

Jackson City Council
Minutes
Regular Meeting of May 14, 2012

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Scott Morrison, Police Chief
Marc Crain, Fire Chief
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis and seconded by Vice-Mayor Gonsalves, and unanimously carried to approve the City Council Agenda dated May 14, 2012 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Minutes of April 23, 2012 meeting.
- b. Approval of Expenditure Report for April in the amount of \$239,836.64.
- c. Approval of Salary related items for April in the amount of \$262,885.50.
- d. Accept March 2012 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for April 2012.
- f. Receive Jackson Fire Department Monthly Report for April 2012.
- g. Receive Building Department Monthly Report for April 2012.
- h. Approval of AmadorArts "Jazzin' It Up In Jackson" event on Saturday, June 23, 2012.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve except for.

Councilmember Sweet abstained on the approval of Check 235962 in the amount of \$630.22.

Mayor Crew abstained on the approval of Check 235930 in the amount of \$442.10.

4. ADMINISTRATIVE REPORTS.

Fire Chief Crain also reported on the following:

1. The Department responded to 92 calls last month, 65 medical calls, 10 public assists, 5 fire related, 0 hazardous materials, 12 traffic accidents and 27 of the calls or 29 percent were outside of the city limits for automatic aid to the AFPD.
2. Making a presentation to the Jackson Rotary and Jackson Lions Club this week regarding current Fire Department activities.

3. The second round of Fire Engineer interviews was held today and they hope to have the newly selected employee start on June 1.

Police Chief Morrison reported the Department responded to 577 calls for service last month. The department is gearing up for the Motherlode Cruise Car Show on Saturday, May 19.

City Attorney Morris reported he was closely with the City's consultant and staff on the Wastewater Project Options Study Environmental Impact Report.

City Manager Daly reported on the following:

1. The Mother Lode Cruise Car Show will be held Saturday, May 19.
2. The ACRA Kennedy Mine Old Fashioned Deep Pit Barbeque will be held Saturday May 19.
3. Amador County Arts Council will hold their 2nd Annual Jazzin' It Up In Jackson, Saturday, June 23.
4. Charlene Buckley is looking for volunteers to help put up 400 flags on Friday, May 25.
5. Working with the all department heads to review projected expenditures for this year and budget needs for next year.
6. Working with other cities regarding our Triple flip/Basic Aid issue. Assembly Bill 1191 will be heard by the Senate Governance and Finance committee in early June.
7. The Jackson Fire Department's Third Annual Rummage Sale will take place the weekend of June 9-10.

5. COUNCIL REPORTS.

Councilmember Garibaldi report on the following:

1. Attended a meeting with City Manager Daly and Tracey Towner ACRA Executive Director to discuss the difficult times ahead and funding.
2. Attended the Amador County Tourism meeting.

Councilmember Lewis thanked City Manager Daly, City Attorney Morris, City Clerk Cangelosi, Police Chief Morrison and Fire Chief Crain for doing their jobs diligently.

Vice-Mayor Gonsalves reported she attended the Amador County of Tourism meeting.

Councilmember Sweet reported on the following:

1. Attended the last Regional Transportation Plan Update meeting.
2. Save the Wheel presentation at the Sutter Creek Woman's Club and Native Sons meeting, to date \$78,000 has been raised toward the matching fund goal amount of \$ 81,000.

Mayor Crew reported on the following:

1. Will be attending the LAFCO meeting this week
2. Will be attending the Air Quality Control Board meeting this week.
3. Attended the Sutter Creek Wastewater Master Plan and ARSA Master Plan meeting.
4. The Mother Lode Cruise Car Show will be held Saturday, May 19.

DISCUSSION CALENDAR.

Mayor Crew explained the typical Council Meeting process. Please note there is a five (5) minute limit and we ask that individuals sign in. We don't want you to feel intimidated, please feel free to speak your peace. Everyone will be allowed to speak. We requested the following ground rules be adhered:

Focus on the issue, not the person, treat all with respect, observe time limits, maintain focus, one person speak at a time and observe meeting protocol.

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.

