

Jackson City Council
Minutes
Regular Meeting of March 11, 2013

Patrick Crew, Mayor
Wayne Garibaldi
Marilyn Lewis
Keith Sweet

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

COUNCIL MEMBERS ABSENT:

Connie Gonsalves, Vice-Mayor

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

1. CEREMONIAL.

Presentation of Jackson Fire Department Awards: Fire Chief Morton presented the following Award: Firefighter of the Year - Jason Fishback and the David Gardella Award - Daniel Fishback, in his absence this award was accepted by his father Dale Fishback.

2. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, and seconded by Councilmember Garibaldi, and unanimously carried to approve the City Council Agenda dated March 11, 2013 as presented.

3. PUBLIC MATTERS NOT ON THE AGENDA.

None.

4. CONSENT CALENDAR.

- a. Approval of Approval of Minutes of February 25, 2013 meeting.
- b. Approval of Expenditure Report for the period of March the amount of \$87,761.80.
- c. Approval of Salary related items for February the amount of \$259,378.87.
- d. Accept January 2013 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Fire Department Monthly Report for February 2013.
- f. Receive Jackson Police Department Monthly Report for February 2013.
- g. Receive Building Department Monthly Report for February 2013.
- h. Approval of Special Event – Lions Club Dandelion Days, March 16-17.

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

Mayor Crew abstained on the approval of Check 237267 in the amount of \$4,447.60.

Councilmember Sweet abstained on the approval of Check 237290 in the amount of \$570.99.

5. ADMINISTRATIVE REPORTS.

Fire Chief Morton reported on the following:

1. Jackson Fire Department in January 2013 responded to 105 calls last month, 87 medical calls, 8 public assists, 4 fire related, 1 hazardous materials, 5 traffic accidents and 28 of the calls or 27 percent were outside of the city limits for automatic aid to the AFPD.

2. The Department will hold their Annual Tri-Tip Barbeque at the Lions Club Dandelion Days on March 16-17.

Police Chief Morrison reported on the following:

1. The Department responded to 586 calls for service for the month of February.
2. The Department responded to another sexual assault case this month.

City Manager Daly reported on the following:

1. Will be attending another meeting regarding the Triple Flip/VLF Swap Programs next week.
2. The Lions Club Dandelion Days will be held this weekend on March 16-17.
3. Clean It & Green It will be held Saturday, April 20.
4. Pacific Gas and Electric Company (PG&E) is launching a public outreach campaign to educate residents, businesses, and recreationists about being downstream of our hydroelectric dams. The open house will be March 21, 2013 at 5:00 p.m. to 8:00 p.m. at the Jackson Holiday Inn.

6. COUNCIL REPORTS.

Councilmember Sweet reported on the following:

1. Gave a presentation regarding the Kennedy Wheels project to the Sierra Belles.
2. The Vista Point Project dedication will be June 14 at 11:00 a.m.
3. The Kennedy Wheels Project dedication will be June 15 at 11:00 a.m. and there will be a countywide barbeque at the park.

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. Wastewater Treatment Plant Improvement Project - Final Environmental Impact Report and Project Approval.

City Manager Daly reported in February 2011, the City Council approved moving forward with an Environmental Impact Report to evaluate alternatives for improvements to the City's wastewater treatment plant required by the NPDES wastewater effluent discharge permit issued by Regional Water Quality Control Board. This permit enables the City to discharge treated effluent into Jackson Creek. The City hired Pacific Municipal Consultants (PMC) to prepare the EIR for the project and they began their work in April, 2011. A timeline of the environmental review process is noted below, and part of the project included a peer review of the engineering analyses performed by the City's contract wastewater engineer, Stantec, by the firm of Larry Walker Associates. The peer review report was completed in mid-2011 and was utilized in the drafting of the EIR documents.

The proposed project consists of improvements to the wastewater treatment plant (WWTP) and changes to the associated discharge practices in order to comply with more stringent Waste Discharge Requirements issued by the Regional Water Quality Control Board in 2007 in Order No. RS-2007-0133. The project consists of two major components: (1) improvements to the existing WWTP facilities to upgrade the system's level of treatment; and (2) development of a new effluent disposal process that consists of a combination of improvements to effluent discharges to Jackson Creek and a reclamation/land disposal system (effluent land disposal system) when effluent cannot be discharged to Jackson Creek under the Waste Discharge Requirements. The City also evaluated other alternative projects during the course of the EIR preparation, including one that was recommended to the City's sewer rate committee (see Alternative C below) by a local citizen. These alternatives were evaluated within the EIR, but in the end the project recommended as the preferred alternative by the sewer rate

committee and selected by the City Council (seasonal discharge onto pasture land) was also the project determined to be the preferred project by the EIR.

