

Jackson City Council  
Minutes  
Regular Meeting of November 23, 2009

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

Michael Daly, City Manager  
Andrew Morris, City Attorney  
Scott Morrison, Police Chief  
Mark Morton, Fire Chief  
Susan Peters, City Planner  
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, seconded by Councilmember Crew, and unanimously carried to approve the City Council Agenda dated November 23, 2009 as presented.**

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

Roseanne Chamberlain, LAFCO, presented the City Council with the 2009 CALAFCO Government Leadership Award in recognition of the City's collaboration in the Municipal Services Review process.

Councilmember Sweet stated the City Council previously approved a motion to forward a Sphere of Influence Map to the LAFCO for consideration and inquired the status of this application. Roseanne Chamberlain stated they had not received the application yet.

Bill Condrashoff, Amador Water Agency, gave a brief update of the AWA's financial concerns and projects.

**3. CONSENT CALENDAR.**

- a. Approval of Minutes of October 13, 2009 meeting.
- b. Approval of Expenditure Report for November in the amount of \$93,027.89.
- c. Accept October 2009 Treasurer's Report and Sales Tax Report.
- d. Receive Jackson Fire Department Monthly Report for October 2009.
- e. Adopt Resolution to Accept Water and Sewer Easements – 303 Broadway.

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

1. **Mayor Gonsalves and Councilmember Lewis abstain from the approval of the Minutes of October 13, 2009.**
2. **Councilmember Crew abstained on the approval of Check 231998 in the amount of \$122.24.**

**4. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the Jackson Fire Department responded to 82 calls last month, 53 medical calls, 10 public assists, 8 fire related, 3 hazardous materials, 8 traffic accidents and 19 percent of the

calls were outside of the city limits for automatic aid to the AFPD. He provided a brief summary of the November 16 accident on Highway 88/49 and Hoffman that resulted in a fatality. The new fire engine should arrive in late December.

Police Chief Morrison reported the Police Department also assisted at the November 16 accident.

City Planner Peters reported on the following items:

1. Staff has been in contact with Roseanne Chamberlain, LAFCO regarding the Sphere of Influence and was informed more information needed to be provided with the application.
2. The Architectural Regulations Committee is in the process of finalizing the map that identifies historic residential and commercial properties and highway commercial properties.
3. Staff continues to work on the third part of the Housing Element.

City Attorney Morris reported he has been working on the franchise agreement regarding the ACES Waste Services amendment.

City Manager Daly reported on the following items:

1. Staff continues working with the County regarding the Fire Department Service Options.
2. Staff has contacted Comcast concerning a billing error for a utility tax. A refund would be issued to the customers.
3. The City was notified there was a violation for lead and copper testing in August. The AWA has done some adjustments and the situation has been taken care of. Staff will be sending out a notice to our water customers to explain the situation.
4. Jackson Revitalization Committee has completed the Jackson Business Planner Guide and is available on the City's website and hard copies are available at City Hall.

## **5. COUNCIL REPORTS.**

Councilmember Sweet provided information regarding a pilot program, "Shadowing Project for Argonaut Seniors, Spring 2010". He stated it was anticipated that mentors would initially come from the following agencies: County of Amador, City of Jackson, ACUSD and Amador County Sheriff. More documentation will be provided as it gets closer to the program.

Mayor Gonsalves reported the Historic Jackson Business Association's Annual Christmas Delights would be held this weekend.

## **DISCUSSION CALENDAR**

### **6. Public Hearing – Sign Exception Request, Safeway Stores, 9 N. Highway 49/88.**

City Manager Daly explained the applicant requested the City Council consideration on this sign exception variance instead of the Planning Commission because of the public noticing process and the timing of the agreement obligation.

City Planner Peters reported the applicant is proposing to replace the existing 6-foot by 26-foot double-sided former Safeway sign with a new 6-foot by 25-foot sign cabinet with a blank face. Additionally, the 6 foot by 8 foot sign below the main cabinet is proposed to be refurbished with a blank face installed as well. Although Safeway has moved from this location, they have a contractual agreement with the property owner to maintain the signs. In order to accommodate this agreement, new blank faces need to be installed in these two cabinets. The structural integrity of the cabinets is such the installer would like to replace the large cabinet and refurbish the small cabinet. Section 17.54.175(D) of Article III of the

Development Code allows for 32 square feet per side for pole signs. The proposed signs total 198 square feet per side. In order to allow for the sign exception one of the findings from Section 17.54.160, as stated in the staff report, must be made. In this case, staff does not believe that one of these finding can be made for the following reasons:

1. The exception is not necessary for safe installation, as the existing sign location is not impeding visibility on the highway.
2. The sign is proposed to be blank and is thus not advertising any business at this time, visibility from the highway is not necessary.
3. Without a business at this location determining the sign's "superiority" in terms of design, construction, and placement cannot be determined.

