

Jackson City Council
Minutes
Regular Meeting of April 14, 2014

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

Michael Daly, City Manager
Joshua Nelson, City Attorney
Scott Morrison, Police Chief
Mark Morton, 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, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to approve the City Council Agenda dated April 14, 2014 as presented. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Minutes of March 24, 2014 meeting.
- b. Approval of Expenditure Report for the period of April the amount of \$153,437.95.
- c. Approval of Salary related items for March amount of \$271,752.47.
- d. Receive Jackson Fire Department Monthly Report for March 2014.
- e. Receive Jackson Police Department Monthly Report for March 2014.
- f. Receive Building Department Monthly Report for March 2014.

Moved by Vice-Mayor Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the Consent Calendar except for.

Mayor Crew abstained on the approval of Check 1419 in the amount of \$64.73.
Councilmember Sweet abstained on the approval of Check 1452 in the amount of \$606.57.

Motion passed with the following vote:

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

4. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported on the following:

1. Jackson Fire Department in March 2014 responded to 112 calls last month, 82 medical calls, 11 public assists, 9 fire related, 1 hazardous materials, 9 traffic accidents and 26 of the calls or 23 percent were outside of the city limits for automatic aid to the AFPD.

Police Chief Morrison reported on the following:

1. The Police Department responded to 740 for service for the month of March. .

City Manager Daly reported on the following:

1. Clean It & Green 11th anniversary will be held Saturday, April 26. Litter pick-up begins at 9am and a "green fair" starts at 11am. American River Bank will host a free BBQ for volunteers and Lightning Boy and Thundering Blues Band will provide the live entertainment.
2. The Argonaut Science Club is also hosting a free E-Waste event in the Busi Parking lot next to Mel & Faye's Diner from 9am until 1pm.
3. Wastewater issues will be on the next agenda.
4. Rand Huggett's mural on the Fire Station wall facing Highway 49/88 in downtown Jackson is coming along nicely.
5. Staff will contact the Jackson Rancheria regarding the delay of the covered parking meters on Main Street.

5. COUNCIL REPORTS.

Councilmember Garibaldi reported on the following:

1. Attended the Amador County Tourism meeting.
2. Attended the Amador County Recreation Agency meeting.
3. Attended the bridge dedication in Amador City.

Vice-Mayor Gonsalves reported on the following:

1. Attended the Amador County Tourism meeting.

Councilmember Sweet reported on the following:

1. Amador County Recreational Annual Barbeques will be held Thursday, May 15, tickets are available at City Hall.
2. Attended the bridge dedication in Amador City.

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.

6. Special Event Request from Kit Carson Mountain Men for September 27-28, 2014.

City Manager Daly reported the City was contacted by John Queirolo, president of the Kit Carson Mountain Men, to determine the process for gaining approval to conduct an event the last weekend in September to entertain local residents, educate them about the history of Amador County and to provide a parade and other special events to bring people to the Jackson area. The event would begin on Saturday, September 27, with the arrival of several wagon trains and closure of at least the south end of Main Street around 4:00 p.m. to provide historical displays and host a street dance near the National Hotel. The wagons would then head to the southern end of the Oro De Amador property nears the Public Works Corporation Yard and camp out that evening. On Sunday, a parade would be held on Main Street in the morning hours, featuring the wagons and other historical re-enactment groups, followed by a display of the wagons and other special displays on Main Street. They have requested closure of Main Street until 6:00 p.m. on Sunday. The wagons would then use the City's property for Sunday evening, and leave on Monday.

Mr. Queirolo has also proposed that the City sponsor one of the wagons for a cost of \$600. The financial involvement of the City would be a policy decision of the City Council. He noted there was a lot of logistics associated with this event that needs to be addressed in order to conduct this event the last weekend in September.

Mayor Crew opened the public discussion.

John Queirolo and Ron Scolfield, Kit Carson Mountain Men, were present to further describe the event and provide the proposed event poster.

Mayor Crew inquired if any alternatives were discussed regarding blocking off Main Street. He felt there were too many things going on and it would put a strain on our Police Department. He noted John Madera organizer of the Kaleidoscope Organ Rally, being held the same time, was against the closure of Main Street.

