Jackson City Council
Minutes
Regular Meeting of September 28, 2015

Patrick Crew, Mayor
Wayne Garibaldi
Connie Gonsalves
Marilyn Lewis

Michael Daly, City Manager
Cody Martinsen, Fire Captain
Gisele Wurzburger, City Clerk

COUNCIL MEMBERS ABSENT:
Keith Sweet, Vice-Mayor

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

Mayor Crew called for a Moment of Silence for the fire victim this weekend on Water Street.

1. CERMONIAL. Proclamation for Freedom from Workplace Bullying Week, October 18-24.
Mayor Crew read the proclamation into the record.

2. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Gonsalves, and carried by a 4 to 0 vote (Vice-Mayor Sweet absent) to approve the City Council Agenda dated September 28, 2015 as presented. Motion passed with the following vote:

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

3. PUBLIC MATTERS NOT ON THE AGENDA.
None.

4. CONSENT CALENDAR.

a. Approval of Minutes of September 14, 2015 meeting.
b. Approval of Expenditure Report for the period of September the amount of $ 57,573.82.
c. Accept July 2015 Treasurer's Report and Sales Tax Report.
d. Approve Extension of South Avenue Bridge Replacement Project Funding.

Moved by Councilmember Lewis, seconded by Councilmember Gonsalves, and carried by a 4 to 0 vote (Vice-Mayor Sweet absent) to approve the Consent Calendar dated September 28, 2015 except for: Motion passed with the following vote:

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

Councilmember Lewis abstained from the Approval of Minutes of September 14, 2015.
Mayor Crew abstained on the approval of Check 3837 in the amount of $91.50.

5. ADMINISTRATIVE REPORTS

City Planner Peter reported the Planning Commission at their September 21 meeting approved a variance to allow construction of a retaining wall for Scott & Cheryl Oneto.

Captain Martinsen reported on the Water Street fire. He explained three buildings were a complete loss and there was one confirmed fatality. The cause of the fire is still under investigation and should be completed within the next 3 weeks. He thanked Public Works, Bree Wilder for his assistance during this fire.

City Manager Daly reported on the following:

1. Submitted an amendment for the Assistance to firefighters Grants for increased number of SCBA units from 28 to 31. Working with Fire Chief Morton on the Bid process.
2. Amador County Transportation Commission's application for the Church Street/North Main Street Sidewalk Safety Project will be on the next agenda for review and consideration.
3. The Environmental Protection Agency EPA working with interim measures to protect the Argonaut Dam for the winter. They will be establishing an official weather monitoring station in the Jackson area.

6. COUNCIL REPORTS.

Councilmember Gonsalves reported the final accounting raised at the Jackson Fire Department Labor Day Fundraiser Dinner Dance was $9,700.

Mayor Crew reported on the following:

1. Attended the Amador County Historic Society Wine and Cheese Tasting Fundraiser.
2. Attended the Music Organ Rally.

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.

7. Fire Department Review of Butte Fire Response.

City Manager Daly requested the City Council accept a PowerPoint presentation from Captain Cody Martinsen regarding the City of Jackson Fire Department's activities related to the Butte Fire. The presentation can be viewed on the City's website. He thanked Captain Martinsen and the Jackson Fire Department for their activities related to the Butte Fire.

Captain Martinsen reported on September 9, 2015, at 2:25 p.m. the Butte Fire started just off Butte Mountain Road, approximately three miles east of Jackson. Due to hot, dry and windy conditions, the fire rapidly grew and quickly evolved into a major brush fire. Both the Jackson Fire Department and Jackson Police Department were called in to assist with fire extinguishing and structure protection as well as security in areas where the fire caused significant damage. Most of the damage occurred in Calaveras County, however, there was also some significant damage in the Amador County area. A fire also broke out in the Scottsville area just off of Highway 49 in city limits, however, the CalFire helicopters present in the area were able to quickly put out the fire with their water buckets. CalFire is

reporting as of Friday, September 25, that over 70,000 acres were burned and 475 homes were destroyed. The fire is over 90% contained.

Mayor Crew opened the public discussion. Buzz Martin spoke regarding the Butte Fire response. Hearing no further comments from the public, Mayor Crew closed the public discussion.

This item was informational only with no action taken.

8. Sewer Rate Update.

City Manager Daly reported the City has been working on updating sewer rates since about this time last year when the cost estimate for the wastewater treatment plant upgrades required by the National Pollutant Discharge Elimination System (NPDES) permit with the Regional Board were determined. The City went through the Proposition 218 process with a rate increase drafted by the City's rate consultant, Georgette Aronow, and approved the increase in December, 2014. The Rate Protection Alliance (RPA) then filed a petition to place the rate increase on the ballot and the City Council opted to re-examine the rate structure and withdrew its approval of the increase. The City has been working with the RPA since the Ordinance 680 was withdrawn. The provided rate structure was a cooperative effort between the City and the RPA. Bill Condrashoff has been the main contact and developed the provided 2015 Draft chart. The structure is the same concept as developed by Ms. Aronow, but with some adjustments. The residential rates are lower than originally proposed as are some of the commercial rates, however, some of the commercial rates are also more than the original proposed amounts. Another part of the discussion with the RPA is the possible use of a variable rate for residential customers based on flow amounts similar to commercial customers based on winter water usage. This will be a key policy issue for the City Council to decide.

