

Jackson City Council
Minutes
Regular Meeting of July 11, 2011

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

Michael Daly, City Manager
Andrew Morris, City Attorney
Mark Morton, Fire Chief
Scott Morrison, Police Chief
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:
Marilyn Lewis

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Crew and by Councilmember Garibaldi, and unanimously carried to approve the City Council Agenda dated July 11, 2011 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

Judy Jebian, Jackson, read into the record her letter of concern regarding the need to update the Development Code.

Maureen Funk, Amador County Tourism, Executive Director, thanked Mayor Gonsalves for thinking outside the box by sending the letter to the Duke and Duchess of Cambridge inviting them to visit Jackson during their royal visit. She commented the cardboard cutouts of Prince William and Kate Middleton have been making appearances throughout the county.

3. CONSENT CALENDAR.

- a. Approval of Minutes of June 27, 2011 meeting.
- b. Approval of Expenditure Report for June in the amount of \$ 160,125.26.
- c. Approval of Salary related items for June the amount of \$247,007.44.
- d. Receive Jackson Police Department Monthly Report for June 2011.
- e. Receive Jackson Fire Department Monthly Report for June 2011.

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

1. Vice-Mayor Sweet abstained on the approval of Check 234639 in the amount of \$533.97.
2. Councilmember Crew abstained on the approval of Check 234525 in the amount of \$80.00.

4. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported the Jackson Fire Department responded to 98 calls last month, 68 medical calls, 11 public assists, 10 fire related, 1 hazardous materials, 8 traffic accidents and 24 of the calls or 25 percent were outside of the city limits for automatic aid to the AFPD.

Police Chief Morrison reported the department responded to 625 calls for service last month. Violent month.

City Planner Peters reported on the following:

1. The Planning Commission has been working on the Sign Ordinance update and planned to hold a community outreach at the July 18 Planning Commission meeting.

City Manager Daly reported on the following:

1. Jackson Lions Club Fireworks Show was held July 3, 2010.
2. The public meeting for the Notice of Preparation for the EIR was held on Wednesday, July 6 and the public input/comment period ended Friday. The peer review report will be presented in August.
3. Eric Neuschmid will be making a presentation "Virtual Tour" of the Jackson Wastewater Treatment Plant at the next meeting.
4. PG&E through the Energy Efficiency and Conservation Block Grant Program will be installing energy efficient lights on Main Street starting next week.

5. COUNCIL REPORTS.

Vice-Mayor Sweet reported on the following:

1. Attended the ACTC meeting.
2. Will be attending the EBMUD scoping meeting in Jackson on July 13 regarding the CEQA process to develop a revised EIR for the Pardee expansion.

Mayor Gonsalves reiterated the Council Meeting Conduct Guidelines – Meeting Ground Rules and protocol.

DISCUSSION CALENDAR.

6. Measure E Transient Occupancy Tax Funding Allocations.

City Manager Daly provided a brief history of the Measure E Funding. The Measure E Advisory Committee, whose membership includes Stan Lukowicz, Paul Molinelli Jr., Tom Peyton, Keith Sweet and Atul Patel, met last week review this year's proposals (Mr. Patel was unable to attend). A request for proposals format similar to the previous year was utilized following the City Council's decision to release \$26,737 for this year's competitive allocation. The City Council opted to reserve \$30,000 of the \$56,737 generated by the Measure E TOT in 2010 (an 8% decline from the previous year) for economic development needs of the City. Current City projects in need of funding include the creekwalk project, the façade improvement grant program, the gateway sign project and placement of plaques on downtown buildings with historical information for visitors. This year, five proposals were submitted totaling \$41,500, which is down 8% - \$14,763 more than the funding made available by the City Council.

