

Jackson City Council  
Minutes  
Regular Meeting of May 28, 2013

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

Michael Daly, City Manager  
Mark Morton, Fire Chief  
Gisele Cangelosi, City Clerk

**COUNCIL MEMBERS ABSENT:**

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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.**

City Manager Daly requested the City Council add an item to the Closed Session and noted for the record the City Attorney will be available by phone.

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

54954.2(b) (2) Upon a determination a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

**Moved by Vice-Mayor Gonsalves and seconded by Councilmember Lewis, and  
unanimously carried to approve the City Council Agenda dated May 28, 2013 as amended.**

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

Vera M. Allen, Jackson Police Department, reported the department was gearing up for their 2013 countywide Jackson Police Activities League Summer Baseball Program.

- a. JPAL Baseball is open to boys and girls between the ages of eight and thirteen. League play begins June 17th and ends on July 23th. Practices will be held on Monday and Tuesday nights starting at 5:30 p.m. and go until 7 p.m. at Aime Field.
- b. JPAL is also partnering with the Amador County Library in an effort to provide a more comprehensive summer reading program June 17th thru July 27. Team members that complete each reading requirement will be given fun prizes for their achievement and if the whole team completes fifteen hours of reading, they earn a movie night at the Jackson Cinema from JPAL and are entered into the Amador County Library's grand prize drawing.

4. **CONSENT CALENDAR.**

- a. Approval of Minutes of May 13, 2013 meeting.
- b. Approval of Expenditure Report for the period of May the amount of \$439,592.30.

- c. Approval of Resolution for Indian Gaming Distribution Funding Budget Amendments and Authorize Purchase of Vehicle.
- d. Approval of Resolution for Strategic Energy Plan Development Grant Application.

**Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and unanimously carried to approve the Consent Calendar as presented.**

## **5. ADMINISTRATIVE REPORTS.**

Mark Morton reported on the following:

1. Attended the AFD Workshop for Fire Department Consolidation May 23.
2. Attended the AFD regular meeting May 23, workshop to discuss possible action for approved used of Proposition 172 funds.
3. Attended a meeting with Fire Chief Moreno, Sutter Creek regarding new radios and gas detectors.
4. Inquired if the City Council would be participating in the Annual Italian Benevolent Society's Parade on June 2.
5. Firefighters are ready for this year's "Fill the Boot for Burns" Boot Drive this Saturday, June 1st from 11:00 am to 6:00 pm at the intersection of Highway 49 and Jackson Gate Road. . Donations support the Firefighters Burn Institute and assure the best possible burn treatment and recovery programs are available in Northern and Central California.

City Manager Daly reported on the following:

1. JBCA's Mother Lode Cruise Car Show held Saturday, May 18, was a great success.
2. The Vista Point Improvement Project and the Kennedy Tailing Wheels Preservation Project are scheduled for their respective re-dedication ceremonies on June 14 and June 15.
3. AmadorArts will be hosting the 3rd annual "Jazzin' It Up In Jackson" event on Saturday, June 23rd from 6:00 p.m. – 9:00 p.m. on historic Main Street in downtown Jackson.

## **COUNCIL REPORTS.**

Councilmember Garibaldi attended the ACRA Kennedy Mine Old Fashioned Deep Pit Barbeque held Saturday, May 18.

Vice-Mayor Gonsalves reported on the following:

1. The Fire Department has partnered with AAA to provide free Carbon Monoxide Detectors on Wednesday, May 15 at the AAA office from 4:00 p.m. to 7:00 p.m.
2. Attended the JBCA's Mother Lode Cruise Car Show held Saturday, May 18.
3. Attended the AFD Workshop for Fire Department Consolidation May 23 at 10:00 a.m.
4. Attended the AFD regular meeting May 23 at 4:00 p.m. workshop to discuss possible action for approved used of Proposition 172 funds.
5. Will be participating in the Annual Italian Benevolent Society's Parade on June 2.

Councilmember Sweet reported on the following:

1. Attended the ACRA Kennedy Mine Old Fashioned Deep Pit Barbeque held Saturday, May 18.
2. Attended the Fire Department AAA's event for the free Carbon Monoxide Detectors held Wednesday, May 15.
3. Attended the AWA Community Outreach meeting, Friday, May 24.
4. Preparing the last details for the Vista Point Improvement Project and the Kennedy Tailing Wheels Preservation Project re-dedication ceremonies.

Mayor Crew reported on the following:

1. Attended the JBCA's Mother Lode Cruise Car Show, Saturday, May 18 Car Show.
2. Attended the LAFCO meeting.
3. Attended the Air Quality Control Board meeting.
4. Will be participating in the Annual Italian Benevolent Society's Parade on June 2 Italian parade

### **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. Rezone from Residential Single Family (RSF) to Public/Institutional (P) to Expand the St. Sava Cemetery, 714 North Main Street (APN 020-132-002), Reverend Steven Tumbas – Serbian Orthodox Church.**

City Manager Daly reported on May 13, the City Council held a public hearing and reviewed the information presented below regarding the entitlements required for expansion of the Serbian Orthodox Church cemetery. The City Council approved the first reading of the ordinance to approve the rezone and Resolution 2013-09 approving the General Plan Amendment, Boundary Line Adjustment, and Variance.