6. Amador County Senior Citizens Inc. Request for a Bingo License. Review and determine Council action.

City Manager Daly reported the Amador County Senior Citizens Inc. proposes to host their bingo games at the Amador County Senior Center on Thursdays at 1:00 p.m. each week, and the third Saturday of each month from 1:00 p.m. to 4:00 p.m. The property where the bingo will take place is owned and operated by the organization and all games will be open to the general public.

Staff has reviewed the application request and finds that the organization is eligible to conduct bingo games and meets the other regulations contained in Chapter 5.08 of the Jackson Municipal Code. The annual license fee established by Resolution No. 33, adopted July 8, 1991, is twenty dollars.

Laurie Webb, Amador Country Senior Center, Inc. was present to answer questions of the City Council.

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

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve Resolution 2012-15 approving an application for a bingo license for Amador County Senior Services, Inc.

7. ACES Waste Services Request for a 3.68% Rate Increase. Review and determine Council action.

City Manager Daly reported ACES was awarded the City's solid waste collection franchise in 1998. They began providing solid waste collection and recycling services to residents and businesses in July, 1998. The franchise agreement with ACES runs through June 30, 2014.

At the November 23, 2009, City Council meeting a revised rate adjustment methodology similar to the rate system used by other ACES franchisers in Amador County was approved. One of the provisions in the updated rate adjustment methodology that carried over from the old one was an allowance to request interim rate increase for costs beyond the control of the company, specifically including tipping fees (landfill costs).

The provided letter from Paul Molinelli, Sr. explains that the contract between ACES and County of Sacramento's Kiefer Landfill is being changed to modify the tipping fees paid by ACES. The net increase in landfill fees results in a 3.68% in overall costs to ACES for its operation. They are proposing that this rate increase be effective on July 1, 2012, the same date as the landfill cost adjustment. A 3.68% rate increase raises the cost of typical residential account from \$17.07 per month to 17.70 per month. A 10% senior discount is available.

Mayor Crew opened the public discussion to the applicants. The following individuals spoke regarding ACES Waste Services request for a 3.68% rate increase: Judy Jebian and Jack Georgette. Hearing no further comments from the public, Mayor Crew closed the public discussion.

Paul Molinelli Sr., ACES Mayor, was present to provide additional information and responded to questions.

City Manager Daly noted Ken Berry emailed a letter today stating the City should be utilizing the Proposition 218 process for this waste services rate Increase like the City of Sutter Creek.

City Attorney Morris reported if the City of Jackson mandated the citizens of Jackson have trash service than the rate increase would be subject to Proposition 218. It was his opinion that Proposition 218 does not apply and was comfortable that the City Council move forward with this approval of ACES Waste Services, Inc. request for a 3.68% rate increase rate increase.

Vice-Mayor Sweet requested their monthly billing provided the information about the 10% senior discount available.

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

Moved by Councilmember Garibaldi, seconded by Vice-Mayor Gonsalves, and unanimously carried to adopt Resolution No. 2012-158, approving a 3.68% rate increase for ACES Waste Services, Inc., effective July 1, 2012.

8. Request by Councilmember Lewis to Review the Sign Ordinance as it Pertains to Merzlak Signs.

City Manager Daly reported following recent issues regarding the City's ordinance for non-commercial temporary signs, Councilmember Lewis requested that an item be placed on this City Council agenda for further review of the regulation as it pertains to display of these signs at Merzlak Signs. The size of "non-commercial temporary" signs, which is how political signs are classified in the City's sign ordinance, has been a topic of discussion at previous City Council and Planning Commission meetings.

The current provision in the City's sign ordinance, Jackson Municipal Code Chapter 17.54.155 reads as follows:

- B. Noncommercial temporary signs shall not exceed sixteen square feet in total area. No signs shall be placed in a way that obstructs pedestrian or vehicle traffic or that poses a public safety or health hazard. Signs that do not comply with these requirements will be deemed a public nuisance and abated pursuant to Chapter 17.54.115 (Nonconforming Signs) of this title. These signs may be posted no more than one hundred days before an event occurring on a specific date to which the sign pertains and must be removed within two days after the date of the applicable event. Any sign remaining on a property longer than two days following the event to which it relates shall be deemed abandoned and a nuisance and shall be abated pursuant to Chapter 17.70 of this title. Temporary signs are limited to eighty square feet of aggregate area on any single parcel of property, must be posted on private property only, and must only be posted with the permission of the property owner.

