

Jackson City Council
Minutes
Regular Meeting of April 22, 2013

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

Michael Daly, City Manager
Andrew Morris, 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. **CEREMONIAL.** Councilmember Sweet accepted the \$5,000 donation from Native Sons of the Golden West for the Kennedy Tailing Wheels Preservation Project.

2. **APPROVAL OF AGENDA.**

Moved by Vice-Mayor Gonsalves and seconded by Councilmember Lewis, and unanimously carried to approve the City Council Agenda dated April 22, 2013 as presented.

3. **PUBLIC MATTERS NOT ON THE AGENDA.**

Cecily Smith, Foothill Conservancy, Executive Director, was present to introduce herself and noted she had attended Clean It & Green.

4. **CONSENT CALENDAR.**

- a. Approval of Minutes of April 8, 2013 meeting.
- b. Approval of Expenditure Report for the period of April the amount of \$152,995.56.
- c. Accept March 2013 Treasurer's Report and Sales Tax Report.

Moved by Councilmember Lewis, seconded by Councilmember Sweet, and unanimously carried to approve the Consent Calendar except for.

Vice Mayor Gonsalves and Councilmember Lewis abstained from the Approval of Minutes of April 8, 2013 meeting.

Councilmember Sweet abstained on the approval of Check 237493 in the amount of \$570.99.

5. **ADMINISTRATIVE REPORTS.**

City Manager Daly reported on the following:

1. Clean It & Green was held Saturday, April 20 and \$200 prize will be offered to the youth groups (K-8 and 9-12) in the park and American River Bank will again be providing a free barbeque.
2. AAUW Home Tour was held Saturday, April 20.
3. AWA meeting Thursday, April 25 there will be an item regarding possible adoption of Resolution No. 2013-15 Adopting a resolution to amend the Agency's Proposition 218 procedures.

4. Meeting with department head to discuss next year's budget.

COUNCIL REPORTS.

Councilmember Garibaldi reported he attended the Amador County Tourism meeting.

Councilmember Lewis reported she attended Assemblyman Frank Bigelow Townhall Meeting.

Vice-Mayor Gonsalves reported on the following:

1. Will be attending the AFDPD workshop on May 20 to discuss Consolidation and Proposition 172 monies.
2. Will be attending the AFDPD Board meeting.

Councilmember Sweet reported on the following:

1. Attended the Kennedy Mine Foundation meeting.
2. Attended the Amador County Transportation Commission meeting.
3. The Sacramento Regional Conservation Corps are camping out at the Kennedy Tailing Wheel for the next 3 to 4 weeks assisting with the project. New York Fitness is letting them use their facility to clean up.

Mayor Crew reported on the following:

1. Attended the Air Quality Control Board meeting.
2. The monthly LAFCO meeting has been cancelled.
3. Attended Clean It & Green.
4. Attended Assemblyman Frank Bigelow Townhall Meeting.

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. Intersection Concepts for Signalization of Sutter Street and Highway 49/88.

City Manager Daly reported Rebecca Neilon, Dokken Engineering was present to prove a presentation regarding the Intersection Concepts for Signalization of Sutter Street and Highway 49/88.

Rebecca Neilon, Dokken Engineering, reported the goal of this presentation was to obtain the City Council's guidance on the Sutter Street Signalization Project. That guidance may come in the form of project support or a request to suspend activities.

Sutter Street Extension Project Update:

The Sutter Street Extension project is currently obtaining right of way from affected property owners prior to formally entering into the Environmental Document and Project Approval phase. This is possible, because the project has funds allocated to it from the Regional Traffic Mitigation Fee (RTMF) program which are considered local funds and not subject to the same process as Federally Funded projects. Some right of way for the extension closure project has been acquired. The remaining right of way to be acquired is currently in negotiations. At this time the full Sutter Street Extension project is on hold pending resolution of the right of way issue.

Caltrans SHOPP Project

A few months ago, Caltrans let the Amador County Transportation Commission (ACTC) know that they were working on signalizing the existing intersection of Sutter Street and SR-49/88. In the spirit of collaboration the ACTC presented the Sutter Street Extension Project to Caltrans with a request to move the proposed SHOPP project signal to the City's proposed future location for the intersection. Caltrans agreed that the proposed signal location was better than the existing location and has begun coordination work with the ACTC and Dokken Engineering to develop an alternative in their planning study and environmental document that would place the new signal at the location proposed in the Sutter Street Extension project.

Caltrans expects the environmental work will be complete in the summer of 2013 and the project will be constructed in the summer of 2014. Caltrans has agreed to complete the environmental work for the new connection of Sutter Street to SR-49/88 and will take the lead on the construction phase. Caltrans will request a funding agreement with the City to cover the cost of the roadwork necessary to bring Sutter Street to the new intersection location; however they will pay for the cost of signalization (estimated at \$450,000). The minimum amount the City will need to contribute to the project will be around \$450,000.