Reverend Steven Tumbas of the Serbian Orthodox Church had submitted an application to rezone and amend the City of Jackson's General Plan land use designation for 714 North Main Street (APN 020-132-002) from Residential Single Family (RSF) to Public/Institutional (P). The Serbian Orthodox Church recently acquired this property which is adjacent to the church cemetery. The property is currently zoned and General Plan Designated Residential Single Family (RSF) and is improved with a residence. The Church is requesting a Boundary Line Adjustment to increase the size of the adjacent cemetery by expanding into the back portion of 714 North Main Street. To accommodate the Boundary Line Adjustment to expand the cemetery, the back portion of the property would need to be rezoned to Public/Institutional. Additionally, the front portion of the lot would require a variance because the Boundary Line Adjustment would cause the front portion to be a substandard sized lot- 6,000 square feet instead of the 8,000 square feet required by the Development Code.

Zoning and General Plan designations for the surrounding properties include Residential Single Family, Residential Duplex, and Residential Medium Density to the south and west, Recreation/Open Space to the east, and Public/Institutional to the north. The single family residential lot sizes in the area are varied with several that are less than 8,000 square feet, including the adjacent parcel which is less than 5,000 square feet.

On April 15, 2013, 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 adopt Ordinance 675 to rezone 714 North Main Street (APN 020-132-002) from Residential Single Family to Public/Institutional the following findings must be made:

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

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

**Moved by Councilmember Lewis, seconded by Vice-Mayor Gonsalves, and unanimously carried to approve by second reading and adopt Ordinance 675 to rezone 714 North Main Street (APN 020-132-002) from Residential Single Family to Public/Institutional.**

#### **7. Sutter Street Signalization – Authorization to Remove Stone Pillars Near Scout Hut.**

City Manager Daly reported Rebecca Neilon, Dokken Engineering provided this memo regarding Sutter Street Signalization and request for authorization to remove the Stone Pillars near Scout Hut.

The deteriorating stone columns are restricting the width of the existing driveway. Caltrans has requested the columns be removed so that the driveway can be widened and included as a fourth leg of the signalized Sutter Street Intersection with SR 49/88. To date, Dokken Engineering has not been able to find anyone that knows the history of these columns and they do not appear to be of any significance within the community. This driveway will need to be closed when the intersection is signalized if the columns cannot be removed.

At the April 22, 2013 meeting, it was reported that 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.

One of the questions discussed: 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.

Mayor Crew opened the public discussion. The following individuals spoke their concerns: Thornton Consolo, Jack Georgette and Tracy Towner. 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 Councilmember Garibaldi, and unanimously carried to approve the removal of the stone columns at the parking lot entrance to Detert Park/City Pool/Library/Scout Hut as requested Caltrans as part of the**

**Sutter Street Signalization Project. There will be no demolition until the city has a plan in conjunction with the project.**

#### **8. Circulation Improvement Program Financial Plan.**

City Manager Daly reported at the April 22, 2013, City Council meeting, an updated fee proposal was presented to the City Council (attached) that reflected updates to the City's Traffic Circulation Improvement Program approved at the March 25, 2013 meeting. The proposed fee to cover the approved projects is \$3,501. This fee is expected to generate \$5,047,357 during the full build-out of the City. Over the build-out period, this fee is part of a total project budget of \$45,757,850, with another \$9,284,158 in "Tier II" projects with funding yet to be determined.

The City Council did not increase the City's local traffic fee that was developed to be a component of the total plan's funding. Following the meeting, City staff reviewed all development fees charged and is proposing a stepped increase that may be more acceptable at this time so as not to discourage any building activity from occurring. This was Council's primary motivation behind not approving the fee increase at the April meeting.

If the Council approves the concept to step up the fee in a two-step process, the half-way point between the current fee of \$1,318 per single family dwelling and the proposed amount of \$3,501 would be \$2,409. This is still much less than any other local fee in the County. A chart showing all of the City's development fees in comparison with the other jurisdictions in the County was provided. In order to increase the local traffic impact fee, a 30 day notice and the required documents must be prepared to formalize any policy decision of the City Council. Approval of this concept sets the wheels in motion for the formal adoption that would come after the noticing is complete.

The action on this item would be that the City Council consider directing staff to prepare documents necessary to increase the City's Local Traffic Mitigation Fee to \$3,501, by phasing the increase over a two year period from the current fee of \$1,318, with a fee of \$2,409 effective in July, 2013, and the full fee of \$3,501 effective July 1, 2014.

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 Vice-Mayor Gonsalves, seconded by Councilmember Sweet, and unanimously carried to direct staff to prepare documents necessary to increase the City's Local Traffic Mitigation Fee to \$3,501, by phasing the increase over a two year period from the current fee of \$1,318, with a fee of \$2,409 effective in July, 2014, and the full fee of \$3,501 effective July 1, 2015.**

#### **9. Consideration of Amendments to Amador County Recreation Agency Joint Powers Authority Agreement.**

Tracey Towner, ACRA, at their regular meeting on May 8, 2013, the Amador County Recreation Agency Board of Director, adopted the following language amending the Joint Powers Authority that comprises ACRA.

