

Jackson City Council
Minutes
Regular Meeting of January 25, 2016

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

Michael Daly, City Manager
Joshua Nelson, City Attorney
Susan Peters, City Planner
Gisele Wurzburger, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Vice-Mayor Gonsalves, seconded by Councilmember Garibaldi, and carried by a 5 to 0 vote to approve the City Council Agenda dated January 25, 2016 as presented. Motion passed with the following vote:

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

2. PUBLIC MATTERS NOT ON THE AGENDA.

Mayor Sweet reported Wayne Garibaldi and Richard Forster have been named recipients of the 2016 Margaret Dalton Golden Nugget Award.

3. CONSENT CALENDAR.

- a. Approval of Minutes of January 11, 2016 meeting.
- b. Approval of Expenditure Report for the period of January the amount of \$114,290.50.
- c. Memorandum of Understanding Amendment for SEIU Local 1021.
- d. Budget Update – Budget to Actuals for Six Months.
- e. Kennedy Tailing Wheels Preservation & Access Project - RPSTPLE-5141(017), Final report acceptance.

Moved by Councilmember Lewis, seconded by Councilmember Crew , and carried by a 5 to 0 vote to approve the Consent Calendar dated January 25, 2016 as amended and except for: Motion passed with the following vote:

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

Councilmember Crew abstained from the approval of Check 4409 in the amount of \$2010.55. Mayor Sweet abstained from the approval of Minutes of January 11, 2016 meeting.

4. ADMINISTRATIVE REPORTS.

Police Chief Morrison reported on the OES Homeland Security Grant funding.

City Planner Peters reported on the following:

1. The City of Jackson Energy Action Plan and General Plan update will be submitted in March.
2. The Board of Supervisors approved the ACTC Regional Mitigation Fees and will be submitted in the near future.
3. Consideration regarding a sales tax for roads fair share will be submitted in the near future.

City Manager Daly reported on the following:

1. Sewer Rate update will be on the next agenda.
2. There will be a public forum February 24 at 6:00 p.m. at the Jackson Civic Center regarding the Amador County Park and Recreation Master Plan and Nexus.
3. Chief Morton will return to work on February 1.
4. Tonight is City Manager Daly's 17th year with the City of Jackson.

5. COUNCIL REPORTS.

Councilmember Crew reported on the following:

1. Attended the Air Quality Control Board meeting
2. Attended the Local Area Formation Commission meeting.
3. Attended the JBCA annual membership meeting.

Councilmember Gonsalves reported on the following:

1. Attended the JBCA annual membership meeting.
2. Attended the Amador Council of Tourism meeting.
3. Attended the Amador Fire Protection Agency meeting.

Councilmember Lewis reported on the following:

1. The City received a great letter of appreciation regarding Public Works Superintendent Wurzburger.
2. Request the Ratepayers Protection Alliance to provide their information for the agenda packet so that it can be reviewed for consideration prior to the meeting.

Councilmember Garibaldi reported on the following:

1. Attended the Amador County Recreation Agency meeting.
2. Attended the Amador Council of Tourism 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.

6. Jackson Rancheria Development Corporation Tax Transfer Agreement.

City Manager Daly reported the Board of Supervisors reviewed the agreement at their January 12, 2016

meeting. After considerable discussion regarding the merits of the annexation, the Board of Supervisors denied the tax transfer agreement. This action meant that the annexation request could not be on the January 21, 2016 LAFCO agenda.

City Planner Peters reported at the January 11, 2016 meeting, the City Council reviewed and approved a tax transfer agreement between the City and the County of Amador for annexation of the Jackson Rancheria Development Corporation properties on French Bar Road. This agreement is required prior to the Local Agency Formation Commission (LAFCO) considering the annexation request. The California Revenue and Taxation Code sets forth a negotiation process in the event that a tax transfer between a county and city does not result in an agreement. The first step in the process is to obtain a mutually agreed upon consultant to prepare an independent fiscal analysis. If the study does not lead to an agreement between the two parties, a mediator is to be hired, followed by arbitration should mediation fail. The costs associated with this process shall be shared equally between the city and county. Representatives from the Jackson Rancheria Development Corporation have requested that the City of Jackson proceed with the fiscal analysis and have agreed to pay the City's share in the negotiation process. Should the Council choose to continue with the tax transfer negotiation, staff will schedule a meeting with the County's Chief Administrative Officer.

Mayor Sweet suggested City Attorney Nelson and City Manager Daly represent the City in this matter because they are knowledgeable of the process.

Mayor Sweet opened the public discussion. Hearing no further from the public, Mayor Sweet 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 Lewis, and carried by a 5 to 0 vote to proceeding with the Jackson Rancheria Development Corporation Annexation by contacting the County of Amador to have a fiscal analysis prepared to determine a fair and equitable tax transfer : Motion passed with the following vote:

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

7. Housing Equivalent Unit Allocation – Consider Suspending Program for 2016.

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. In 2012, 2013, and 2014 the City Council, on recommendation of the Planning Commission, and because of the lack of development applications, suspended the Housing Equivalent Unit. Because there has been minimal interest for any new subdivision developments in the City, staff and the Planning Commission are recommending that the City Council again suspend the Housing Equivalent Unit Allocation and Notice of Intent to Develop requirement. 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 Sweet opened the public discussion. Hearing no comments from the public, Mayor Sweet closed the public discussion.

