

Jackson City Council
Minutes
Regular Meeting of January 11, 2016

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

Michael Daly, City Manager
Joshua Nelson, City Attorney
Susan Peters, City Planner
Gisele Wurzbarger, City Clerk

COUNCIL MEMBERS ABSENT:

Keith Sweet, Mayor

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Crew, and carried by a 4 to 0 (Mayor Sweet absent) vote to approve the City Council Agenda dated January 11, 2016 as presented. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

Jim Rooney, Broadway Hotel, stated his project at 125 Broadway is almost finished and he gave a brief history of the project. He wanted to thank City Staff for all their assistance.

3. CONSENT CALENDAR.

- a. Approval of Minutes of December 14, 2015 meeting.
- b. Approval of Expenditure Report for the period of January the amount of \$479681.39.
- c. Approval of Salary related items for December in the amount of \$280,620.20.
- d. Accept October Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for December 2015.
- f. Receive Jackson Police Department Monthly Report for December 2015.
- g. Receive Building Department Monthly Report for December 2015.

Moved by Councilmember Garibaldi, seconded by Councilmember Crew, and carried by a 4 to 0 vote (Mayor Sweet absent) to approve the Consent Calendar dated January 11, 2016 as amended and except for: Motion passed with the following vote:

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

Vice-Mayor Gonsalves abstained from the approval of Minutes of December 14, 2015 meeting.

5. ADMINISTRATIVE REPORTS.

Jackson Fire Department Annual Report for 2015: The Department responded to 1465 calls last year, 1002 medical calls, 228 public assists, 105 fire related, 27 hazardous materials, 103 traffic accidents and 304 of the calls or 21 percent were outside of the city limits for automatic aid to the AFPD.

Jackson Fire Department responded to 140 calls last month, 93 medical calls, 20 public assists, 12 fire related, 4 hazardous materials, 11 traffic accidents and 21 of the calls or 15 percent were outside of the city limits for automatic aid to the AFPD.

The Police Department responded to 675 calls for service for the month of December.

City Planner Peters reported on the following will be on the Tuesday, January 19, 2016 Planning Commission meeting:

1. Housing Equivalent Unit Availability and Allocation Criteria.
2. State of the City report in compliance with the City of Jackson's Energy Action Plan.

City Attorney Nelson reported on AB 21, a measure that addresses the need to remove from statute a provision that would harm local governments by pre-empting them from enacting cultivation regulations if they do not have such regulations in effect as of March 1, 2016.

City Manager Daly reported on the following:

1. Meeting with the Girl Scout Softball league (ACGSA) next Tuesday regarding the use of Aime field.
2. Oro de Amador appraisal will be done this Thursday.
3. ACTC Pedestrian & Bicycle Set-Aside Account Funding in the amount of \$67,000 for the Church Street/North Main Street Sidewalk Safety Project was approved.

6. COUNCIL REPORTS.

Councilmember Garibaldi attended the Amador County of Tourism meeting regarding lodge assessment tax bid district.

Councilmember Lewis inquired if there had been a waste management meeting. City Manager Daly stated he would contact the Amador County Solid Waste Management to verify their next meeting date.

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. Pre-Zone for Rancheria Annexation with an Open Space Designation (Updated from Residential Low Density) and Resolutions for Annexation and General Plan Amendment.

City Manager Daly reported this item is for the second reading of Ordinance 687 to prezone the Jackson Rancheria Development Corporation properties on French Bar Road Open Space with a Planned Development Overlay.

City Planner Peters reported at the December 14, 2015, meeting, the City Council reviewed and approved the first reading of revised Ordinance 687 to prezone the Jackson Rancheria Development Corporation properties on French Bar Road Open Space with a Planned Development Overlay. As a result of the submission of the letter from the Foothill Conservancy, Council postponed the second reading of Ordinance 687 which would have pre-zoned the property to Residential Suburban with a Planned Development Overlay and instead directed staff to meet with Foothill Conservancy representatives. On Tuesday, December 8, 2015 staff, along with Councilman Garibaldi and Mayor Sweet met with Jackson Rancheria Development Corporation representative, Larry White, and Katherine Evatt and Torn Infusino with the Foothill Conservancy. The main topic of discussion was the appropriateness of the rezoning. Staff had recommended the property be prezoned Residential Suburban with a Planned Development Overlay as that was the designation reviewed in the Land Use Element Environmental Impact Report. The Foothill Conservancy asserted that because no development is planned at this time an Open Space designation would be more appropriate.

To be consistent with the revision of the prezone from Residential Suburban with a Planned Development Overlay to Open Space with a Planned Development Overlay, staff is recommending approval of new resolutions to approve the annexation request and to amend the General Plan. Resolution No. 2016-01 making a revised annexation application to LAFCO will replace Resolution No. 2015-26 and Resolution No. 2016-02 amending the General Plan will replace Resolution No. 2015-30. It is recommended that the City Council consider the provided actions for annexation of the Jackson Rancheria Development Corporation properties on French Bar Road (APNs 044-180- 034, 035 & 036). The annexation request is on the January 21, 2016 Local Agency Formation Commission agenda for consideration.

Vice-Mayor Gonsalves opened the public discussion. Cecily Smith spoke regarding Pre-Zone for Rancheria Annexation with an Open Space Designation (Updated from Residential Low Density) and Resolutions for Annexation and General Plan Amendment. Hearing no further comments from the public, Vice-Mayor Gonsalves closed the public discussion.

