Jackson City Council
Minutes
Regular Meeting of January 27, 2014

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

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

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Vice-Mayor Gonsalves, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve the City Council Agenda dated January 27, 2014 as presented. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

a. Approval of Minutes of January 13, 2014 meeting.
b. Approval of Expenditure Report for the period of January the amount of $ 129,969.91.
c. Accept December 2013 Treasurer's Report and Sales Tax Report.

Moved by Councilmember Garibaldi, seconded by Councilmember Gonsalves, and carried by a 5 to 0 vote to approve the Consent Calendar except for.

Councilmember Lewis abstained on the approval of Check 1115 in the amount of $300.00.

Motion passed with the following vote:

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

4. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported on the following:

1. Met with Oak Manor, Jackson Gardens and Amador Residential regarding call volume and determined there would be no amendment to call out charge. He will be working with each facility regarding better assessment of care.

2. Pending sale of Command Vehicle 6320 and purchase of new vehicle.
3. Average response for the month of January.

City Planner Peters reported she was working on the remaining elements for the General Plan.

City Manager Daly reported on the following items will be on the next agenda for review:
1. Mid-Year Budget review.
2. Oro de Amador update.
3. Communication with Joe Chirco regarding purchase part of Oro de Amador land.
4. Larry Cope, Director of Economic Development notified staff that Amador County has withdrawn from the CSEDD therefore the city or cities in said county who are City Members also shall be automatically withdrawn.

5. COUNCIL REPORTS.

Councilmember Garibaldi reported on the following:
1. Attended the Amador County Recreation Agency annual Spaghetti Feed Friday, January 24.
2. Attended the Mental Health symposium with Mayor Crew.

Councilmember Sweet reported on the following:
1. Attended the Amador County Transportation Commission meeting.

Mayor Crew reported on the following:
1. Attended the Air Quality Control Board meeting and he was appointed the Chairman.
2. Attended the Jackson Rancheria Medical Clinic ribbon cutting ceremony.

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. Voluntary 20% Water Conservation Due to Drought Conditions.

City Manager Daly reported on January 17 Governor Brown signed a proclamation declaring Drought State of Emergency. At a special meeting Thursday, January 23, the Amador Water Agency Board of Directors passed a motion encouraging its customers to voluntarily conserve water by 20% consistent with the Governor's request in his recent Emergency Drought Proclamation. As the City purchases treated water from the Amador Water Agency, it is recommended that the City Council take a similar action to alert citizens and encourage conservation. The provided press release from the Agency included several good suggestions for conservation.

Paul Molinelli Sr., AWA Director, was present to provide an update of the Amador Water Agency Press Release and noted conservation is voluntary and may become mandatory at a later date.

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 Vice-Mayor Gonsalves, seconded by Councilmember Sweet, and carried by a 5 to 0 vote to support the Amador Water Agency's voluntary 20% water conservation

consistent with the Governor's declaration of a drought in California. Motion passed with the following vote:

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

7. "Healthy Amador" Program Presentation.

City Manager Daly reported the City was contacted by Bob Devlin, owner of New York Fitness, regarding a project he is working on with Sutter Amador Hospital, the Amador Public Health Department and New York Fitness. The project is being designed to provide a way for local citizens to participate in a program that will allow them to track and improve their physical condition. The provide document describes the program and how it is intended to function. In addition to the program endorsement from each of the cities in Amador County (the Board of Supervisors approved a resolution supporting the program on January 14, 2014), the Healthy Amador program is requesting each city designate an elected official to sit on the advisory board for this program.

Bob Devlin and Laura Clark, New York Fitness, were present to explain the program and to answer questions of the City Council. At this time the Healthy Amador Program was not ready for the City to appoint a designated official to sit on the advisory board.

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 Vice-Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote to approve Resolution 2014-02 supporting the "Healthy Amador" Project. Motion passed with the following vote:

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

8. Project Approval – Copper Water Effect Ratio Study for Compliance with Wastewater Discharge Permit.

City Manager Daly reported in December 2013, the City's new National Pollutant Discharge Elimination System (NPDES) permit contained strict limitations for copper. The City currently has a Time Schedule Order that allows it to exceed these limits until March 1, 2015. The NPDES permit also allows the City to perform a "water effect ratio" study for copper to determine if a higher limit is acceptable based on local conditions. The cost of the provided proposal is estimated to be $59,000. This includes time for Stantec for program set-up, sampling, coordination with laboratories, report writing and communication with the Regional Water Quality Control Board. In addition, the cost of laboratories performing the analysis of the samples is estimated to cost $27,600. Fund area currently available in the City's wastewater budget for performance of this work. The work is expected to begin in February. The provided letter from Stantec details each of the five tasks proposed, including approval from the Regional Board for the new copper levels.

