

Jackson City Council
Minutes
Regular Meeting of April 13, 2015

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

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

COUNCIL MEMBERS ABSENT:
Wayne Garibaldi

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

- 1. CEREMONIAL.** a. Promotion of Volunteer Firefighter David Podesta to Fire Engineer.
b. Proclamation Supporting MADD's *PowerTalk 21 Day*.

Fire Chief Morton presented the ceremonial for the promotion of Volunteer Firefighter David Podesta to Fire Engineer.

Mayor Crew read Proclamation Supporting MADD's PowerTalk 21 Day.

2. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Vice-Mayor Sweet, and carried by a 4 to 0 vote (Councilmember Garibaldi absent) to approve the City Council Agenda dated April 13, 2015 as presented. Motion passed with the following vote:

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

3. PUBLIC MATTERS NOT ON THE AGENDA.

None.

4. CONSENT CALENDAR.

- a. Approval of Minutes of March 23, 2015.
- b. Approval of Expenditure Report for the period of April the amount of \$ 124,296.81.
- c. Approval of Salary related items for March amount of \$ 279,696.73.
- d. Accept February 2015 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for March 2015
- f. Receive Jackson Police Department Monthly Report for March 2015.
- g. Receive Building Department Monthly Report for March 2015.

Moved by Councilmember Lewis, seconded by Councilmember Gonsalves, and carried by a 4 to 0 vote (Councilmember Garibaldi absent) to approve the Consent Calendar dated April 13, 2015 except for. Motion passed with the following vote:

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

Vice-Mayor Sweet abstained from the approval of Minutes of March 23, 2015 and on the approval of Check 3102 in the amount of \$606.57.

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported on the following:

1. Jackson Fire Department responded to 119 calls last month, 82 medical calls, 19 public assists, 3 fire related, 3 hazardous materials, 11 traffic accidents and 25 of the calls or 21 percent were outside of the city limits for automatic aid to the AFPD.
2. The Department conducted fire training burn at one vacant building location at 214 Court Street changed to a one day on Saturday April 11.
3. The Department will be coordinating a fire train burn at 204 Court Street in May.

Police Chief Morrison reported on the following:

1. The Department responded to 720 calls for service for the month of March.

City Manager Daly reported on the following:

1. Clean It & Green 12th anniversary will be held Saturday, April 18. Clean It & Green It. The Hot Dog Barbeque will be put on by the City of Jackson. The Argonaut E-Waste drop off is in Mel & Faye's parking lot.
2. Staff will have a phone conference with Bill Condrashoff, Ratepayer Protection Alliance tomorrow at 3:00 p.m. regarding the water usage information without names or addresses.

6. COUNCIL REPORTS.

Councilmember Lewis attended the Airport Land Use Commission meeting.

Councilmember Gonsalves reported on the following:

1. Attended the Amador Council of Tourism meeting.
2. Amador Fire Protection Agency meeting is next week.
3. Assisting with the Mother Lode Cruise Car Show & Wine Tasting, May 16, 2015.
4. Working with the Fire Department on the September 5 Labor Day Fundraiser Dance.

Vice-Mayor Sweet attended the ACTC Regional Traffic Mitigation Fee meeting.

Mayor Crew attended the Jackson Business and Community Association 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. Main Street Theatre Works Request to Adjust Measure E and Waive Building Fees.

City Manager Daly report the City received a request from Michael Phalen, board member for Main Street Theatre Works (MSTW) on March 30, 2015, to change the organization's use of Measure E funds and to waive building inspection fees for construction of a new rest room on the property.

Originally, \$1,200 in Measure E transient occupancy funds were approved to purchase a portable storage unit. The group has not been able to purchase a unit, as the original one they were hoping to buy is no longer available. As a result, they are requesting that the \$1,200 allocated be used toward construction of a new rest room that will be built on the side of the stage for the actors. The Jackson Rancheria has donated \$5,000 towards this facility, and the City's \$1,200 should be sufficient to complete the project.