Howard Herlitz, Pacific Neon Company, stated Safeway has a contractual agreement with the property owner to maintain the signs and fulfill their obligation to have the sign ready for a new business. He felt this type of repair should be grandfathered in.

City Planner Peters explained a sign for a new business at that location would have to comply with the new ordinance and would not be grandfathered in.

City Attorney Morris stated the contractual agreement between Safeway and the owner is not the City's concern. The City could declare the sign a nuisance requiring Safeway to remove the sign, however abatement procedures was not on tonight agenda for consideration.

Mayor Gonsalves opened the public hearing. Thornton Consolo spoke in favor of denying the Safeway Store's Sign Exception request. Hearing no further comments, Mayor Gonsalves closed the public discussion.

**Moved by Councilmember Sweet, seconded by Councilmember Lewis, and unanimously carried Adopt Resolution 2009-42 denying Variance 2009-03 for Safeway Stores based on the Findings as stated in the November 23, 2009 staff report could not be made.**

#### **7. Amend Franchise Agreement with ACES Waste Services to Adopt Revised Rate Adjustment Methodology.**

City Manager Daly reported during last year's rate increase request submitted by ACES Waste Services, the franchise hauler requested that the City evaluate the "rate adjustment methodology" that utilizes a refuse rate index to calculate rate increases rather than simply the all-urban consumers price index currently identified in the franchise agreement. The County adopted the new methodology in the spring and has implemented this new program. The City Council was provided a copy of the memorandum drafted by Larry Peterson, former Amador County Public Works Agency Director that provides information regarding the basis for using the Refuse Rate Index and an example of how it is calculated. The index factors labor, fuel, vehicle replacement, vehicle maintenance and the CPI are taken into consideration.

The City Attorney reviewed the memorandum and several concerns were raised regarding definitions and protections for the City for future rate increases. Two meetings with the ACES President, Paul Molinelli, Sr., and their accountant, Paul Timba, have resulted in the provided rate adjustment methodology. Following adoption of an agreed upon rate methodology, ACES will provide information to request their annual adjustment.

Councilmember Sweet requested verification regarding the percentage being set on the following Section of the amended agreement: *Page 6 "Other Terms Related to Refuse Rate Index" – 1. Indexed Adjustment for "All other" costs to be set at 100% of CPI.* He noted the County's percentage is 75%, so why would the City percentage be set at 100%.

Paul Molinelli, Sr., ACES, stated he would verify what percentage the County agreement states and agreed the City should have the same percentage.

**Moved by Councilmember Lewis, seconded by Councilmember Sweet, and unanimously carried to approve Resolution No. 2009-43, amending the franchise agreement with ACES Waste Services, Inc., to modify the process for calculating and approving refuse rate increases.**

### **8. Budget Update.**

City Manager Daly reported the City adopted a balanced budget for fiscal year 2009-10 on June 29, 2009. The budget included significant cuts and conservative revenue projections. However, despite these efforts, the General Fund that supports the non-utility enterprise operations of the City is continuing to decline, primarily due to shortfalls in revenue. While many of the revenue sources for the General Fund come in large allotments and are still outstanding, sales tax revenue has dropped more than anticipated. The City is discussing some irregularities in the monthly sales tax payments with the State Board of Equalization to determine why they are occurring. Staff will be meeting with department heads and employees to discuss how to evaluate options for reducing the projected General Fund deficit.

### **9. Selection of Mayor and Vice Mayor.**

City Manager Daly reported the Jackson Municipal Code and California Government Code call for the City Council to select one of its own members to serve as Mayor and Vice Mayor for one year terms. This has been traditionally voted upon at the last meeting in November of odd-numbered years and the beginning of December of even-numbered years following the general election. To clarify the roles and responsibilities of the Mayor, Vice-Mayor and Councilmembers, the City Council adopted the City of Jackson Code of Conduct for Elected Officials, which was last revised in June, 2005. The section of this document pertaining to the roles and responsibilities was provided for reference.

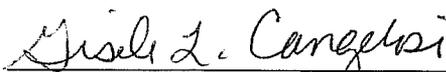
**Moved by Councilmember Lewis, seconded by Vice-Mayor Garibaldi, and unanimously carried to nominate Councilmember Gonsalves as Mayor.**

**Moved by Councilmember Lewis, seconded by Councilmember Crew, and unanimously carried to nominate Councilmember Garibaldi as Vice-Mayor.**

### **10. ADJOURNMENT**

Adjourn: 8: 25 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: December 14, 2009