

Jackson City Council  
Minutes  
Regular Meeting of April 11, 2011

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

Michael Daly, City Manager  
Andrew Morris, City Attorney  
Mark Morton, Fire Chief  
Gisele Cangelosi, City Clerk

**COUNCIL MEMBERS ABSENT:**

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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 April 11, 2011 as presented.**

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

Thornton Consolo, Jackson, stated Amador Ledger Dispatch reported he told the Planning Commissioners they were getting timid, if not bad, legal advice from their attorney at the April 4, 2011 Planning Commission meeting. He apologized to City Attorney Morris and stated the newspaper misquoted his comments. City Attorney Morris stated not apologies were necessary.

Thornton Consolo requested an update on the outstanding amount owed by New Faze. City Attorney Morris reported the lien was filed in February 2011 against Jackson View Hills, LLC regarding the outstanding amount owed the City.

**3. CONSENT CALENDAR.**

- a. Approval of Minutes of March 28, 2011 meeting.
- b. Approval of Expenditure Report for April in the amount of \$ 295,058.09.
- c. Approval of Salary related items for March the amount of \$241,684.28.
- d. Accept February 2011 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for March 2011.
- f. Receive Jackson Police Department Monthly Report March 2011.
- g. Receive Building Department Monthly Reports for March 2011.
- h. Approve Amador Farmers Market Agreement for 2011 Season.

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

- 1. Councilmember Sweet abstained on the approval of Check 234217 in the amount of \$609.14.**
- 2. Councilmember Crew abstained on the approval of Check 234187 in the amount of \$112.07.**

**5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the Jackson Fire Department responded to 96 calls last month, 62 medical calls, 12 public assists, 6 fire related, 5 hazardous materials, 11 traffic accidents and 26 of the calls or 27 percent were outside of the city limits for automatic aid to the AFD.

Police Chief Morrison reported the department responded to 771 calls for service last month.

City Manager Daly reported on the following:

1. The Planning Commission at their April 4 Special Meeting voted 3 to 0 to deny the Rollingwood Estates Mobile Home Tentative Subdivision Map #179 application and direct staff to draft a resolution to be considered at the April 18 meeting. If the applicant chooses to appeal it must be filed with the City Clerk within 10 days from the date of the review authority's action and the earliest the City Council would an appeal would be at the May 9 meeting.
2. The State's final inspection of Aime Field and Detert Park project will be held tomorrow.
3. The Amador County Chamber of Commerce mixer was held Wednesday and was hosted by Thomi's and the National Hotel.
4. The Jackson Revitalization Committee meeting will be held Thursday, April 14.
5. Clean It & Green It will be held Saturday, April 16 from 10:00 a.m. through 2:00 p.m.
6. ACRA will be making a presentation of survey results for Oro De Amador Recreation Proposition 84 Grant at the next meeting.

**6. COUNCIL REPORTS.**

Councilmember Crew reported on the following:

1. Attended the \Aime Field and Detert Park new facilities buildings/restroom and paving ribbon cutting ceremony on Saturday, April 2.
2. Attended the Ed McMahon presentation luncheon.
3. Attended the Air Quality Control Board meeting.

Councilmember Lewis attended the Amador County Solid Waste Management meeting.

Vice-Mayor Sweet reported on the following:

1. Attended the Planning Commission Special Meeting.
2. Attended all 3 sessions of the Ed McMahon presentations.

Mayor Gonsalves attended 2 sessions of the Ed McMahon presentations.

**DISCUSSION CALENDAR.****6. Consideration of Approving Membership for the County of Mariposa as a Member County of the Central Sierra Planning Council and Central Sierra Economic Development District.**

City Manager Daly reported in February, Larry Busby, Executive Director of the Central Sierra Planning Council and Central Sierra Economic Development District, met with the local city/county managers group to present information related to the request of Mariposa County to join these joint powers authorities. This will allow the Planning Council to act as the Housing Authority for Mariposa County and allow them to participate in all other programs offered by these groups.

The mission/purpose of the Central Sierra Planning Council and the Central Sierra Economic Development District is to provide local and regional services to member Counties and Cities as identified in the Joint Powers Agreements of both Agencies.

Larry Busby Executive Director of the Central Sierra Planning Council and Central Sierra Economic Development District, Mariposa was present to answer questions of the City Council.

**Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to adopt Resolution No. 2011-11, approving the addition of Mariposa County to the Central Sierra Planning Council and Central Sierra Economic Development District.**

#### **7. Selection of Consulting Firm for Wastewater EIR Project.**

City Manager Daly reported on February 14, the City Council directed staff to prepare a request for proposals for the environmental impact report (EIR) that will be associated with the City's ongoing efforts to comply with the water quality requirements contained in the National Pollutant Discharge Elimination System (NPDES) permit. This EIR is required for both the project selected to meet these compliance requirements and for a water rights petition associated with changing the amount of effluent discharged into Jackson Creek or altering any other stream course that could be associated with project alternatives.

The City received four proposals from very qualified firms to complete this report. The proposals were received from Analytical Engineering Services, Ascent, Pacific Municipal Consultants and Stantec. The proposals were submitted on March 21 and all of the firms were invited for a forty-five minute interview on April 4. The interview panel consisted of Vice Mayor Sweet, Councilmember Lewis, Judy Jebian, Gene Mancebo, City Planner Peters and the City Manager. Consultants were evaluated based on the firm's understanding of the project issues; the specific method and techniques to be employed by the consultant for the project; schedule of performance; previous experience with similar wastewater treatment disposal projects; the qualifications of the specific individual who will work on the project; and cost. At the end of the process, Pacific Municipal Consultants was the unanimous recommendation of the panel. A copy of the PMC proposal was provided. The schedule anticipates completion of the Final EIR in February 2012 and the estimated cost is \$288,826. The other proposals ranged in cost from \$229,380 to \$289,091, however, these were the base costs that in some cases did not include all services included with the PMC proposal.

Patrick Angel, Pacific Municipal Consultants, was present to answer questions of the City Council.

Mayor Gonsalves opened the public discussion. The following individuals provided public comment regarding the selection of consulting firm for wastewater EIR project: Judy Jebian and Thornton Consolo. 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 authorize the City Manager to enter into an agreement with Pacific Municipal Consultants (PMC) to complete the environmental impact report for the City's wastewater treatment plant effluent change of discharge project and water rights petition**

**for an amount not to exceed \$288,826. Funds are available in the FY 2010-11 Wastewater Fund budget to cover the anticipated costs through June 30, 2011.**

**8. Request for Letters of Support for State Assembly Bill 153, On-Line Sales Tax Equity.**

City Manager Daly reported the City received a request from the Alliance for Main Street Fairness to support California State Assembly Bill 153 (Skinner), seeking support to correct the loophole giving on-line retailers an unfair competitive edge over traditional “brick and mortar” businesses in Jackson. According to the information provided by this organization, California is losing over \$1 billion in tax revenues that could have a tremendous impact on our state’s deficit and local business. These are legitimate tax dollars – not any type of a tax increase. Brick and mortar businesses pay taxes on every sale – a select number of on-line retailers do not. This legislation is intended to level the playing field.

AB 153 does not call for a new tax for the on-line businesses but addresses the unfair tax policies that apply to out-of-state on-line only retailers. These retailers are not required to collect sales tax at the point of purchase allowing them to sell at final prices below those charged by local retailers. Even though they are not required to pay the sales tax, consumers are required to report these transactions on their annual State Income Tax filings and many people ignore this requirement.

Mayor Gonsalves opened the public discussion. Bill Orescan voiced his concern regarding State Assembly Bill 153, On-Line Sales Tax Equity. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

**Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to authorize the Mayor to send a letter of support for Assembly Bill 153 (Skinner), requiring on-line retailers to collect sales tax.**

**9. Appointment of Alternate to Amador County Transportation Commission Seat.**

City Manager Daly reported at this year’s Mayors Selection Committee meeting, it was determined that the alternate seats for members on ACTC should be from the same agency as the seated regular members. In the past, alternate members weren’t necessarily selected from the same agency as the regular Board member. Vice Mayor Keith Sweet is the City of Jackson’s representative on the ACTC Board of Directors. The ACTC meetings are held on the third Wednesday of the month beginning at 6:00 p.m.

After considerable discussion among the City Council and staff Councilmember Crew was appointed as the alternate to the City of Jackson’s seat on the Amador County Transportation Commission Board of Directors.

**8. ADJOURNMENT.**

Adjourn: 8:14 p.m.

ATTEST:

  
Gisele L. Cangelosi, City Clerk

Date Approved: April 25, 2011