

Jackson City Council  
Minutes  
Regular Meeting of November 22, 2010

Connie Gonsalves, Mayor  
Patrick Crew  
Marilyn Lewis  
Keith Sweet

Michael Daly, City Manager  
Kara Ueda, City Attorney  
Mark Morton, Fire Chief  
Scott Morrison, Police Chief  
Susan Peters, City Planner  
Gisele Cangelosi, City Clerk

**COUNCIL MEMBERS ABSENT:**  
Wayne Garibaldi, Vice-Mayor

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

Mayor Gonsalves requested the City Council and the public to keep in mind the City Council Meeting Ground Rules and read the rules into the record:

- Focus on the issue, not the person
- Treat all with respect
- Observe time limits
- Maintain focus
- One person speak at a time
- Observe meeting protocol

**2. APPROVAL OF AGENDA.**

**Moved by Councilmember Lewis, seconded by Councilmember Sweet, and unanimously carried to approve the City Council Agenda dated November 22, 2010 as presented.**

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

Bill Condrashoff, AWA District 1, stated this would be the last meeting he would attend as the City of Jackson's representative and identified his accomplishments on the AWA Board with regards to policies, financial and agency management.

Mayor Gonsalves thanked Mr. Condrashoff for briefing the City Council while serving as Jackson's representative on the AWA Board of Directors.

Shirley Dajnowski, Jackson, thanked Bill Condrashoff and noted his honesty and integrity would be missed.

Jack Georgette, Jackson, was glad to see Councilmember Lewis back after her recent illness.

Bill Orescan, Jackson, inquired why the City of Jackson does not have preferential treatment to local businesses with regards to Public Work contracts. City Manager Daly stated large Public Works contracts are governed by State law. City Attorney Ueda stated State law supersedes the City's Purchasing Ordinance and preferential treatment was not applicable to public works projects.

**4. CONSENT CALENDAR.**

- a. Approval of Minutes of November 8, 2010 meeting.
- b. Approval of Expenditure Report for November in the amount of \$ 66,940.92.
- c. Accept October 2010 Treasurer's Report and Sales Tax Report.
- d. Adopt Resolution Approving Easement in Jackson View Estates.
- e. Approve Request from Argonaut Lions Club to use Detert Park Parking Lot for Christmas Tree Sales.

**Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously carried to approve as presented except for:**

- 1. Councilmember Lewis abstained on the approval of Minutes of November 8, 2010 meeting.**

**4. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported the Jackson Fire Department is now staffed 24/7, 365 days a year at Fire Station #2 on Argonaut. The Jackson Volunteer Fire Department will be conducting its annual Santa Patrol around the various neighborhoods in Jackson.

Police Chief Morris reported the Police Department would be staffed up for Christmas Delights.

City Manager Daly reported on the following:

1. The Planning Commission will be holding a special meeting on November 29 to discuss temporary non-commercial temporary signs, other changes in the sign design requirements and enforcement issues.
2. The Jackson Business and Community Association are hard at work preparing for this year's Christmas Delights. They will be hosting non Main Street JBCA members at the old Fireside Building, Christmas tree lighting and pictures with Santa Clause on both Friday and Saturday nights.
3. American Express Open Launches Small Business Saturday Campaign to encourage customers to shop at small businesses on Saturday, November 27.
4. Girls Night Out (GNO) in downtown Jackson is being held Thursday, December 2 on Main Street.
5. Jackson Revitalization Committee is working on the Downtown Jackson Historic Building Plaques.

**5. COUNCIL REPORTS.**

Councilmember Crew reported the Jackson Business and Community Association have been meeting weekly while gearing up for Christmas Delights being held November 26 and 27. The group will meet one more time before the event on Tuesday, November 23 at 5:30 p.m.

**DISCUSSION CALENDAR.****7. Mobile Home Park Subdivision Information.**

City Manager Daly reported Jackson has two mobile home parks, Jackson Highlands and Rollingwood. He stated six months ago the City was approached by the Rollingwood owner regarding mobile home park subdivision process. City Attorney Ueda was present tonight to lay out the process and issues.