The five proposals were provided. Each of the five organizations provided a brief presentation to the advisory committee detailing the functions of their organization and how the proposed funding would be utilized. Similar to previous years, the committee reviewed the relative benefit to the City of Jackson from each of the proposals and sought additional details on each of the proposals from the organization representatives. After determining that each of the organizations were worthy of funding from this program and provide a benefit to economic development (primarily tourism) in the City of Jackson, several funding scenarios were proposed and discussed. One of the recommendations from the committee was to bump up the total available funding from \$26,737 to \$30,000, with two funding

scenarios receiving unanimous support from the committee, depending on the total allocation from the City Council. Those recommendations are as follows:

	<u>Request</u>	<u>Recommended Funding Levels w/</u>	
		<u>\$ 30,000 Total</u>	<u>\$ 26,737 Total</u>
AmadorArts	\$ 4,000	\$ 3,500	\$ 2,237
Amador Council of Tourism	\$ 8,000	\$ 6,000	\$ 6,000
Amador County Chamber of Commerce	\$ 12,000	\$ 6,000	\$ 6,000
Jackson Business and Community Assn.	\$ 15,000	\$ 12,000	\$ 12,000
Main Street Theatre Works	\$ 2,500	\$ 2,500	\$ 500
TOTAL	\$ 41,500	\$ 30,000	\$ 26,737

The City Council has complete discretion regarding the allocation of Measure E funding.

Moved by Vice-Mayor Sweet, seconded by Councilmember Garibaldi, to approve the recommendation of the Measure E Advisory Committee for allocation of transient occupancy tax funding in the following amount \$30,000 the following allocations as recommended:

AmadorArts	\$ 3,500
Amador Council of Tourism	\$ 6,000
Amador County Chamber of Commerce	\$ 6,000
Jackson Business and Community Assn.	\$ 12,000
Main Street Theatre Works	\$ 2,500
TOTAL	\$ 30,000

The motion died by 2 to 2 vote (Mayor Gonsalves and Councilmember Crew dissenting).

Councilmember Crew felt the transient occupancy tax should be allocated to organizations in Jackson because that is where the tax is generated. He felt the Chamber of Commerce has other funding sources and Jackson Business and Community Association doesn't.

Councilmember Garibaldi inquired if the Measure E Advisory Committee's recommendation was the general consensus as proposed. Vice-Mayor Sweet stated the committee debated the tourism benefit to the City of Jackson from each of the proposals and voted unanimously on the presented recommendations.

Moved by Councilmember Crew, seconded by Councilmember Garibaldi, and carried by a 3 to 1 vote (Vice-Mayor Sweet dissenting) to approve the recommendation of the Measure E Advisory Committee for allocation of transient occupancy tax funding in the following amount \$30,000 the following allocations as recommended:

AmadorArts	\$ 2,500
Amador Council of Tourism	\$ 7,000
Amador County Chamber of Commerce	\$ 4,000
Jackson Business and Community Assn.	\$ 14,000
Main Street Theatre Works	\$ 2,500
TOTAL	\$ 30,000

7. Deferred Improvement Agreement, 257 New York Ranch Road, Anne Lintz.

City Planner Peters reported in June 2011, the Site Plan Review Committee reviewed plans to modify the existing residential structure at 257 New York Ranch Road (just north of the Quail Hollow Commercial Center) for use as a veterinary clinic. The Committee determined that the following improvements shall be implemented prior to finalization of the building permit.

1. New York Ranch Road shall be realigned to meet City Standards.
2. The curb, gutter, and sidewalk which exists on the southern boarder of the property shall be extended along the entire frontage of the property.
3. The parking lot shall be paved (or some other hard surface utilized). Additionally for the proposed office use there shall be a minimum of one parking space per 500 square feet of floor space.
4. The driveway, including drainage crossing shall be widened to a minimum of 24 feet and paved (or some other hard surface utilized).

The current property owner, Ms. Anne Lintz, has requested the City Council to defer these improvements for a period of five years to allow the buyers of the property, Blue Oak Veterinary, time to become established in their new location. In addition, the City is currently in the process of applying for grant funds (Safe Routes to School) to construct improvements to New York Ranch Road. These improvements include widening and realigning New York Ranch Road and installation of sidewalks. The Site Plan Review Committee is in support of the proposed deferred agreement because the improvements may be done under the grant as a single, cohesive project. If the City is unable to obtain a grant, the improvements would need to be constructed by the property owner.

Anne Lintz, applicant was present to answer questions of the City Council. She stated this is an opportunity to improve this community. She noted the buyer is aware of the improvements needed requests this agreement be approved because the buyer would not be able to purchase the property otherwise.

Mayor Gonsalves opened the public discussion. Jack Georgette provided public comment: Hearing no further comments from the public, Mayor Gonsalves 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 Crew unanimously carried to authorize the City Manager to execute an agreement drafted by the City Attorney to defer improvements at 257 New York Ranch Road as recommended by the Site Plan Review Committee.

