

Jackson City Council  
Minutes  
Regular Meeting of June 23, 2014

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

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 June 23, 2014 as presented. Motion passed with the following vote:

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

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

Debbie Mackey, were present to request the City of Jackson continue to support the effects for the abandonment of the plan by the Amador County Unified School District Board to close any school in the county. She has requested the City of Jackson look into having the City Attorneys discuss this matter, forming a committee on deconsolidation process and Jackson's Board Seat on the November Election. She stated could provide more information as needed.

City Attorney Nelson stated he would speak with Ione's City Attorney. He noted unfortunately the School District sort of has its own authority and jurisdiction to make those decisions and this is generally was outside what the City Council would have the authority over.

**3. CONSENT CALENDAR.**

- a. Approval of Minutes of June 9, 2014 meeting.
- b. Approval of Expenditure Report for the period of June the amount of \$160,542.13.
- c. Accept April 2014 Treasurer's Report and Sales Tax Report.
- d. Notice of Intent Biennial Review of Conflict of Interest Code and Designated Employees.
- e. Approve Cooperative Agreement with Caltrans for South Avenue Bridge Replacement.
- f. Approve Lending 200 feet of cyclone fence to the Amador County Historical Society.

City Manager Daly reported 3b. was incorrect on the agenda, the correct amount is \$160,542.13.

City Attorney Nelson reported it would be considered a clerical error.

Moved by Councilmember Sweet, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote to approve the Consent Calendar as amended. Motion passed with the following vote:

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

#### **4. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the department attended the County wild life training. Fire Captain Martinsen is working on a quarterly training county wide.

Police Chief Morrison reported on the following:

1. The Department made a narcotic arrest last week.
2. Vera Allen, Jackson Police Activities League - 2014 Junior Giants Baseball season has over 120 kids sign up and is going very smoothly. Thornton Consolo is volunteering his time on the League.

City Manager Daly reported on the following:

1. Vera Allen, Jackson Police Activities League - 2014 Junior Giants Baseball season will be making a brief update after their practice tonight.
2. The next City Council meeting is July 14, 2014.
3. Brown Act now requires public agencies with websites to post their agenda on the website in the same manner as a bulletin board. Due to an emergency, Tori Moody, About You Web Design helped the City post tonight's agenda. Staff is researching alternatives to upload from City Hall if necessary.
4. Met with Charles Field and Neil Peacock to review recommendation of ACTC staff for the Regional Transportation Plan update and Regional Traffic Mitigation Fee program currently underway.
5. Building Inspector recruitment is underway. The application deadline is Friday, July 11.

#### **5. COUNCIL REPORTS.**

Councilmember Garibaldi reported he attended the Amador County Recreational Agency meeting.

Vice-Mayor Gonsalves inquired if Councilmember Garibaldi could attend the Amador Council of Tourism meeting Thursday, June 26th, 5:30 p.m., at Black Chasm Cavern during her absence. Councilmember Garibaldi stated he would attend.

Councilmember Sweet reported he will be attending the Amador County Transportation Commission meeting on Thursday, June 26.

Mayor Crew reported on the following:

1. Attended the Main Street Luncheon.
2. Attended the Air Quality Control Board 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.

#### **6. Cemetery Committee Presentation and Update. Accept Presentation.**

City Manager Daly reported Chairman Hoeser, Committee Members Steve McLean and Robert Stimpson were present to provide a summary of their efforts over the past year and their next project.

Chairman Hoeser, Committee Members Steve McLean, Robert Stimpson and Charline Buckley were present to provide a presentation thanking the Jackson Rotary Club for its generous support in designing

and completion of the Children's Gravesite in the Jackson Municipal Cemetery. They also provided a general update of the Committee's operation.

Jim Wilmart and Eric Christenson, Jackson Rotary, were present to except the Cemetery's sincere thanks to the Rotary of Jackson for their donated work, materials and overseeing the design and completion of the Children's Gravesite memorial plaque at the Jackson Municipal Cemetery.

Vera Allen, Jackson Police Activities League, was present to update the Council on this year's Jackson Police Activities League - 2014 Junior Giants Baseball season. The Season began on June 16, 2014 and ends on August 9, 2014. The Jackson Police Activities League organized the Junior Giants baseball program for kids 8 to 13 years old and there are currently ten teams. She invited the City Council and public to attend their practices held Mondays and Tuesdays from 6:00 to 8:00 p.m. and their games held Wednesdays and Thursdays 6:00 to 8:00 p.m. at Detert Park and Jackson High School.

