

Jackson City Council  
Minutes  
Regular Meeting of May 11, 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.**

- a. Thank You to Jackson Rancheria Casino Resort for Sponsorship of One Year of Free Parking on Main Street. City Manager Daly thanked the Jackson Rancheria Casino Resort for Sponsorship of One Year of Free Parking on Main Street and presented them with a parking meter.
- b. Alex Sharp promoted to rank of Volunteer Fire Captain. Fire Chief Morton presented the ceremonial on the promotion of Volunteer Fire Captain Alex Sharp.

**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 May 11, 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 April 27, 2015.
- b. Approval of Expenditure Report for the period of April the amount of \$304,298.05.
- c. Approval of Salary related items for April amount of \$295,055.31.
- d. Receive Jackson Fire Department Monthly Report for April 2015
- e. Receive Jackson Police Department Monthly Report for April 2015.
- f. Receive Building Department Monthly Report for April 2015.
- g. Approval of Farmers Market Agreement for Location in Front of Amador Public Library.

**Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote to approve the Consent Calendar dated May 11, 2015 except for. Motion passed with the following vote:**

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

**Mayor Crew abstained on the approval of Check 3228 in the amount of \$1,408.98.**  
**Vice-Mayor Sweet abstained on the approval of Check 3198 in the amount of \$606.57.**  
**Councilmember Gonsalves abstained on the approval of the Minutes of April 27, 2015.**

## **5. ADMINISTRATIVE REPORTS.**

Fire Chief Morton reported on the following:

1. Jackson Fire Department responded to 126 calls last month, 86 medical calls, 20 public assists, 8 fire related, 1 hazardous materials, 11 traffic accidents and 25 of the calls or 21 percent were outside of the city limits for automatic aid to the AFPD.
2. The Department cooking for the OES dinner Saturday at American Legion Hall

Police Chief Morrison reported the Department responded to 660 calls for service for the month of April.

City Planner Susan Peter reported on the following:

1. Planning Commission at the May 18 meeting will be reviewing the review the 2014-2019 Housing Element Update and Variance - Sign Exception.
2. The Jackson Rancheria has submitted an annexation application for the Jackson Hills property.

City Attorney Nelson reported he has been working with City Manager Daly on the drought regulations.

City Manager Daly reported on the following:

1. Department of Finance May 1 Press Release – New Population Estimates – City of Jackson’s population growth of .09 percent 4544 to 4586.
2. Water rates increase item will be on the next agenda.
3. Kennedy Mine Deep Pit BBQ, Thursday, May 14 at 5:00 p.m.

## **6. COUNCIL REPORTS.**

Councilmember Garibaldi attended a Congressional meeting to testify on AB 475 – New Compact for Jackson Rancheria Band of Miwuk Indians.

Councilmember Gonsalves reported on the following:

1. Amador Council of Tourism meeting will be held Thursday.
2. Amador Fire Protection Agency meeting is next week.
3. Mother Lode Cruise Car Show & Wine Tasting, May 16, 2015.
4. Working with the Fire Department on the September 5 Labor Day Fundraiser Dance.

## **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. Jackson Subdivision Request for Mitigation Fee Reductions.**

City Manager Daly reported a letter was received from Thomas Dashiell, Project Manager for the

Jackson View subdivision. It updates the status of development of the property and includes information about their plans for the near future. It also includes a request to consider reducing some of the impact fees normally charged for new dwelling units. The main justification for the fee reduction requests is the age restriction of 55+ for all of the properties in this subdivision. The fees requested for a reduction include the park in-lieu fee and the local and regional traffic mitigation fees. If the two traffic fees are reduced to the senior dwelling unit rates, the total traffic mitigation fees are reduced by \$4,472 per dwelling unit. The request for the park in-lieu fee is \$4,335 per unit.

Tom Dashiell, Jackson View, Representative, was present answer questions and to provide additional information. He stated consideration would be greatly appreciated.

Mayor Crew opened the public discussion. The following individuals spoke regarding to the Jackson View Request for Participation Fee Reduction Debbie Dunn and Casey Emerson. Discussion no further comments from the public, Mayor Crew closed the public discussion.

City Planner Peters recommended staff contact ACTC to clarify the Local and Regional fees regarding the categories Senior Adult House Attached and Retirement Community. She also noted those fees will change July 1, 2015.

After considerable discussion among the City Council and staff, it was the consensus of the City Council to table this item pending further clarification of the ACTC Local and Regional fees regarding the categories Senior Adult House Attached and Retirement Community, ACRA's study to update the park in-lieu fees and staff's review of previous subdivisions granted reduction of park in-lieu fees.