8. Public Hearing – Rezone and General Plan Amendment (from Residential Duplex to Professional Office), Hazel S. Powell, Trustee for Cuneo Trust, 1316 Jackson Gate Road, APN 020-050-008.

City Planner Peters reported Hazel S. Powell, Trustee for the Cuneo Trust, has submitted an application to rezone and amend the City of Jackson's General Plan land use designation for 1316 Jackson Gate Road (APN 020-050-008) from Residential Duplex (RD) to Professional Office (PO). The Cuneo Estate is in the process of donating the land to the Mother Lode Land Trust (MLLT), which may utilize the existing house on the property for their office. Additionally, the MLLT may rent other rooms in the house to other small, local organizations. The Cuneo Trust provides that the property be preserved and maintained in its current state. Thus, the land cannot be further improved.

Zoning and General Plan designations for the surrounding properties include Limited Commercial to the south and west and High Density Residential and Historic Commercial to the north. The project site is bound on the east by the City limits. The County of Amador zoning for the property to the east is Exclusive Agriculture (AG).

On June 20, 2011, the Planning Commission held a public hearing to review the proposed rezone/re-designation request and passed a motion recommending the City Council approve the request of the applicant.

In accordance with the California Environmental Quality Act (CEQA) an Initial Study was prepared for this project. The Initial Study did not reveal any significant adverse environmental impacts. For this reason, the project qualifies for a Negative Declaration. The proposed Rezone and General Plan Amendment request was circulated to responsible agencies for comment. No comments have been received regarding the proposed project.

Should the City Council choose to approve the requested General Plan Amendment and Rezone, in accordance with the City of Jackson, Development Code, Article VI, Chapter 17.60 General Plan, Land Use Designation Map, and Development Code Amendments, the following findings must be made:

1. The proposed rezone and amendment ensures and maintains internal consistency with all of the goals, policies, and actions of all elements of the General Plan;
2. The proposed rezone and amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and
3. The proposed rezone and amendment will not have a significant adverse effect upon the environment.

City Attorney Morris stated State law requires Zone changes be accomplished by Ordinance and General Plan amendments by Resolution. Tonight's action was to approve the first reading of Ordinance 668 and recommend adoption of Resolution 2011-21 and second reading at the July 25, 2011 meeting.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Crew, unanimously carried to authorize approve the first reading of Ordinance 668 to rezone 1316 Jackson Gate Road (APN 020-050-008).

9. Public Hearing for Architectural Regulations for the City of Jackson.

City Planner Peters reported in September 2010, the City Council held a public workshop to review the proposed Architectural Regulations that had been recommended by the Architectural Regulations Committee and the Planning Commission and directed staff to move forward with the adoption process. The original idea was to bring the regulations with other necessary "housekeeping" amendments to the Development Code at the same time. That process became very complex and staff determined that it would be more efficient to address adoption of the Architectural Regulations separately from the amendments to the Development Code.

Staff has worked with the City Attorney to prepare the ordinance required to adopt the new regulations, however, because so much time has elapsed since the City Council last considered the draft document, this item was modified from the original plan of a first reading of the ordinance to another opportunity to provide public and City Council input on the proposed regulations. Additionally, staff has made the following amendments to the document which should be reviewed by the City Council:

- In section 1.4.2, Review Process, “reasonable” has been defined as “within 30 days.”
- Under 2.2, Definition of Key Terms, the definition of “Historic Structure” has been changed. The original definition referred to a map – if the structure was within the area designated on the map, then it was considered historic. This has been replaced with a clearer definition that applies to individual structures as opposed to an area.
- In Chapter 6.0, Design Standards for Historic Commercial, under 16 in section 6.3 Architectural Design Standards the term “simulated wood” has been changed to “vinyl” to allow for the use of wood composite siding materials which look like wood but are much more durable.
- Throughout the document there were some typographical errors that were fixed along with some minor changes to some descriptions.

A remaining issue that requires resolution is where to place the standards for specific land uses which are currently located in the Development Code, Article II, Chapter 17.24, Design Guidelines. Section 17.24.50 includes guidelines (which should be changed to standards) for drive-through businesses, hotels and motels, industrial business park uses, service stations and car washes, and Large Retail Establishments (LREs). There are other specific uses listed, however, these have been addressed elsewhere in the Architectural Standards document.

