

Jackson City Council
Minutes
Regular Meeting of February 14, 2011

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
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis and by Councilmember Crew, and unanimously carried to approve the City Council Agenda dated February 14, 2011 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

None

3. CONSENT CALENDAR.

- a. Approval of Minutes of January 24, 2011 meeting.
- b. Approval of Expenditure Report for February in the amount of \$ 158,483.87.
- c. Approval of Salary related items for January the amount of \$245,983.46.
- d. Accept December 2010 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for January 2011.
- f. Receive Building Department Monthly Reports for January 2011.
- g. Receive Jackson Police Department Yearly Activity Report 2011.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve as amended except for:

- 1. Councilmember Sweet abstained on the approval of Check 233994 in the amount of \$533.97.**
- 2. Councilmember Crew abstained on the approval of Check 233969 in the amount of \$2,588.61.**

4. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported the Jackson Fire Department responded to 107 calls last month, 65 medical calls, 24 public assists, 4 fire related, 3 hazardous materials, 11 traffic accidents and 20 of the calls or 19 percent were outside of the city limits for automatic aid to the AFPD.

Police Chief Morrison reported on the Police Department Yearly Activity Report for 2010. This report reflects all major activity and most of the routine or minor activity that Jackson Police Department responded to or otherwise handled for calendar year 2010. The Department responded to a total 6,335 calls for service, criminal and non-criminal in 2010.

City Manager Daly reported on the following:

1. The Chamber of Commerce will be relocating to 115 Main Street.
2. The Clean It & Green It set for either Saturday, April 16 from 10:00 a.m. through 2:00 p.m.
3. Presentation of the annual Audit Reports for Fiscal Year 2009/2010 will be presented at the next City Council meeting.
4. Amador County Transportation Commission UPlan Presentation will be presented at the next City Council meeting.
5. Regional Traffic Mitigation Fee Annual Report for FY 2009/10 will be presented at the next City Council meeting.
6. Greenhouse Gas Emissions Inventory Report presentation will be presented at the next City Council meeting.

5. COUNCIL REPORTS.

Councilmember Crew reported the Jackson Business and Community Association held a general meeting on February 9. The Board of Directors was elected, the By-laws were approved and the general meeting will be held the first Monday of every month.

Councilmember Garibaldi reported on the following:

1. Attended the Jackson Revitalization Committee meeting held Thursday, February 10.
2. Attended the Amador County Tourism meeting held Thursday, February 10.
3. The Amador County Recreation Agency meeting will be held Thursday, July 15.

Mayor Gonsalves reported on the following:

1. Attended the Jackson Revitalization Committee meeting held Thursday, February 10.
2. Attended the Amador County Tourism meeting held Thursday, February 10

DISCUSSION CALENDAR.

6. Special Event Permit – Jackson Lions Club Dandelion Days, Including Proposed Beer & Wine Garden Addition.

City Manager Daly informed City Council that the Jackson Lions Club had submitted the subject application for the annual Dandelion Days and proposed Beer & Wine Garden Addition Saturday March 19 through Sunday March 20 at 9:00 a.m. to 5:00 p.m. on both days. This event will take place on Main Street from the further most north curb line prolongation proximate the front of the Jackson Fire Station, south to California Street at Main Street, El Dorado Savings and Wells Fargo Bank parking lots, Court Street, Broadway at Summit Street and Bank of America parking lot. The Jackson Lions Club will provide traffic/parking controls on Broadway for the Civic Center garage parking lot and other traffic control measures will be in place to prevent unlawful parking in areas surrounding the event.

California Street to Water Street starting November 25, 2000, starting at approximately 5:45 p.m. and running until approximately 9:30 p.m. The downtown merchants will offer small amounts of food and non-beverages at this event. The HJBA event committee will provide all clean up after the event. The Police Department has reviewed the application, and has expressed no concern over the planned event.

Dave Carlton, Applicant, was present to provide more information regarding the Jackson Lions Club Dandelion Days, Including Proposed Beer & Wine Garden event.

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

Moved by Councilmember Lewis, seconded by Councilmember Crew and carried to approve the Special Event Permit - Jackson Lions Club Dandelion Days, Including Proposed Beer & Wine Garden Addition

Mayor Gonsalves noted for the record there is a five (5) minute limit and requested individuals follow the Meeting Ground Rules and Code of Conduct posted in the Council Chambers.

7. Wastewater Permit Compliance Planning.

City Manager Daly reported on July 12, 2010, the City Council received a Wastewater Options Report from ECO:LOGIC (which was acquired by Stantec shortly thereafter) 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 now met eight times (approximately two hours per meeting) 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 purchasing water from the Amador Water Agency to supplement Jackson Creek flows, an aggressive mandatory water conservation plan, constructing a pipeline in Jackson Creek to transport the City's effluent discharge directly to Lake Amador, and using a new reservoir to capture rainfall runoff (with possible supplements of either creek water or treated effluent) to release back into Jackson Creek at critically dry times of the year to improve dilution. One other option identified in the Stantec report (Option C) is participating in a regional water reclamation plan to upgrade treatment of dry weather effluent to full Title 22 tertiary standards for use in industrial processes and all forms of irrigation. This plan is looked at favorably by the committee, but timing and other external issues out of the control of the City complicate this option.