**8. ACRA Presentation Regarding Participation Fee Update and Presentation of Annual Report.** City Manager Daly reported the Board of Directors of the Amador County Recreation Agency (ACRA) has determined that the Amador County Park and Recreation Master Plan authored in 2006 and accompanying nexus study needs to be updated. It has been determined that the update Master Plan process will be accomplished in three phases. The Needs Assessment and Master Plan update are an interactive process that will involve each jurisdiction's input and participation, including public meetings, which will then be incorporated into a single plan for recreation in Amador County, and sections for each jurisdiction's recreation plans and goals. ACRA continues to believe the Joint Powers Authority, under which ACRA operates, is the most cost effective method for each jurisdiction to address their administrative duties for recreation planning/fees in Amador County. It is expected that the cost to hire consultants to perform a Needs Assessment, update the Master Plan, and update the Nexus will be split among the JPA membership.

Carolyn Fregulia, ACRA Executive Director, was present and gave a brief update on ACRA's annual report and requested the City of Jackson participate in the new park in-lieu fee study. She also gave a detailed list of ACRA's park and recreation services provided to each of their JPA members and the citizens within their community.

Mayor Crew opened the public discussion. The following individual spoke in support of ACRA presentation: Debbie Dunn. Hearing no further comments from the public, Mayor Crew closed the public discussion.

After considerable discussion among the City Council and staff, it was the consensus of the City Council to accept ACRA's presentation regarding Participation Fee Update and Annual Report.

## 9. Water Conservation Ordinance.

City Manager Daly reported at the April 13, 2015, City Council meeting, a report regarding the California drought emergency that was declared by Governor Brown on April 1 was presented. Updated draft regulations were published by DWR in late April, and the final regulations were adopted by its governing board on May 5. The regulations call out two types of water providers in California. Urban Water Suppliers are those with 3,000 or more connections, and small water systems are those with less than 3,000. The City of Jackson is classified as a small system. For urban water suppliers, the state established nine tiers of conservation amounts based on the amount of water consumed per person per day in 2014. These tiers range in conservation levels from 8% to 36%. The Amador Water Agency is considered an urban water supplier due to the amount of connections it serves. Based on water usage last year, AWA must conserve at least 24% in consumption. As a small water supplier, the City of Jackson is urged to conserve 25%. The new state requirements will evaluate water conservation from June 2015 to February 2016, compared with June 2013 through February 2014. A public information flyer will be included in the next water bill with information about these regulations and suggestions for saving water during this critical drought period.

City Attorney Nelson explained the need for two ordinances.

- Ordinance No. 683 Water Conservation, the purpose is to adopt regulation restricting the use of water consistent with the regulation issued by the SWRCB for small water suppliers. This ordinance is an emergency ordinance so it can go into effect immediately.
- Ordinance No. 684 Drought Regulations, the purpose is to adopt drought regulations non-emergency ordinance aimed at the enforcement language.

Mayor Crew opened the public discussion. The following individuals spoke regarding Ordinances 683 and 684: Casey Emerson, Ben Zietman, Jack Georgette and Terri Works. 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 Lewis, seconded by Vice-Mayor Sweet, and carried by a 5 to 0 vote to approve Ordinance 683, an Urgency Ordinance Requiring Water Conservation in the City of Jackson. Motion passed with the following vote:**

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

**Moved by Councilmember Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve Ordinance 684, No an Ordinance Aimed at the Enforcement Language. Motion passed with the following vote:**

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

**10. Advertising Banner and Sign Regulations for Businesses.**

City Planner Peters reported in December 2011 staff circulated a brochure to all business owners regarding the strong visual impact that signs have on the character and quality of the community. The brochure also summarized the requirements of the Chapter 17.54, Sign Regulations. In March 2012 the City Council directed staff to start enforcing the City's sign regulations. Specifically, the City's Community Service Officer was educated on the sign regulations and took on the responsibility of communicating violations with business owners. In some cases a letter followed the 'in-person' communication. This enforcement approach was working fairly well however with the change in both the Community Service Officer and the Building Inspector, there has been no recent enforcement. The result has been an increase in the number of sign violations, particularly the vertical banners advertising products. This type of sign is considered a temporary sign and may only be used to advertise a special promotion or grand opening up to three times a year for no longer than 30 days for each use. A list was provided of known violations as of May 6, 2015. Staff is requesting City Council direction to issue a notification of violation letter and follow-up enforcement (if necessary) to the businesses with signs in violation.

Mayor Crew opened the public discussion. The following individuals spoke in support of the Sign Ordinance: Thornton Consolo and Terri Works supports. Hearing no further comments from the public, Mayor Crew closed the public discussion.

After considerable discussion among the City Council and staff, it was the consensus of the City Council to direct staff to issue a notification of violation letter and follow-up enforcement to the businesses with signs in violation.