City Attorney Ueda stated there was no application before the City Council therefore no action will be taken. The discussion item begin with an overview of the mobile home park subdivision process, legal

considerations regarding a proposed subdivision, and some of the ramification of a completed subdivision. The City Council was provided a copy a letter from Rollingwood resident's attorney, Attorney William Constantine.

Mayor Gonsalves opened the public discussion. The following individuals spoke regarding the Mobile Home Park Subdivision process, Mike Kirkley, Lois McDonald and Shirley Dajnowski. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

No action was taken on this item.

#### **8. Budget Amendment Required for Reduction in Funding For Amador County Combined Narcotics Enforcement Team.**

City Manager Daly reported the City has participated as a member of ACCNET since its inception in November 2007. ACCNET is funded through federal Anti-Drug and California Emergency Management Agency (CalEMA) grant funding through the California Multi-Jurisdictional Methamphetamine Enforcement Team (CalMMET) program. These funds are administered through the Sheriff's Office. For the past three years, the salaries for one Jackson and one Sutter Creek police officer position, the Sheriff Services Assistant position and a pre-determined amount of overtime for the other agents are paid through these funds. The remaining agencies agents' salaries and overtime are paid for by their respective agencies.

As the state budget and revenues continue to suffer, funding from Cal EMA is in jeopardy. The ACCNET executive board has recommended that the agencies receiving funding from the grant begin paying for 25% of the participating employee's salary and 100% of the overtime and vehicle costs to stretch the remaining funding and to keep the program alive. In addition, staffing shortages at the Jackson Police Department in July, August and September required the City's ACCNET officer to allocate more time to JPD activities (not reimbursable by ACCNET).

The City of Jackson has received 100% reimbursement for the officer's salary and benefit costs, plus all overtime and vehicle costs associated with this program. This year's City budget included an anticipated ACCNET grant reimbursement of \$120,000 resulting from the City's participation in this program. During the first quarter of this fiscal year, however, the Jackson Police Department was short-handed two positions for most of the period due to an officer on injury leave and another position that became vacant after a resignation. This required Officer Rice to work regular shifts for Jackson PD and serve as field training officer for the new officer hired. Rather than a reimbursement of \$30,000 for the first quarter, the City expects to receive \$8,738 for time the officer spent on ACCNET activities, a difference of \$21,262. Fortunately, the City will also realize salary savings of approximately \$9,800 related to the aforementioned vacancy and lower salary step of the new employee.

The salary, benefit, overtime and vehicle costs that are now being recommended by ACCNET total approximately \$45,000 per year. Salary and benefits for the participating officer are \$120,000 per year, overtime is anticipated at \$1,000 per month and vehicle costs are estimated at \$3,000 per year. For the remainder of this fiscal year (from November 1 – June 30), the anticipated reduction in ACCNET reimbursement is \$30,000. This is a significant amount of funding and this number is still subject to change if state funding for the program is restored, or the ACCNET program could be canceled if CalMMET funding is discontinued.

The City has received a significant benefit from its participation in the ACCNET program at virtually no cost to the General Fund. Continuing participation in the program at a cost of \$42,000 this fiscal year allows the benefit of direct participation in this program to continue. If the ACCNET funding were to be discontinued or if the City withdraws from this program, it would be unlikely that the current City revenues would support current staffing levels and a layoff would be required.

Chief Bonini, ACCNET, was present to answer question and stated City Manager Daly did a great job explaining the program in the provided staff report.

Chief Morrison stated Officer Rice has done great job and has made an impact on drug enforcement. Our participation as a member of ACCNET has definitely made our City safer.

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

**Moved by Councilmember Lewis, seconded by Councilmember Sweet, and unanimously carried to adopt Resolution No. 2010-42, amending the FY 2010-11 City Budget to transfer funds from undesignated General Fund reserves to the Police Department budget in the amount of \$42,000 due to funding reductions from the Amador County Combined Narcotics Enforcement Team (ACCNET) program.**

Mayor Gonsalves called for a recess at 8:16 p.m. Mayor Gonsalves reconvened the meeting at 8:26 p.m.