City Manager Daly reported Pat Angel, Pacific Municipal Consultants was present to provide an overview of the Wastewater Treatment Plant Improvement Project - Final Environmental Impact Report.

Pat Angel, Pacific Municipal Consultants, provided the overview of the Final Environmental Impact Report for the Wastewater Treatment Plant Improvement project.

The following is a summary of the environmental review process required under the California Environmental Quality Act that has been completed by the City to date:

- Release of the Notice of Preparation for the preparation of an Environmental Impact Report (EIR) on June 8, 2011
- Public scoping meeting to receive input on what the content of the Draft EIR should be was held on July 8, 2011
- Public release of the Draft EIR on July 18, 2012
- 45-day public review period was held from July 18, 2012 to September 7, 2012
- City Council meeting to receive comments on the Draft EIR was held on August 27, 2012
- Public release of the Final EIR on March 1, 2013

The EIR evaluated the following environmental issue areas:

- Air Quality
- Biological Resources
- Climate Change and Greenhouse Gases
- Cultural Resources
- Geology and Soils
- Hazards
- Hydrology and Water Quality
- Land Use and Aesthetics
- Transportation and Circulation
- Solid Waste
- Cumulative Impacts
- Growth Inducement

The Draft and Final EIR identified that significant environmental effects of the proposed WWTP improvements would be mitigated to less than significant, except for the following impacts. With the exception of the construction noise impacts, these impacts are associated with alteration of flow conditions on Jackson Creek (in combination with the Amador Water Agency's Amador Transmission Project's impacts to flows).

Impact 3.2.9 Alteration of flows in Jackson Creek downstream of the WWTP could result in direct mortality or loss of habitat of the California red-legged frog.

Impact 3.2.10 Alteration of flows in Jackson Creek downstream of the WWTP could result in direct mortality or the loss of habitat of the foothill yellow-legged frog.

Impact 3.2.15 Implementation of the project, in combination with existing approved, proposed, and reasonably foreseeable development, will cumulatively contribute to a loss of biological resources.

Impact 3.7.6 Operation of the proposed WWTP improvements, in combination with the Amador Water Agency's Amador Transmission Project, would contribute to reduced flows in Jackson Creek that could impair beneficial uses under drought conditions.

Impact 3.9.1 Construction of the proposed project would temporarily increase noise levels, potentially exceeding applicable noise standards.

The EIR also evaluated the following alternatives in detail. As identified in the findings, these alternatives were determined to be infeasible because would require amendment of Order No. RS-2007-0133 (amended by Order No. RS-2012-0101) to eliminate the limitation associated with the quantity of City effluent that can be discharged to Jackson Creek (relative to the accumulated percentage of effluent in Lake Amador- 20:1 dilution requirement) which the City cannot ensure that the Regional Water Quality Control Board would grant this amendment to the Order.

Alternative A - Continued Year-Round Discharge to Jackson Creek Alternative (No Project Alternative). This alternative assumes the City would continue to discharge to Jackson Creek on a year-round basis and would not include the development of a land disposal system for disposal of treated effluent. This alternative would require amendment of Order No. RS-2007-0133 (amended by Order No. RS-2012-0101) to eliminate the limitation associated with the quantity of City effluent that can be discharged to Jackson Creek (relative to the accumulated percentage of effluent in Lake Amador- 20:1 dilution requirement).

Alternative B - Reduced Land Disposal System Alternative. This alternative would modify the Project by obtaining an amendment to Order No. RS-2007-0133 to eliminate the limitation associated with the quantity of City effluent that can be discharged to Jackson Creek (relative to the accumulated percentage of effluent in Lake Amador) that would allow for additional opportunities to discharge effluent to Jackson Creek similar to Alternative A. The facilities associated with the proposed land disposal system for disposal of treated effluent would be reduced in size.

Alternative C - Seasonal Equalization of Jackson Creek Flows Alternative. This alternative would involve the construction of a reservoir facility east and upstream of the WWTP that would capture and store high flows in Jackson Creek during storm events and release the stored water back to the creek as needed to provide the required dilution for the WWTP effluent discharge consistent with the Order. During drought conditions, treated effluent would be stored in the reservoir until dilution requirements in the creek would allow later discharge. The reservoir would take the place of the project's proposed land disposal system for disposal of treated effluent.

