

Jackson City Council
Minutes
Regular Meeting of August 22, 2011

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Mark Morton, Fire Chief
Marc Crain, New Fire Chief
Scott Morrison, Police Chief
Susan Peters, City Planner
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. CEREMONIAL.

- a. Swearing in of new Fire Chief, Marc Crain. City Manager Daly introduced Fire Chief Marc Crain and provided a brief summary of his employment history.

City Clerk Cangelosi sworn in Fire Chief Marc Crain. Deputy Fire Chief Morton presented Fire Chief Crain with his Fire Chief badge.

Fire Chief Crain stated recruitment for the full time Fire Chief for Jackson was an interesting process with many opportunities. Deputy Fire Chief Morton and Deputy Fire Chief Fishback have been helpful providing great information and this department has a great foundation.

- b. Proclamation Honoring Mark Morton for his service to the Jackson Fire Department. Mayor Gonsalves present proclamation to Fire Chief Mark Morton for his leadership and dedication to the Jackson Volunteer Fire Department.

Fire Captain Cody Martinson presented Deputy Fire Chief Morton a handmade shield and plaque honoring him for his years of dedication to the Jackson Volunteer Fire Department as its Fire Chief.

2. APPROVAL OF AGENDA.

City Manager Daly requested the City Council add an item to the Discussion Calendar:

Authorization to submit application and provide assurances for environmental enhancement mitigation program grant for Jackson vista point improvement project.

Moved by Councilmember Crew, seconded by Councilmember Garibaldi, and unanimously carried to add this agenda item based on the finding that there is a need to take immediate action on this item and that the need for action came to the attention of the local agency subsequent to the agenda being posted.

Moved by Councilmember Crew and seconded by Councilmember Garibaldi, and unanimously carried to approve the City Council Agenda dated August 22, 2011 as amended.

3. PUBLIC MATTERS NOT ON THE AGENDA.

None.

4. CONSENT CALENDAR.

- a. Approval of Minutes of August 8, 2011 meeting.
- b. Approval of Expenditure Report for August in the amount of \$ 248,574.90.

Moved by Vice-Mayor seconded by Councilmember Crew, and unanimously carried to approve as presented.

5. ADMINISTRATIVE REPORTS.

Deputy Fire Chief Morton reported he would continue to attend the City Council meeting to present the Jackson Fire Department Monthly Report until Fire Chief Crain has settled in.

Police Chief Morrison reported over the years it has been a pleasure having a working relationship with Jackson Fire Department and Fire Chief Morton.

City Planner Peters reported the following items would be considered at the September 19 meeting.

1. Sign Ordinance update, public outreach and submittal of the final draft of the Sign Brochure
2. Tentative Parcel Map 2834, Unauk Corporation, Lot split 201 Clinton Road into two parcels at the September 19 meeting.

City Attorney reported he has been working on the Wastewater Treatment Plant Discharge item.

City Manager Daly reported on the following:

1. The 10 day appeal period for the Planning Commission's denial of Conditional Use Permit to relocate the Pioneer Rex, DBA The Fargo from its current location at 2 Main Street to 160 Main Street ended August 25 and no appeal was filed so the application is deemed denied.
2. Design Review Committee consisting of City Engineer Weber, City Planner Peters, Senior Building Inspector White and City Manager Daly has scheduled its first meeting Thursday, September 1 and is open to the public.
3. The Marcucci Bridge Slap Project is on schedule and will probably be completed in October.

6. COUNCIL REPORTS.

Councilmember Crew attended the following meetings: Air Quality Board, LAFCO, Jackson Revitalization Committee and Amador Regional Sanitation Authority Ad-hoc Committee.

Councilmember Garibaldi attended the following meetings: ACRA, Jackson Revitalization Committee and Amador Council of Tourism meeting.

Vice-Mayor Sweet attended the following meetings: Amador Council of Tourism, East Bay Municipal Utility District, Regional Planning Committee, Caltrans on TEA grant application and ACTC.

Mayor Gonsalves Connie attended the Jackson Revitalization Committee meeting.

