

Jackson City Council
Minutes
Regular Meeting of January 26, 2015

Patrick Crew, Mayor

Wayne Garibaldi

Connie Gonsalves

Marilyn Lewis

Keith Sweet, Vice-Mayor

Michael Daly, City Manager

Joshua Nelson, City Attorney

Scott Morrison, Police Chief

Mark Morton, Fire Chief

Gisele Wurzburger, City Clerk

COUNCIL MEMBERS ABSENT:

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

1. APPROVAL OF AGENDA.

Moved by Councilmember Lewis, seconded by Councilmember Gonsalves and carried by a 5 to 0 vote to approve the City Council Agenda dated January 26, 2015 as presented. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet

NOES: None

ABSENT: None

ABSTAIN: None

2. PUBLIC MATTERS NOT ON THE AGENDA.

None.

3. CONSENT CALENDAR.

- a. Approval of Minutes of December 8, 2014.
- b. Approval of Minutes of January 12, 2015.
- c. Approval of Minutes Adjourned Regular Meeting of January 21, 2015.
- d. Approval of Expenditure Report for the period of January the amount of \$ 128,939.47.
- e. Adopt Resolution Approving City's Annual Investment Policy for 2015.

Moved by Vice-Mayor Sweet, seconded by Councilmember Lewis and carried by a 5 to 0 vote to approve the Consent Calendar dated January 26, 2015 as amended. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet

NOES: None

ABSENT: None

ABSTAIN: None

Vice-Mayor Sweet Lewis abstained from the Approval of Minutes of January 12, 2015.

4. ADMINISTRATIVE REPORTS.

Police Chief Morrison reported it has been busy the last couple of weeks.

City Planner Peters reported on the following:

1. The Energy Action Plan is a roadmap for expanding energy-efficiency and renewable-energy efforts already underway in the City. There will be a public hearing to review the plan at the Planning Commission on Tuesday, February 17, 2015 at 6:30 pm and at the City Council on Monday, February 23, 2015 at 7:00 pm.
2. Draft Housing Element 8014-2019 for the cities of Ione, Sutter Creek and Jackson. This Housing Element describes the cities' plans for addressing the housing needs of their residents through June 30, 2019. Housing element 60 days to review only submitted city portions not county portion.

City Manager Daly reported on the following

1. Met with Jim McHargue, Waste Management and Paul Molinelli Jr, ACES Waste Management regarding recycling.
2. Meeting ACES Waste Management tomorrow regarding Franchise Agreement.
3. JBCA Annual Mixer & Meeting is being held at Rosebud's Cafe Thursday, January 29.
4. Attending a public hearing February 5 at Central Valley Regional Water Quality Control Board for the proposed Time Schedule Order NPDES Permit.

5. COUNCIL REPORTS.

Councilmember Garibaldi attended the Amador County Recreational Agency meeting.

Councilmember Lewis attended Carla Soracco retirement party.

Mayor Crew attended the Air Quality Control Board 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. Presentation of FY 2013-14 City Audit.

City Manager Daly introduced Marilee Smith, Smith and Newell, and reported the annual audit was performed the second week in September. Complete copies of the subject reports were provided to the City Council and the County Library and are available for review at City Hall or on the City's website on the Administration/Finance page. Tonight's action is to receive the presentation by Smith & Newell, CPAs and pass a motion to accept the Fiscal Year 2013-2014 audit reports. Findings and corrective action required and the steps that the city will be taking and Smith and Newell are available to help staff out with these steps.

Marilee Smith, Smith and Newell, City Auditor, was present and reviewed the City's audit procedures, the Annual Financial Report, Public Financing Authority Annual, Single Audit Act Report and the Management Report, and Public Financing Authority Management Report for the Year Ended June 30, 2014. The "Independent Auditor's Report" cover page and Management's Discussion and Analysis section from the Annual Financial Report were provided. She praised City finance staff for extra work to produce the report, and keeping the unqualified opinion which is the highest level of assurance.

City Manager Daly thanked Marilee Smith for all of their services. He also commended Carla Soracco and Dalacie Blankenship as they were very instrumental in working with Smith and Newell during the

audit and on an ongoing basis making sure the City's financial management continues to be handled properly.

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 Councilmember Garibaldi, seconded by Vice-Mayor Sweet, and carried by a 5 to 0 vote to accept the Fiscal Year 2013-2014 Audit Reports. Motion passed with the following vote:

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

7. Letter Regarding County General Plan.

City Manager Daly reported tonight's action is to review the provided letter to the Amador County Board of Supervisors regarding the Amador County Draft General Plan and Draft Environmental Impact Report and provide direction to staff

City Planner Peters reported the County of Amador recently completed their 2030 Amador County General Plan which is intended to guide land use decisions within the unincorporated areas of the County. This draft document is a comprehensive update of the policies to "reflect a new vision for future growth and development within the county and recent State law requirements."