Dave Price and Eric Zeigler, Stantec, were present to detail each of the five tasks proposed, including approval from the Regional Board for the new copper levels.

Mayor Crew opened the public discussion. Hearing no comment 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 Sweet, seconded by Councilmember Garibaldi, and carried by a 4 to 1 vote to pass a motion authorizing staff to proceed with a Water Effect Ratio (WER) study for copper in order to meet wastewater discharge limits prescribed in the City's 2013 NPDES permit. Motion passed with the following vote:

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

9. Public Hearing – Development Code Amendments Associated with 2007-14 Housing Element. City Manager Daly reported tonight's action was that the City Council conduct a public hearing and the first reading of Ordinance 677 amending Chapters 17.07, 17.32, 17.58, and 17.220 of the Jackson Municipal Code to be consistent with the 2007-2014 Housing Element of the General Plan.

City Planner Peters reported in December 2012 the California Department of Housing and Community Development (HCD) certified the City of Jackson 2007-2014 Housing Element. The Planning Commission held a public hearing on December 16, 2013 to review the proposed amendments. There were no public comments at the hearing; however there was considerable discussion among the Planning Commissioners regarding the need to have the state certify the Housing Element. Ultimately, the Planning Commission voted 3-2 to recommend the City Council adopt the proposed amendments.

The programs outlined in the Housing Element are created to insure that the various housing needs are met in the planning time period - in the City's case, by June 2014. Three programs require changes to the Development Code. Adoption of city-wide design standards has been completed. The remaining two programs which need to be addressed before June 2014:

Program 2.1.3: The City will amend Section 17.32 (Affordable Housing) of the Development Code to require a portion of new development to provide for housing opportunities for Extremely Low Income (ELI) Households. Amendments to the Affordable Housing Ordinance could include the following: Permit streamline provisions; Flexible development standards; Fee reductions for ELI developers; and Policies to prioritize funding for projects that benefit ELI households.

Program 3.1.1: The City shall ensure that reasonable accommodations to persons with disabilities are provided as required under Senate Bill 520 (Chapter 671 of the Government Code) by adopting an efficient process for persons with disabilities to make necessary accessibility adjustments to their homes. Additionally, the definition of "family" in the Development Code will be updated to state "One or more persons living together in a dwelling unit, with common access to, and common use of all living, kitchen, and eating areas within the dwelling unit."

In addition to the programmatic changes to the Development Code, there are changes that will need to be addressed for the Development Code and the 2014 -2019 Housing Element (due June 2014) to be consistent with new State housing laws.

1. Chapter 17.07 - Residential Zoning Districts. Add language expressly allowing emergency shelters and transitional and supportive housing. Also add language demonstrating that there are no restrictions to manufactured homes or single-room occupancy units.

2. Chapter 17.32 - Affordable Housing. Add language to address Extremely Low Income (ELI) groups and to provide more specificity regarding density bonuses. See attached State Income Limits for 2013 for the breakdown of income by affordability category. Based on the 4-person area median income for Amador County, an ELI household of four could afford to rent for $519 a month or purchase a home for $80,000 assuming a 30 year fixed rate loan at 4.5%.

3. Chapter 17.58 - Standards for Specific Land Uses. Add language to regulate emergency shelters.

4. Chapter 17.220 - Definitions, Glossary. Add definitions for "Family" and "Supportive Housing" and change "Transitional Living Center" to "Transitional Housing" with a definition that is consistent with State housing laws.

Councilmember Sweet stated there was a discrepancy with regards to the statement in 17.32.020 - For all Residential Developments of 10 or more units at least 10 percent of the total units must be Inclusionary Units and paragraph B stated at least one quarter of the Inclusionary Units (or 2.5 percentage of the total development).

City Planner Peters stated she could amend Ordinance 677 Section 5 to specify that the Planning Commission has authority to determine the affordability level of inclusionary housing in the event that there are less than three units required.

City Attorney Nelson noted if the City Council chooses to amend Ordinance 677 Section 5, the following sentence would be added to Section 17.32.020, subsection B: If there are less than three (3) inclusionary units the Planning Commission shall determine the affordable level of such inclusionary unit(s).