DISCUSSION CALENDAR.**7. Consideration of Adoption - Architectural Regulations for the City of Jackson.**

City Planner Peters reported tonight's action is to conduct a public hearing for second reading and adoption of Ordinance No. 669 amending Development Code, Article II, Chapter 17.24 and adoption of Resolution No. 2011-24 establishing Architectural Regulations. At the August 8, 2011 meeting, the City Council held a public hearing and approved the first reading of Ordinance No. 669 to amend the Development Code, Article II, chapter 17.24, to allow for the City Council to adopt Architectural Regulations by resolution. The City Council was provided a copy of the proposed Chapter 17.24, Architectural Regulations, Ordinance No. 669 amending Chapter 17.24, and Resolution No. 2011-24 approving the proposed Architectural Regulations.

Moved by Councilmember Lewis, seconded by Vice-Mayor Sweet, and unanimously carried to approve the Ordinance No. 669 Amending Chapter 17.24 of the Jackson Municipal Code Establishing Design Regulations.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi and unanimously carried to and Resolution No. 2011-24, Establishing Architectural Regulations.

8. Appointment of Design Review Committee.

City Manager Daly reported at the July 25 City Council meeting, staff was directed to begin a recruitment for members to sit on the newly forming Design Review Committee. As of the published deadline of August 18, only three applications had been received. Staff recommends continuing this item to the next meeting and continuing to publicize the availability of seats on this committee. Four applications have been received to date.

It was the consensus of the City Council to continue consideration of appointment of the Design Review Committee to the next City Council meeting on September 12, 2011.

9. Presentation of Peer Review of Wastewater Treatment Plant Discharge Alternatives Report.

City Manager Daly reported in April 2011, the City Council awarded a contract to Pacific Municipal Consultants (PMC) for preparation of an Environmental Impact Report (EIR) to evaluate the potential impacts from projects designed to address the City's wastewater treatment discharge compliance with the permit issued by the Regional Water Quality Control Board. The following task was included in the scope of work for the Request for Proposals:

“In addition, previous information developed by Stantec in evaluating the City's disposal alternatives, including water balance data and other empirical evaluations of permit requirement information, will require some level of peer review to validate the basis for previous conclusions on the priority of alternatives recommended to the City Council. This is particularly important for the calculations related to the concentration of the City's treated effluent in Lake Amador as it relates to “Discharge Prohibition III.E” in the NPDES permit.”

As part of its proposal, PMC indicated it would subcontract with Larry Walker Associates (LWA) to “perform an independent peer review of technical information developed by Stantec that will include, at a minimum, the calculations related to the volumetric fraction of the City's effluent in Lake Amador and other key technical analyses contained in the August 2010 report titled Wastewater, Treatment, Storage, Disposal and Reclamation Options. In advance of performing the peer review, LWA will

review all pertinent available information, including the current NPDES permit, technical reports, and other relevant documentation provided by the City. The peer review will include an assessment of the ability of the City to reliably achieve compliance with the 2007 NPDES permit effluent limitations for continued stream discharge. LWA will prepare a draft and final peer review report.” The City Council was provided a copy of the peer report and posted on the City’s website.

Thomas Grovhoug, P.E. President of LWA, was present to provide an overview of the Peer Review of Wastewater Treatment Plant Discharge Alternatives Report. As lead person for LWA on this project he also oversees the engineering, technical, and scientific projects performed by LWA. Mr. Grovhoug has over 30 years of professional experience in the fields of wastewater engineering and water quality management. He has been deeply involved in the areas of NPDES permitting, water quality regulatory policy, water quality monitoring and analysis, and watershed management.

Mr. Grovhoug provided a brief synopsis of the conclusions contained within the report which included the introduction of the issues for review, the technical analysis, the results and the conclusions.

- Lake Amador watershed hydrology does indicate that there is not enough dilution to allow compliance with the 20:1 ratio stipulated by the Department of Public Health if the City continues discharging its treated effluent into Jackson Creek on a year round basis.
- Even with the proposed change of discharge project, additional upgrades at the wastewater treatment facility are required to ensure stable operation and high quality effluent to meet permit requirements.
- Option E has limitations for meeting the dilution requirement during critically dry years and when the average dry weather flow from the treatment plant reaches 0.71 million gallons per day (mgd). The current average has been approximately 0.41 mgd.
- Other conclusions provided regarding the reservoir storage and release of runoff concept proposed by Ken Berry.
- What might be necessary to develop a finding that continuous discharge to Jackson Creek rather than modifying the discharge.

