Ordinance 687 to prezone the Rancheria property, the City Council received a letter from the Foothill Conservancy that expressed concerns about the appropriateness of the pre zoning of the property to be annexed and the adequacy of the California Environmental Quality Act (CEQA) documentation. As a result of the submission of the letter from the Foothill Conservancy, Council postponed the second reading of

Ordinance 687 which would have pre-zoned the property to Residential Suburban with a Planned Development Overlay and instead directed staff to meet with Foothill Conservancy representatives.

City Planner Peters reported on Tuesday, December 8, 2015 staff, along with Councilman Garibaldi and Mayor Sweet met with Jackson Rancheria Development Corporation representative, Larry White, and Katherine Evatt and Torn Infusino with the Foothill Conservancy. The main topic of discussion was the appropriateness of the rezoning. Staff had recommended the property be rezoned Residential Suburban with a Planned Development Overlay as that was the designation reviewed in the Land Use Element Environmental Impact Report. The Foothill Conservancy asserted that because no development is planned at this time an Open Space designation would be more appropriate. After considerable discussion and subsequent communications with representatives from the Jackson Rancheria Development Corporation, the request to prezone the property has been amended to Open Space with a Planned Development Overlay.

Councilmember Garibaldi requested the resolution or ordinance indicate the intent of the Open Space with a Planned Development Overlay was to allow a change in zoning in the future and possible development. This revision will provide direction to future Council and Planning Commission regarding development.

City Attorney stated the additional recital would be included in the second reading of Ordinance 687:

WHEREAS, the City Council approval of the prezone is not, shall not to be construed as the Council's intent for the property to remain Open Space indefinitely.

Mayor Sweet opened the public discussion. Shirley Danjowski spoke regarding the Pre-Zone for Rancheria Annexation with an Open Space Designation. Hearing no further comments from the public, Mayor Sweet closed the public discussion.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Crew, and carried by a 4 to 0 vote (Vice-Mayor Gonsalves absent) to conduct a first reading of Ordinance 687 to Prezone the Jackson Rancheria Development Corporation properties on French Bar Road Open Space with a Planned Development Overlay (APN's 44-180-034, 035 & 036) as amended. Motion passed with the following vote:

AYE S: Crew, Garibaldi, Lewis, Sweet
NOES: None
ABSENT: Gonsalves
ABSTAIN: None

9. Wastewater Rate Updates – Inflow and Infiltration Approach and the Proposition 218 Process Required for a Rate Update.

City Manager Daly reported the City of Jackson has been looking at wastewater rate issues for many years, and the City's latest NPDES permit provides for new requirements required by the State Regional Water Quality Control Board. After the City Council opted to halt its attempt to increase rates based on information from the Ratepayers Protection Alliance (RPA) earlier this year, the City changed wastewater engineers and is now using West Yost Associates to provide a plant design to meet the Regional Board requirements in the new permit. Several meetings with the RPA have taken place over the past year and a resolution of the issues is getting closer. A letter signed by Bill Condrashoff was provided describing the current situation, including the latest meeting that occurred on December 1, 2015. It was

anticipated that following this meeting the City would have the "green light" to move forward with a rate increase proposal, however, as noted in the provided letter there are a few items remaining regarding the Inflow and Infiltration (I& I) that they have requested be addressed to attempt to reduce the wet month flows into the plant. The following items were discussed:

- The City continues to pursue grants for Inflow and Infiltration work, and has budgeted fund this year for I & I reductions. This is currently in progress in the downtown area and hopefully will provide some positive results. The City continues to work with RPA on the Inflow and Infiltration issues as they have requested in their letter. Staff is working with West Yost on the future plant design to develop cost Wastewater Rate Updates December 14, 2015 options for different flows into the plant based on reducing the Inflow and Infiltration.
- The loan application was for a total of \$12 million, if the City spends less than the authorized loan amount (very likely) then the payments are based on the amount of the project and the actual amount borrowed, not the \$12 million figure. Originally, the interest rate was 1.6%, but it is now at 1.8% and hopefully will not increase again before the loan documents are finalized.
- The other major issue with the rates is the residential rate and how it is calculated. All the charge totals will need to be adjusted based on the interest rate charged by the State Water Board at the time the City finalizes the loan.
- City staff and the wastewater engineer are ready to work with RPA to develop the information shown in their table on the second page of their letter with the different 2016 dates shown and hopefully the schedule they show will be met.
- The timeline laid out in the RPA's letter is about a month longer than if the City put a Proposition 218 notice out to its customers in December. Staff does believe that this timeline can function to provide the information the City will need to evaluate and determine if the rates proposed will be sufficient.

Mayor Sweet opened the public discussion. The following individuals spoke regarding the Wastewater Rate Update: Debbie Dunn, Casey Emerson, Bill Condrashoff and Greg Chung. Hearing no further comments from the public, Mayor Sweet closed the public discussion.

No action for tonight's meeting informational only.

