

Jackson City Council
Minutes
Regular Meeting of July 13, 2015

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

Michael Daly, City Manager
Joshua Nelson, City Attorney
Scott Morrison, Police Chief
Gisele Wurzbarger, City Clerk

COUNCIL MEMBERS ABSENT:

Marilyn Lewis

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

1. APPROVAL OF AGENDA.

Mayor Crew reported Agenda Item 7 Smoking Prohibition All City Parks is the second reading.

Moved by Councilmember Gonsalves, seconded by Vice-Mayor Sweet, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the City Council Agenda dated July 13, 2015 as amended. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Minutes of June 22, 2015 meeting.
- b. Approval of Expenditure Report for the period of June/July the amount of \$462,457.94.
- c. Approval of Salary related items for June amount of \$285,268.10.
- d. Accept May 2015 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for June 2015
- f. Receive Jackson Police Department Monthly Report for June 2015.
- g. Receive Building Department Monthly Report for June 2015
- h. Resolution for Retiree Medical.

Moved by Councilmember Garibaldi, seconded by Councilmember Gonsalves, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the Consent Calendar dated July 13, 2015 except for. Motion passed with the following vote:

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

**Mayor Crew abstained on the approval of Check 3473 in the amount of \$448.64
Vice-Mayor Sweet abstained on the approval of Check 3549 the amount of \$606.57.**

4. ADMINISTRATIVE REPORTS.

Police Chief Morrison reported on the following:

1. The Department responded to 725 calls for service for the month of June.
2. Lion's Club Fireworks Display on July 3 went well.

City Manager Daly reported on the following:

1. The Environmental Protection Agency will be performing more soil removal identified in town by the Argonaut Dam – 9 property owner's soil will be removed in August and September.
2. The Environmental Protection Agency also working at Jackson Junior High School with soil removal starting July 27 and completed before August 10. Public information will be provided students.
3. The Environmental Protection Agency will be holding a public meeting on Tuesday, August 18 at 6:00 p.m. in the Civic Center.

City Attorney Nelson report on the recent United States Supreme Court decision regarding first amendment content-based sign rules and staff will be reviewing the City's Sign Ordinance.

5. COUNCIL REPORTS.

Councilmember Gonsalves reported on the following:

1. Jackson Fire Department Labor Day Fundraiser Dinner Dance will be held Saturday, September 5 to support our local fire department.
2. Worked at the State Fair Amador Country Booth Saturday, July 11.
3. Will be attending the Amador Fire Protection Agency meeting this week.

Vice-Mayor Sweet attended the Rollingwood July 4th luncheon barbeque.

Mayor Crew reported on the following:

1. Attended the Sutter Hospital Needs Assessment breakfast.
2. Attended meeting with West Yost, staff and Bill Condrashoff to review the Wastewater project needs, define the scope of services, the schedule and other issues related to the project.

Josh sign ordinance information – first amendment content – needs good justification. Any time content id

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.

6. Presentation from Amador County Assessor Jim Rooney Regarding Property Tax Assessment Data.

City Manager Daly reported County Assessor Jim Rooney requested an item on this agenda to update the City Council and the Jackson community on the latest assessed valuation figures for the City of Jackson

Jim Rooney, Amador County Assessor, reported the City's property tax is determined by applying the property tax rate to the assessed valuation of property. The City of Jackson receives 11.0% to 16.5% of every property tax dollar collected. The assessed value is determined based on the last sale or construction of the property, plus or minus any adjustments made by the County Assessor within the limits established by Proposition 13 and Proposition 8. Last year showed an increase in assessments in the City of Jackson as well as the County as a whole and so does this year. The change in assessments in the City of Jackson has a corresponding effect on property tax revenues.

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

No action taken.

