

Jackson City Council
Minutes
Regular Meeting of April 27, 2015

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

Michael Daly, City Manager
Joshua Nelson, City Attorney
Mark Morton, Fire Chief
Gisele Wurzburger, City Clerk

COUNCIL MEMBERS ABSENT:

Connie Gonsalves

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

1. CEREMONIAL.

a. Proclamation Honoring Dahkota Brown. Mayor Crew presented the Proclamation honoring Dahkota Brown for his academic achievements, spirit of volunteerism and other activities aimed at making Jackson a better place to live for all.

b. Introduction of New Employees: Jason Fishback, Joseph Thomas and Todd Sweet. City Manager Daly introduced new employees from Public Works, Jason Fishback and Joseph Thomas, for Water Resources Todd Sweet and Intern Patrick Cannon. City Clerk Wurzburger swore in Jason Fishback, Joseph Thomas and Todd Sweet.

2. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Vice-Mayor Sweet and carried by a 4 to 0 vote (Councilmember Sweet absent) to approve the City Council Agenda dated April 27, 2015 as presented. Motion passed with the following vote:

AYES: Crew, Garibaldi, Lewis, Sweet

NOES: None

ABSENT: Gonsalves

ABSTAIN: None

3. PUBLIC MATTERS NOT ON THE AGENDA.

Lucy Hackett, President, JBCA, was present to provide an update of JBCA projects:

1. Main Street speaker sound system upgrade and repair has been completed.
2. Working with the Jackson Rotary Club on the new Jackson gateway signage.
3. Motherlode Cruise Car Show Shine, Wine & Dine will be held Saturday, May 16, 10:00 a.m. to 3 p.m. Wine Tasting, Art & Craft Show, live music and dining discounts.

4. CONSENT CALENDAR.

- a. Approval of Minutes of April 13, 2015.
- b. Approval of Expenditure Report for the period of April the amount of \$156,818.57.
- c. Accept March 2015 Treasurer's Report and Sales Tax Report.
- d. Approval of Special Event – Jackson Lions Club Fireworks Show Friday, July 3, 2015.

Moved by Vice-Mayor Sweet, seconded by Councilmember Lewis, and carried by a 4 to 0 vote (Councilmember Gonsalves absent) to approve the Consent Calendar dated April 27, 2015 except for. Motion passed with the following vote:

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

Mayor Crew abstained on the approval of Check 3163 in the amount of \$3,175.54.

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported the Department will be rescheduling the May 2 – 3 fire training burn at 204 Court Street until a future date this fall.

City Manager Daly reported on the following:

1. Water conservation issue still pending more direction from the State. The City of Jackson's Water Conservation Ordinance will be presented at the May 11 meeting.
2. Amador Water Agency proposed rate hike is pending due to the San Juan Capistrano court decision regarding the constitutionality of tiered rates in violation structures. Water rates increase is continued to a future date.
3. Ratepayer Protection Alliance continues to assess the water usage information provided and hopefully water use related sewer fees will be provided in the near future.
4. Clean It & Green 12th anniversary was held Saturday, April 18
5. Public Works Maintenance Worker III, Ron Duclos is retiring April 30.
6. Starting Friday, May 1, Free Parking in Jackson. Public Works will be removing parking bags and meters this week.

6. COUNCIL REPORTS.

Councilmember Garibaldi reported Amador County Recreation Agency is in the process of a Master Plan update regarding the participation fees.

Vice-Mayor Sweet reported he attended the Clean It and Green It Saturday, April 18.

Mayor Crew reported on the following:

1. Attended the Clean It and Green It Saturday, April 18.
2. Attended the Air Quality Control Board meeting.

DISCUSSION CALENDAR

7. Ratification of Settlement Agreement with Mark Johnson.

City Manager Daly reported this item was continued from the April 13 City Council meeting because the motion to approve the payment of \$8,000 from the "Sewer Fund" to satisfy the settlement agreement in Mark Johnson v. City of Jackson did not pass due to the vote 2 to 2. The City proposed increasing sewer rates and approved an increase in December, 2014. Shortly thereafter, the City was challenged with a referendum and a lawsuit, alleging that the Ordinance that adopted the rate increase was based on flawed information and could be challenged in court. On March 9, 2015, the City Council rescinded the Ordinance, thus resolving the issues related to the proposed rate increase and the subject of the lawsuit. Approving final payment of the settlement amount allows the City to move forward with the rate discussions currently underway to meet the wastewater requirements currently imposed on the City by the Regional Water Quality Control Board. A new rate increase is being drafted in cooperation with the Ratepayers Protection Alliance to generate funding needed to meet the deadlines imposed in the City's NPDES permit. In addition, a request for qualifications is being issued for a new wastewater

engineer to complete the design work required by the NPDES permit. The design must be completed by November, 2015, a tight time frame given the amount of work that will need to be completed.