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

Moved by Councilmember Crew, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Mayor Sweet absent) to approve Resolution No. 2016-01 making a revised annexation application to the Local Agency Formation Commission (LAFCO). Motion passed with the following vote:

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

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Mayor Sweet absent) to approve Resolution No. 2016-02 amending the City of Jackson General Plan to designate the Jackson Rancheria Development Corporation properties Open Space with a Planned Development Overlay as amended. Motion passed with the following vote:

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

Moved by Councilmember Crew, seconded by Councilmember Lewis and carried by a 4 to 0 vote (Mayor Sweet absent) to conduct the second reading and approval of Ordinance 687 to Prezone the Jackson Rancheria Development Corporation properties on French Bar Road Open Space with a Planned Development Overlay. Motion passed with the following vote:

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

Moved by Councilmember Lewis, seconded by Councilmember Crew, and carried by a 4 to 0 vote (Mayor Sweet absent) to Approve a Negative Declaration in accordance with the California Environmental Quality Act and direct staff to file a Notice of Determination. Motion passed with the following vote:

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

7. Tax Transfer Agreement for Annexation of Property Proposed by Jackson Rancheria Development Corporation. Review and determine Council approval.

City Manager Daly reported after previous discussions and adoption of Resolution No. 2016-01 and 2016-02, the City Council has approved the annexation of Jackson Rancheria Development Corporation land in the southwestern arear of the City. The parcel numbers are 044-180-034, 044-180-035 & 044-180-036. Prior to the annexation review by LAFCO, a tax transfer agreement between the City and County must be ratified by both governing bodies. The basic model used for annexation of the 376 acres in this area was the previous agreements used by the City for annexation of property. The County's share of property tax in this tax rate area equals 33.0% of each dollar collected. The negotiated agreement for this annexation provides that the County shall retain this amount until there is development on the properties. When development occurs, the property tax will be split on a two-thirds for the County and one-third for the City amount. This is similar to other distributions currently in place.

The County also requested adoption of the development mitigation fee for County facilities similar to the City's "essential services" mitigation fee collected by the City for its own facilities. The County noted that new residents of Jackson create demands for expanded County facilities (i.e., Library, Sheriff Detention Facility, Animal Shelter, Social Services, etc.) in the same manner that they create new demands for City facilities. Facility fees are charged by other counties within city limit areas and this concept is somewhat similar to the regional traffic mitigation fee in which fees are collected both inside and outside city boundaries for projects in all areas of the County. If the resolution is approved by the City, the LAFCO

Board is expected to review the annexation requests at its next meeting, as is the Board of Supervisors at their meeting tomorrow.

Vice-Mayor Gonsalves opened the public discussion. Hearing no further from the public, Vice-Mayor Gonsalves closed the public discussion.

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

Moved by Councilmember Crew, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Mayor Sweet absent) to adopt Resolution No. 2016-03, approving the tax sharing agreement in the Jackson Rancheria Development Corporation annexation area. Motion passed with the following vote:

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

8. ACES Request for an Increase for 2014 and 2015.

City Manager Daly reported ACES was awarded the City's solid waste collection franchise in 1998. They began providing solid waste collection and recycling services to residents and businesses in July, 1998. The franchise agreement was renewed in 2014 and contains specific language regarding rate increases. These provisions are intended to provide for a fair rate for the provider, while complying with the requirements of Proposition 218. For the past few months, staff has met with ACES to review their proposed rate increase(s) and the attached letter is a summary of those discussions. The rate requested covers a two year period to cover their disposal costs and a cost of living increase as allowed by the franchise agreement. The City of Jackson utilizes these factors rather than the Refuse Rate Index (RRI) formula used by the other agencies in the County. This was done during the franchise renewal to simplify the process and eliminate the RRI for a cost of living formula amount. As noted, the proposed increase covers a twenty-four month period, and this is due to the new agreement and provisions included within that had to be met and conferred to calculate the correct rates increase. .

The provided letter from Paul Molinelli, Sr. details the calculations going into the 8.87%. Based on the calculations submitted with the request, this increase appears to be correct. An 8.87% rate increase raises the cost of typical residential account (one 96 gallon cart) from \$18.01 per month to \$19.61 per month. A 10% senior discount remains available.

Paul Molinelli Sr. ACES Waste Services was present to answer questions. He stated he would provide a better explanation of the 8.87% rate increase.

Vice-Mayor Gonsalves opened the public discussion. Hearing no further comments from the public, Vice-Mayor Gonsalves closed the public discussion.

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

Moved by Councilmember Crew, seconded by Councilmember Lewis, and carried by a 4 to 0 vote (Mayor Sweet absent) to authorize City staff to send a Proposition 218 protest notice to the appropriate parties and set a protest hearing date of March 14, 2016 for an 8.87% increase in residential and commercial rates. Motion passed with the following vote:

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

9. CLOSED SESSION

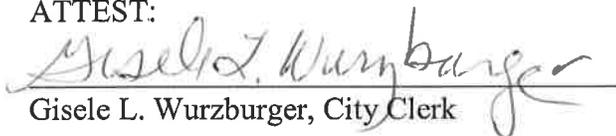
- a. Conference with Real Property Negotiator. (Pursuant to Government Code Section 54956.8). Parking Lot across from 240 N. Main Street, Jackson, APNs 020-191-004 and 020-191-005, Chaquica and Rodgers Family Trusts. Agency Negotiator: Michael Daly, City Manager.
- b. CONFERENCE WITH LABOR NEGOTIATOR. Agency Representative, Michael Daly, City Manager. Employee Organization: General Employee Unit, SEIU Local 1021 (Pursuant to Government Code Section 54957.6).

10. ADJOURNMENT

Councilmember Crew reconvened to Open Session at 7:55 p.m. and announced no reportable action taken.

Adjourn 7:56 p.m.

ATTEST:


Gisele L. Wurzbarger, City Clerk

Date Approved: January 25, 2016