Mr. Queirolo stated due to the nature of this event, closure of Main Street would be a wise decision. He noted the hours requested have been amended to Saturday 4:00 p.m. to 12:00 a.m. and Sunday 8:00 a.m. to 6:00 p.m.

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

Councilmember Garibaldi inquired if Measure E Transient Occupancy Tax funding would be used to sponsor the wagon and additional police security associated with the event.

City Manager Daly stated the use of transient occupancy tax funds is at the discretion of the City Council and shall be used for tourism and business promotion, economic development, and downtown revitalization.

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

Moved by Councilmember Gonsalves, seconded by Councilmember Sweet, and carried by a 4 to 1 vote (Mayor Crew dissenting) to approve Kit Carson Mountain Men request to hold an event in Jackson on September 27 through September 29, work out logistics associated with this event and use of Measure E Transient Occupancy Tax to fund the sponsorship of the wagon and additional police security associated with the event.

Motion passed with the following vote:

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

7. Special Event Request from Austin Bantam Society for October 4, 2014.

City Manager Daly reported staff was approached by local representatives of the Austin Bantam Society a few months ago regarding a possible special event that could require a partial closure of Main Street on Saturday, October 4, 2014, during their annual gathering from October 2-5, 2014. This year, they plan to focus their gathering in Jackson and the scenic Gold Country area.

The main reason for the special event request is to close Main Street from just north of the Wells Fargo/Trader Stan's driveway to just south of Court Street along Main Street. This partial closure will allow for an exhibition of the Austin Bantam vehicles (approximately 25-30 are expected to participate). They will

be parked diagonally along the street for the exhibition, similar to the use of the street during the Mother Lode Cruise Car show. Organizers for the event have worked closely with downtown merchants, including the National Hotel that will be the headquarters location for the event. The only City involvement will be closure of the street from 9:00 a.m. to 3:00 p.m. on the date of the event. A copy of the organization's insurance naming the City of Jackson as an additional insured has been obtained.

Mayor Crew opened the public discussion. The following individuals spoke their concerns regarding Hearing no further comments from the public, Mayor Crew closed the public discussion.

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

Moved by Councilmember Garibaldi, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to approve the request of the Austin Bantam Society to hold their 46th Annual Trophy Meet and Show on Main Street in Jackson on October 4, 2014 subject to approval from Stanley Lukowicz for the use of the easement. Motion passed with the following vote:

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

8. Accept Creekwalk Property from Fuller Family Trust.

City Manager Daly reported for several years the City of Jackson has desired to construct a walkway on the north side of Jackson Creek beginning at the bridge below City Hall, under Highway 49/88, and ending at the Busi Municipal Parking Lot on the west side of Mel and Faye's Diner. To implement the Creekwalk Project, the City needed to acquire the property along the creek west of the Highway 49/88 Bridge. Toward that end, in 2011, the City successfully negotiated with the property owners, the Fuller Family Partnership, to donate the property to the City with the condition that the Fuller Family be recognized with a monument - the design of which to be determined by the Fuller Family. A Boundary Line Adjustment was prepared along with the deed conveying the property to the City.

The deed was forwarded to the representative of the Fuller Family Partnership, Mr. Robert Beaton, along with a request for the wording of the dedication to memorialize the family's donation to the City. According to Mr. Beaton, the family has been discussing the wording of the dedication, but not the donation of the property. This caused a delay in the execution of the deed. On March 27, 2014 the City received the executed deed from Mr. Beaton. The wording for the monument has not yet been determined; however City staff will continue to work with the Fuller Family Partnership to ensure that their family's donation is appropriately recognized. Receipt of the executed deed is timely for the City in order to pursue Caltran's Active Transportation Program (ATP) Grant to encourage an increase in the proportion of trips accomplished by walking. The applications for the Grant are due May 21, 2014, and ACTC plans to assist the City with the application.