In addition to reviewing the various discharge options, the committee has heard from citizens concerned about the validity and accuracy of the data provided by the City's contracted engineering firm, Stantec, as well as their recommended project to address the City's current NPDES permit requirements. At the last Sewer Rate Committee meeting, however, the committee voted 5-1 in favor of recommending that the City Council begin the CEQA environmental impact report (EIR) process focusing on the project identified as Option E in the July 2010 Stantec report, which proposes the discharge of treated wastewater effluent on pasture lands during dry weather periods, and also include the reservoir option proposed by Mr. Berry as an alternative, as well as the "no project" alternative required in every CEQA analysis. Committee chairperson Judy Jebian submitted a letter following this meeting withdrawing her support for the motion, however, this did not change the outcome of the vote and committee member Joe Assereto who was not able to be present at the meeting, indicated he would have supported the motion.

The CEQA review needed for this project is two-fold. One is to evaluate the potential environmental impact of the construction and operation of any improvements that may be required by the City's compliance project, while the other is to provide information to the State Division of Water Rights for the water rights petition that must be filed if the City discontinues discharging any of its treated wastewater effluent into Jackson Creek. Although a great deal of information regarding the environmental issues associated with removal of the City's effluent from the creek was evaluated in the Beneficial Use Attainment Study (BUAS) that was completed in 2009 (to satisfy a requirement in the City's NPDES permit included as a result of a recommendation by the State Department of Fish &

Game), as noted by Mr. Berry in his comments regarding the BUAS, this data needs to be updated to ensure that current conditions are evaluated. The City Attorney's office has reviewed the likely scope of work and determined that an EIR would be necessary rather than a Mitigated Negative Declaration.

Although unanimous agreement on a project to address the City's permit compliance requirements would be ideal, it is understandable that a project with the complexities of the City's wastewater discharge might result in differing opinions. Any project selected, however, is subject to the Regional Water Quality Control Board's evaluation as to whether it meets the conditions in the City's NPDES permit designed to comply with the Clean Water Act. To this end, the City provided a summary of the compliance issues and three primary options discussed by the committee to Regional Board staff for their comment regarding the efforts put forth to date. These options included:

1. Option E – dry season application of wastewater effluent to land for pasture irrigation,
2. Dry season export of the City's wastewater to a regional reclamation facility, and
3. The proposal by Mr. Berry for an off-line storage of natural run-off (and possible supplements of Jackson Creek flow and/or wastewater effluent) in a reservoir constructed southeast of the wastewater treatment plant for release to Jackson Creek during critical dry months of the year to improve wastewater dilution. A copy of this summary was provided.

The need for all of this analysis and project consideration is driven by the requirements contained in the City's NPDES permit, a permit is required solely because the wastewater effluent is discharged into Jackson Creek. The cities of Sutter Creek and Ione are not required to have NPDES permits because they do not discharge into "waters of the United States." The combination of the dilution requirement in Lake Amador (a permit inclusion at the urging of the California Department of Public Health) and meeting increasingly stringent water quality requirements, many of which are included in the California Toxics Rule (promulgated by the Environmental Protection Agency through the Clean Water Act), limits the feasible options for compliance, however, both of these challenges can be addressed by the land discharge option. The "Basin Plan" adopted by the RWQCB encourages land disposal of effluent and requires dischargers to evaluate how land disposal can be optimized:

Wastewater Reuse Policy (Basin Plan page IV-14.00):

"The Regional Water Board encourages the reclamation and reuse of wastewater, including treated ground water resulting from a cleanup action, where practicable and requires as part of a Report of Waste Discharge an evaluation of reuse and land disposal options as alternative disposal methods. Reuse options should include consideration of the following, where appropriate, based on the quality of the wastewater and the required quality for the specific reuses: industrial and municipal supply, crop irrigation, landscape irrigation, ground water recharge, and wetland restoration. Where studies show that Year-round or continuous reuse or land disposal of all of the wastewater is not practicable, the Regional Water Board will require dischargers to evaluate how reuse or land disposal can be optimized, such as consideration of reuse/disposal for part of the flow and seasonal reuse/disposal options (e.g., dry season land disposal)."

The City has continued discussions with adjacent land owners to ensure that Option E continues to be an alternative available for disposal of wastewater effluent. Contracts with ranchers in other foothill communities have been provided to develop realistic expectations of the roles and responsibilities of the land owner and the City. These discussions are ongoing. A greater level of commitment will need to be established by both parties in the relatively near future to ensure that Option E is a realistic project to pursue.

A significant decision at this point in the process is how to proceed with the environmental impact report preparation. The two options include moving forward with Stantec based on their involvement with the City's wastewater compliance efforts to date, including preparation of the Beneficial Use Attainment Study, a detailed on-site evaluation of the ecosystem in Jackson Creek; or going out to competitive bid to formally evaluate the qualifications of all companies capable of providing these services. There is not a requirement to bid out professional services for work of this nature as would be required for a construction project or purchase of equipment.