Funding for Signalization Project

The funding options to pay Caltrans for the extra roadway work are:

1. City Traffic Mitigation Fees or General Fund.
2. RTMF fees already allocated to the project.
3. Apply for a Highway Safety Improvement Project (HSIP) grant 90/10 funding. This is not guaranteed and we won't be known until October.
4. Amador County Transportation \$360,000 CMAQ funding. In October Councilmember Sweet got an 80/20 grant, which could be RTMF funds.

Funding Option 1 might be recommended if no other funding existed, but in this case it is the least attractive option.

Funding Option 2 is viable because it is funding currently allocated to this project.

Funding Option 3 is the most attractive funding option is to apply for an HSIP grant; which traditionally provides up to \$900,000 in Federal Funding with a local match of \$100,000. The projects available RTMF funds can be used as the local match to the HSIP grant funds.

Unfortunately this segment of SR49/88 has a high accident rate which makes it an excellent candidate for HSIP funding. The HSIP awards will be made in the fall of 2013 which should be sufficient time to adjust the footprint of the City work to meet the City's available funds.

The layout exhibit for the HSIP grant application was provided as an attachment. This layout represents a \$900,000 project, assuming Caltrans will ask the City to provide construction cost reimbursement as well as compensation for engineering, administrative, and construction support costs.

Items for Council Discussion

Ms. Neilson explained in their coordination work with Caltrans a few items have been discovered which require Council input and direction if the City chooses to pursue this project.

Question: The first is the permitted movements at the driveway to the swimming pool. The stone columns at this driveway make it too narrow for full access. If the City wishes to keep the stone

columns this driveway may be closed by Caltrans. An alternative to removing the stone columns would be to make the driveway exit or entrance only, however Caltrans has expressed a strong opposition to this idea. Caltrans's preference is to remove the stone columns and make the driveway full access. Caltrans is so concerned about this particular design feature they have called a special meeting with the City on Wednesday the 24th to discuss and finalize this item. How will the Council like to handle this driveway?

Mayor Crew opened the public discussion. The following individuals spoke regarding the Intersection Concepts for Signalization of Sutter Street and Highway 49: Tom Blackman, Judy Jebian, Jack Georgette, Neil Peacock and Police Chief Morrison. Hearing no further comments, Mayor Crew closed the public discussion.

The next item for discussion is the footprint of the project. The project can be developed as a minimum build alternative which would cost approximately \$500,000. If the City wishes a larger project can be developed that would utilize the full HSIP funding which has traditionally been \$1,000,000. If the HSIP funding is not awarded to the project the City could use the available RTMF funds for the Cost Sharing Agreement with Caltrans but may be required- to contribute \$300,000 to \$400,000 in Traffic Mitigation Fees or out of the General Fund. Does the City want to develop a minimum or maximum build project to coordinate with the Caltrans SHOPP project?

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

Moved by Councilmember Sweet, seconded by Councilmember Garibaldi, and unanimously carried to approve to develop a maximum build project and coordinate with the Caltrans SHOPP project.

8. Circulation Improvement Program Financial Plan.

City Planner Peters reported at the March 25, 2013, meeting the City Council reviewed the proposed Circulation Improvement Program and the recommendations of City staff, the Amador County Transportation Commission (ACTC) staff, and the Planning Commission and accepted the following projects:

1. China Graveyard Road Rehabilitation.
2. Court Street Conversion to One Way - Main Street to Summit Street.
3. Jackson Gate Road Rehabilitation.
4. Jackson Grade Shoulder Widening- SR 49/88- Argonaut to Vogan Toll Road.
5. North Main Street Pedestrian Safety and Traffic Calming- Church Street to Stark's Lane.
6. Argonaut Lane and SR 49/88 Intersection Improvements.
7. SR 49/ Jackson Gate Road Intersection Improvements.
8. South Broadway Frontage Improvements.
9. New York Ranch Road Frontage Improvements.
10. Wicklow Way Extension -
 - A) SR88/Wicklow Intersection to Stony Creek Road.
 - B) Stony Creek Road to Hoffman Street.
11. Sutter Street Extension - SR 49/88 Intersection to Hoffman Street.
12. Jackson Local Collector-
 - A) SR 49/88 to North Main Street.
 - B) North Main Street to New York Ranch Road.
 - C) New York Ranch Road to Highway 88.
13. Jackson Corridor Improvement Project -

- A) SR 49/88- "Complete Streets" Sutter Street to SR49/88 Intersection.
- B) SR 49/88 Intersection Improvements.
- C) SR 49 Improvements - SR 49/88 Intersection to Clinton Road.
- D) SR49/Broadway Intersection Improvements.
- E) SR 88 -Broadway to Court Street Improvements (including signal at Mission Boulevard).
- F) SR 49 Improvements - Broadway to Scottsville.