7. Smoking Prohibition in All City Parks.

City Manager Daly reported at the June 22, 2015, City Council meeting, a presentation from the Amador Youth Coalition advocated the adoption of an ordinance to restrict smoking of any kind in all City parks. A presentation by Youth Coalition members Daniel Savoie and Joseph Van Dyke emphasized the amount of tobacco litter found in Detert Park playground area and the health hazards to children from cigarette smoke, both tobacco smoke and e-cigarettes. Support for the updated ordinance (smoking is currently prohibited in Detert Park) was unanimous, both from the public and the City Council, for adoption of the ordinance. As an ordinance, two meetings are required for adoption of the regulations. An ordinance goes into effect 30 days after adoption, so in this case it will officially be August 12, 2015, if approved by the City Council at this meeting. Named all the parks Staff will be working with the Youth Coalition and the Amador County Public Health Department on signage for the parks, as well as a public information campaign to ensure that the public is aware of this prohibition.

Mayor Crew opened the public discussion. Hearing no 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 0 vote (Councilmember Lewis absent) to approve the second reading and adoption of Ordinance No. 686, approving designation of all parks as smoke-free within the City of Jackson. Motion passed with the following vote:

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

City Attorney Nelson reported California Government Code Section 1090: Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

For the record the following councilmembers serve on these boards and have no financial interest:

Mayor Crew: Jackson Business and Business Association and Jackson Rotary
Vice-Mayor Sweet: Amador County Historical Society
Councilmember Gonsalves: Amador Council of Tourism
Councilmember Garibaldi: Amador County Recreation Agency and Amador Council of Tourism

8. Measure E Transient Occupancy Tax Funding Recommendations from the Measure E Advisory Committee.

City Manager Daly provided a brief history of the Measure E Funding. The Measure E Advisory Committee, whose membership includes Connie Gonsalves, Stan Lukowicz, Paul Molinelli Jr., Tom Peyton, and Atul Patel, met on July 2 to review this year's nine proposals totaling \$64,770. A request for proposal format similar to the previous year was utilized following the City Council's decision to release \$30,000 for this year's competitive allocation. The City Council opted to reserve \$31,802 of the \$61,802 generated by the Measure E TOT in 2014 for economic development needs of the City. As in the past, it also stated a preference for proposals focusing their projects in Jackson. Current City projects in need of funding include the creekwalk project, the façade improvement grant program, and the Jackson mural on the side of the fire station.

Each of the nine proposers provided a brief presentation to the advisory committee detailing the functions of their organization and how the proposed funding would be utilized. Those present included Terra Forgette, AmadorArts; Maureen Funk, Amador Council of Tourism; Jim Conklin, Amador County Economic Partnership; Thomi Manzano, Amador County Chamber of Commerce; Keith Sweet, Amador County Historical Society; Carolyn Fregulia, Amador County Recreation Agency; Lucy Hackett, Jackson Business and Community Association; Art Long, Jackson Rotary Club; and Dick McCleery, Main Street Theatre Works.

As in the past the committee is recommending that the City council grant additional funding than the original commitment of \$30,000 and this year a total of \$41,170 is recommended. Part of the recommendation was that the Jackson Rotary consider additional entrance signs at the south and east entrances to the City. The City Council has complete discretion regarding the allocation of Measure E funding. Representatives from each of the organizations were informed that the committee's recommendations would be on this City Council agenda and were invited to attend should the Council have any questions related to their proposals.

Mayor Crew opened the public discussion. The following individuals spoke regarding Measure E Transient Occupancy Tax Funding Recommendations: Beth Stanton, Chamber of Commerce and Frank Manzano, Thomi's Café & Bakery. 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 Vice-Mayor Sweet, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the recommendation of the Measure E Advisory Committee:

- 1. Allocation of transient occupancy tax funding to \$44,170 with the following allocations; and**

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|---|------------------|
| AmadorArts | \$ 1,000 |
| Amador Council of Tourism | \$ 5,000 |
| Amador County Economic Partnership | \$ 2,000 |
| Amador County Chamber of Commerce | \$ 5,000 |
| Amador County Historical Society | \$ 2,500 |
| Amador County Recreation Agency | \$ 2,500 |
| Jackson Business and Community Assn. | \$ 20,000 |
| Jackson Rotary Club | \$ 2,170 |
| Main Street Theatre Works | \$ 1,000 |
| TOTAL | \$ 41,170 |

