

Jackson City Council
Minutes
Regular Meeting of January 12, 2009

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

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

COUNCIL MEMBERS ABSENT:

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

1. CEREMONIAL.

- a. Proclamation Honoring Former District 1 Supervisor Rich Escamilla. Mayor Gonsalves presented the proclamation honoring former District 1 Supervisor Rich Escamilla.
- b. Presentation of Certificates of Commendation for Police Officer Mike Collins and Detective Chris Mynderup. Police Chief Morrison presented Police Officer Mike Collins and Detective Chris Mynderup with a Certificates of Commendation.
- c. Police Officer Chris Rice, POA President, presented Detective Chris Mynderup with the Officer of the Year Distinguish Award.

2. APPROVAL OF AGENDA.

Mayor Gonsalves stated the Proposed Sphere of Influence Update has been tabled to the January 26, 2009 City Council meeting.

Moved by Vice-Mayor Garibaldi, seconded by Councilmember Lewis, and unanimously carried to approve the City Council Agenda dated January 12, 2009 as presented.

3. PUBLIC MATTERS NOT ON THE AGENDA.

Bill Vukovich, Jackson, requested the City Council consider changing Rex Avenue from a one-way street back to a two-way street. Staff was directed to research Vukovich's request and determine the feasibility of this request.

Jack Georgette, Jackson, concurred with Mr. Vukovich's request.

4. CONSENT CALENDAR.

- a. Approval of Minutes of November 5, 2008 and December 8, 2008 meetings.
- b. Approval of Expenditure Report for January in the amount of \$347,815.90.
- c. Approval of Salary related items for December the amount of \$309,208.55.
- d. Accept November 2008 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for December 2008.
- f. Receive Jackson Fire Department Monthly Report for December 2008.
- g. Receive Building Department Monthly Reports for December 2008.
- h. Approval of Resolution to Appointment of City Clerk/Treasurer.
- i. Adopt Resolution for Notice of Completion, Church Street Water Line Replacement Project.

Moved by Councilmember Sweet, seconded by Councilmember Lewis, and unanimously carried to approve as presented.

- 1. Councilmember Crew abstaining on the approval of Check 230358 in the amount of \$1028.82 for Jackson Tire Service, Inc.**
- 2. Councilmember Crew abstaining on the approval of Check 230447 in the amount of \$1352.23 for Jackson Tire Service, Inc.**

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported the Jackson Fire Department responded to 89 calls last month, 60 medical calls, 12 public assists, 7 fire related, 0 hazardous materials, 10 traffic accidents and 21 percent of the calls were outside of the city limits for automatic aid to the AFD. The total calls year to date for 2008 was 932 calls. Received a check in the amount of \$17,000 from the State for the Chico - Humboldt fire.

City Planner Peters reported on the following items:

1. The Planning Commission at their Tuesday, January 20 meeting would hold a workshop for the Implementation of the Resource Constraints and Priority Allocation Policy.
2. Staff has been working on the application fee review.
3. The Housing Element Committee will be meeting in the near future.
4. Staff would be meeting with City Manager Daly in January to perform a State of the City Report.

City Attorney Morrison report he was assisting the City with the new Fire Engine contract.

City Manager Daly reported on the following items:

1. The HJBA meeting is scheduled for Wednesday, January 14.
2. AFPA meeting will be held Friday, January 16 to discuss organizational issues for hiring full-time firefighters with of the Measure M.
3. The Indian Gaming Special Distribution Fund meeting is scheduled for Wednesday, January 21, at 2:00 p.m. and will be held at the Jackson Rancheria Hotel Conference Center.
4. Reviewing the City's finances for this fiscal year and will be presenting the ramification to the City Council in February.
5. Anticipating President-Elect Obama's proposed Federal Economic Stimulus Plan.

Police Chief Morrison reported for the month of December there were 430 calls for service. The department is investigating a major burglary in Jackson with 5 suspects being identified and warrants to be issued.

6. COUNCIL REPORTS.

Councilmember Garibaldi reported he attended the Jackson Revitalization Committee meeting Thursday, January 8 with reports made by all but one subcommittee.

Councilmember Sweet reported on the following items:

1. Attended the ACTC Regional Mitigation Oversight Commission meeting and identified the projects and monies set aside for each project.
2. Attended the Prospect Rally on Saturday, January 10 and there was over 1,000 individuals in attendance. Media coverage was extensive, represented by local newspaper, television and radio, as well as all four major television networks.