Neil Peacock, ACTC Transportation Planner/Project Manager, was present to provide an overview presentation regarding the Circulation Improvement Program Financial Plan. The City Council was provided a copy of the PowerPoint presentation and spreadsheet which detailed a prioritized funding strategy for implementation of the above listed projects and the update of the City's local traffic mitigation impact fee program.

Mr. Peacock requested the City Council consider the recommendations from City and Amador County Transportation Commission (ACTC) staff regarding the Traffic Circulation Improvement Program funding strategy and provide direction to staff. Upon acceptance of the draft fee program, staff will finalize the complete plan, draft the necessary ordinances and resolutions, and notice a public hearing for Council adoption of the Circulation Improvement Program and Traffic Impact Mitigation Fee.

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

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

Moved by Councilmember Sweet to accept the proposed funding strategy and direct staff to finalize the complete plan, draft the necessary ordinances and resolutions, and notice a public hearing for Council adoption of the Circulation Improvement Program and Traffic Impact Mitigation Fee. The motion died for lack of a second.

Councilmember Sweet inquired if the City Council votes to do nothing what was the next step. City Attorney Morris explained if the Council votes to do nothing the Circulation Improvement Program remains status quo.

Councilmember Sweet expressed his concern that if the City Council does not approve traffic funding and has projects, we are contradicting our needs.

Moved by Councilmember Garibaldi, seconded by Vice-Mayor Gonsalves, and carried by a 4 to 1 vote (Councilmember Sweet dissenting) to defer approval of the proposed funding strategy and adoption of the Circulation Improvement Program and Traffic Impact Mitigation Fee for one year.

Mayor Crew called for a recess at 9:24 p.m. Mayor Crew reconvened the meeting at 9:31 p.m.

9. Review of Proposed Sphere of Influence Amendment.

City Manager Daly stepped down and left the Council Chamber due to a conflict of interest.

Vice-Mayor Gonsalves stepped down and left the Council Chamber due to a conflict of interest.

City Planner Peters reported as reviewed at the April 8 City Council meeting, the Local Agency Formation Commission (LAFCO) has initiated the process of amending the City's Sphere of Influence (SOI). LAFCO has a legal obligation to review municipal services and amend Spheres and

jurisdictional boundaries as necessary. Toward that objective, LAFCO Executive Officer Roseanne Chamberlain approached the City of Jackson about a LAFCO initiated SOI amendment. Staff has met with Ms. Chamberlain and Amador County Planning Director Susan Grijalva regarding potential amendments. The conclusion at that meeting was to remove lands from the existing sphere not reasonably likely to develop in the next 10 years and add properties that already receive city services.

The major difference between the City initiated and LAFCO initiated SOI amendments is the City is not the "applicant" and is not responsible to submit a proposal or pay fees as part of any application. This doesn't preclude the City Council from recommending to LAFCO what are appropriate SOI amendments for the City. Ms. Chamberlain has indicated that a recommendation from the City Council would be helpful to LAFCO. North and west traffic more even

The City Council was provided a copy of the proposed Sphere of Influence Amendment map to the Planning Commission which they reviewed at their April 15, 2013 meeting. After some discussion regarding how growth will likely occur in the City of Jackson and the surrounding properties, the Planning Commission unanimously voted to recommend the City Council support and forward the proposed SOI amendments to LAFCO.

Staff has sent out the attached letter to potentially affected property owners. The objective of the letter is to inform property owners, both those to be added and those to be removed, of the process and upcoming potential changes to the City's SOI as well as to solicit public input.

City Planner Peters stated the letter provided the following information:

1. What is a Sphere of Influence? A Sphere of Influence (SOI) is an area designated by the Local Agency Formation Commission (LAFCO) as potentially annexing into the City in the foreseeable future. LAFCO bases the SOI on the services that the City can provide. The Sphere of Influence, therefore, represents an area that has the potential to be annexed to the City because services such as fire and police protection and sewer and water services may currently be provided to this area or could conceivably be provided in the future as development occurs. By law, every incorporated city in California must have a Sphere of Influence.
2. In determining a jurisdiction's Sphere of Influence, LAFCO primarily considers where municipal services are being provided and where extension of those services in the future is logical. The City is providing services beyond the current city limits including water, sewer, fire, and police protection. Additionally, there are properties in the current SOI where it is highly unlikely that the City will provide many of these services.
3. What are the benefits to land owners within the Sphere of Influence? Being located within the Sphere of Influence means that the City services may be provided to the site, assuming the property is adjacent to the City limits and annexation can occur.
4. Will my property taxes and water and/or sewer rates increase if my property is included within the Sphere of Influence? Neither property taxes nor water and sewer service rates will be affected by the proposed Sphere of Influence expansion.