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

Moved by Councilmember Crew, seconded by Vice-Mayor Gonsalves carried by a 5 to 0 vote to suspension of the Housing Equivalent Unit Allocation and Notice of Intent to Develop requirement for 2016. Motion passed with the following vote:

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

8. Proposal to Use Economic Development Funds to Advertise City of Jackson in San Francisco Chronicle Inserts, Publishing Sundays, February 7 and March 13.

Councilmember Garibaldi requested the City Council pass a motion approving the additional funding requested by the Amador Council of Tourism (ACT) in the amount of \$3,870 for advertising in the San Francisco Chronicle special editions featuring the Gold Country and Amador County. The provided document details the request from ACT for advertising in two upcoming issues of the San Francisco Chronicle. These two publications were not included in this organization's original request for funding, therefore, the additional funding request is submitted.

Maureen Funk, ACT, Executive Director, was present to answer any question of the City Council.

Mayor Sweet opened the public discussion. Hearing no comments from the public, Mayor Sweet 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 Gonsalves carried by a 5 to 0 vote to approve the additional funding requested by the Amador Council of Tourism (ACT) in the amount of \$3,870 for advertising in the San Francisco Chronicle special editions featuring the Gold Country and Amador County. Motion passed with the following vote:

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

9. Investment Policy for 2016.

City Manager Daly reported the City Council is required by the California Government Code to annually consider the City's Investment Policy at a public meeting. With approval of the investment policy the City

Manager or his designee is appointed to carry out the policy. The City of Jackson invests its temporarily idle funds with the State of California Local Agency Investment Fund (LAIF) and has recently invested funds with CalTrust. Investment transactions with LAIF and CalTRUST involve only transfers between LAIF and the City's checking account. Authorized personnel do not write or authorize checks or receive checks or cash involved in the investment activity. As of December 31, 2015, the City's investment in LAIF and CalTrust totaled \$3,390,007.26. The interest rate on the LAIF investment as of December 2015 was 0.37 percent and CalTRUST was 0.94 percent. The City's bank account maintains substantial funds (currently \$2,252,510.96) in order to eliminate analysis fees from Wells Fargo Bank.

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

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

Moved by Councilmember Crew, seconded by Councilmember Garibaldi carried by a 5 to 0 vote to adopt Resolution No. 2016-05 approving the City's Investment Policy for Calendar Year 2016. Motion passed with the following vote:

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

10. Audit of Motel/Hotel Transient Occupancy Tax.

City Manager Daly reported the City has been contemplating an audit of the hotel and motel transient occupancy tax (TOT) for a few years. The rate for the TOT is currently ten percent, and two percent of the tax collected by hotels and motels goes directly towards tourism and business promotion, economic development and downtown revitalization. There are a number of methods of audits available that range from using City staff, to auditors who specialize in auditing these types of revenue collections. Staff has spoken with several of these vendors. A request for proposals would be the most appropriate way to get a vendor to perform these services. In addition to local accounting firms who may be interested, other firms in the Sacramento region have also expressed interest in performing these services for the City. In order to gather this information in a form for the Council to review, it is recommended that the City issue a Request for Proposals for an audit of TOT revenues. It is expected that a deadline of February 12, 2016, can secure at least three separate proposals for the services requested. Depending on the number of responses, a selection of an auditor for these services could be made on the February 22, 2016, City Council agenda.

Mayor Sweet opened the public discussion. Hearing no comments from the public, Mayor Sweet 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 Crew carried by a 5 to 0 vote to direct staff to issue a Request for Proposals to audit the motel and hotel transient occupancy taxes collected within the City of Jackson. Motion passed with the following vote:

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

11. Council Appointment to League of California Cities Activities.

City Manager Daly reported the City of Jackson is a member of the Sacramento Valley Division of the League of California Cities. There are times when the division gathers to discuss issues of importance to the cities. As requested in the provided letter from Jan Arbuckle and John Shirey, each city in the division is being requested to designate a representative from the City Council as a liaison to the League. The liaison would serve as the official point of contact for the Sacramento Valley Division of the League of California Cities and would be the primary recipient of Division communications. These communications would generally be through e-mail and pertain to division activity. The communications may also include updates from the League. The information would be sent to Charles Anderson, the regional staff person for the League.

Mayor Sweet stated he would be the designated representative from the City Council as a liaison to the League of Cities.

12. CLOSED SESSION

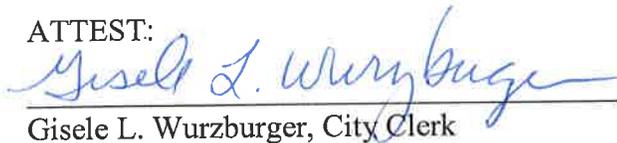
- a. Public Employee Annual Performance Evaluation: City Manager. (Pursuant to Government Code Section 54957)

13. ADJOURNMENT

Vice-Mayor Gonsalves reconvened to Open Session at 7:50 p.m. and announced no reportable action taken.

Adjourn 7:51 p.m.

ATTEST:


Gisele L. Wurzbarger, City Clerk

Date Approved: February 8, 2016