The advantages to contracting with Stantec to prepare the EIR include their familiarity with wastewater issues in the foothills, including service to Jackson for the past eleven years, hands on experience with the Beneficial Use Attainment Study and the other complexities related to the City's wastewater discharge requirements, a shorter timeline to complete the EIR due to elimination of the bidding process and time that would be required to bring another firm "up to speed" on the discharge options under consideration and an established working relationship with City staff.

The advantages to going out to bid (which could still result in the selection of Stantec to prepare the EIR) include ensuring that the most qualified firm is hired to perform the work, assurance of competitive pricing (though total cost cannot be the only consideration for selecting a firm for professional services), bringing in a "fresh set of eyes" to the City's wastewater compliance problem-solving team (if Stantec is not selected), peer review of work previously completed by Stantec, and elimination of the criticism that the City has not allowed for a competitive selection process for this important project.

From the beginning of this wastewater permit compliance process, the City has worked to be inclusive with all interested parties and transparent with the information it is using to make these important decisions. Although there are many pros and cons to bidding out the environmental impact report job, the importance of ensuring an unbiased review of the options and environmental issues related to this process is paramount. In order to be sensitive to the concerns raised over a single firm performing the engineering and environmental review work, the staff recommendation is to put this project out to bid.

The following attachments were provided:

1. Summary of compliance issues and primary options recommended by the Sewer Rate Committee and transmitted to the Regional Board for comment.
2. Correspondence dated 1/12/11 from Bill Condrashoff
3. Correspondence dated 1/19/11 from Judy Jebian
4. Correspondence dated 1/29/11 from Ken Berry
5. Correspondence dated 02/14/2011 from Judy Jebian and read into the record.
6. Correspondence date 02/14/2011 from Ken Landau

City Manager Daly stated Mr. Landau's letter notes, although the City is considering long-term compliance through a regionalization strategy, it must concurrently proceed to comply with its December 2013 compliance date established by the Central Valley Water Board. We must meet the December 2013 compliance date in a quick and diligent manner in addition to pursuing dilution credits.

Ken Landau, RWQCB's Central Valley Region Assistant Executive Officer was present to answer questions of the City Council. He stated City Manager Daly did an excellent job summarizes this item. The letter provided today commented on the summary of compliance issues and primary options anticipated from RWQCB staff.

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

Mayor Gonsalves opened the public discussion. The following individuals provided public comment: Thornton Consolo, Judy Jebian, Bill Orescan, Ken Berry, Bill Condrashoff and John Plasse. 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 Lewis, seconded by Councilmember Crew, and unanimously carried to:

1. **Approve the recommendation approved by the Sewer Rate Committee, “that this committee focus its efforts on the rate impact evaluation relative to the implementation of the land disposal Option E and recommend to the City Council that they initiate the CEQA/EIR process which should include the No Project and Reservoir proposal from Ken Berry as alternative options.”**
2. **Authorize staff to begin the preparation of the California Environmental Quality Act review of these projects by issuing a request for qualifications to select the firm best suited to complete the environmental impact report.**

8. Request from Jackson Revitalization Committee for Measure E Funding for Jackson Creekwalk Project Preliminary Engineering.

City Manager Daly reported the Jackson Revitalization Committee included the Jackson Creekwalk Project as one of its goals for 2011. This is a project conceptualized over five years ago but has stalled due to limited resources, both financial and professional. A Proposition 84 grant was submitted in 2010 for this project in cooperation with ACRA, however, it was not successful.

After this project was selected as a priority this year, the JRC formed a subcommittee of its members and sought volunteer assistance from a couple of local engineers. Grant Reynolds, from Weatherby-Reynolds-Fritson Engineering and Design, and Robin Peters, from Cal State Engineering Inc., attended a subcommittee meeting and reviewed some of the mapping needs required to begin the formal project design process. A site visit was also undertaken.

The conclusion was that a detailed contour map of the project area was necessary for project design and delineation of the project boundaries. Due to the sensitivities involved with working along side a creek, precise information regarding elevations is required. Following the meeting, Mr. Reynolds obtained a price estimate of \$2,500 from Ward Associates, a firm frequently engaged for this type of work. They would work from some preliminary property mapping completed by Mr. Peters associated with the boundary line adjustment planning necessary for the City to acquire some of the property in the project area.

After this information was presented at the full JRC meeting this past Thursday, the consensus was to move forward with this work, and Supervisor John Plasse offered to contribute \$1,000 from his discretionary funds towards this project, thereby reducing the City’s cost for this proposed work to \$1,500.

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

Moved by Councilmember Lewis and by Councilmember Crew, and unanimously carried to approve allocating up to \$1,500 in Measure E Transient Occupancy Tax funding for preliminary engineering work associated with the Jackson Creekwalk (Trail) Project as recommended by the Jackson Revitalization Committee.

9. ADJOURNMENT.

Adjourn 9:07 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: February 28, 2011