**11. Measure E Funds Allocation Policy and Advisory Committee Appointments for FY 2015/16.**

City Manager Daly reported in November, 2002, voters in the City of Jackson approved Measure E, raising the City's transient occupancy tax from 8% to 10%. In conjunction with the placement of this initiative on the ballot, the City Council adopted Resolution No. 2002-30, stating, "The Council hereby declares that the first priority expenditure of the additional two percent (2%) of the transient occupancy tax funds collected by the City as a result of the ballot measure shall be tourism and business promotion, economic development, and downtown revitalization." Funding from the additional 2% has averaged roughly \$60,000 per year. The amount available from 2014 revenues is \$61,802. The past seven years, the City Council has set aside approximately half of the funding for use by the City for its own economic development projects. For the current fiscal year, the City has committed \$48, 110 of the \$58,800 available for allocation from the 2013 calendar year. The main projects have included funding tourism and community organizations, and the facade improvement program. Staff is requesting direction from the City Council as to whether a request for proposals should be made available, and if so, how much funding should be allocated for this purpose. A copy of the request for proposals for use of Measure E funding used in previous years is attached.

The current committee of five includes Councilmember Connie Gonsalves, Stan Lukowicz, Tom Peyton, Paul Molinelli Jr., and Atul Patel. The committee only meets once or twice per year to review Measure E funding requests and to provide a recommendation to the City Council. All five current members confirmed their interest to assist the City in the review of the requests for funding this year.

Mayor Crew opened the public discussion. The following individual spoke about Measure E fund distribution: Casey Emerson. 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 Garibaldi, and carried by a 5 to 0 vote to direct staff to proceed with the Request for Proposal process and made available for the use of the Measure E transient occupancy tax revenue in FY 2015/16 and carried to reappoint the current Measure E Advisory Committee members, Councilmember Connie Gonsalves, Stan Lukowicz, Tom Peyton, Paul Molinelli Jr., and Atul Patel. Motion passed with the following vote:**

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

### **12. Downtown Hourly Parking Time Limits Ordinance.**

City Manager Daly reported when the parking meter language was removed from the Municipal Code, all of the information related to the maximum time limits for parking in the downtown area was also removed. All parking areas that previously had parking meters were evaluated to determine the appropriate time limits. Proposed Ordinance 685 would add Section 10.14.010 to the Jackson Municipal Code establishing the Parking Time Limit Zones in the downtown Jackson area.

In order to enforce the time limits, new parking time limit signs will need to be ordered and posted in the appropriate locations, and the Community Services Officer with the Police Department will be charged with chalking tires and enforcing time limits, though this will not be as regularly enforced as the parking meters. The City is working with JBCA to help educate merchants about employee parking locations and the new enforcement rules.

Mayor Crew opened the public discussion. The following individuals spoke their concerns regarding Ordinance 685: Thornton Consolo, Casey Emerson and Jack Georgette. 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 Garibaldi, and carried by a 4 to 1 vote (Vice-Mayor Sweet dissenting) to approve the first reading of Ordinance No. 685, Establishing Time Limit Zones for the Downtown Jackson Parking Areas as amended. Motion passed with the following vote:**

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

### **13. Transfer of Remaining Historic Jackson Business Association Funds to the Jackson Business and Community Association.**

City Manager Daly reported the City has been holding funds collected for the HJBA since it stopped doing business in 2010 (a total of \$7,851.82). This organization was succeeded by the JBCA, which provides a business association for businesses located in Jackson. Following the instruction of the City Attorney, the City Clerk published a notice two times in the Amador Ledger-Dispatch to inform those businesses who had paid dues to the HJBA that they could claim this money or leave it in the account for the JBCA to

utilize. A total of \$1,790.10 was claimed by former HJBA businesses, and the remainder can be provided to the JBCA. The JBCA has been very involved in tourism and special events for the Jackson area. It is recommended that the remaining funds, less the \$316.30 used to place the public notice in the newspaper, be provided to the JBCA.

Mayor Crew opened the public discussion. The following individual spoke regarding JBCA's political stance: Casey Emerson. 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:

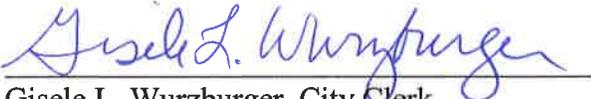
**Moved by Councilmember Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to Authorizing the Payment of \$5,745.42 to the Jackson Business and Community Association (JBCA) from Funds left in the Historic Jackson Business Association (HJBA) Account when the Organization Disestablished. Motion passed with the following vote:**

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

#### **11. ADJOURNMENT**

Adjourn 9:17 p.m.

ATTEST:

  
Gisele L. Wurzbarger, City Clerk

Date Approved: May 26, 2015