Jackson City Council
Minutes
Regular Meeting of March 9, 2015

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

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

COUNCIL MEMBERS ABSENT:

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

1. CEREMONIAL. Fire Department Awards
Dedicated Firefighter (Gardella Award): David Podesta
EMT of the Year: Scott Sharp
Firefighter of the Year: Scott Hemmingway

Fire Chief Morton presented the following awards - David Gardella Award to David Podesta, and EMT of the Year to Scott Sharp and Firefighter of the Year to Scott Hemmingway.

2. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Gonsalves, and carried by a 5 to 0 vote to approve the City Council Agenda dated March 9, 2015 as presented. Motion passed with the following vote:

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

3. PUBLIC MATTERS NOT ON THE AGENDA.
None.

4. CONSENT CALENDAR.

a. Approval of Minutes of February 9, 2015.
b. Approval of Minutes of February 23, 2015.
c. Approval of Expenditure Report for the period of March the amount of $96,707.99.
d. Approval of Salary related items for February amount of $295,961.14.
e. Accept January 2015 Treasurer's Report and Sales Tax Report.
f. Receive Jackson Fire Department Monthly Report for February 2015
g. Receive Jackson Police Department Monthly Report for February 2015.
h. Receive Building Department Monthly Report for February 2015.
i. Boundary Line Adjustment – Tollett, Hemenway and Romero, 722 and 728 Pitt Street.
j. Approve Special Event – Jackson Lions Club Dandelion Days, March 21 & 22.
k. Approve Special Event – Organ Rally, September 27 & 27.

Moved by Councilmember Garibaldi, seconded by Councilmember Gonsalves, and carried by a 5 to 0 vote to approve the Consent Calendar dated March 9, 2015 except for. Motion passed with the following vote:

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

Councilmember Lewis abstained on the approval of Minutes of February 9, 2015.
Mayor Crew abstained on the approval of Check 2899 in the amount of $796.94.
Vice-Mayor Sweet abstained on the approval of Check 2956 in the amount of $606.57.

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported on the following:

1. Jackson Fire Department responded to 131 calls last month, 80 medical calls, 37 public assists, 7 fire related, 1 hazardous materials, 6 traffic accidents and 26 of the calls or 20 percent were outside of the city limits for automatic aid to the AFPD.
2. The Department will be coordinating a fire training burn at two vacant building locations on Court Street one in April and one in May. Exact dates will be provided in the near future.
3. The Department will hold their Annual Tri-Tip Barbeque at the Lions Club Dandelion Days on March 21-22.

Police Chief Morrison reported on the following:

1. The Department responded to 669 calls for service for the month of February.
2. The Department and California Highway Patrol are investigating the recent fatal accident on Highway 49.

City Manager Daly reported on the following:

1. Received an email regarding "Healthy Amador" program and their request for a volunteer to serve on the Board.
2. Staff received a donation of a framed photo of Kennedy Tailing Wheels One and Two, this picture was taken in 1968 by Thomas Fleming; it will be displayed in the City Hall lobby.
3. The Environmental Protection Agency has scheduled a soil removal plan at the intersection of Argonaut Lane and Pioneer Street the week of March 16-20 (school break week). Argonaut Lane will be closed between Mariposa Avenue and Westview Drive, 24 hours a day during this time.
4. Clean It & Green 12th anniversary will be held Saturday, April 18.

6. COUNCIL REPORTS.

Councilmember Garibaldi reported ACRA held their Annual Help Our Youth Thrive at The Hub, Friday, March 6 and recognized Stanley Lukowicz's support of ACRA.

Councilmember Lewis attended ACRA's Annual Help Our Youth Thrive at The Hub dinner.

Councilmember Gonsalves reported on the following:

1. Attended Water Plant Operator Chris Pridy's Retirement Luncheon.
2. Attended the Annual Fire Department appreciation dinner.
3. Will be assisting with the JBCA's Mother Lode Cruise Car Show, May 16.

Vice-Mayor Sweet reported on the following:

1. Attended the Annual Fire Department appreciation dinner.
2. Attended Water Plant Operator Chris Pridy's Retirement Luncheon.
3. Attended Amador County Transportation Commission meeting.