#### **9. Wastewater Permit Compliance Planning Update.**

City Manager Daly reported on October 12, 2010, the City Council received an update on the first few meetings of the Sewer Rate Committee (SRC), including a discussion of a possible alternative not included in the Wastewater Options Report presented by ECO:LOGIC/Stantec in July (and updated in August) to contract with AWA to discharge water from the Amador Water System into Jackson Creek to improve the dilution of the City's wastewater discharge in the creek and provide additional irrigation water to the Jackson Valley Irrigation District. The other part of the discussion focused on the type and timing of environmental studies likely to be associated with options under consideration by the City to address compliance with its NPDES wastewater permit. At that meeting, staff was directed to obtain a cost estimate from AWA for additional research on five of the ten issues identified by AWA counsel Stephen Kronick in an initial letter he prepared for General Manager Gene Mancebo related to the possible release of AWS water into Jackson Creek. A copy of the e-mail from Mr. Kronick to Mr. Mancebo providing the estimate is attached. Mr. Kronick estimates research time of 16 to 27 hours on the five items requested and his hourly rate is \$210, therefore the probably cost is in the range of \$3,360 to \$5,670 total. In addition, AWA staff time related to item 6 could also add to the attorney research cost estimates. A copy of Mr. Kronick's original memorandum was provided. The five items included # 4, 6, 7, 8 and 9. Most of these issues pertain to contracts between AWA, PG&E and EBMUD.

Following the October meeting, additional information has been presented to the SRC regarding the issues related to additional dilution in Jackson Creek as a solution to the City's NPDES compliance efforts. The attached memorandum titled "Issues Related to Diluting Effluent with AWA Water" points out the complexity of the City's permit issue – mainly that the dilution ratio of the City's treated wastewater effluent in Lake Amador is only one of two major compliance requirements in the permit. The other is meeting water quality standards associated with the federal California Toxics Rule (CTR) that places strict limits on the amount of certain constituents that can be discharged into Jackson Creek.

The SRC also had a discussion with Diana Messina, a senior engineer with the Regional Water Quality Control Board, who attended the last meeting to explain the regulatory issues contained in the City's NPDES permit. She discussed the "basin plan" and how the number one preference of the Regional Board is land discharge of wastewater effluent (preferably to replace the use of raw water for irrigation purposes) and that an NPDES permit is generally granted only as a last option if an agency can only discharge to a "water of the United States." She stated that while the possible dilution of Lake Amador would provide protections for human health, the Regional Board is also responsible for protecting aquatic life, which is one of the reasons why CTR requirements are so stringent. She also stated that if additional AWA water in the creek is part of our compliance project, the commitment to provide the additional water would have to be a permanent obligation from AWA. In preliminary discussions with AWA, the supplementing of Jackson Creek with AWA water has been discussed mainly as a short term measure.

One other item of note following the October meeting was a discussion of this issue by the Jackson Valley Irrigation District (JVID) about the possible purchase or need for additional irrigation water that could be part of the proposed arrangement for creek/lake dilution. According to Tom Hoover, JVID General Manager, the Board of Directors discussed this topic at their last meeting and concluded that they did not have an interest in purchasing additional irrigation water that might result from the creek supplements or even have much of an interest in receiving the additional water in Lake Amador. A letter from JVID is expected but was not available prior to printing of this City Council agenda packet.

Mayor Gonsalves opened the public discussion. Bill Orescan spoke regarding the Wastewater Permit Compliance Planning Update. Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

**Moved by Councilmember Sweet, seconded by Councilmember Crew, and unanimously carried to take no action at this time.**

**10. Consider Ordinance Adopting and Amending the 2010 California Building Standards Code and other Uniform Codes.**

City Manager Daly reported tonight's action is to conduct the first reading Ordinance No. 667, an ordinance amending Chapters 14.04 and 14.08 of the Jackson Municipal Code adopting and amending the 2010 California Building Standards Code and other Uniform Codes, and schedule a public hearing for December 13, 2010 to consider its adoption. Based on this timing, the City's amendments to the state codes will take effect on January 12, 2010. This means there will be a short two-week period during which the unaltered California Building Standards Code will be in effect. Staff does not believe that this is an issue.

**Moved by Councilmember Lewis, seconded by Councilmember Sweet, and unanimously carried to introduce Ordinance No. 667, by reading of title only.**

**11. ADJOURNMENT.**

Adjourn: 8:48 p.m.

ATTEST:

  
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Gisele L. Cangelosi, City Clerk

Date Approved: December 13, 2010