

Jackson City Council
Minutes
Regular Meeting of October 9, 2012

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

Michael Daly, City Manager
Scott Morrison, Police Chief
, Fire Chief
Gisele Cangelosi, City Clerk

COUNCIL MEMBERS ABSENT:

Patrick Crew, Mayor

Vice-Mayor Gonsalves called the meeting to order at 7:00 p.m.

Vice-Mayor Gonsalves called for a Moment of Silence in honor of former historian Larry Cenotto.

Vice-Mayor Gonsalves provided an update on Mayor Crew's condition.

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, and seconded by Councilmember Sweet, and unanimously carried to approve the City Council Agenda dated October 9, 2012 as presented.

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Minutes of September 24, 2012.
- b. Approval of Expenditure Report for October in the amount of \$105,224.60.
- c. Approval of Salary related items for September in the amount of \$275,738.09.
- d. Accept August 2012 Treasurer's Report and Sales Tax Report.
- e. Receive Jackson Police Department Monthly Report for September 2012.
- f. Receive Jackson Fire Department Monthly Report for September 2012.
- g. Receive Building Department Monthly Report for September 2012.
- h. Approve Side Letter Agreement for FY 2012-13 with SEIU Local 1021.
- i. Adopt Resolution Approving Biennial Review of Conflict of Interest Code and Designated Employees.
- j. Adopt Resolution Authorizing Destruction of Old Finance Department Records.

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi, and unanimously carried to approve except for.

Councilmember Sweet abstained on the approval of Check 236601 in the amount of \$570.79.

4. ADMINISTRATIVE REPORTS.

City Manager Daly reported on the following:

1. Vista Point Improvement Project is underway.

2. Court Street Improvement Project is underway with rock removal beginning Thursday and Friday.
3. City Manager Daly and Vice-Mayor Gonsalves made a presentation at the JBCA Board Meeting. The Parking Committee met today regarding the committee to review the current parking policies in downtown Jackson. The parking survey will be sent out this week. The committee will present their recommendation either at the last meeting in November or the December meeting.
4. Kennedy Tailing Wheels Preservation & Access Project is out to bid and award of bid will be presented at the next meeting.

5. COUNCIL REPORTS.

Councilmember Garibaldi reported on the following:

1. Supports Measure Q which increases the tourist occupancy tax on hotels and motels in the unincorporated areas of the county from 6% to 10%.
2. Attended the Jackson Revitalization meeting.

Councilmembers Lewis and Gonsalves supports Measure Q.

Councilmember Sweet attended the Jackson Rotary 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. Parking and Traffic Circulation in Vicinity of 300 Block of Court Street.

City Manager Daly reported at the September 24, 2012, City Council meeting, the Council reviewed a request from Jessica Martinsen, a resident on Court Street, to consider eliminating up to four parking spaces and reviewing the traffic circulation as it related to the flow of traffic on McDowell Street. After public comment and review of the issues in the area, the matter was referred back to staff to evaluate the situation and to notify neighbors on Court Street that this item would be considered on this agenda.

The City Manager and Police Chief visited the site and also received a proposal from Bill Orescan, who lives on the north side of Court Street in this area. Primary issues of concern raised by Jessica Martinsen in her letter and reviewed at the last meeting included pedestrian safety, particularly during school traffic times, and sight distance safety for vehicles entering Court Street from McDowell Street. The narrowness of the street for two way travel was also noted, as well as the fact that McDowell Street is identified as a one-way street in the Municipal Code but is used as a two-way street.

After reviewing the physical characteristics of the subject area, the City staff recommendation is similar to the parking re-alignment suggested by Mr. Orescan. This would eliminate one of the four spaces in front of 304 Court Street and provide for more standard size spaces in this area. It would create an eighteen foot distance from the intersection of McDowell and Court Streets to the first parking space, thus opening the visibility of oncoming traffic. The area in front of the gate at 304 Court Street would also be designated "no parking."

It is further recommended that one additional space be added on Court Street to the west of the intersection with McDowell. This area of the street is slightly wider than the 300 block of Court Street and at least one space could be added. It would be spaced far enough from the intersection to allow for a safe sight distance for vehicles turning onto Court Street from McDowell. It is also recommended that McDowell Street be officially designated as a two-way street. This can be monitored for a few months to evaluate its impact on the local traffic.

That the City Council review the information in this report and, 1) eliminate one parking space in front of 304 Court Street, 2) re-align the remaining three spaces, 3) add one space on the south side of Court Street just west of the intersection with McDowell Street, and 4) formally change McDowell Street to a two-way street as it is currently used.

Jessica Martinson, Homeowner 304 Court Street, was present to answer questions of the City Council. She provided a brief recap of their concerns regarding their request to remove On-Street Parking Spaces in front of their home.

Vice-Mayor Gonsalves opened the public discussion. The following individual spoke their concerns regarding Parking and Traffic Circulation in Vicinity of 300 Block of Court Street: Thornton Consolo and Bill Orescan. Hearing no further comment, Vice-Mayor Gonsalves closed the public discussion.

Police Chief Morrison reported he visited the location during peak hours and watched this parking and driving issues and noted his astonishment there were no auto- pedestrian or auto - auto accidents at that location.