2. **Re-evaluate the Chamber of Commerce's request for addition funding in October to determine if they were successful in obtaining funding from other cities in the county.**

Motion passed with the following vote:

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

9. Contract with West Yost for Wastewater Engineering Services.

City Manager Daly reported at the June 22, 2015, City Council meeting, the firm of West Yost Associates was selected to replace Stantec as the City's wastewater engineer. The City has a great need for engineering services to assist with compliance with the wastewater discharge permit issued by the State Regional Water Quality Control Board and to comply with water quality requirements included in the current permit.

Staff met with Greg Chung and Andy Smith on June 30 to review the project needs, define the scope of services, discuss the schedule and other issues related to the upcoming work. Bill Condrashoff and Mayor Crew were also invited to the meeting to share their comments about the scope of work and the type of issues that should be analyzed.

The provided contract includes the agreement terms, insurance requirements and the scope of services resulting from this meeting. Greg Chung pointed out that there were four key design elements included in the work: Effluent Nitrate mitigation, new filter capacity, UV Disinfection and solids dewatering improvements. Other topics discussed included looking at capacity alternatives, cost alternatives of several of the project recommendations (including UV) and developing the engineer's estimate for their design costs. The estimated cost of the design work is \$894,374. In addition, there was a brief discussion of the schedule for the design and when the construction cost estimates will be available. Mr. Chung explained that the first number will be available at the 30% design stage, estimated to be three months from when they are provided the notice to proceed.

Greg Chung, West Yost Associates, was present to answer questions of the City Council.

Mayor Crew opened the public discussion. Debbie Dunn spoke in opposition of regarding the West Yost Contract for Wastewater Engineering Services. Hearing no further comments from the public, Mayor Crew closed the public discussion.

For the record: Debbie Dunn, Rate Payer Alliance, submitted a letter dated July 13, 2015, which stated three items of concerns regarding West Yost and the Wastewater treatment upgrade progress.

City Manager Daly reiterated on June 30 staff met with West Yost to review the project needs, define the scope of services, discuss the schedule and other issues related to the upcoming work. Bill Condrashoff, RPA and Mayor Crew attended that meeting to share their comments about the scope of work and the type of issues that should be analyzed.

After considerable discussion among the City Council and staff, regarding the Rate Payer Alliance's letter on cursory review of West Yost Contract for Wastewater Engineering Services and their blanket statement about Stantec errors. It was the consensus of the Council that the Rate Payer Alliance provide West Yost a more specific list of errors they found in Stantec's engineering work as stated in item 3 of the letter submitted for the record.

City Attorney Nelson recommended the contract Exhibit A - Scope of Services: Assumptions: Flow and load analysis previously done by Stantec shall be peer reviewed by West Yost.

Moved by Councilmember Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 0 vote (Councilmember Lewis absent) to approve the provided contract agreement with West Yost Associates, including the scope of services for the upcoming wastewater treatment plant design work as amended. Motion passed with the following vote:

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

10. CLOSED SESSION

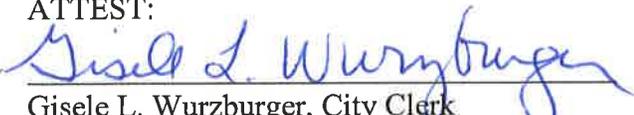
Conference with Labor Negotiator. Agency Representative, Michael Daly, City Manager.
Employee Organization: Jackson Police Officers Association (Pursuant to Government Code Section 54957.6).

Vice-Mayor Sweet reconvened to Open Session at 8:45 p.m. and announced no reportable action taken.

12. ADJOURNMENT

Adjourn 8:46 p.m.

ATTEST:


Gisele L. Wurzbarger, City Clerk

Date Approved: July 27, 2015