10. Use of Integra Realty Resources for Property Appraisal of Approximately 30 Acres of the Oro De Amador Property.

City Manager Daly reported the City of Jackson has had several discussions with Joseph Chirco, owner of the Rollingwood Estates Mobile Home park about possibly purchasing approximately 30 acres of land adjacent to the current property on the City's Oro De Amador property. The location of the property would be along the eastern edge of the parcel adjacent to the Rollingwood facility. In order to determine the possible value of the property, the City Council agreed to seek the services of a real estate appraiser to determine how much the property is worth. The property is currently designated as Recreation with a Planned Development/Open Space Overlay, therefore, in order to develop the property as residential there would need to be a General Plan and Zoning amendment. The City sent out requests for proposals to three firms and received two responses. One was that the property issues are complex and they did not feel they had the current resources for this project. The other was submitted by Scott Beebe with a proposed cost of \$4,000. This is in line with previous work the City has had completed and seems like a fair proposal. Consulting with Councilmember Garibaldi, he has suggested that this price be the responsibility of the prospective purchaser, however, if the City opts to sell the property that perhaps half of this cost could be paid from the land sale receipts.

Mayor Sweet stated for the record: Should Mr. Chirco opt to move forward with purchase of the property, there would be no assurance for rezoning of the property or the other issues associated with the land would be approved. These issues would all need to be carefully identified prior to a sale.

Mayor Sweet opened the public hearing. The following individuals spoke regarding the sale of 30 acres of the Oro De Amador property: Shirley Danjowski, Mike and Sharon Hewett. Hearing no comments from the public, Mayor Crew closed the public hearing.

Mike and Sharon Hewett, Oro De Amador Study Group submitted a letter dated December 14, 2015 into the record.

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

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Vice-Mayor Gonsalves absent) to agree to use Scott Beebe, of Integra Realty Resources for appraisal of 30 acres of the Oro De Amador property. Motion passed with the following vote:

AYE S: Crew, Garibaldi, Lewis, Sweet
NOES: None
ABSENT: Gonsalves
ABSTAIN: None

11. Ordinance Amending Sections 5.04.040, 17.06.040, and 17.220.020 of the Municipal Code Regarding Marijuana Cultivation and Dispensaries.

City Manager Daly reported on November 23, 2015, the City Council held a public hearing and reviewed and approved the first reading of Ordinance No. 689 which regulates marijuana cultivation and dispensaries. A second reading of the ordinance is required for approval of the ordinance. Once adopted Ordinance No. 689 will become effective January 13, 2016.

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

Moved by Councilmember Crew, seconded by Councilmember Lewis, and carried by a 4 to 0 vote (Vice-Mayor Gonsalves absent) to conduct a second reading and adopt Ordinance No. 689 Amending Sections 5.04.040, 17.06.040, and 17.220.020 of the Municipal Code Regarding Marijuana Cultivation and Dispensaries. Motion passed with the following vote:

AYE S: Crew, Garibaldi, Lewis, Sweet
NOES: None
ABSENT: Gonsalves
ABSTAIN: None

12. Pre-Zone for City of Jackson Wastewater Treatment Plant (APN 044-180-007).

City Manager Daly reported on November 23, 2015, the City Council held a public hearing and reviewed the prezone and general plan amendment for annexation of the City of Jackson Wastewater Treatment Plant property. The City Council approved the first reading of Ordinance 690 to approve the prezone and

Resolution 2015-33 approving the General Plan Amendment. A second reading of the ordinance is required for approval of the prezone. The annexation request will be heard by the Amador County Local Agency Formation Commission on January 21, 2016.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Crew, and carried by a 4 to 0 vote (Vice-Mayor Gonsalves absent) to conduct a second reading and adopt Ordinance No. 690 Pre-Zone for City of Jackson Wastewater Treatment Plant (APN 044-180-007. Motion passed with the following vote:

AYE S: Crew, Garibaldi, Lewis, Sweet
NOES: None
ABSENT: Gonsalves
ABSTAIN: None

13. Committee Assignments.

Mayor Sweet reported each year the Mayor reviews appointments and makes assignments to the numerous committees and liaison roles required of City Council members. The provided list is a roster of all assignments detailing the current appointed members and meeting times of the various committees and organizations. A recommended committee list for 2016 was provided as well.

Mayor Sweet opened the public hearing. Hearing no comments from the public, Mayor Sweet closed the public hearing.

After considerable discussion among the City Council and staff, it was the consensus of the City Council to approve the recommendation of the Mayor for the appointment of the City Council Committees for 2016.

Mayor Sweet stated 14a. CONFERENCE WITH LABOR NEGOTIATOR has been removed from the closed session and continued to the January 11, 2016 agenda.

14. CLOSED SESSION

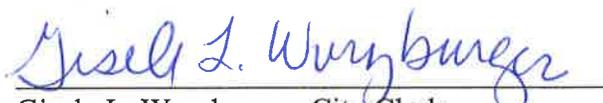
- b. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case

15. ADJOURNMENT

Councilmember Crew reconvened to Open Session at 9:57 p.m. and announced no reportable action taken.

Adjourn 9:58 p.m.

ATTEST:


Gisele L. Wurzbarger, City Clerk

Date Approved: January 11, 2016