City Attorney Nelson reported in this type of case, the law generally requires the defendant in a lawsuit to pay attorney fees and costs if the plaintiff prevails or a settlement of the lawsuit is reached. In this matter, the City was required to pay \$8,000 in such costs to the Plaintiff's counsel to satisfy the settlement demand. The plaintiff was paid following completion of the agreement under the terms approved by the Council on March 23, 2015. The other option to paying the settlement from the Sewer Fund would be to pay the settlement from the General Fund.

Mayor Crew opened the public discussion. Jack Georgette inquired about the number of hours billed by the Attorney associated with the Ratification of Settlement Agreement with Mark Johnson. Hearing no 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 Vice-Mayor Sweet, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Councilmember Gonsalves absent) to pass a motion approving the payment of \$8,000 from the Sewer Fund to satisfy the settlement agreement in Mark Johnson v. City of Jackson. Motion passed with the following vote:

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

8. Resolution Adopting the Amador County Local Hazard Mitigation Plan.

City Manager Daly reported the City of Jackson participates with all other government jurisdictions in Amador County in the Local Hazard Mitigation Plan (LHMP) for development of plans to reduce the likelihood of major damage from disaster incidents. The plan is being updated by the County Office of Emergency Services, led by Sgt. John Silva. An approved update to the LHMP is necessary to maintain eligibility for mitigation funding from the Federal Emergency Management Agency (FEMA). The development of this plan involved multi-agency coordination and public meetings. Receiving no additional comments on the draft plan, it was successfully submitted to the California Governor's Office of Emergency Services and FEMA for review pending formal adoption. As requested by Sgt. Silva, this plan is now on the agenda for final adoption by the City Council. A copy of the City's annex was provided. The entire plan is available in City Hall for review.

Mayor Crew opened the public discussion. Hearing no 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 Lewis, seconded by Vice-Mayor Sweet, and carried by a 4 to 0 vote (Councilmember Gonsalves absent) to adopt Resolution No. 2015-10, approving the Local Hazard Mitigation Plan prepared for all agencies in Amador County. Motion passed with the following vote:

AYES: Crew, Garibaldi, Lewis, Sweet
NOES: None

ABSENT: Gonsalves
ABSTAIN: None

9. Resolution Identifying Terms and Conditions for Firefighter Response to Emergency Incidents Outside City Limits when City is Compensated.

City Manager Daly reported the City of Jackson is part of the statewide mutual aid agreement with the State Office of Emergency Services ("OES") and other entities. From time to time, the OES coordinator may request assistance from the City and other mutual aid participants to respond to a major incident that has occurred in the state, such as a large brush fire. As needed, the City will provide fire engines, water tenders, other equipment, and firefighters. This is referred to as "strike team duty" for those firefighters who are sent by the City to respond to the incident. OES has requested that the City adopt the provided resolution to describe how full-time and volunteer firefighters are compensated and how all the funds provided to the City for assistance are utilized. It will not change the method or the amount of funding, but is being requested to formalize this procedure. The City will generally use whomever is available among its firefighters for strike team duty. There is no limit on how long the strike team duty lasts, and those on strike team duty may be deployed for one week or longer. In compensating for these services, OES provides the City with a lump sum payment for the strike team duty, generally calculated as an hourly rate for each individual deployed. The City, in turn, passes on a portion of the strike team duty pay to volunteers, retaining a portion to cover administrative costs associated with the response effort.

Fire Chief Morton was present to answer questions of the City Council regarding the statewide mutual aid agreement with the State Office of Emergency Services.

Mayor Crew opened the public discussion. Hearing no 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 Sweet, and carried by a 4 to 0 vote (Councilmember Gonsalves absent) to adopt Resolution No. 2015-09, stating that firefighter employees (full-time and volunteer) are entitled to receive compensation consistent with the amount the City receives from outside agencies for the service. Motion passed with the following vote:

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

10. ADJOURNMENT

Adjourn 7:39 p.m.

ATTEST:

Gisele L. Wurzbarger, City Clerk

Date Approved: May 11, 2015