

Jackson City Council  
Minutes  
Regular Meeting of November 28, 2016

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

Michael Daly, City Manager  
Joshua Nelson, City Attorney  
Scott Morrison, Police Chief  
Cody Martinsen, Acting Fire Chief  
Gisele Wurzbarger, City Clerk

**COUNCIL MEMBERS ABSENT:**  
Patrick Crew

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

**1. CEREMONIAL.**

- a. Introduction of New Volunteer Fire Captain, Zack Waklee, and Volunteer Fire Engineers Austin Adrian, Francis DiGirolamo and Robert Land. Acting Fire Chief Martinsen introduced Volunteer Fire Captain, Zack Waklee, and Volunteer Fire Engineers Austin Adrian, Francis DiGirolamo and Robert Land. The new volunteers were pinned by their family member.
- b. Introduction of New Police Officer, Matthew Ripley. This item was continued to the next meeting.

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and carried by a 4 to 0 vote (Councilmember Crew absent) to approve the City Council Agenda dated November 28, 2016 as presented. Motion passed with the following vote:**

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

**3. PUBLIC MATTERS NOT ON THE AGENDA.**

None.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of November 14, 2016 meeting.
- b. Approval of Expenditure Report for the period of October the amount of \$60,373.32.
- c. Resolutions Approving Lot Line Adjustment and Parcel Map for APN 020-311-019, 020-311-020, 020-311-021 and 020-331-002, Stark and Drawbert.

**Moved by Vice-Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Councilmember Crew absent) to approve the Consent Calendar dated November 28, 2016 as presented: Motion passed with the following vote:**

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

## **5. ADMINISTRATIVE REPORTS.**

Police Chief Morrison reported on the following:

1. Burglary issues have slowed down and the department will continue to monitor this matter.
2. Christmas Delights on November 25 & 26 went well.

Acting Fire Chief Martinsen reported Santa Patrol will start December 15 thru Dec 18 and Santa will be accepting canned food donation for the Interfaith Food Bank.

City Attorney Nelson stated he did want to address one item that was brought up during public comment at the last meeting. As I understand it, Bill Condrashoff, Ken Berry, Casey Emerson and Debbie Dunn, had questions about two letters from the Regional Water Board. For those that were not at the meeting, these letters relate to allegations from the Board about the City's sewer system management plan and City sewer spill reporting. Because these letters involve potential litigation, the City is unable to provide detailed information or responses at this time. However, he stated the following:

1. The City takes its obligation to operate a safe and legally compliant sewer system very seriously. The City has reviewed the allegations and does not agree with the Regional Board. The City has factual and legal defenses to these allegations that it will assert if necessary.
2. For the process going forward, the City is currently engaged in confidential settlement discussions with the Board about this issue. Assuming these discussions are fruitful, the City will provide a full overview to the public at that time. If these discussions do not result in a settlement, the City will provide an update to the public as soon as possible.

City Manager Daly reported on the following:

1. Wastewater Treatment Plant Improvement's Project bid opening due December 9.
2. Christmas Delights was held on November 25 & 26, 2016.
3. Proposition 64 Marijuana Legalization passed and he will be attending two webinars this week.

## **6. COUNCIL REPORTS.**

Councilmember Garibaldi attended the Amador County Recreation Agency meeting.

Vice-Mayor Gonsalves attended Christmas Delights on November 25 & 26.

Mayor Sweet reported on the following:

1. Attended Christmas Delights on November 25 & 26.
2. Attended Eagle Scout ceremony on Saturday, November 26.

## **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. Amended Fire Memorandum of Understanding.**

City Manager Daly reported the full-time employment of Jackson Professional Firefighters Association

began following the passage of Measure M by voters in 2008. The additional revenue to Jackson allowed for the hiring of five full time employees, including a Chief. This will increase to six employees with the hiring of a new Fire Engineer around the first of the year. The amount of revenue projected from the half cent sales tax in fiscal year 2016-17 is \$575,000. The work schedule of these employees (except the Chief who works a traditional 40 hour week) has been a 72/96 schedule. This requires the employees to work three shifts/days per week and be off for four days. As noted in the provided memorandum from the association, the proposed schedule is two days on with four days off. It is more of a traditional firefighter schedule and changes the days of the week worked by each Fire Engineer and the Fire Captain. The major factor for the City is the budgeted amount needed for this program. It is actually the same amount with slightly less coverage that previously provided. The new schedule provides for two shifts every six days, while the current schedule calls for three shifts every seven days. If approved, the proposal is to make this change effective January 21, 2017.

Acting Fire Chief Martinsen was present to answer questions of the City Council.

Vice-Mayor Gonsalves stated she worked closely with the department on this matter and supports this amendment.

Mayor Sweet opened the public discussion. Hearing no further comment from the public, Mayor Sweet closed the public discussion.

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

**Moved by Vice-Mayor Gonsalves, seconded by Councilmember Lewis, and carried by a 4 to 0 vote (Councilmember Crew absent) to approve the amended Fire Memorandum of Understanding with the City of Jackson to reflect the change in the scheduling for the Fire Captain and Fire Engineers effective January 21, 2017. Motion passed with the following vote:**

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

#### **8. SEIU Agreement.**

City Manager Daly reported the City has met and conferred with representatives of SEIU Local 1021 as required since March. A tentative agreement for the three year period of July 1, 2016 through June 30, 2019 has been reached, except for the Article 32.1 CA State Minimum Wage Law amount of compensation, and is reflected in the provided document. The one area of disagreement is the amount of money that would be granted association members as an allowance for salary increases. They are proposing that each member receive an additional \$.50 per month for the first two years, then \$1.00 per hour the final year. The language for the section reads as follows:

32.1 Both parties agree to the implementation of the \$15 CA State Minimum Wage Law and agree that an employee's salary shall be increased based on the dates and amounts listed below.