Mayor Crew opened the public discussion. Hearing no comments from the public, Mayor Crew 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 Garibaldi, and carried by a 5 to 0 vote to adopt Resolution No. 2014-12 accepting the donation of the property from the Fuller Family Partnership along with the Acceptance of Grant Deed for the Creekwalk Project. Motion passed with the following vote:

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

9. ACES Franchise Agreement.

City Manager Daly reported the City has reached a tentative agreement, subject to the City Council approval, with ACES Waste Service, Inc. to extend its solid waste franchise with the City. He explained the City of Jackson previously awarded an exclusive franchise for the collection and disposal of solid waste to ACES Waste Services, Inc. ("ACES") that will expire in 2014. City staff and ACES representatives undertook good faith negotiations which resulted in a new franchise agreement that enhances the services provided by ACES and updates the agreement to reflect current best practices. Public Resources Code section 40059 authorizes cities to award exclusive franchises for the collection of solid waste, and to determine the procedure by which such franchises will be awarded.

City Manager Daly stated staff did receive one letter from Ken Berry who was not able to attend tonight's meeting. For the record his letter states, "at least one citizen has contacted the city and that all services including solid waste removal and disposal should be based on a transparent accounting."

Councilmember Sweet requested the periodic audit on the rates be provided. City Manager Daly reported the periodic audit is of the franchise fees not the rates and are received quarterly from ACES. Councilmember Sweet requested these audits be provided in the agenda packet for transparency.

Councilmember Sweet inquired if this item was advertised for as a public hearing. City Attorney Nelson stated that was not required and was at the discretion of the City Council.

City Attorney Nelson reported the draft agreement updates the existing agreement to reflect changes in waste disposal laws and recently adopted best practices in the solid waste industry. Summary of these changes discussed:

1. Definitions. The draft agreement uses an updated definitions section reflecting current terminology in the industry (i.e., solid waste versus "refuse").
2. Term. The draft agreement contains a ten-year initial term with each party having the option for a ten-year extension.
3. Scope of Franchise. The draft agreement clarifies that ACES's exclusive franchise is subject to limitations on the City's ability to regulate solid waste. For example, the City cannot legally (1) require schools and other public agencies to use ACES or (2) prevent residents from selling or giving away their recyclables.
4. Rate Adjustment. The draft agreement replaces the existing rate adjustment methodology that was based on ACES's actual costs plus profit with a cost of living adjustment. This rate approach shifts the risk of ACES's specific cost changes to ACES. The City's ratepayers will only be responsible for general inflationary changes and actual disposal cost increases. Under the draft agreement, rates will increase for (1) CPI adjustments up to a maximum of five percent per year, (2) disposal cost adjustments and (3) special rate adjustments granted in the City Council's sole discretion. The rates can also decrease for CPI adjustments of greater than two percent. There will be no CPI adjustment for 2014. In addition, all rate adjustments are contingent on Prop. 218 compliance. ACES will reimburse the City for its printing, mailing and related costs of the majority protest procedure.
5. Performance Bond. The draft agreement deletes the requirement for ACES to maintain a performance bond. The City had agreed to waive this under the prior agreement, and this is reflected in the draft agreement.

6. Auditing. In addition to regular, periodic auditing, the draft agreement includes a provision permitting the City to request an audit at any time. The cost of this audit is allocated depending on whether it uncovered underpayments by ACES of at least 5%. If this threshold is met, ACES is responsible for the cost of the audit. This helps protect the City if it believes that an audit is necessary and may have already requested one during that year.
7. Liquidated Damages. The existing agreement permitted the City to establish liquidated damages by resolution. For clarity and consistent with best practices, this schedule is now part of the franchise agreement.
8. Boilerplate. The draft agreement also contains new and updated provisions that are commonly included in solid waste franchises.

Paul Molinelli Sr., ACES Waste Services, 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.

Vice-Mayor Gonsalves inquired how the indemnity clause would be addressed in the amended agreement.

Attorney Nelson stated State legislation prohibits indemnity clause related to Proposition 218 proceedings. All rate adjustments are contingent on Prop. 218 compliance. ACES will reimburse the City for its printing, mailing and related costs of the majority protest procedure.