Mayor Gonsalves opened the public discussion. Thornton Consolo commented on the information provided by Bill Condrashoff for the peer review. City Manager Daly noted Mr. Condrashoff took it upon himself to peer review Stantec’s studies. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

Councilmember Sweet asked Mr. Grovhoug for clarification on Bill Condrashoff data. Mr. Grovhoug reiterated his firm conducted the independent peer review of technical information developed by Stantec and confirmed Mr. Condrashoff studies were accurate.

City Manager Daly reported the EIR consultant, PMC, is presently working on the technical studies and reviewing the engineering detail necessary to develop the Draft EIR. The peer review document provided by LWA will be a technical appendix to the EIR and comments regarding the validity of the information provided in the peer review document can be submitted following the release of the Draft EIR. The Draft EIR is expected to be available for public review in October.

After considerable discussion the City Council accepted the Presentation of Peer Review of Wastewater Treatment Plant Discharge Alternatives Report and provide direction to staff as necessary.

10. Award of Contract – Wastewater Treatment Plant Filter Maintenance.

City Manager Daly reported per the California Regional Water Quality Control Board's letter dated July 1, 2010, the City of Jackson was issued Administrative Civil Liability Order No. R5-2010-0531 (ACL). The ACL requires the City to spend \$135,000 in mandatory minimum penalties to be applied to upgrade/service the effluent filtration and disinfection facilities. The ACL was issued because during the period beginning January 1, 2008 and ending December 31, 2009, the City of Jackson's Wastewater Treatment Plant committed 49 violations that were subject to Mandatory Minimum Penalties of \$147,000 (\$3,000 per violation). The California Regional Water Quality Control Board ordered that the City pay \$12,000 to the Cleanup and Abatement Account and \$135,000 may be applied to a compliance project related to turbidity and disinfection.

The bulk of violations as described above were caused by high effluent turbidity problems related to the City of Jackson Wastewater Treatment Plant's sand filters. The City's Wastewater Treatment Plant, including the sand filters, was constructed in 1985. The filters are Rapid Sand Filters, consisting of four individual filter cells. Due to the filters' age and normal wear and tear on the moving parts and friction of the treated wastewater moving through the filters, the City's Treatment Plant has had numerous effluent turbidity problems.

Filter service/repairs will help reduce turbidity violations for the following reasons:

- New weirs will distribute flow evenly to the filter beds.
- New splash plates will stop flow from breaking through the sand prematurely.
- Old media becomes weathered over time (rounded as opposed to granular) and therefore less effective at trapping material.

At this juncture, ERS Industries has provided the attached quotation to service the existing Sand Filters. ERS will inspect the under drain and replace filter media (sand) and any other worn out components. ERS will install new fiberglass weirs, splash plates, and eight new filter screens.

ERS Industries was selected for this maintenance work for the following reasons:

- ERS Industries is based out of Fremont, California and is very familiar with Zimpro filters
- ERS has performed excellent services for the City in the past
- ERS also performs services for the Amador Water Agency
- It is very easy for an ERS representatives to stop by the Wastewater Treatment Plant
- Other similar firms are located out of State.

Because all four filters need to be up and running during the rainy season, it is imperative that the above project be completed by the end of this summer when flow to the plant is low; this will allow ERS to isolate one filter at a time to be serviced. For the Fiscal Year 2011/2012, the City has budgeted \$249,650 with respect to the Sewer Fund's Capital Projects account (# 5750).

Eric Neuschmid, Chief WWTP Operator, was present to answer questions of the City Council.

Moved by Councilmember Lewis, seconded by Councilmember Crew and unanimously carried to approve a proposal from ERS Industries Services, Inc. to service the City of Jackson Wastewater Treatment Plant's Zimpro Sand Filters for the amount of \$68,338.47.

11. Application for Transportation Enhancement Funds for Kennedy Tailing Wheel #4 Preservation Project.

City Manager Daly reported the City has been working on a project to preserve Kennedy Tailing Wheel #4 and provide other enhancements to Kennedy Tailing Wheel Park, located where North Main Street turns into Jackson Gate Road. In 2000, the City obtained a TE grant to remove rotted wood from Wheel #4 and replace it with a bonding agent to strengthen its structural support and various repairs on the wheel. Exposed to the elements, however, it continues to show signs of decay and reconstructing a structure around the wheel appears to be the best solution to provide long term protection. Wheel #1 is currently supported with cables to prevent it from swaying during high winds and to help keep the load centered on the foundation. At this time, Wheel #4 is the focus of this project.