After submitting the updated rate structure to the State Water Board staff on September 1, 2015, the City received notice on September 23, 2015, that the proposed rate structure would satisfy them for the loan required for the City's current wastewater treatment plant upgrade estimate. One of the next steps in the process is firming up the cost estimate of the upgrades required to meet the City's NPDES permit requirements. The City's wastewater engineer, West Yost Associates, is presently working on the cost estimate for the project, as well as the design capacity information based on the flows into the treatment plant (both wet weather and dry weather). As the information from West Yost is developed and a decision is made on the residential rate structure, more details about the timing and the amount of the rate increase can be finalized and the Proposition 218 process can begin. It is a 45 day process for approval. The original goal was to have this finalized in time to have the new rates effective January 1, 2016, however, this is still to be determined. More information about the rate approval process will also be presented at the City Council meeting.

Mayor Crew opened the public discussion. Bill Condrashoff spoke regarding the Rate Payers Alliance's participation in the updated Sewer Rate process. Hearing no further comments from the public, Mayor Crew closed the public discussion.

This item was informational only with no action taken.

9. Annexation, Pre-Zone, General Plan Amendment and the associated California Environmental Quality Act Negative Declaration - Jackson Rancheria Band of Miwuk Indians, French Bar Road, APNs 044-180-034, 044-180-035, and 044-180-036.

City Planner Peters reported on April 15, 2015 the Jackson Rancheria Band of Miwuk Indians submitted a letter requesting three parcels totaling approximately 367 acres along French Bar Road, APN 044-180-

034, 035 & 036 be annexed to the City of Jackson. The Rancheria recently acquired five parcels totaling approximately 516 acres previously known as the Jackson Hills Project. Two of these parcels are located in the City of Jackson; however the three listed above are in the City's Sphere of Influence but under County of Amador jurisdiction. Based on information submitted to the City by the project applicant, all parcels will be utilized for agricultural purposes. No development is proposed at this time however, the applicants have requested water service for the purpose of fire protection.

The project site is located within the City's Sphere of Influence and is General Plan Designated Urban Reserve. The Environmental Impact Report prepared for the 2008 Land Use Element of the General Plan used the Residential Suburban designation with a Planned Development Overlay for the environmental analysis. Residential Suburban allows for one dwelling unit per acre. The Planned Development Overlay would not allow for development of the properties (other than one dwelling per parcel) without Planning Commission review and approval. Additionally, the Residential Suburban designation/zoning would allow for the continued use of the properties for grazing cattle.

An application referral package with the proposed project description and recommendation for a Negative Declaration was circulated to Responsible Agencies and potentially interested parties. Also provided were comment letters received from Amador LAFCO Executive Officer, Rosanne Chamberlain, and Amador County Planning Director, Susan Grijalva. The Draft Initial Study was amended to reflect the comments received. No improvements of these parcels are proposed at this time. Should the applicant wish to develop their properties, a project level environmental review with mitigation and conditions of approval specific to the development proposed would have to be prepared.

At their August 17, 2015 meeting, the Planning Commission held a public hearing and recommended the City Council approve the annexation, pre-zone and general plan amendment of APN 044-180-034, 035 and 036 for the Jackson Rancheria Band of Miwuk Indians. There was some discussion regarding how the proposed agricultural use of these lands requires governmental/city services.
A copy of the minutes from that meeting was provided.

Should the City Council chose to approve the annexation request the following findings should be made:

1. The proposed amendment ensures and maintains internal consistency with all of the goals, policies, and actions of all elements of the General Plan and any applicable specific plan;
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. There is adequate capacity available in the community sewer and water systems to serve the potential development allowed by the amendment, and the site is physically suitable for the requested zoning designation(s) and anticipated land use development(s). Factors considered to evaluate suitability shall include access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints.

The following conditions shall be met prior to or upon recordation of the proposed annexation:

1. General Plan Amendment from Urban Reserve to Residential Suburban with a Planned Development Overlay to be consistent with the surrounding properties and to allow for continued agricultural uses;
2. Prezone and Rezone to Residential Suburban with a Planned Development Overlay; and
3. Application to Amador County Local Agency Formation Commission (LAFCO) by resolution of the City requesting annexation of approximately 367 acres within the existing Sphere of influence to the City of Jackson and detachment from the Amador Fire Protection District; various County service areas, and the Amador Resource Conservation District.

Mayor Crew opened the public discussion. The following individuals spoke regarding the Annexation, Pre-Zone, General Plan Amendment: Cecily Smith, John Plasse and Judy Jebian. Hearing no further comments from the public, Mayor Crew closed the public discussion.

Larry White, Jackson Rancheria, explained the requested water service was for the purpose of fire protection which would include one fire hydrant and a water trough for the grazing cattle in the Alpine area.

Charles Trainor, Jackson Rancheria, Attorney stated for the record: the applicant was the Jackson Rancheria Development Corporation not the Jackson Rancheria Band of Miwuk Indians.

City Attorney Nelson clarified the first recital should read Jackson Rancheria Development Corporation.

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

Moved by Councilmember Lewis, seconded by Councilmember Gonsalves, and carried by a 4 to 0 vote (Vice-Mayor Sweet absent) to approve:

1. **A Negative Declaration and instruct Staff to file a Notice of Determination;**
2. **Adopt Resolution No. 2015-26 making application to Amador County LAFCO for annexation of APN 044-180-034, 035 and 036 based on the Findings and subject to the Conditions of Approval in this report as amended.**

Motion passed with the following vote:

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

10. CLOSED SESSION

CONFERENCE WITH REAL PROPERTY NEGOTIATORS
Property: 108 Court Street, Jackson, California and 33 Broadway, Jackson, California. Agency negotiator: Michael Daly, City Manager. Negotiating parties: Ron Regan and Stan Lukowicz
Under negotiation: Price and terms of payment.

Mayor Crew reconvened to Open Session at 8:50 p.m. and announced no reportable action taken.

11. ADJOURNMENT

Adjourn 8:51 p.m.

ATTEST:

Gisele L. Wurzburger

Gisele L. Wurzburger, City Clerk

Date Approved: October 13, 2015