Mayor Crew reported on the following:

1. Attended Water Plant Operator Chris Pridy's Retirement Luncheon.
2. Attended the Annual Fire Department appreciation dinner.
3. ACRA's Annual Help Our Youth Thrive at The Hub dinner

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. Support for Assembly Bill 142 – Wild and Scenic River's Study of the Mokelumne.

City Manager Daly reported the City received the provided correspondence from Gene Mancebo, General Manager of the Amador Water Agency, requests that cities support Assembly Bill 142, drafted by Assemblyman Frank Bigelow. The bill will require a study which will consider water supply and climate change and determine the suitability of the Mokelumne River for Wild and Scenic designation. The Amador Water Agency believes a proper and relevant study is an important step prior to consideration of a Wild and Scenic designation. The Mokelumne River is the source of water for Jackson. A copy of Assemblyman Bigelow's proposed legislation and the support letter from the Amador Water Agency for this legislation is provided.

Rich Farrington, President AWA Board of Directors was present to answer question of the City Council. He noted the Amador Board of Supervisors and City of Sutter Creek have voted to support Assembly Bill 145. AB 142 wisely requires the Natural Resources Agency secretary to study and submit to the Governor and Legislature a report that analyzes the suitability or non-suitability of a proposal to grant Wild and Scenic River status to any portion of the Mokelumne River.

Mayor Crew opened the public discussion. The following individual spoke regarding Assembly Bill 142 Wild and Scenic River's Study of the Mokelumne: Cecily Smith, Paul Molinelli Sr., and Jack Georgette. Hearing no further comments from the public, Mayor Crew closed the public discussion.

Documents submitted for the record:

1. Letter dated 03/09/2015 Cecily Smith, Executive Director, Foothill Conservancy.
2. Letter dated 03/07/2015 Anne Schneider, Ellison, Schneider & Harris L.L.P.

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

Mayor Sweet stated for the record he could not support AB 142 due to the lack of funding and no set timeline.

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

> **Moved by Councilmember Garibaldi, seconded by Councilmember Gonsalves, and carried by a 4 to 1 vote (Vice-Mayor Sweet dissenting) to Support Assembly Bill 142 (Bigelow) for Studying the Water Supply and Climate Change Implications of**

Classifying the Mokelumne River as Wild and Scenic. Motion passed with the following vote:

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

8. Consider of Ordinance to Rescind Ordinance No. 680, Increasing Sewer Rates.
City Attorney Nelson reported on December 8, 2014, the City Council adopted Ordinance No. 680 on which increased sewer rates in compliance with Proposition 218. After its adoption, proponents circulated a petition to submit Ordinance No. 680 to a referendum. Under the Elections Code, this petition must be signed by 10% of the voters within City limits. On January 7, 2015, the signed petition was submitted to the City Clerk. The City Clerk requested that the Amador County Clerk review the petition to ensure it was signed by 10% of the City's voters. The County Clerk completed this review and determined that the petition contained the necessary number of signatures.

On January 26, 2015, the City Council accepted the City Clerk's Certificate for Referendum Petition certifying that the petition obtained the required number of signatures for a referendum on Ordinance No. 680. Under Election Code section 9241, the City Council must schedule an election on Ordinance No. 680, rescind Ordinance No. 680 or take other appropriate action.

At the February 23, 2015, meeting, the Council adopted the first reading of Ordinance No. 681 to repeal the rates approved with Ordinance No. 680. If the City Council decides to move forward with rescinding Ordinance No. 680, it will need to adopt the Ordinance 681 which requires two readings, and final adoption of this Ordinance is recommended at this meeting.

Mayor Crew opened the public hearing. Hearing no comments from the public, Mayor Crew closed the public hearing.

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 5 to 0 vote to adopt Ordinance 681 Rescinding Ordinance No. 680, Increasing Sewer Rates. Motion passed with the following vote:

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

9. Request Public Release of Water User Information by Address of Water Meter.
City Attorney Nelson reported the City's previously adopted sewer rate increase has been challenged by the plaintiff in Johnson v. City of Jackson, Amador Sup. Ct. Case No. 15-CVC-09161. In an effort to settle this litigation, the Mayor and City staffs have been meeting with RPA to outline a potential sewer rate structure that would satisfy RPA's concerns while providing the City's residents with a safe and functioning wastewater treatment plant. As part of these discussions, RPA has requested access to residential water usage information for the previous year's winter months (November-April) for each property. To identify each property, the address would be disclosed but the customer name would not. The RPA has requested this information to evaluate a potential variable sewer rate for residential

customers and to ensure aggregate water usage information is accurate. Under the Government Code, utility customer usage information is generally confidential but the City is able to decide to release it. The City Council considered this request at a March 2, 2015 special meeting. At that meeting, the Council continued the item to this meeting to allow members of the public the opportunity to provide input. If the City Council is interested in releasing the information, it can structure the release in two ways.