Mayor Crew opened the public hearing. 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 Councilmember Sweet, and carried by a 5 to 0 vote to first reading of Ordinance 677 amending Chapters 17.07, 17.32, 17.58, and 17.220 of the Jackson Municipal Code to be consistent with the 2007-2014 Housing Element of the General Plan as amended. Motion passed with the following vote:

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

10. Preparation of 2014-2019 Housing Element.
City Manager Daly reported tonight's action was to consider participating in a collaborative county-wide update of the Housing Element of the General Plan.

City Planner Peters reported the planners from the County and cities of Jackson, Sutter Creek, Ione, and Plymouth have been meeting quarterly to discuss regional planning issues with the objective of

providing more efficient planning county-wide. One of these regional issues is the impending California Department of Housing and Community Development (HCD) June 30, 2014 deadline for Housing Element updates. The planning group has discussed the possibility of undertaking a countywide update of our housing elements. PMC, the consulting firm that provides planning services to two of the cities, has provided a proposal with two options for the county and cities to consider.

- Option A is a collaborative approach to addressing the most common issues associated with constraints to affordable housing and implementation of the Housing Element. Each jurisdiction would receive a basic template to be locally populated.
- Option B would be the preparation of a standardized hub document prepared for all participating jurisdictions. Each jurisdiction would receive the same standardized information, but the programs would be individualized.
- Option C -the "in- house" option which will likely be less expensive but may take longer to complete.

The Amador County Board of Supervisors and the City of Ione reviewed this issue and directed staff to pursue Option B. The City of Plymouth reviewed this issue and the results were unavailable at agenda deadline time... Sutter Creek will be reviewing this issue at their February 3, 2014 City Council meeting. Considering that the City of Jackson's current housing element was recently certified in November 2012, the document does not require much for the 2014-2019 update. Considerable amount of standardized information and public outreach needs to be compiled and completed for the June 30, 2014 deadline. PMC is extremely well qualified and has an excellent working relationship with HCD which will likely speed the certification process.

City Manager Daly reported HCD is encouraging some form of collaboration and option B in the amount of $11,300 would assure this is completed in a timely manner and City Planner Peters would be able to complete the remaining Elements of the General Plan.

Mayor Crew opened the public discussion. Judy Jebian spoke in favor of the collaborative approach. 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 Sweet, seconded by Vice-Mayor Gonsalves, and carried by a 5 to 0 vote to participate in a collaborative county-wide update of the Housing Element of the General Plan Option B - not to exceed $11, 300. Motion passed with the following vote:**
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> **AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet**
> **NOES: None**
> **ABSENT: None**
> **ABSTAIN: None**

11. Suspension of Resource Constraints and Priority Allocation Policy for 2014.
City Manager Daly reported tonight's action was to consider suspension of the Resource Constraints and Priority Allocation Policy for 2014.

City Planner Peters reported the Resource Constraints and Priority Allocation Policy is the City's growth management program designed to control growth at a rate that can be supported by the infrastructure and service demand created by new housing units. She reported in 2012 and 2013 the

City Council suspended the Housing Equivalent Unit Allocation and Notice of Intent to Develop requirement. Because there has been no interest for any new subdivision developments in the City, staff is recommending that the City Council suspend the Housing Equivalent Unit Allocation and Notice of Intent to Develop requirement for 2014. This would allow a developer to submit a subdivision application anytime during the year. Applications would still be required to comply with the design criteria outlined in the Resource Constraints and Priority Allocation Ordinance and would be processed in accordance with the Subdivision Map Act and the California Environmental Quality Act -both of which require Planning Commission review and approval.

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 Garibaldi, seconded by Councilmember Lewis, and carried by a 5 to 0 vote to approve to suspend the Housing Equivalent Unit Allocation and Notice of Intent to Develop requirement for 2014 and adopt Resolution No. 2014-03, suspending the program for 2014. Motion passed with the following vote:

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

12. CLOSED SESSION

a. Public Employee Annual Performance Evaluation: City Manager. (Pursuant to Government Code Section 54957)

Vice-Mayor Gonsalves reconvened to Open Session at 9:01 p.m. and announced no reportable action taken.

Adjourn 9:02 p.m.

ATTEST:

Gisele L. Cangelosi

Gisele L. Cangelosi, City Clerk

Date Approved: February 10, 2014