

Jackson City Council
Minutes
Regular Meeting of October 27, 2014

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

Michael Daly, City Manager
Josh Nelson, City Attorney
Scott Morrison, Police Chief
Gisele Wurzbarger, City Clerk

COUNCIL MEMBERS ABSENT:

Marilyn Lewis

Mayor Crew called the meeting to order at 7:01 p.m.

1. APPROVAL OF AGENDA.

Moved by Vice-Chairman Gonsalves, seconded by Councilmember Sweet, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the City Council Agenda dated October 27, 2014 as presented. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Minutes of October 14, 2014 meeting.
- b. Approval of Expenditure Report for the period of October in the amount of \$184,500.29.
- c. Accept August 2014 Treasurer's Report and Sales Tax Report.
- d. Rejection of Claim – Cuzen.

Moved by Councilmember Garibaldi, seconded by Vice-Chairman Gonsalves, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the Consent Calendar except for.

Councilmember Sweet abstained on the approval of Check 2359 in the amount of \$185.36.

Motion passed with the following vote:

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

4. ADMINISTRATIVE REPORTS.

Police Chief Morrison reported this has been a busy month for the Police Department.

City Manager Daly reported on the following:

1. Special Event – Jackson Lions Club Halloween Parade October 31, 2014.

2. Special Event – American Legion Post 108, Veterans Day Parade, November 11, 2014.
3. Special Event Permit – Argonaut High School “Big Game” Parade and Rally, Main Street, Wednesday, October 29.
4. Special meeting November 18, 2014 at 6:30 p.m. regarding the Argonaut dam property.
5. General Election is Tuesday, November 4, 2014.

5. COUNCIL REPORTS.

Councilmember Garibaldi reported on the following:

1. Attended the Amador County Recreational Agency meeting.
2. Attended the Amador County of Tourism Strategic Plan Workshop.

Vice-Mayor Gonsalves reported she attended the Amador County of Tourism Strategic Plan Workshop.

Mayor Crew reported he attended the ribbon cutting ceremony at Jo-Ann last week.

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. Sewer Rate Increase – Proposition 218 Consideration.

City Manager Daly reported at the August 11, 2014, meeting, the City Council received a presentation by Georgette Aronow, the City's sewer rate consultant, regarding the proposed changes to the sewer rate and other improvements at the wastewater treatment facility. The City Council approved the draft work prepared by Ms. Aronow and approved by the Sewer Rate Committee and a notice regarding the changes was mailed in late August as required by Proposition 218. As part of the review of the proposed rates, the City Council requested that items be placed on the two September meeting agendas and the October agenda to provide the public with an opportunity to seek additional information about the proposed increases. In addition, a separate communication was mailed to the 260 commercial customers due to the change in the methodology for rate calculations to these businesses.

According to the City's Finance Department, 1,742 properties are billed for sewer service. This means that a total of 871 plus one are required to protest the proposed increases. In addition to owners of these properties, approximately 33 renters who pay the sewer bill may also vote, however, that does not change the number required for a protest - 872. Should it be clear that a sufficient number of protestors have not submitted votes, then the City Council may begin to adopt Ordinance No. 680, updating the sewer rates. If the number of opposition votes is close, it may be necessary to count and verify all the votes, and if it is clear that a majority protest of eligible voters is submitted, the City must re-send a notice for a proposed increase.

Mayor Crew opened the public hearing. The following individuals spoke in opposition of the Sewer Rate Increase – Proposition 218, Lorenzo Reyes, Debbie Dunn, Robert Saracino, Jan Reyes, Ken Berry, Bill Condrashoff, Dustin Blashaw, Casey Emerson and Ed Bass.

The following individuals spoke in support of the Sewer Rate Increase – Proposition 218, Jack Georgette, Shirley Danjowski and Thornton Consolo.

Ken Berry, Ratepayer Protection Alliance, stated for the record 3 items:

1. California Environmental Quality Act (CEQA) requires and Environmental Impact Report (EIR).

2. First notice was incorrect and if a second and third notice was mailed.
3. Who got the notices - property owner or property address.

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

For the record, a member of the Ratepayer Protection Alliance, the main protest group, turned in over 1,000 protest votes for verification.

City Attorney Nelson stated for the record: Any written protest must be signed by the property owner or the customer responsible for payment of the fees and it must include service address or assessor's parcel number. Only one protest may be filed per parcel.