Early into this project planning, Vice-Mayor Sweet began discussions with ACTC Executive Director Charles Field regarding the possible availability of TE funding for the proposed project. He was informed that funding is available, but since it is federal funding there are significant preliminary environmental and application requirements that can make a relatively small project such as this one infeasible. The application from the previous grant was reviewed and many of the technical studies and support information were found to be reflective of the current conditions of this property. With warnings from ACTC that it could still be overly cumbersome to get through the Caltrans approval process, a meeting was arranged through Caltrans District 10 Director Carrie Bowen this past Monday to review the previous preliminary environmental study and to discuss the likely requirements if the City pursued this funding source. The outcome of this meeting, led by Caltrans District 10 Local Assistance Engineer Sinaren Pheng, was that much of the previous work was still acceptable and some of the more difficult compliance needs associated with larger projects in more sensitive areas would not apply.

With this information in hand, a request for funding was submitted to ACTC for their consideration. ACTC is the approval authority for the allocation of these funds that are disbursed on a regional basis. They issued a call for projects in May and a pre-application was submitted for the Kennedy Tailing Wheel Preservation Project. Most of the time between May and now has been spent reviewing the regulations, obtaining cost estimates and evaluating whether or not it would be cost effective to apply for his funding. After the meeting with Caltrans on Monday and follow-up information that was provided on Wednesday just prior to the ACTC meeting, the ACTC Board gave their unanimous approval to the City for submittal of the application for the County's total allocation of \$596,000.

The grant does require a 12% match of the grant amount, which is \$71,520 for a total project cost of \$667,520. The goal is to raise these matching funds from the community as has been done in the past. A Kennedy Tailing Wheel Preservation Committee has been meeting since early this year and is nearly complete with an update to "The Kennedy Wheels" booklet, originally written by Evelyn Garbarini in 1975 during one of the first fundraising efforts. The committee is evaluating additional fundraising opportunities, as well as other enhancements to the park that will improve the information contained at the kiosk in the park, as well as the picnic areas.

Mayor Gonsalves opened the public discussion. Thornton Consolo voiced his concerns regarding the Kennedy Tailing Wheel #4 Preservation Project. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

The attached resolution provides the assurances requested by ACTC to ensure the City commits to the typical requirements of the TE grant process. Though many of the application process issues have been simplified, a federal grant always requires strict adherence to environmental, engineering, design and procurement standards. Staff is aware of these standards and is prepared to comply as required.

Moved by Vice-Mayor Sweet, seconded by Councilmember Crew and unanimously carried to adopt Resolution No. 2011-25, authorizing the City Manager to submit a Transportation Enhancement (TE) grant application and provide assurances requested by the Amador County Transportation Commission (ACTC) related to completion of the grant requirements.

12. Application Environmental Enhancement Mitigation Program Grant for Jackson Vista Point Improvement Project.

City Manager Daly reported during the investigation into the TE program funding for the Kennedy Tailing Wheels Preservation Project, Vice-Mayor Sweet met with John Haynes of Caltrans to review the project for eligibility. During that field visit Mr. Haynes recommended the City of Jackson submit an application for the EEMP grant program to improve the vista point rest stop at the top of the northerly entrance into Jackson on Highway 49/88. Until last week when the TE project application was approved by ACTC, it was uncertain as to whether or not the City would want to submit an application for the EEMP funding. The application deadline is September 12 at 4:00 p.m. and a resolution from the agency authorizing submittal of the application is required.

Vice-Mayor Sweet reported the improvement concept at the Vista Point include improving the viewing areas for looking out to the Kennedy Mine features, the Tailing Wheels, Butte Mountain and other points of interest visible from this location. In addition, the Jackson Revitalization Committee has been looking at installing a gateway sign welcoming visitors to Jackson. The maximum amount of funding available from this grant is \$350,000.

Moved by Councilmember Crew, seconded by Vice-Mayor Sweet, and unanimously carried to adopt Resolution No. 2011-26, approving the filing of an Environmental Enhancement Mitigation Program (EEMP) grant application and authorizing the City Manager to sign all documents necessary for the completion of the project as amended.

13. ADJOURNMENT.

Adjourn: 8:49 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: September 12, 2011