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

Moved by Councilmember Lewis, seconded by Councilmember Sweet, and carried by a 5 to 0 vote to adopt Resolution No. 2014-13 approving an Amended and Restated Solid Waste Franchise Agreement. Motion passed with the following vote:

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

10. Purchase of a New Fire Chief Vehicle from the State of California Bid Package.

City Manager Daly reported in 2006 the City of Jackson approved \$10,000.00 for the purchase of a used command vehicle from Jeff Holman Auto Center. The total price for the vehicle was \$13,383.14 the balance of that price was paid out of the Volunteer funds. The vehicle is a 2003 Ford Expedition that had 65,739 miles on it at that time. It now approaches 120,000 miles and is starting to cost some general fund money for the upkeep of this vehicle.

Fire Chief Morton reported last year the City Manager was asked how to go about purchasing a new vehicle, and the reply was the department would need to sell something in order to buy something. Staff then started to evaluate our fleet and decided that the 2009 Ford F550 Mini Pumper would be sold. The San Antonio Volunteer Fire Department purchased the Mini Pumper for \$70,000, and these funds have been put aside for the purchase of a new command vehicle.

The 2014 Ford Expedition would be purchased on a contract through the State of California: # I-14-23-23A. The award was through Downtown Ford in Sacramento. There will be approximately 8 weeks for delivery of the vehicle. The Fire Department also knows there will be other expenses that go along with the new vehicle such as an emergency light package, siren package, radio package, and a

command box package. The Fire Chief is still gathering information on these packages and will be presented to you at a later date. The Department will also be selling the current Command Vehicle.

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

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

Moved by Councilmember Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the purchase of a 2014 Ford Expedition XL SSV 4x4 Command Vehicle, \$29,600 plus tax, to replace the current Ford Expedition used by the Fire Chief. Motion passed with the following vote:

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

11. Fire Department Ad Hoc Committee Appointment.

City Manager Daly reported during recent discussion with the Fire Department staff regarding the City Manager performance and general operations of the Fire Department, it was suggested that the Council form an ad hoc committee to occasionally meet with staff from this department to discuss issues related to its operations. As the "newest" department with full-time employees, the Council concurred that this would be a good form of communication with department staff. At the last City Council meeting, it was suggested that an item be brought to this agenda to discuss nominations and appointees to the committee. No more than two members of the City Council may be appointed to this ad hoc committee without requiring conformance with the Brown Act.

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

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

Moved by Councilmember Sweet, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to appoint Councilmember Gonsalves to serve as the representative for issues related to the Fire Department. Motion passed with the following vote:

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

Councilmember Garibaldi suggested that a representative be appointed for issues related to the Police Department and other City Departments. City Manager Daly stated this item would be placed on the next agenda.

12. Review of SEIU Memorandum dated March 12, 2014.

City Manager Daly reported Councilmember Garibaldi requested this item be placed on the agenda.

Councilmember Garibaldi reported the City Manager did not get a raise but an unfunded liability. He stated if there were any other unfunded liability to other individuals he would like to know. He requested a letter be written to Steve Wilensky and Cheryl Harris explaining what the City did.

Mayor Crew opened the public discussion. The following individuals Baron Birge and Mark Harmon spoke his concerns regarding SEIU Memorandum.

Steve Wilensky, SEIU Local 1021, Employee Representative, was present to provide a brief statement regarding City Manager Employment Agreement and significant concessions still in place from City membership. Mr. Wilensky reiterated their concerns were addressed in the letter dated March 12, 2014. He stated for the record a letter was not necessary.

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

City Manager Daly reported he was meeting with the department heads to put together the numbers for the budget. Mayor Crew acknowledged the sacrifice the staff was making and reiterated the City Council was working on this matter with the City Manager.

10. CLOSED SESSION

- a. Conference with Real Property Negotiator. APNs 020-243-001, 020-243-001, 020-243-002, 020-243-003, 020-243-004, 020-243-005 and 020-243-009 (old Courthouse properties and associated parking).
City negotiator: Michael Daly, City Manager.

Vice-Mayor Gonsalves reconvened to Open Session at 8:33 p.m. and announced no reportable action taken.

Adjourn 8:34 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: April 28, 2014