Alternative C was determined infeasible as it would require additional approvals beyond what is required for the project (e.g., Division of Dam Safety) and would not provide substantial environmental benefits over the proposed project.

The following common comments were received on the Draft EIR and are responded to in detail in the Final EIR:

- Concerns regarding the impacts to flows on Jackson Creek.
- Concerns and countering analysis regarding the assumptions associated with design of the proposed project with a specific focus on the water balance.

Pacific Municipal Consultants have determined that the comments on the Draft EIR and associated responses provided in the Final EIR meet the content and disclosure requirements of CEQA. Staff recommends that the City Council certify the Final EIR as detailed in Resolution No. 2013-05.

City Manager Daly reported following certification of the EIR, the City will move forward with a "Petition for Change" submittal to the Division of Water Rights of the State Water Resources Control Board. This will be a critical path item in the project development, as there is the potential that the City could be denied its petition and then have to re-petition the Regional Water Quality Control Board to amend the NPDES permit based on the limited options for discharge of the effluent.

Another key issue is the rate study and financing for any project selected. The City has started its review of the current rate structure as well as research into various funding programs available. Additional information will be coming to the City Council related to the options and recommendations on how to proceed in the near future. Lastly, the City is also in the early phases of its NPDES Permit Renewal. The City's previous permit was renewed in October 2007, just over two years past the expiration of the previous five year permit. In October 2012, the Board granted a short term extension of the current permit based on the schedule approved for the City's Time Schedule Order compliance project. New draft permit language was received on February 27, and preliminary comments were submitted to the Regional Board staff on the preliminary comment deadline of Friday, March 8. One of the proposed changes in the preliminary draft of the new permit is a change in the language explaining how the City's dilution in Lake Amador should be calculated. This has been a discussion item with the Regional Board staff ever since the release of the last permit, as the daily discharge amount from the City's WWTP was significantly less than 5% if the permit language was literally applied, and the cumulative amount of effluent in Lake Amador was not taken into account.

The 2007 permit language does not accurately describe how the Regional Board staff intended the dilution to be described, nor how the City's consultants have calculated the concentration of effluent in Lake Amador. The preliminary draft language reads:

"20:1 Dilution of Wastewater in Amador Lake (Section III.E). Compliance with Prohibition III.E will be determined by performing a water volume analysis on Amador Lake to estimate the percentage of effluent present. The water volume analysis must be performed for each calendar month and must include all inflows and outflows to Amador Lake, including the effluent discharge. The discharge of effluent (by volume) that exceeds 5 percent of the calendar month estimated volume of Amador Lake is prohibited."

Other key water quality measurements are also included in the permit, and those are currently under evaluation to determine their impact on the City's wastewater operations. More updates will be provided as the permit progresses through the Regional Board adoption process.

Mayor Crew opened the public hearing twice during the hearing. The following individuals provided comments regarding the Final Environmental Impact Report - Wastewater Treatment Plant Improvement Project: Judy Jebian, Thornton Consolo, Sherry Danjowski and Bill Orescan. Hearing no further comments, Mayor Crew closed the public hearing.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Lewis unanimously carried to adopt Resolution No. 2013-05, certifying the Final Environmental Impact Report (EIR), adopting environmental findings pursuant to the California Environmental

Quality Act (CEQA), adopting a Mitigation Monitoring and Reporting Program, adopting a Statement of Overriding Considerations and adopting the Proposed Project.

8. Award of Bid – Eva Way Sewer Line Improvement Project.

City Manager Daly reported the City of Jackson public works department has responded to several issues with the sub- standard sanitary sewer in the alley between Eva Way and Schoeber Avenue. The sewer line is old clay pipe with misaligned joints and root infiltration. The engineer's estimate was not to exceed \$10,000.00. This total project consists of the installation of:

1. 150 feet of six inch SDR35 sanitary sewer pipe.
2. Five connections to existing dwelling unit sewer laterals.
3. One end of line lamp hole cleanout.
4. Connection to existing SDR35 pipe near the existing man hole.
5. Various appurtenant work.