Councilmember Crew reported the December meeting for the Air Quality Control Board was cancelled.

Mayor Gonsalves reported she met with City Manager Daly and Police Chief Morrison to discuss the neighborhood watch program. Schedules and events will be presented in the near future.

DISCUSSION CALENDAR

7. Resolution Supporting the Continued Operation of Prospect Motors.

City Manager Daly stated in mid-December, the automotive dealerships owned by the Halvorson family closed their doors for business following notice from GMAC requiring the shut-down. The support of this resolution would help to formalize the community's support to convince GM and GMAC to work with the Halvorson family to re-start this economic engine for Amador County and urges our state and federal elected officials to ensure that the financial bailouts intended to help the national economy will also benefit our local businesses and communities. The Jackson Revitalization Committee at their January 8 meeting unanimously authorized Chairman Hoffman to send a letter to General Motors and GMAC urging them to reevaluate their decision for the benefit of their companies as well as our community.

Alfred Nunes, Jackson, thanked the City Council for endorsing the continued operation of Prospect Motors, Amador Toyota and Amador Motors.

Moved by Vice-Mayor Garibaldi, seconded by Councilmember Crew, and unanimously carried to adopt Resolution 2009-03 Supporting the Continued Operation of Prospect Motors, Amador Toyota and Amador Motors.

8. Audit Reports for FY 2007/08.

City Manager Daly reported Ms. Marilee Smith of Smith and Newell, City Auditor, was present and reviewed the City's audit procedures, the Annual Financial Report, Public Financing Authority Annual, Financial Report and the Management Report for the Year Ended June 30, 2008. She praised City finance staff for extra work to produce the report, and keeping the unqualified opinion which is the highest level of assurance. The "Independent Auditor's Report" cover page and Management's Discussion and Analysis section from the Annual Financial Report were provided.

City Manager Daly thanked Marilee Smith for all of their services. He also commended Carla Soracco, Sherry Lane and Dalacie Blankenship as they were very instrumental in working with Smith and Newell during the audit and on an ongoing basis making sure the City's financial management continues to be handled properly.

Mayor Gonsalves opened the public discussion. The following individuals spoke regarding the Audit Reports for FY 2007/08: Bill Condrashoff and Jacks Georgette. Hearing no further discussion Mayor Gonsalves closed the public discussion.

Moved by Vice-Mayor Garibaldi, seconded by Councilmember Crew, and unanimously carried to accept the Fiscal Year 2007-2008 Audit Reports.

9. Public Hearing – Water and Wastewater Rate Increase.

City Manager Daly reported the City Council at their November 10, 2008 meeting set the public hearing date for Monday, January 12, 2009 at 7:00 p.m. for the proposed water/sewer rate increase as recommended by the Water/Sewer Rate Committee. At that meeting staff was directed to mail out the

public notice to all customers receiving service, as well as parcel owners who are not billed for services received by their tenants. A total of seven protests were received as of Friday, January 9, 2009.

Mayor Gonsalves opened public hearing. The following individuals spoke regarding the water and sewer rate increase: Bill Condrashoff, Dave McDaniel and Shirley Dajnowski representing Rollingwood. Hearing no further discussion Mayor Gonsalves closed the public discussion.

After considerable discussion among City Council and staff the following motions were made:

Moved by Councilmember Sweet, seconded by Vice-Mayor Garibaldi, and carried by a 4 to 1 vote (Councilmember Lewis dissenting) to adopt Resolution 2009-04 Setting Treated Water Rates Effective February 1, 2009.

Moved by Councilmember Sweet, seconded by Vice-Mayor Garibaldi, and carried by a 4 to 1 vote (Councilmember Lewis dissenting) to adopt to adopt Resolution 2009-05 Setting Sanitary Sewer Service Charges Effective February 1, 2009.

10. ACRA Request for Sign Exception.

City Planner Peters reported ACRA request for sign exception has been brought to the City Council as opposed to the Planning Commission at the request of the applicant. The applicant is requesting to install a new 128 square foot free standing sign to the existing box structure located adjacent to the newly remodeled State Farm Insurance building at 15 Highway 49/88. The sign is intended to be used as an informational kiosk for the Amador County Recreation Agency and will be modified seasonally. While exceptions are typically subject to the California Environmental Quality Act (CEQA), projects which have no possibility of causing an environmental impact can be categorically exempted from CEQA review in accordance with Section 15061(b)(3) of CEQA.