The City Council was provide a copy of the July 2011 Draft Architectural Regulations. These regulations essentially provide direction to any project which requires a building permit as to how they should appear. The underlying directive of these regulations is that projects should be compatible with their surroundings. The Regulations contain a map with divides the City of Jackson into historic residential and commercial areas. Those projects within the historic areas will be required to present their proposal to a Design Review Committee which is intended to meet on an as needed basis so as not to slow the approval process. Staff will review projects outside of the historic area. These Regulations also have requirements for new subdivisions which will require Design Review Committee approval.

There are two sections in the Development Code which currently address architectural/design review:

- Chapter 17.24 in Article II contains Design Guidelines which are applicable to multi-family residential, commercial, industrial, and public/institutional projects. These are guidelines (which mean voluntary) and do not apply to single-family residences.
- Chapter 17.77 in Article IV, Historic Design Review, is applicable to structures in the Historic Commercial (HC) Zone. These are standards which require discretionary review by a Design Review Committee (or Planning Commission in the event there is no Design Review Committee) for any project in the HC zone which requires a building permit.

These two sections of the Development Code have been imbedded into the proposed Draft Architectural Regulations; however, the Design Guidelines in Chapter 17.24 are now mandatory and have been expanded to include single-family residences.

Should the Architectural Regulations be adopted by the City Council, the Development Code will need to be amended to remove these sections and to refer to the Architectural Regulations for applicable projects. To approve the Architectural Regulations it is recommended that the City Council hold a publicly noticed hearing and approve an ordinance to adopt the Regulations and amend the Development Code to incorporate the Regulations by reference.

Mayor Gonsalves opened the public discussion. Jack Georgette provided public comment: Hearing no further comments from the public, Mayor Gonsalves closed the public discussion.

After considerable discussion among the City Council and staff, staff was directed to get the word out and schedule a publicly noticed hearing and draft an ordinance to adopt the Regulations and amend the Development Code to incorporate the Regulations by reference a meeting in August.

10. Resolution Urging East Bay Municipal Utility District to Drop Plans to Raise the Pardee Reservoir and Adopt Other Measures as Alternative Water Supply Options.

City Manager Daly reported in March 2009, the City Council unanimously approved Resolution 2009-16, which opposed the proposed expansion of Pardee Reservoir on the Mokelumne River and urged the East Bay Municipal Utility District (EBMUD) to meet its water needs through conservation and other measures rather than by flooding more of the Mokelumne River. A copy of the 2009 resolution and staff report was provided. The same or similar resolutions were subsequently adopted by the cities of Ione, Sutter Creek, and Plymouth. The County of Amador, Amador County Recreation Agency, Amador County Historical Society, Rep. Dan Lungren, Assemblywoman Alyson Huber, members of the local Miwuk community, City of Berkeley, City of Richmond, Assemblywoman Nancy Skinner, State Senator Lonnie Hancock, many individuals and countless conservation, recreation and fish organizations also opposed the Pardee expansion.

Despite the broad opposition, the EBMUD board approved EBMUD's Water Supply Management Program 2040 in October 2009. The version of the Pardee expansion included in the approved plan would:

- Inundate the entire Middle Bar Reach of the Mokelumne River from Highway 49 to the Middle Bar Bridge.
- Inundate or remove the historic 1912 Middle Bar Bridge, cutting off a critical fire and emergency services connection between Amador and Calaveras counties. The bridge was restored at considerable public expense about 11 years ago.
- Inundate the nearby Middle Bar rafting/kayaking take-out facility, constructed by EBMUD in 2003 with state funds to facilitate increased recreational access to the Mokelumne River. This project was endorsed by the Jackson City Council with Resolution No. 2000-10.
- Destroy the many historical and Native American cultural sites in the Middle Bar Reach.
- Inundate the new, \$1 million Bureau of Land Management Big Bar River Access Facility currently under construction at the Highway 49 Bridge.
- Inundate up to 1,000 feet of the Mokelumne River's Electra Run upstream of the Highway 49 Bridge.
- Destroy the potential for commercial whitewater rafting on the Mokelumne River, feasible only with a combined Electra-Middle Bar reach.