- |                                         |                 |
|-----------------------------------------|-----------------|
| 1. January 1, 2017 to December 31, 2017 | \$ .50 per hour |
| 2. January 1, 2018 to December 31, 2018 | \$ .50 per hour |
| 3. January 1, 2019 to December 31, 2019 | \$1.00 per hour |

When this item was first discussed, the first two years were proposed to be \$1.00 per hour, then they were lowered to \$.50 per hour. Somewhere in this discussion the SEIU group felt as though an agreement was reached, however, this was not the case as far as the City was concerned. The funding was to be provided only if the employee did not reach the minimum wage amount at the time. January 1, 2017 the rate increases to \$10.50 per hour, however, this increase does not affect any employee in this group. So, the SEIU association maintains that the City should stay with its commitment to pay \$.50 per hour for the first two years of the agreement then \$1.00 per hour the third year, effective January 1, while the City felt when this section was negotiated it only impacted employees making less than the minimum wage.

Councilmember Garibaldi conveyed he sat in on this meeting and the SEIU group was very clear it was their understanding it was for all employees. He did not believe there were any employees under the CA State Minimum Wage Law amount. He stated it was apparent to him that the SEIU group proposed Article 32.1 as a wage increase request for all employees and this should be renegotiated.

Mayor Sweet reported the City does have employees under \$15. He explained SEIU group's rationale with regards to the differential on current employee's salary. He also stated the City is out of compliance proposed Article 26.4 On-Call Status which includes Public Works and Collections departments.

City Manager Daly stated the Council could adopt the rest of Memorandum of Understanding between the City of Jackson and SEIU Local 1021 and keep Article 32.1 open for discussion.

Mayor Sweet inquired the fiscal impact of Article 32.1 CA State Minimum Wage Law. He stated the wording states all employees would get this increase.

**Moved by Councilmember Garibaldi, seconded by Mayor Sweet, and carried by a 4 to 0 vote (Councilmember Crew absent) to approve the Memorandum of Understanding Between the City of Jackson and SEIU Local 1021 except Article 32.1 CA State Minimum Wage Law which needs to be renegotiated: Motion passed with the following vote:**

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

#### **9. Award of Bid – Cattle Pasture Agreement.**

City Manager Daly reported the City has leased this property known as the Oro De Amador area, since shortly after acquiring the land in 2008. The total amount received on an annual basis was \$2,307. The person who leased the property was also responsible for making any repairs to the fencing as required. A total of five bids were received. Based on the total amount of the bid, it is recommended that the bid be awarded to Jack Morgan of Morgan Livestock, for the amount of \$4,440.87.

Approved  
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Mayor Sweet opened the public discussion. Hearing no further comment from the public, Mayor Sweet closed the public discussion.

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

**Moved by Vice-Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Councilmember Crew absent) to approve the award of bid for use of the Oro De Amador area to Jack Morgan of Morgan Livestock, for an initial period of one year, starting on January 1, 2017, for \$4,440.87: Motion passed with the following vote:**

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

**10. ACES Rate Increase Request for 2017, 2018 and 2019.**

City Manager Daly reported ACES was awarded the City's solid waste collection franchise in 1998. The franchise agreement contains specific language regarding rate increases.

Paul Molinelli, Sr. and Paul Tibma, ACES, provided the following information. The franchise agreement with ACES was renewed in 2014 and now runs through 2024 (with a possible extension to 2034). The total of the three year increase is 8.0% per year (24.0% total increase), starting with the first year. The provided letter from Paul Molinelli, Sr. details the basis for the current rate increase request. The rates for the second and third year of the agreement do not include the CPI and Disposal adjustments so those amounts could be added in the future. Also provided for information are the rate charts for the cities of Ione and Sutter Creek. They are the current rates and no schedules have been set for any increases. As shown on the provided charts, the City of Jackson is currently lower than both cities, but would be more than the City of Ione with the 2017 increase. The proposed rate increase of 8.0% would be effective March 1, 2017. The City's method for rate increase allowances was the San Francisco-Oakland-San Jose CPI, which was 3.6% for October 2016.

Mayor Sweet opened the public discussion. Hearing no further comment from the public, Mayor Sweet closed the public discussion.

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

**Moved by Vice-Mayor Gonsalves, seconded by Councilmember Lewis, and carried by a 4 to 0 vote (Councilmember Crew absent) to ACES Waste Services three year increase of 8% per year (24% total increase) starting on March 1, 2017 subject to the 218 process.**

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

**11. CLOSED SESSION**

- a. Conference with Legal Counsel – Anticipated Litigation. Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): (One potential case).

Vice-Mayor Gonsalves reconvened to Open Session at 8:22 p.m. and announced no reportable action taken.

**12. ADJOURNMENT**

Adjourn 8:23 p.m.

ATTEST:

  
Gisele L. Wurzburger, City Clerk

Date Approved: January 9, 2017