

Jackson City Council
Minutes
Regular Meeting of October 24, 2016

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

Michael Daly, City Manager
Joshua Nelson, City Attorney
Scott Morrison, Police Chief
Susan Peters, City Planner
Gisele Wurzbarger, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Crew, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the City Council Agenda dated October 24, 2016 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 October 11, 2016 meeting.
- b. Approval of Expenditure Report for the period of October the amount of \$60,373.32.
- c. Letter of Support – Caltrans Sustainable Transportation Planning Grant.
- d. Special Event Permit – Veterans Day Parade sponsored by American Legion Post 108.
- e. Special Event Permit – Christmas Delights, November 25 & 26, Amador County Chamber of Commerce.

Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to approve the Consent Calendar dated October 24, 2016 as presented: Motion passed with the following vote:

AYE S: Crew, Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
ABSENT: None
ABSTAIN: None

4. ADMINISTRATIVE REPORTS.

Police Chief Morrison reported on a local burglary. The department is working on a strategy since no suspects have been determined.

City Planner Peters reported on the following:

1. CEQA Removal Action Plan for the Oro de Amador will be presented next month.
2. Design Review Committee scheduled for Tuesday, October 25 will review the Expansion of the Amador County Jail at 700 Court Street.
3. Site Plan Review Committee held Thursday, October 20 reviewed Construction of an urgent care facility by the Jackson Rancheria Development Corporation at 820 State Highway 88.

City Attorney Nelson reported the following Propositions will affect the City, Proposition 64 Marijuana Legalization and Proposition 67 Ban on Single-Use Plastic Bags.

City Manager Daly reported on the following:

1. Public Work's current smoke testing has revealed two significant Infiltration and Inflow (I/I) situations at the National Hotel and Amador Yoga.
2. Interviews for the Wastewater Collection Technician will be held Wednesday, October 27.
3. Wastewater Treatment Plant Improvement's Project mandatory prebid will be held Wednesday, November 9.

5. COUNCIL REPORTS.

Councilmember Garibaldi requested a status update on a future agenda for the following items:

1. Loan information for the Wastewater Treatment Plant Upgrade.
2. Whether the new sewer rates are adequate to meet City's wastewater improvements funding requirements.
3. Additional information regarding the Wastewater Treatment Plant violations and fines.

Mayor Sweet reported the Wastewater Treatment Plant Improvement loan has tentatively been approved and authorization to do preform the bid process.

Vice-Mayor Gonsalves attended the Amador Fire Protection Agency meeting.

Mayor Sweet reported on the following:

1. Recommended the Amador Central Railroad roundtrip ride from Ione to Martell.
2. Assisted with the Wastewater Treatment Plant Upgrade Construction Bid interview. Three applicants were interviewed and staff will be meeting with the winner to negotiate cost.

Councilmember Crew reported on the following:

1. Attended the Air Quality Control Board meeting.
2. Attended the Local Area Formation Commission 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. Adoption of Memorandum of Understanding Between the City of Jackson and SEIU Local 1021.

Mayor Sweet inquired if there was a conflict of interest with this item because Todd Sweet was Union Steward. City Attorney Nelson stated there was no conflict of interest.

City Manager Daly reported he met and conferred with representatives of SEIU Local 1021 as required since March. A tentative agreement for the three-year period of July 1, 2016 through June 30, 2019 has been reached and is reflected in the provided document. The SEIU Local 1021 voted on the contract provisions and approved the terms and conditions unanimously.

Councilmember Lewis inquired about Article 29.1 Educational Incentive Pay and asked if the certificates were limited to their field of study as it relates to the employee's work as stated in the article. City Manager Daly stated that was correct and the employee must obtain authorization from their Department Head or City Manager prior to obtaining additional licenses or certificates that qualify for education incentive pay.

Councilmember Garibaldi conveyed concern regarding the fiscal impact of Article 33: Fair and Equal Treatment.

Mayor Sweet inquired the fiscal impact of Article 32.1 CA State Minimum Wage Law. He stated the wording states all employees would get this increase.

City Manager Daly stated it was his understanding that Article 32.1 salary rate implementation only applied to those employees earning under the current minimum wage.

Mayor Sweet opened the public discussion. The following individuals spoke regarding Article 32.1 regarding CA State Minimum Wage Law: Bree Wilder, Karly Hernandez and Todd Sweet. Hearing no further comments from the public, Mayor Sweet closed the public discussion.

Karly Hernandez stated for the record it was always the employees and SEIU Local 1021 understanding the increase was for all employees. She inquired if there were any other issues.