EBMUD was then sued by conservation organizations in Amador County Superior Court. The City Council voted on December 14, 2009, to file an amicus brief in the case if necessary. In April 2011, the Sacramento County Superior Court found EBMUD's EIR to be legally deficient because it failed to analyze:

- The impacts to recreation caused by flooding the Mokelumne River's Middle Bar reach.
- The impacts to Miwuk traditional cultural and gathering sites.
- The public safety impacts of removing the historic Middle Bar Bridge.
- A full range of project alternatives, including the expansion of the offstream Los Vaqueros Reservoir in the East Bay, which was not analyzed at all in the EIR.

EBMUD chose not to appeal the decision. EBMUD is beginning the CEQA process to develop a revised EIR, starting with scoping meetings in Jackson and San Andreas on July 13 and 14. The Pardee expansion is expected to be included in the proposed plan. EBMUD has taken no action to remove that expansion to date, and on June 28, the EBMUD Board approved an updated Urban Water Management Plan that includes potential expansions of its reservoirs on the Mokelumne River.

EBMUD has taken no action to date to address the many concerns raised by the City of Jackson, other foothill governments and organizations, the Miwuk community, federal agencies, and historical, environmental, cultural resource, conservation, fishing and recreation organizations.

Meanwhile, recreational investment, facilities and activity on the Mokelumne continue to expand. BLM is expected to begin a three-year pilot commercial rafting and kayaking school program in 2012. OARS of Angels Camp, one of the world's largest adventure outfitters, is very interested in participating (see attached article). New trails with river and fishing access are expected to be built later this year in Calaveras County between Middle Bar and Highway 49 as part of the increasingly popular Coast-to-Crest Trail. In addition, BLM is now constructing a \$1 million river access facility on the Mokelumne at Big Bar (Highway 49 bridge).

Vice-Mayor Sweet stated for the record the City has been a leader in this matter and hopes to present Wednesday their presentation.

Mayor Gonsalves opened the public discussion. Hearing no comments from the public, Mayor Gonsalves closed the public discussion.

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

Moved by Councilmember Crew, seconded by Councilmember Garibaldi unanimously carried to adopt Resolution No. 2011-22, urging the East Bay Municipal Utility District to pursue alternative measures instead of raising Pardee Reservoir and flooding more of the Mokelumne River.

11. Award of Bid – Police Department Patrol Car.

City Manager Daly reported the City successfully applied for funding from the Jackson Rancheria Indian Gaming Special Distribution Fund for purchase of a Police Department patrol car. A total of \$35,732 was awarded to the City for this purchase. The Police Department reviewed available makes and models of current patrol cars and determined the Chevrolet Caprice unit is most appropriate for

department needs. It is slightly larger than the Chevrolet Impalas purchased two years ago, and provides better gas mileage than the Ford Crown Victoria police cars purchased in previous years.

Following receipt of the grant funding, a request for bids was issued by the City on June 6, 2011. Despite advertising locally and mailing bid specifications to seven dealerships who were located on the Internet as Chevy Caprice police unit dealerships, no bids were received by the deadline of June 21, 2011. The Jackson Municipal Code (section 3.08.250) provides that if no formal bids are received, the City Manager is authorized to negotiate and accept written proposals in accordance with the provisions of the purchasing ordinance. A late bid was received from Holiday Chevy-Ford, and after some negotiating they agreed to a price of \$32,539.00 including delivery, which was approximately \$300 less than the original quotations received by the Police Department when preparing the grant application. With the new California/Amador County sales tax rate of 7.75%, the total delivered price is \$35,060.77.

**Moved by Councilmember Garibaldi, seconded by Councilmember Crew
unanimously carried to pass a motion authorizing staff to purchase a 2011 Chevrolet
Caprice police vehicle from Holiday Chevy-Ford in the amount of \$32,539.00.**

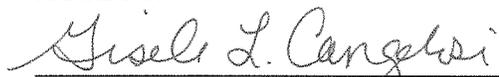
12. CLOSED SESSION

a. **Public Employment.** Title: Fire Chief. (Pursuant to Government Code Section 54957).
Vice-Mayor Sweet reconvened to Open Session at 8: 39 p.m. and announced there was no reportable action taken.

13. ADJOURNMENT.

Adjourn: 8:40 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: July 25, 2011