- It is now the second amendment, and the new date will read May 8, 2013.
- County Service Area No. 3 Lake Camanche, CSA 3 was removed from the first paragraph.
- Section 3.1: The governing board will now be comprised of nine (9) members; previously the board consisted of ten (10) members. Strike the second to last sentence in this paragraph, which designated the appointment process of the representative for CSA 3.

- Section 3.6: Establishes the quorum at five (5) board members; previously the quorum was six (6) board members.
- Section 4.5: Changes the word 'shall' to 'may'.
- Section 6.3: This section was removed.
- Section 7.2: Clearly defines the disposition of all of ACRA's assets, should this agreement be terminated.

It is necessary for the Jackson City Council accept these changes, along with all boards and councils that comprise this JPA.

Mayor Crew opened the public discussion. Jack Georgette spoke his concern the amendments to Amador County Recreation Agency Joint Powers Authority Agreement. 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 Garibaldi, seconded by Councilmember Garibaldi, and unanimously carried to approve the Amendments to Amador County Recreation Agency Joint Powers Authority Agreement.**

#### **10. FY 2013-14 Budget Overview.**

City Manager Daly reported the City's department heads, finance staff and the City Manager have been working together on the details for the FY 2013/14 City Budget as the City continues to work towards restoring services and maintenance of City infrastructure with a fluctuating revenue stream. Revenue estimates and expenditure estimates are in the process of being finalized and key data related to the budget preparation were discussed.

A City Budget is a complex document due to the fund based accounting that separates the General Fund from Enterprise Funds and Special Revenue Funds. The General Fund allows for the most spending discretion by the City Council and is fortified by property tax, sales tax, vehicle license fees, franchise fees, building and planning fees and other miscellaneous revenue sources. Enterprise funds include the water and sewer funds, as well as other operations that generate revenue intended to be used solely for their operation. These include the parking, cemetery, recreation (pool) and Measure M fire funds. Special revenue funds include most grants and other unusual funding sources that have specific requirements that limit the expenditure of the funding.

Mayor Crew opened the public discussion. Tracey Towner Yep requested consideration for total funding for their annual request for funding. Hearing no further comments, Mayor Crew closed the public discussion.

After considerable discussion among the City Council and staff, staff was directed to revise the proposed FY 2013-14 Budget to include ACRA's total annual request for funding and cancellation of the Covered Parking Meter Program on Main Street Parking. City Manager Daly noted presentation and adoption of full budget will be presented for consideration by the City Council at its regular meeting on June 25.

#### **11. Measure E Advisory Committee Re-Appointments.**

City Manager Daly reported following voter approval of Measure E in 2002, which increased the City's transient occupancy tax from 8% to 10%, the City Council appointed a committee to assist with the

review of funding requests submitted primarily by local organizations for use of the additional revenue generated by this tax for the purposes specified by the City Council: Tourism and business promotion, economic development and downtown revitalization.

The original committee included local business representatives, lodging owners and a City Council member. The current committee of five includes Vice Mayor Connie Gonsalves, Stan Lukowicz, Tom Peyton, Paul Molinelli Jr., and Atul Patel. The committee only meets once or twice per year to review Measure E funding requests and to provide a recommendation to the City Council. There are no term lengths associated with the seats on this committee and appointments have only been made in the past when vacancies occur. Last year, Councilmember Sweet voluntarily resigned from the committee, and Councilmember Connie Gonsalves was appointed as his replacement.

All five current members confirmed their interest to assist the City in the review of the requests for funding this year. Appointments on this committee are discretionary by the City Council and there is no set number of committee members or qualifications to be appointed to the committee. No other changes are recommended.

**Moved by Councilmember Garibaldi, seconded by Councilmember Lewis, and unanimously carried to reappoint the current Measure E Advisory Committee members, which includes Vice Mayor Connie Gonsalves, Stan Lukowicz, Tom Peyton, Paul Molinelli Jr., and Atul Patel.**

**12. Planning Commission and Cemetery Committee – Notice of Application Period. Announce a deadline of June 19, 2013 for these advisory bodies.**

City Manager Daly reported the Planning Commission and Cemetery Committee terms are two years long and expire on June 30. Both advisory bodies have alternating years of two and three seats expiring to maintain continuity. This year, the seats of Planning Commissioners Kathryn Devlin and Walt Hoeser will expire. The Cemetery Committee terms of Al Nunes, Margot McIntire and Bob Stimpson also expire on June 30. Each of these Commissioners and Committee members received notice that their terms are expiring and they are eligible for another term. Regardless of the interest of the incumbents, the City must open the application process to all qualified residents. It is recommended that the City accept applications for these seats until Wednesday, June 19, 2013, in order to allow time for City Council appointment at the regular meeting on June 24, 2013.

**13. 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 9:15 p.m. and announced there was no reportable action taken.

**Adjournment:**

Adjourn 9:16 p.m.

ATTEST:

  
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Gisele L. Cangelosi, City Clerk

Date Approved: June 10, 2013