In addition, the MSTW group is requesting that the building inspection fees of \$207.30 be waived. The plans have been reviewed and approved. The request would allow all of the fees to be utilized for construction of the facility. Volunteers are doing all of the construction work. After this report was prepared the Jackson Business and Community Association offered to pay the \$207.30 building inspection fees for this project.

Mayor Crew opened the public hearing. Hearing no comments from the public, 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 Gonsalves, and carried by a 4 to 0 vote (Councilmember Garibaldi absent) to approve the request of Main Street Theatre Works to change the use of Measure E funding. Motion passed with the following vote:

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

8. Water Conservation Requirements.

City Manager Daly reported Governor Brown issued the order on April 1, 2015, stating that the State Water Resources Control Board shall impose restrictions to achieve a statewide 25% reduction in water consumption compared to 2013. Other specific restrictions are identified, particularly pertaining to ornamental landscaping, irrigating landscaped medians and irrigation systems for new homes.

In August 2014, the City Council adopted Resolution No. 2014-30, which declared water conservation policies consistent with State guidelines and those adopted by AWA. Water conservation measures recommended in the resolution included watering times, water shut off valves on hoses, prohibitions on washing down driveways, sidewalks and other hardscapes, and other water conservation measures. The City's water customers have responded positively, and water use is down almost 11% since these measures were adopted. A strong public education program will be necessary to educate the Jackson water customers about the new drought restrictions on watering and the 25% conservation goal. Probably the most significant is limiting outdoor watering to two day per week and only between 7:00 p.m. and 9:00 a.m. The City is also making water conservation devices available for free (faucet aerators, low flow shower heads and toilet tank fillers) at Clean It and Green It on April 18. The water department has also been alerting customers who have meters running very slowly indicating a possible leak in their system. The AWA will be hosting a water conservation workshop in a few weeks to discuss other ideas.

Whatever the City determines is necessary, a resolution or ordinance should be adopted to help with enforcement of any new restrictions. The goal will be to meet the Governor's 25% conservation number from 2013 to 2015. All ideas for conservation are being gathered, and the City will continue providing

ideas, suggestions and information about the conservation requirements to its customers. One of the other suggested methods of encouraging conservation, and to recover the loss of funding that results when customers use less water, is to increase water rates. This is in directive number 8 of the Governor's order.

The AWA received a report on April 9, 2015, from Bob Reed, its rate consultant, suggesting a rate increase along these lines. Unfortunately, the rate increase from AWA puts the City in a difficult situation. This fiscal year, water use is already down about 11%, and the revenue decline is almost \$85,000 for the first nine months of this fiscal year. The proposed rate increase for wholesale customers such as Jackson would result in an increase of 14% to 22% depending on the amount of water consumed, so the revenue loss for Jackson could be as high as 33% during the summer months. Staff attended the AWA Board meeting on April 9 and expressed concern about this "double-whammy" that could significantly impact the City's water fund. More calculations will be run, but at this time it appears that a significant rate increase could be required. Any rate increase, AWA or the City, would be required to go through the Proposition 218 process.

Mayor Crew opened the public hearing. The following individuals regarding Water Conservation Requirements: Jack Georgette and Ben Zietman. Hearing no further comments from the public, Mayor Crew closed the public hearing.

After considerable discussion among the City Council and directed staff made recommendations by the next meeting. No action taken.

9. Ratification of Settlement with Mark Johnson for Sewer Rate Settlement.

City Manager Daly reported the City proposed increasing sewer rates and approved an increase in December, 2014. Shortly thereafter, the City was challenged with a referendum and a lawsuit, alleging that the Ordinance that adopted the rate increase was based on flawed information and could be challenged in court. On March 9, 2015, the City Council rescinded the Ordinance, thus resolving the issues related to the proposed rate increase and the subject of the lawsuit. Approving final payment of the settlement amount allows the City to move forward with the rate discussions currently underway to meet the wastewater requirements currently imposed on the City by the Regional Water Quality Control Board. A new rate increase is being drafted in cooperation with the Ratepayers Protection Alliance to generate funding needed to meet the deadlines imposed in the City's NPDES permit.