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

Moved by Councilmember Sweet, and seconded by Councilmember Lewis, and unanimously carried to pass the following motion:

- 1. Eliminate two parking spaces in front of 304 Court Street.**
- 2. Re-align the remaining spaces.**
- 3. Add two spaces on the south side of Court Street just west of the intersection with McDowell Street.**
- 4. Formally change McDowell Street to a two-way street as it is currently used.**

7. Deferred Improvement Agreement for Parking Lot Requirements at 10354 Argonaut Lane.

City Manager Daly reported at the September 24, 2012, City Council meeting, Susan Gallagher, Executive Director of Mental Health American of Northern California and Sierra Wind Wellness and Recovery Center, approached the City Council during public matters not on the agenda to raise concerns regarding the occupancy certificate for a building her organization plans to occupy at 10354 Argonaut Lane (previously used by The Book Mine). Staff was directed to obtain additional information from the speaker and provide information to the City Council.

On Thursday, September 27, the City Manager, City Planner and City Inspector met with the involved parties (future tenant, funding agency, building owner and project contractor) to discuss issues related to this project. Sierra Wind entered into a lease agreement with the property owners a few months ago and was working on tenant improvements suited for the building's change of use.

One of the last items to be dealt with included parking improvements for ADA access and to ensure sufficient parking for the clients of the business. Unfortunately, communication between City staff, the contractor, the building owner and the future occupant was not complete, and some of the plans for this work were not submitted as requested and this has delayed the occupancy of the building.

At the meeting on September 27, some clarifications were discussed, particularly regarding the assurance the City was seeking to know that the improvements would be completed if the tenant was permitted to move in prior to their completion. There was also a misunderstanding regarding the financial security being requested to guarantee completion of the improvements. The general consensus at the end of the meeting was that Sierra Wind could be allowed to move into the building with a deferred improvement agreement identifying the specific required improvements and a guarantee they would be completed by a certain date. A summary of the items discussed was placed in a written document e-mailed to the City on October 3, 2012, and is attached to this memorandum for reference.

Staff is satisfied that the tenant understands the urgency for completion of the ADA accessible parking, that they are making good faith efforts to complete a site plan for the parking and that they have a plan for generating the additional funds required for the other parking lot improvements.

Once a formal deferred improvement agreement is drafted and tentatively approved by staff, it will be placed on a future City Council agenda for approval.

Vice-Mayor Gonsalves opened the public discussion. Hearing no comments from the public, Vice-Mayor Gonsalves closed the public discussion.

Moved by Councilmember Lewis, and seconded by Councilmember Sweet, and unanimously carried to pass a motion authorizing staff to issue a temporary occupancy permit for Sierra Wind and Wellness.

8. Ordinance Creating an Accessibility Board of Appeals.

City Manager Daly reported Health and Safety Code sections 19955 to 19959.5 require all "public accommodations or facilities" constructed with private funds to comply with accessibility requirements. Public accommodations and facilities include most buildings used by the public, including restaurants. These accessibility requirements are generally set forth in Chapter 11 B of the California Building Code. This chapter requires new and remodeled buildings to contain certain accessibility features to ensure disabled persons are able to access and enjoy the structure. Not surprisingly, the scope and type of required features depend on the type of building and nature of the planned work. For example, restaurants need to ensure wheelchair-bound patrons have adequate seating.

As part of its responsibility for enforcing the California Building Code, the City's building department is required to enforce these accessibility requirements. When enforcing these requirements, the City's building department is permitted to grant exceptions from the accessibility requirements in certain cases. For example, if an accessibility requirement is simply impossible to include or essentially impractical (due to cost or other similar concerns), the City's building official can exempt the work from that requirement.

Under the Health and Safety Code and the California Building Code, the building department's decisions in these situations can be appealed. The City Council is the default body responsible for considering these appeals. However, as an alternative, the City Council can create and appoint an Accessibility Board of Appeals to hear these appeals. If the City decides to appoint a board, the Health and Safety Code requires that the board have five members composed of the following: two members with physical disabilities, two members with construction experience and one member from the general public.

Historically, the City has received few, if any, requests for exceptions from the accessibility requirements, and the City does not have an Accessibility Board of Appeals. However, the City has begun to receive these types of requests, and City staff believes it would be beneficial to create the board. While the City Council is certainly qualified to consider these issues, a specific board would help relieve this burden from the Council. In addition, the specific disability access and construction experience possessed by the board would be beneficial in interpreting the relatively complicated California Building Code. Accordingly, staff drafted the enclosed ordinance creating the Accessibility Board of Appeals and authorizing it to consider appeals regarding accessibility requirements.

If the City Council decides to adopt this ordinance, the City Council would no longer be responsible for considering accessibility appeals. Rather, it would appoint the five-member board to do so. These members would serve four-year terms (initially staggered so that two or three members' term would expire every two years), and the board would meet whenever an appeal was requested. Members could be removed from office prior to the expiration of their term with a majority vote of the City Council.

Vice-Mayor Gonsalves opened the public hearing. Hearing no comments from the public, Vice-Mayor Gonsalves closed the public hearing.

Moved by Councilmember Garibaldi, and seconded by Councilmember Lewis, and unanimously carried to introduction Ordinance 674 adding Chapter 14.16 to the Jackson Municipal Code regarding the Accessibility Board of Appeals and conduct the first reading for the Ordinance.

9. 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.
- b. Public Employment. Title: Fire Chief. (Pursuant to Government Code Section 54957).

Vice-Mayor Gonsalves reconvened to Open Session at 8:19 p.m. and announced there was no reportable action taken.

10. ADJOURNMENT

Adjourn 8:20 p.m.

ATTEST:


Gisele L. Cangelosi, City Clerk

Date Approved: November 13, 2012