City Attorney stated it could be interpreted either way and recommended this item be continued for clarification of Article 32.1 CA State Minimum Wage Law wording regarding "an employee's salary".

It was the consensus of the City Council to table this item to the November 14, 2016 meeting.

7. General Plan Annual Progress Report.

City Planner Peters reported the Planning Commission reviewed the General Plan Annual Progress

Report at their October 17, 2016 meeting and after making some minor modifications, recommended the City Council accept the document. In accordance with Government Code Section 65400 staff has prepared an Annual Progress Report (APR) on the status of the General Plan and progress in its implementation. This report is indented to explain how land use decisions relate to the adopted goals, policies, and implementation measures of the General Plan. The APR should provide adequate information to identify necessary modifications to the General Plan and suggestions to improve its implementation. Should the City Council approve Resolution 2016-31 accepting the City of Jackson General Plan Annual Progress Report 2015, the document will be submitted to the Governor's Office of Planning and Research and the Department of Housing and Community Development

Mayor Sweet opened the public discussion. Hearing no comment from the public, Mayor Sweet closed the public discussion.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve Resolution 2016-31 accepting the City of Jackson General Plan Annual Progress Report 2015. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet

NOES: None

ABSENT: None

ABSTAIN: None

8. Review of Cemetery Fee Requirement.

City Manager Daly reported the City adopted fees for the City Cemetery back in 1999. Adopted by Resolution No. 99-25, the fees vary if the person being buried is a City resident, County resident or an out-of-County resident. For a regular plot, the fee is \$300 for a resident, \$500 for a County resident and \$700 for an out-of-County resident. In addition, there is a \$50 "endowment care" that is added to all plots to maintain the plot. Though not questioning the fee charged by the City, there has been a question raised about the amount of the plot fee if the person buying a plot is a non-resident, yet owns a parcel within the City. They, of course, have argued that they should be allowed to buy a plot at the City resident rate rather than the non-resident rate. The difference in fees at this point could be as high as \$4,800, as they have expressed a desire to purchase 12 plots (12 x \$400). Again, this would not be on the agenda, but there is no definitive answer to this question. It is recommended that the City Council discuss the cemetery fees for people who own property within the City limits but live outside the City limits.

City Attorney Nelson noted a few requirements for residency are: where individual resides, where individual elects to vote and receive homeowner's exemption. He stated their payment is not binding because City staff did not have the authority to negotiate price if residency was in disputed.

Mayor Sweet opened the public discussion. The following individuals spoke regarding Cemetery Plot

Fee: Walter Hoeser, Bob Stimpson and Gisele Wurzburger. Hearing no comment from the public, Mayor Sweet closed the public discussion.

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

Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to direct City Attorney Nelson to draft a letter of compromise. Motion passed with the following vote:

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

9. Review of Sewer Lateral Testing in the Downtown Area.

City Building Inspector Hooper reported he has received adequate information from property owners, especially those where infiltration and inflow has been detected. Therefore it is recommended that the City not institute any legal or administrative proceedings for compliance at this time.

On August 9, 2016, a second enforcement letter was sent to owners of property located on Main Street in the vicinity of Court Street, Summit Street, and Water Street that had yet to contact the City after receipt of the first enforcement letter dated March 3, 2016. The letter specified issues related to the sewer system(s) of said properties allowing storm water to infiltrate these systems. These owners were requested to notify the City Building Inspector with the following information:

1. A report regarding whether any corrections are required.
2. If corrections are required, a plan for correction.
3. Times and dates for an inspection to confirm #1 and discuss #2.
4. Owners were given 30 days to inspect their properties and notify the City.

All owners to date have contacted the City and a list of correspondence with owners was provided. The City Building Inspector and Public Works will be including this information and any further details regarding inflow and infiltration at these locations downtown in the Sanitary Sewer Management Plan (SSMP) and Building Department street files associated with these properties. As corrections or modifications are made to buildings directly related to this issue the City Manager and City Council will remain informed.

Mayor Sweet opened the public discussion. Hearing no comment from the public, Mayor Sweet closed the public discussion.

After discussion among the City Council and staff was directed to provide written documentation regarding Main Street property owner's plan for correcting inflow and infiltration issues.

10. CLOSED SESSION

- a. Public Employee Annual Performance Evaluation: City Manager. (Pursuant to Government Code Section 54957)

Vice-Mayor Gonsalves reconvened to Open Session at 9:00 p.m. and announced no reportable action taken.

11. ADJOURNMENT

Adjourn 9:01 p.m.

ATTEST:



Gisele L. Wurzburger, City Clerk

Date Approved: November 14, 2016