This is an unusual sign request since most signs are either for commercial purposes or placed by the City. Section 17.60.155.A. of the Sign Ordinance allows for events signs placed by the City. The ordinance does not appear to apply to the proposed kiosk sign since it includes commercial business logos and not a city placed sign. Additionally, the proposed sign includes a moving component which is expressly not allowed by Section 17.60.165.B. of the Sign Ordinance.

Additionally, the City Council has been requested to consider waving the \$200 sign exception fee by the applicant. The sign exception fee covers public notices and staff time required to prepare the item for consideration. Other costs included the time billed by the City Planner for preparation of this report and attendance at the City Council meeting.

Tracey Towner-Yep, ACRA Director, was present to answer questions of the City Council.

Mayor Gonsalves opened the public hearing.

Dave McDaniel, Caltrans, stated this type of signage might require a special Caltrans permit for outdoor advertising and suggested the applicant or the Planning Department contact Caltrans to obtain the requirements before approving this variance.

Hearing no further discussion Mayor Gonsalves closed the public discussion.

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

Moved by Councilmember Lewis, seconded by Vice-Mayor Garibaldi, and carried to 4 to 1 (Councilmember Sweet dissenting) to adopt Resolution 2009-06 Approving Sign Exception 2009-01 for the Amador County Recreation Agency and based on following actions as amended:

- 1. Instruct Staff to file a Categorical Exemption from CEQA; and,**
- 2. Finding: The proposed exception is consistent with the purpose and intent of Sign Ordinance as set forth in Section 17.60.010 and the resulting sign will be superior to the sign which would otherwise be allowed by this Chapter in its design, construction, and placement; and**
- 3. Condition of Approval: The applicant shall obtain any necessary permits required by California Department of Transportation. This condition shall be implemented to the satisfaction of the Planning Department.**

Mayor Gonsalves called for a recess at 8:56 p.m. Mayor Gonsalves reconvened the meeting at 9:02 p.m.

11. Resource Allocation Plan – Requests for Extension of Previously Allocated Housing Equivalent Units.

City Planner Peters reported the Resource Constraints and Priority Allocation Ordinance requires that projects which have received an HEU allocation submit an application to the Planning Department by the end of the year within which the allocation was received and further requires the project to receive necessary entitlements within the following year. There are three projects which have not utilized their HEU allocation that are requesting an extension to these requirements:

1. Shealor Trust Property located on Jackson Gate Road received 26 HEUs in 2005.
2. Reynen & Bardis received 20 HEUs in 2007 for the property located on the north side of French Bar Road.
3. St. Patrick's Church received 86 HEUs in 2007 for the St. Patrick Green project located on the east side of New York Ranch Road.

Mayor Gonsalves opened the public discussion. The following individuals spoke regarding the Resource Allocation Plan – Requests for Extension of Previously Allocated Housing Equivalent Units: Judy Jebian, Letitia Sexton, Joani Bailey and Alfred Nunes. Hearing no further discussion Mayor Gonsalves closed the public discussion.

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

Moved by Councilmember Sweet, seconded by Councilmember Lewis, and unanimously carried to adopt Resolution 2009-07 Approving a One Year Extension of the Housing Equivalent Unit Allocations for the Shealor Trust, Fuller Family Partnership, and St. Patrick Church.

12. Development Code Design Guideline Policies.

City Planner Peters reported with the approval of the City's General Plan Land Use Element in November 2008, the City Council also adopted the Land Use, Circulation, and Zoning Project Environmental Impact Report Mitigation Monitoring Program (MMP). To ensure zoning consistency with the Land Use Element, the MMP requires that the Development Code be adopted within nine months of adoption of the Land Use Element which would be August 2009 at the latest.

The Planning Commission at their December 15 meeting discussed the architectural/design review and made the following recommendations:

1. Design review should be established to control the architecture of all residential (including single family) and commercial uses citywide.
2. The Development Code should contain mandatory standards which can be legally enforced.
3. An architectural review committee should be created with members with relevant professional qualifications on historic matters.
4. A committee should be established to review the Design Standards in Chapter 17.24 of the Development Code and to provide details for implementation of the above policies.