There is no special exemption for sign businesses displaying signs and the issue of whether a sign business should be allowed to display larger signs than allowed by the ordinance was the topic of the agenda item in October, 2010. An amendment to allow for larger non-commercial temporary signs was proposed and it did not receive the required 4/5ths vote as an urgency ordinance (an urgency ordinance was proposed due to the impending November 2010 election) and subject was referred to the Planning Commission. The Planning Commission's review was folded into the review of the entire sign ordinance amendment that was completed in March, 2012. There were no recommended changes to this section of the ordinance in the amendments.

The size limit of a non-commercial temporary or political sign is a policy decision of the City Council and can be changed if that is the preference of the majority of the City Council. An ordinance amendment requires publication of a public notice and a first and second reading of the ordinance, at which time the ordinance can be adopted, unless an urgency ordinance (which requires certain findings and a 4/5ths vote) is adopted.

This item is a discussion item only, and if the Council desires to change the current ordinance it should direct staff to prepare information for a future City Council agenda.

For the record: The following individuals emails regarding the review of the Sign Ordinance as it pertains to Merzlak Signs were made part of the record: Donna Johnson, Matt Havens, Scott Berrian, Jaye Rishard and Ginger Roff.

Mayor Crew opened the public discussion.

Kam Merzlak, Merzlak Signs, was present to answer questions of the City Council.

The following individuals spoke regarding the review of the Sign Ordinance as it pertains to Merzlak Signs: Judy Jebian, Brent Bridgeman, Jeff Aran, Shannon Gibson, Terry Goffinet, Matt Havens, Scott Berrian, Jim Amerin, John Gonsalves, Sharon Merzlak, Jack Georgette and Paul Molinelli Sr. Hearing no further comments from the public, Mayor Crew closed the public discussion.

After considerable discussion among the City Council and staff, staff was directed to prepare an urgency ordinance exempting professional sign shops from the display of signs it is making or has made for its clients. A special meeting was scheduled for Tuesday, May 22, 2012 at 6:00 p.m. to discuss this item.

**9. Measure E Funds (Portion of Transient Occupancy Tax) Allocation Policy for FY 2012/13.
Review and provide direction to staff.**

City Manager Daly 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. 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 2011 revenues is \$56,081, down slightly from \$56,737 in 2010.

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 five 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 \$34,200 of the \$56,737 available for allocation from the 2010 calendar year. The main projects have included funding tourism and

community organizations, the downtown façade improvement program and some funding to pay for mapping documents for the Jackson creekwalk project. 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.

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

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve the following motion:

- 1. The Request for Proposal process be made available for the use of \$36,081 of the Measure E (Transient Occupancy Tax) Funds for FY 2012/13.**
- 2. The remaining \$ 30,000 would be set aside for Economic Development projects.**

10. Agreement with Connerly and Associates for Administrative Subcontractor Services for First Time Homebuyer Program.

City Manager Daly reported this is the fifth HOME first time homebuyers grant obtained by the City since 2005. The previous administrative services related to these grants were provided by Connerly and Associates, Inc., based out of Sacramento. Staff was satisfied with the performance of this firm, however, HOME procurement regulations required the City to issue a "Request for Qualifications" to ensure a competitive selection process for this new grant. Although the RFQ was sent directly to three qualified firms, only Connerly & Associates was able to submit a proposal at this time. The recommendation is to continue using the services of Connerly & Associates, Inc. as the City's HOME program administrative subcontractor.

Moved by Vice-Mayor Gonsalves, seconded by Councilmember Lewis, and unanimously carried to approve Connerly & Associates, Inc. as the Administrative Subcontractor for First Time Homebuyer Program and authorize the City manager to executive a contract agreement for the services identified in the scope of work for this project.

Adjourned to Special Meeting, May 22, 2012, at the hour of 6:00 p.m., at the Jackson City Hall, 33 Broadway, Jackson, California.

11. ADJOURNMENT

Adjourn: 9:04 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: May 29, 2012