City Attorney Nelson reported in this type of case, the law generally requires the defendant in a lawsuit to pay attorney fees and costs if the plaintiff prevails or a settlement of the lawsuit is reached. In this matter, the City was required to pay \$8,000 in such costs to the Plaintiff's counsel to satisfy the settlement demand. The plaintiff was paid following completion of the agreement under the terms approved by the Council on March 23, 2015. The request action tonight is to approve the payment of \$8,000 from the Sewer Fund to satisfy the settlement agreement in Mark Johnson v. City of Jackson authorize out of Sewer fund.

Mayor Crew opened the public hearing.

Debbie Dunn, Ratepayer Protection Alliance, presented for the record a general overview memorandum dated 04/13/2015 for the purpose of general transparency, documentation and a more informed decision from the Council.

Hearing no further comments from the public, 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 Mayor Crew, to approve the payment of \$8,000 from the Sewer Fund to satisfy the settlement agreement in Mark Johnson v. City of Jackson by a 2 to 2 (Councilmember Gonsalves and Councilmember Lewis dissenting). Motion did not pass due to the vote 2 to 2.

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

City Attorney Nelson reiterated the requested action was to approve the payment of \$8,000 from the "Sewer Fund" to satisfy the settlement agreement in Mark Johnson v. City of Jackson.

Moved by Councilmember Sweet, seconded by Councilmember Crew, and carried by a 4 to 0 vote (Councilmember Garibaldi absent) to reconsider the approval of the payment of \$8,000 from the Sewer Fund to satisfy the settlement agreement in Mark Johnson v. City of Jackson. . Motion passed with the following vote:

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

Moved by Councilmember Sweet, seconded by Councilmember Lewis, and carried by a 4 to 0 vote (Councilmember Garibaldi absent) to continue the approval of the payment of \$8,000 from the Sewer Fund to satisfy the settlement agreement in Mark Johnson v. City of Jackson to the April 27 meeting. Motion passed with the following vote:

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

10. Mandatory Commercial Organics Recycling Exemption.

City Manager Daly in 2014, Assemblyman Wesley Chesbro introduced Assembly Bill (AB) 1826 that requires commercial organic generators to begin diversion and recycling of organics. AB 1826 Recycling of Organic Waste was signed into law September 28, 2014. The statute requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner. One of the primary concerns in the development of the legislation was a recognition and acceptance by CalRecycle that if there are no facilities to process organic waste available within a reasonable vicinity, and the local jurisdiction has done what it can to assist in the implementation of the organics recycling program under its control, that the local jurisdiction is not penalized. A provision was included in the statute that provides a potential exemption from all requirements of AB 1826 for the smallest counties (counties with a population of less than 70,000) until January 1, 2020, at which time CalRecycle could chose to extend or terminate the exemption. The threshold was established at a

population of 70,000. This includes 19 counties in the exemption provision, representing only 1.4% of the solid waste stream statewide.

In order to take advantage of the exemption, the City Council must pass a resolution including findings as to the purpose and need for the exemption. This resolution must be presented to CalRecycle six months before the operative date of the exemption, which means it must be submitted by July 1, 2015.

Mayor Crew opened the public hearing. Paul Molinelli Sr. spoke in support of the requirement of Mandatory Commercial Organics Recycling until January 1, 2020. Hearing no comments from the public, 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 Lewis, and carried by a 4 to 0 vote (Councilmember Garibaldi absent) to Adopt Resolution No. 2015-08, Opting to Affirm an Exemption from the Requirements of Mandatory Commercial Organics Recycling until January 1, 2020. Motion passed with the following vote:

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

11. ADJOURNMENT

Adjourn 8:08 p.m.

ATTEST:


Gisele L. Wurzbarger, City Clerk

Date Approved: April 27, 2014