Mayor Gonsalves opened the public discussion. The following individuals spoke regarding the Development Code Design Guideline Policies: Judy Jebian and Dave McDaniel. Hearing no further discussion Mayor Gonsalves closed the public discussion.

After considerable discussion among the City Council and staff, the City Council determined they were not prepared to discuss a mandatory architectural/design policy because of insufficient information. Staff was directed to bring this item back to the Planning Commission for further discussion and it was suggested a Special Workshop be scheduled for February 2 at 6:00 p.m.

13. Extension of Covered Parking Meter Program on Main Street.

City Manager Daly reported on recommendation from last year's Economic Development Committee, the City Council approved a pilot program to cover the 52 parking meters on Main Street from Memorial Day to Labor Day. The overall comment from the merchants and the public has been positive and the City Council approved the Committee's recommendation for the program to continue through the Christmas holidays (until January 7, 2009).

In order to offset some of the revenue loss from the parking meters and meter violation fines, the City Council approved increasing the overtime parking fine from \$11 to \$25, effective October 15, 2008. Revenue information comparing the July through December period in 2007 and 2008 was provided. At this point, the six month revenue loss is \$14,783.15. Since the new fine amount began late into this period, the Jackson Revitalization Committee has recommended extending the evaluation period until more information is available regarding the combined impact of covered meters and higher parking fines. It is expected that a recommendation will be brought forth to the City Council at the March 23, 2009, meeting.

Moved by Vice-Mayor Garibaldi, seconded by Councilmember Crew, and unanimously carried to approve the extension to March 30, 2009 of the covered parking meter program on Main Street pending further review by the Jackson Revitalization Committee.

14. Request from Councilmember Sweet to Establish Neighborhood Meeting Schedule.

Councilmember Sweet stated his request was to establish neighborhood meeting, which he plans on beginning this process in February through November 2009. A copy of the email correspondence with the City Attorney and City Manager regarding legal issues was provided.

Councilmember Lewis requested this item be continued until further information can be provided. She also wanted to review the previous procedures for the "Virtual Town Meeting" program. She felt the public should receive better notification than what could be provided on the City's water/sewer bills and felt advertising on the ACES billing was not appropriate.

City Attorney Morrison stated these meetings do not have to be noticed as long as no City items will be discussed. If an agenda were to be prepared, the discussion would have to adhere to items listed on the agenda.

Councilmember Sweet did not object to Councilmember Lewis's comments. However, if the City Council does not object to his proposal he intends to hold the first meeting February 18 at the Argonaut Heights Fire Station and he would pay for advertising if necessary. A copy of the tentative meeting dates and locations was provided.

15. Cemetery Committee Appointment.

City Manager Daly reported Cemetery Committee member Stacey Hedrick has submitted her resignation from the committee due to conflicts with her work schedule. The two year term of the vacant seat expires on June 30, 2009. Other members on the committee include Warren Carleton, Walt Hooser, Margot McIntire and Al Nunes. The City has received an application from Tricia Allen to serve on this committee. Ms. Allen also works closely with the St. Patrick Parish on the operation of the adjacent Catholic cemetery.

Moved by Councilmember Crew, seconded by Councilmember Lewis, and unanimously carried appoint Tricia Allen for the Cemetery Committee seat vacated by Stacey Hedrick.

16. City Council Committee Assignments.

City Manager Daly reported each year the Mayor reviews appointments and makes assignments to the numerous committees and liaison roles required of City Council members. The City Council was provided a copy the roster of all assignments detailing the current appointed members and meeting times of the various committees and organizations. After considerable discussion the Council Committee assignments were made and read into the record.

CLOSED SESSION

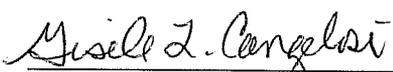
- 17. Conference with Real Property Negotiator.** Property: Mission Boulevard right-of way, APNs 020-400-047 & 020-400-048. Agency negotiator: Michael Daly. Negotiating Parties: Sutter Amador Hospital (portion of 020-400-047) and Western American Diocese of the Serbian Orthodox Church and St. Sava Mission Foundation, Inc. (portion of 020-400-048). Under negotiation: Terms.

Vice-Mayor Garibaldi reconvened to Open Session at 10:55 p.m. and announced there was no reportable action taken.

18. ADJOURNMENT

Adjourn 10:56 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: January 26, 2009