1. First, the City Council could decide to only release the information to the RPA subject to a non-disclosure agreement. While City staff will structure the agreement to protect the information to the extent possible, a court reviewing the agreement may ultimately decide that a limited release to the RPA makes the information available to the general public.

2. Second, the City Council could simply decide to make the requested information a public record. This would be a one-time decision limited to the exact information provided to the RPA. Government Code section 6254.16(f) outlines how the Council can make this determination.

Specifically, the Council must determine that "the public interest in disclosure of the information clearly outweighs the public interest in nondisclosure." Staff believes that the Council can, but is not required to, make this finding. There is a clear public interest in settling the Johnson case and formulating a potential sewer rate structure. This public interest clearly outweighs any public interest in keeping water user information confidential.

City Manager Daly reported Finance Manager Blankenship has been working with the current software to provide the information without the name or address, this process has been complicated but timely. An example of this information was provided to Bill Condrashoff earlier today to determine if it was enough information to accomplish their request. Staff has not heard back from the RPA as of tonight's meeting.

Bill Condrashoff, Ratepayer Protection Alliance, stated after reviewing the provided information, he does not believe the information provided would work without the addresses and equivalent dwelling units (EDUs) for each property address because the RPA contends they need to authenticate the data for a fair rate study.

Mayor Crew opened the public discussion. The following individuals spoke in support of RPA's Request for Public Release of Water User Information by Address of Water Meter: Ken Berry, Bill Condrashoff, Casey Emerson, Judy Jebian, Candi Emerson and Debbie Dunn.

The following individual spoke in opposition of RPA's Request for Public Release of Water User Information by Address of Water Meter: Paul Molinelli Jr., Paul Molinelli, Sr., Katy Pridy and Jack Georgette.

Documents submitted in the agenda packet for the record:
1. Letter dated March 6, 2015 Ken Berry, WWTF.

Candi Emerson, verbal public records request: Release of Water User Information for Rooney - 225 Broadway which she felt was public information because it had already been provided publicly released in the Rate Study Commercial List.

Hearing no further 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 Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to deny the release of the water user utility information to the Ratepayer Protection Alliance (RPA). Motion passed with the following vote:

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

10. Parking Meter Removal Ordinance.
City Manager Daly reported in January, the City Council passed a motion to eliminate parking meters in Jackson, effective on May 1, 2015, when the covered meters on Main Street were scheduled to be removed. The City appreciated the support from the Jackson Rancheria for supplying the bags. In order to officially deactivate all of the parking meters in the City, the section in the Municipal Code needs to be repealed. Conveniently, all of the parking meter information is located in Chapter 10.12 of the Code. Therefore, the action required by the City Council to eliminate the meters would be accomplished by adopting the provided ordinance. It will be scheduled to be effective on May 1, 2015.

Other issues for consideration discussed that a decision does not need to be made at this meeting:
1. Which meters need to be removed.
2. Remove the meters of the poles and leave the poles in the ground.
3. Remove the poles as well as the meters.
4. Appearance and potential liability that could be created by leaving the poles in the ground.
5. Storage and or sale of 212 parking meters in the downtown area.
6. Contract North Main Street parking lot previously owned by Petkovich family.
7. Contract El Dorado Savings Bank parking lot.

Mayor Crew opened the public hearing. Hearing no comments from the public, Mayor Crew closed the public hearing.

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

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and carried by a 4 to 1 vote (Vice-Mayor Sweet dissenting) to adopt by first reading Ordinance 682 Eliminating Parking Meters from the City of Jackson. Motion passed with the following vote:

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

11. ADJOURNMENT
Adjourn 9:35 p.m.

ATTEST:

Gisele L. Wurzburger

Gisele L. Wurzburger, City Clerk

Date Approved: March 23, 2015