**7. Measure E Transient Occupancy Tax Funding Recommendations from the Measure E Advisory Committee.**

City Manager Daly provided a brief history of the Measure E Funding. The Measure E Advisory Committee, whose membership includes Connie Gonsalves, Stan Lukowicz, Paul Molinelli Jr., Tom Peyton, and Atul Patel, met on June 19 to review this year's nine proposals totaling \$72,000, a record number of proposals and dollars requested. A request for proposal format similar to the previous year was utilized following the City Council's decision to release \$30,000 for this year's competitive allocation. The City Council opted to reserve \$28,880 of the \$58,880 generated by the Measure E TOT in 2013 for economic development needs of the City, however, it did indicate that it may be willing to entertain a larger number should it be warranted. As in the past, it also stated a preference for proposals focusing their projects in Jackson. Current City projects in need of funding include the creekwalk project, the façade improvement grant program, and the Jackson mural on the side of the fire station. As noted, this year nine proposals were submitted totaling \$72,000, which included a proposal from the Amador County Historical Society and Gale Fairbrother to restore the Jazzin' It Up In Jackson event.

Similar to previous years, the Advisory Committee reviewed the relative benefit to the City of Jackson from each of the proposals and sought additional details on each of the proposals from the organization representatives. After determining that each organization was eligible for funding from this program, several funding scenarios were proposed and discussed. One of the key factors in determining the funding recommendation was the focus of the organization's activities in Jackson. Based on this focus and the number of proposals received, the committee was unable to provide the full amount of funding requested by any group except AmadorArts (\$1,000). All other proposal except for one received partial amounts of their request.

	Requested Amount	Recommended
AmadorArts	\$ 1,000	\$ 1,000
Amador Council of Tourism	\$ 7,000	\$ 5,000
Amador County Economic Partnership	\$ 4,000	\$ 2,000
Amador County Chamber of Commerce	\$ 10,000	\$ 5,000
Amador County Historical Society	\$ 15,000	\$ 5,000
Amador County Recreation Agency	\$ 5,000	\$ 2,300
Gale Fairbrother, Jazzin' It Up in Jackson	\$ 3,500	\$ *
Jackson Business and Community Assn.	\$ 23,500	\$ 16,000
Main Street Theatre Works	\$ 3,000	\$ 1,200
<b>TOTAL</b>	<b>\$ 72,000</b>	<b>\$ 37,500</b>

\* It was recommended that Gale Fairbrother work through the JBCA for the Jazzin' event.

The City Council has complete discretion regarding the allocation of Measure E funding. Representatives from each of the organizations were informed that the committee's recommendations would be on this City Council agenda and were invited to attend should the Council have any questions related to their proposals.

Dick McCleary, President Main Street Theatre Works, was present to answer questions of the City Council. He was disappointed in the cut in the amount they requested and would like more funds. He thanked the City Council for last years approved funding.

Phil Giurlani, Amador County Historical Society, was present to answer question of the City Council. He clarified the remodel would cost \$30,000 and they requests \$15,000 to assist in the construction of an ADA compliant restroom facility to serve both visitors and volunteers at the Amador County Museum. They are working with Amador County to obtain additional funding to assist with the remodel and would like the City Council to consider allocating additional funds if possible.

Mayor Crew opened the public discussion. Thornton Consolo spoke in favor of allocating more money to the Amador County Historical Society. Hearing no further comments from the public, Mayor Crew closed the public discussion

Councilmember Sweet requested the City Council allocate an additional \$2,500 to Amador County Historical Society. He noted for the record the Amador County Historical Society gave up an event for the Kennedy Wheels fund raiser last year.

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

**Moved by Councilmember Sweet, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote approve the recommendation of the Measure E Advisory Committee for allocation of transient occupancy tax funding to \$40,000 with the following allocations as amended:**

AmadorArts	\$ 1,000
Amador Council of Tourism	\$ 5,000
Amador County Economic Partnership	\$ 2,000
Amador County Chamber of Commerce	\$ 5,000
Amador County Historical Society	\$ 7,500
Amador County Recreation Agency	\$ 2,300
Gale Fairbrother, Jazzin' It Up in Jackson	\$ *
Jackson Business and Community Assn.	\$ 16,000
Main Street Theatre Works	<u>\$ 1,200</u>
 TOTAL	 \$ 40,000

#### **8. Planning Commission and Cemetery Committee Appointments.**

City Manager Daly reported the Planning Commission terms last two years and expires on June 30. During even numbered years, three seats expire and during odd numbered years, two seats expire. This year, the seats of Planning Commission members Paul Molinelli, Jr., George White and Fred Hall expire on June 30. All three commissioners submitted for re-appointment. No other new applications were received. Cemetery Committee terms also last two years and expires on June 30. Two seats are expiring this year: Walt Hoeser and Warren Carleton. The have both re-applied for their seats on this Committee. Similar to the Planning Commission, no other applications were received.