The project was put out to bid in February and five contractors attended the mandatory pre-bid meeting. There were a total of four bids opened on March 6, 2013 and they are as follows:

- | | |
|------------------------------|--------------|
| 1. Vinciguerra Construction | \$ 7,880.00 |
| 2. Wunschel & Sons, Inc. | \$ 10,798.00 |
| 3. Ground Works Construction | \$ 11,872.50 |
| 4. Wolin Construction | \$ 15,535.00 |

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

Moved by Councilmember Sweet, seconded by Councilmember Lewis unanimously carried to adopt Resolution No. 2013-06 approving a Notice of Award to Vinciguerra Construction, as the lowest responsible bidder for the subject project in the amount of \$7,880.00.

9. Authorization to Submit Grant Application for Electric Vehicle Charging Stations.

City Manager Daly reported the Jackson Revitalization Committee has been discussing the possible installation of electric vehicle (EV) charging stations in the Civic Center parking lot, as well as the parking lot where Mel & Faye's Diner was previously located, now referred to by staff as the "49er" parking lot. The purpose of installing these stations is to provide a convenient stopping point for owners of electric vehicles (Chevy Volt, Ford Focus EV, Nissan Leaf, Toyota Prius EV, etc.) near the downtown area where they can visit and shop while their vehicle re-charges its battery.

Staff researched different types of charging stations and both of these locations are suitable with minimal infrastructure requirements. While researching these stations last month, a grant opportunity was discovered that will allow the City to obtain two charging station units valued at \$1,750 each for no cost from Clipper Creek, Inc., through the Reconnect California Grant Program. The grant program is nearing its expiration and the final units are being awarded. The cost to run the electricity to the charging station is borne by the City, but installation of the units are included with the grant. Installation requires connecting conduit to the electrical panel, and running the conduit/wire to a junction box that is mounted on the wall where the charging station will be placed. Electric panels at both locations have the required capacity. Most EVs on the road today require between 4 to 7 hours for a full charge with the type of station being offered through this program. The cost of the charge runs about \$2 to \$4, again depending on the vehicle and battery type. Though some charging stations offer the ability to charge for the electricity, there are additional costs associated with the units (service fees from the system vendor and possible credit card fees).

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

Moved by Councilmember Garibaldi, seconded by Councilmember Sweet , and unanimously carried to pass a motion authorizing the City Manager to submit an application for electric vehicle charging stations at the "49er" parking lot across the highway from the Fire Station and in the Civic Center garage. Vehicles will not be charged to use the electric vehicle charging station for one year and which time this program will be revised.

10. Letter Opposing SB 7 (Steinberg), Local Control.

City Manager Daly reported the League of California Cities sent an "Action Alert" to all cities on March 6, 2013, regarding legislation introduced by Senator Darrell Steinberg that would prohibit a charter city from receiving or using state funding or financial assistance for a construction project if the city has a voter-approved charter provision or ordinance that authorizes a contractor to not comply with state prevailing wage requirements on local construction projects funded by (non-state) city funds. The City of Jackson is not a charter city, but is classified as a general law city (subject to the state's prevailing wage laws). A summary of the difference between the two types prepared by the League was provided. Although this legislation would only directly impact charter cities, the threat posed by this measure to local charter authority is much broader. If this framework is authorized, there will likely be no end to efforts to leverage compliance with other state laws, while ignoring the constitutional legitimacy of the doctrine of municipal affairs. This bill erodes the fundamental principle of local control and the constitutional limits on state authority over charter cities. The bill also ignores recent Supreme Court decisions. Based on a recent City of Vista case, only months ago, the California Supreme Court made a decision that prevailing wage was not a matter of state wide concern and that imposing the prevailing wage state law onto charter cities intruded on the charter city's authority to expend its own funds for its own construction projects. The court upheld that the issue was a municipal affair under the state constitution.

The provided letter was drafted to express the City of Jackson's objection to the precedent that this piece of legislation would create.

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

Moved by Councilmember Garibaldi, seconded by Councilmember Lewis, and unanimously carried to pass a motion authorizing the Mayor to send the provided letter to appropriate state legislators opposing Senate Bill 7 (Steinberg).

11. CLOSED SESSION

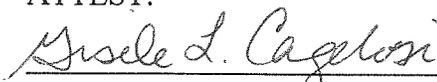
a. Conference with Labor Negotiator - Agency designated representative: Michael Daly, City Manager. Unrepresented employees: Fire Captain, Fire Engineer.

Mayor Crew reconvened to Open Session at 9:00 p.m. and announced there was no reportable action taken.

12. ADJOURNMENT

Adjourn 9:05 p.m.

ATTEST:


Gisele L. Cangelosi, City Clerk

Date Approved: March 25, 2013