The following amendments were recommended for the proposed SOI amendments as outlined on the provided map:

1. Add service areas: Mariposa and Argonaut and Wicklow Way, (blank and island Williamson Act.
2. Remove French Bar Road – Jackson Hills, Jackson Gate Road, China Grave Yard and Carriage Way.

Mayor Crew opened the public discussion. The following individuals spoke regarding the Review of Proposed Sphere of Influence Amendment: Tom Blackman, Judy Jebian, and Darlene Collins. Hearing no comments, 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 4 to 0 voted (Vice-Mayor Gonsalves abstaining) to support the recommendations of the Planning Commission with one except – French Bar Road - Jackson Hills to remain in SOI and directed staff to forward the proposed SOI amended amendments to LAFCO.

10. Request to Consider Dog Waste Regulations.

City Manager Daly reported at the last City Council meeting, resident Judy Jebian suggested that the City of Jackson consider adopting a pet waste ordinance that would require dog owners to carry a disposal bag and remove dog waste when walking or exercising their dogs on public property. The City of Jackson does not currently have an ordinance with this requirement.

The City Clerk obtained the attached sample ordinances from the Internet and other ordinance options are available. These ordinances are not uncommon in more urbanized areas and are intended to help keep public areas clean and healthy.

One of the difficulties of this type of ordinance is the enforcement. The City does not have an animal control department and enforcement would become the responsibility of the Police Department.

The City has been looking into options for encouraging dog walkers to pick up after their animals. There are several types of dog clean-up stations available that provide clean-up bags and a place to dispose of waste. One of these units was included as part of the Gold Ridge Park in the small park above Raley's Shopping Center.

Mayor Crew opened the public discussion. Judy Jebian stated her concern was still the lack of dog owner's responsibility regarding sanitation bags and leash requirement especially at the Museum. She requested the City take on this problem with an Awareness Campaign as well as installation of signage and possibly baggy supplies. Hearing no comments, Mayor Crew closed the public discussion.

City Manager stated tonight's action was a request that the City Council provide direction to staff regarding whether or not to draft a pet waste control ordinance.

After considerable discussion among the City Council and staff, it was the consensus of the City Council not to draft a pet waste control ordinance at this time.

City Manager Daly stated this item will be brought back at a future meeting.

11. Award of Bid – Stasal Avenue Water Line Project.

Councilmember Lewis stepped down and left the Council Chamber due to a conflict of interest.

City Manager Daly reported the existing water main on Stasal Avenue is extremely old and does not provide adequate fire flow. Over the past few years there have been many leaks that have been

repaired. Funds were 'Originally programmed in the Water Department budget totaling \$184,000 in the fiscal year 20012-13 budget. The installation of the new 8-inch PVC waterline will replace the existing substandard 2 inch and 4 inch steel pipes. This will ensure the quality of water service to customers in the area. Two new fire hydrants will be installed to improve the fire protection in the area. The project will provide new house valves within the meter boxes. This will allow the customer to shut off water in case of emergency or to work on their water system. This will reduce the possibility of individuals damaging the city valve and will reduce City staff time required. This total project consists of the installation of:

1. 849 lineal feet of 8 inch diameter C900 Class 200 PVC waterline.
2. Three 8 inch Gate Valves.
3. Two fire hydrants.
4. 27 residential water services.
5. Various appurtenant work.

There were a total of five bids opened on Thursday, April 18, 2013 and they are as follows:

1. Groundworks Construction \$ 124,458.50
2. Vinciguerra Construction \$ 146,955.00
3. Monzingo Construction \$ 171,539.00
4. Wunschell & Sons \$ 178,520.00
5. Amador Mechanical, Inc. \$ 187,921.36

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

Moved by Vice-Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 4 to 1 vote (Councilmember Lewis abstaining) to adopt Resolution No. 2013-08 approving a Notice of Award to Groundworks Construction, as the lowest responsible bidder for the subject project in the amount of \$124,458.50.

12. CLOSED SESSION.

- a. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9).
Name of case: Orescan v. City of Jackson, 12-CV-7862.

Vice-Mayor Gonsalves reconvened to Open Session at 10.45 p.m. and announced there was no reportable action taken.

13. Adjournment:

Adjourn 10:46 p.m.

ATTEST:



Gisele L. Cangelosi, City Clerk

Date Approved: May 13, 2013