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:

Approved  
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**Moved by Councilmember Garibaldi, seconded by Councilmember Sweet, and carried by a 5 to 0 vote to reappoint Paul Molinelli, Jr., George White and Fred Hall Stimpson to serve on the Planning Commission.**

**Motion passed with the following vote:**

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

**Moved by Councilmember Garibaldi, seconded by Councilmember Sweet, and unanimously carried by to reappoint Walt Hoeser and Warren Carleton to serve on the Cemetery Committee.**

**Motion passed with the following vote:**

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

**9. Adoption of Fiscal Year 2014-2015 City of Jackson Budget.**

City Manager Daly reported staff help formulate this budget. He thanked staff for all their effort and support while maintaining the same level service. He provided a presentation of the Fiscal Years 2014/2015 Operating and Capital Budget for approval. The Fiscal Year 2014/2015 Operating and Capital Budget provides a financial narrative and detail that allows residents to understand how services are provided and what could be expected in the year ahead. The Budget is accessible to the public on the City of Jackson website or at the City Hall and the library.

At the last City Council meeting, several issues related to the Fiscal Year 2014/2015 City Budget were identified and reviewed. The challenges of the economic recession remain constant and reach into every municipal operation serving the citizens of Jackson. As a new fiscal year approaches, the City will continue to analyze the resources available to provide services, both internal and external. This budget process provides for a great annual review of all services provided to residents. Prioritizing the City's funding to carry-out these projects and provide municipal services is why this budget exists.

The provided resolutions include the resulting recommendations from staff for adoption of the proposed budget for the fiscal year beginning July 1, 2014.

**a. Resolution No. 2014-23 Approving the City Operating Budget and City Capital Improvement Budget for Fiscal Year 2014-2015.**

Mayor Crew opened the public hearing. Hearing no comments, Mayor Crew closed the public hearing.

**Moved by Councilmember Sweet, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve Resolution No. 2014-23 Approving the City Operating Budget and City Capital Improvement Budget for Fiscal Year 2014-2015.**

**Motion passed with the following vote:**

**AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet**  
**NOES: None**

**ABSENT: None**  
**ABSTAIN: None**

**b. Resolution No. 2014-24 Authorizing Full-Time Positions in City Service for Fiscal Year 2014-2015.**

Mayor Crew opened the public hearing. Hearing no comments, Mayor Crew closed the public hearing.

**Moved by Vice-Mayor Gonsalves, seconded by Councilmember Sweet, and carried by a 5 to 0 vote to approve Resolution No. 2014-24 Authorizing Full-Time Positions in City Service for Fiscal Year 2014-2015.**

**Motion passed with the following vote:**

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

**c. Resolution No. 2014-25 Setting a Tax Appropriation Limit for Fiscal Year 2014-2015.**

Mayor Crew opened the public hearing. Hearing no comments, Mayor Crew closed the public hearing.

**Moved by Councilmember Sweet, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote to approve Resolution No. 2014-25 Setting a Tax Appropriation Limit for Fiscal Year 2014-2015, and carried by a 5 to 0 vote to approve Resolution No. 2014-25 Setting a Tax Appropriation Limit for Fiscal Year 2014-2015.**

**Motion passed with the following vote:**

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

**10. Repeal of Municipal Code Chapter 8.25 – Medical Cannabis Regulations.**

City Manager Daly reported on May 24, 2004 Chapter 8.25 was adopted regulating the establishment of medical cannabis dispensaries. Then on April 26, 2010 the City Council enacted Ordinance No. 664 which amended Chapters 5.04, 17.06, and 17.220 of the Jackson Municipal Code to prohibit the establishment and operation of medical marijuana dispensaries in the City of Jackson. The repeal of Chapter 8.25 was inadvertently left out of Ordinance 664. The amendments to Chapters 5.04, 17.06, and 17.220 prohibiting dispensaries conflicts with Chapter 8.25 which allows for them. To avoid any confusion regarding this issue, staff is recommending repealing Chapter 8.25.

City Attorney Nelson reported repeal of Municipal Code Chapter 8.25 – Medical Cannabis Regulations was the intent of the City Council back in 2010.

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 Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the first reading of Ordinance No. 678 repealing Chapter 8.25 of the Jackson**

**Municipal Code to be consistent with Chapters 5.04, 17.06, and 17.220 of the Municipal Code prohibiting the establishment and operation of medical marijuana dispensaries.**

**Motion passed with the following vote:**

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

**11. CLOSED SESSION**

- a. Conference with Labor Negotiator. Agency Representative, Michael Daly, City Manager.  
Employee Organization: General Employee Unit, SEIU Local 1021 (Pursuant to Government Code Section 54957.6).
- b. Conference with Labor Negotiator. Agency Representative, Michael Daly, City Manager.  
Employee Organization: Jackson Police Officers Association (Pursuant to Government Code Section 54957.6).
- c. Conference with Real Property Negotiator. (Pursuant to Government Code Section 54956.8).  
149 Main Street, Jackson, APN 020-241-008, Strohm Trust. Agency Negotiator: Michael Daly, City Manager.

Vice-Mayor Gonsalves reconvened to Open Session at 8:41 p.m. and announced no reportable action taken.

Adjourn 8:42 p.m.

ATTEST:

  
Gisele L. Cangelosi, City Clerk

Date Approved: July 14, 2014