After considerable discussion among the City Council and staff was asked to provide a clarification of the Commercial rate increase by type of business. The following motion was made:

Moved by Councilmember Garibaldi, seconded by Councilmember Sweet, and carried by a 4 to 0 vote (Councilmember Lewis absent) to continue the first reading of Ordinance No. 680, an ordinance setting sanitary sewer service charges and amending Section 13.24.010 of the Jackson Municipal Code regarding adopting sanitary sewer service charges, to the November 10, 2014 Agenda in order to determine the actual count of protests received.

Motion passed with the following vote:

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

7. Jackson Police Officers Association Memorandum of Understanding – Terms of Agreement.

City Manager Daly reported the Jackson POA Memorandum of Understanding was originally brought to the City Council on September 8, 2014, there were two items that had not been resolved. Those items included the City's contribution towards deferred compensation when the employee has single medical insurance coverage or employee plus one coverages, and whether the employee should be entitled to funds as stated in the MOU regarding disability medical insurance premiums. There are still some clean-up items in the MOU the City and the POA are working on (with no additional cost to the City), so the final MOU document will be on a future agenda.

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

Moved by Councilmember Garibaldi, seconded by Vice-Mayor Gonsalves, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the final compensation changes to the Jackson Police Officers Association (POA) Memorandum of Understanding for FY 2014-15.

Motion passed with the following vote:

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

8. Award of Contract – Oro De Amador Removal Action Workplan.

City Manager Daly reported the City acquired the Oro De Amador property in December, 2006. It is a former disposal site for the Kennedy Mine and therefore, soil contamination issues on the property need to be cleared. Working closely with the Department of Toxic Substances Control, the City is evaluating the contamination of the property to open it to the public, primarily as a recreation and open space site. A Targeted Brownfield Assessment and a Targeted Site Investigation have been completed on the property and the City recently received a \$75,000 grant from the Sierra Nevada Conservancy to prepare a Removal Action Workplan for the remaining toxic substances on the property.

Two proposals were received for this project. One was from Geocon Consultants, Inc., submitted by Jim Brake, and the other was from The Westmark Group, submitted by Robert Kull and Michael Vander Dussen. Both proposals met the City requirements described in the Request for Qualifications and interviews were conducted on October 23, 2014. Staff is recommending Geocon Consultants for this project. Both firms represented their proposals very well and are knowledgeable in the desired areas. The Geocon firm has completed similar projects in Sutter Creek and other areas in the region. Though Westmark also has experience in the area, including Jackson, staff felt that Geocon had a slight edge for this project. The completion date will likely be around June, 2015.

Mayor Crew opened the public discussion. Thornton Consolo spoke in favor of the Oro De Amador Removal Action Workplan. Hearing no further comment from the public, Mayor Crew closed the public discussion.

Moved by Councilmember Sweet, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the use of Sierra Nevada Conservancy grant funds of up to \$75,000 to hire Geocon Consultants, Inc. to complete a Removal Action Workplan for the Oro De Amador property. Motion passed with the following vote:

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

9. Public Policy and Ethics Program. Review and determine Council action.

City Manager Daly reported this item consideration to pass a motion approving the \$2,100 additional legal services fee for the public policy and ethics services recommended in the provided information.

City Attorney Nelson reported the Public Policy and Ethics Program is a new program being offered by Best Best and Krieger. This program includes services related to public policy and ethics, two areas that have become new areas of focus in the public sector following problems in other communities. Unfortunately, there are services above and beyond the current agreement, therefore the firm is requesting an additional amount of \$2,100 to provide these services in Jackson. Due to the low cost and use of the City Attorney over the past few years, staff feels it would be worth contracting with BB&K for these additional services.

Mayor Crew opened the public discussion. The following individuals voiced their concerns, Ed Bass and Casey Emerson. 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:

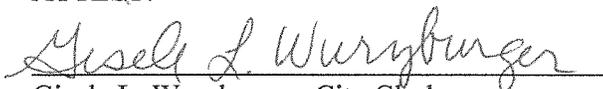
Moved by Councilmember Garibaldi, seconded by Vice-Mayor Gonsalves, and carried by a 3 to 1 vote (Councilmember Lewis absent) to opt out approving the additional legal services fees for 2014-2015 Public Policy and Ethics Program pending further cost saving analysis to be provided by Best Best and Krieger.

Motion passed with the following vote:

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

Adjourn 8:56 p.m.

ATTEST:


Gisele L. Wurzbunger, City Clerk

Date Approved: November 10, 2014