Staff has reviewed the 2030 Amador County General Plan along with the associated Draft Environmental Impact Report and has found one issue that we would like to bring to the City Council's attention. The proposed 2030 General Plan includes a designation of a Regional Service Center that is applied to the Martell area. Neither the General Plan nor the DEIR address potential impacts associated with continued development of the area immediately outside the City's boundary. For this reason, staff would like the City Council to consider the attached letter requesting the proposed General Plan and DEIR evaluate the potential impacts of a Regional Service Center and provide mitigation measures as appropriate.

Mayor Crew opened the public discussion. Thornton Consolo spoke his concern regarding 2030 Amador County General Plan. Hearing no further 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 Councilmember Garibaldi, seconded by Councilmember Gonsalves, and carried by a 5 to 0 vote to authorized Mayor Crew to sign the letter to the Amador County Board of Supervisors regarding the Amador County Draft General Plan and Draft Environmental Impact Report. Motion passed with the following vote:

AYES: Crew, Garibaldi, Gonsalves, Lewis, Sweet
NOES: None
3ABSENT: None
ABSTAIN: None

8. Annual Fire Department Report.

Fire Chief Morton reported the Annual Fire Department Report Jackson Fire Department responded to 2014 - 1287 calls last month, 915 medical calls, 158 public assists, 104 fire related, 10 hazardous materials, 100 traffic accidents and 308 of the calls or 24 percent were outside of the city limits for automatic aid to the AFPD. He reported on the following:

1. Total training hours and incident hours.
2. Jackson Firefighter Awards
3. Purchase of a new Ladder Engine, new Command Vehicle and a Rescue Trailer
4. Active volunteers.
5. New ISO Rating for 2014.
6. Protocol for Captain Franck Tremaine passing away on Saturday, January 10 and the protocol is the flags fly at half-mast and their badges are covered for 30 days.

9. Appointment ACTC Regional Traffic Mitigation Fee Oversight Committee Member.

City Manager Daly reported the Oversight Committee is comprised of city, County, and ACTC representatives that are appointed to advise on administration of the RTMF program. ACTC staff informed city staff that they would like to schedule a meeting in February, 2015 for city and County representatives to review and recommend both the Annual Report and Nexus/CIP Update to the cities and county for adoption. Tonight's action is to appoint the city's representative to serve on the Regional Traffic Mitigation Fee (RTMF) Oversight Committee in 2015.

Mayor Crew opened the public discussion. Hearing no 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 Gonsalves, seconded by Councilmember Lewis and carried by a 5 to 0 vote to appoint Vice-Mayor Sweet to service as the ACTC Regional Traffic Mitigation Fee Oversight Committee Member. Motion passed with the following vote:

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

10. Resolution Receiving Clerk's Certificate for Referendum Petition.

City Manager Daly reported the City Council adopted Ordinance No. 680 on December 8, 2014. This Ordinance increased sewer rates in compliance with Proposition 218. After its adoption, proponents circulated a petition to submit the Ordinance to a referendum. Under the Elections Code, this petition must be signed by 10% of the voters. On January 7, 2015, the signed petition was submitted to the City Clerk as required. The City Clerk requested that the Amador County Clerk review the petition to ensure it was signed by 10% of the City's voters. The County Clerk completed this review and determined that the petition contained the necessary number of signatures. As required by Elections Code section 9240, the City Clerk has submitted the Clerk's Certificate for Referendum Petition certifying that the petition obtained the required number of signatures for a referendum on the Ordinance. The enclosed resolution would formally accept the Clerk's Certificate for Referendum Petition as required by the Elections Code.

This resolution does not rescind the Ordinance, submit the referendum to the voters or take other appropriate action. Formal action on the Ordinance will be placed on a future City Council agenda.

Mayor Crew opened the public discussion. The following individuals spoke their concern regarding the Clerk's Certificate for Referendum Petition Ken Berry and Casey Emerson. Hearing no further comments Mayor Crew closed the public discussion.

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

Moved by Councilmember Lewis, seconded by Councilmember Garibaldi and carried by a 5 to 0 vote to adopt Resolution No. 2015-03 receiving the Clerk's Certificate for Referendum Petition regarding Ordinance No. 680. Motion passed with the following vote:

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

Ken Berry, Jackson, request the closed session item be discussed open session.

City Attorney Nelson noted for the record he would notify Bill Condrashoff and Ken Berry of any action taken by the City Council.

City Attorney Nelson stated for the record under the Brown Act the City is required because of the facts and circumstances to be discussed exposure to potential litigation known to the plaintiff to disclose a brief description as set forth in Mr. Berry's letter and the allegation that the sewer rates were not valid.

11. CLOSED SESSION

- a. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION. Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: 1 case Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case.

Vice-Mayor Sweet reconvened to Open Session at 8:37 p.m. and reported the announced the City Council on a vote of 5 to 0 voted to authorize the Mayor to sign a Tolling Agreement with one minor correction and direction was given to staff.

11. ADJOURNMENT

Adjourn 8:38 p.m.

ATTEST:



 Gisele L. Wurzbarger, City Clerk

Date Approved: February 9, 2015